

External Opinon
File #99-06

Brendan Gill, Executive Director
Bexar County Legal Aid
434 S. Main Avenue, Suite 300
San Antonio, TX 78204

June 21, 1999

Dear Mr. Gill:

This is a response to your June 10, 1999 request for guidance to Cynthia Schneider, Office of Program Operations, regarding the Corporation=s attorneys= fees regulation, 45 CFR Part 1642. She forwarded the matter to the Office of the

case undertaken on behalf of a client of the recipient.

According to 1642.4(b), this restriction applies:

to any case undertaken by a private attorney on behalf of an eligible client ***when the attorney receives compensation from a recipient*** to provide legal assistance to such client under the recipient's private attorney involvement (PAI) program, judicare program, contract, or other financial arrangement.

(emphasis added).

Based on these provisions, your initial statement is correct. Because the private *pro bono* attorney under your PAI program is not compensated by the recipient, your staff attorney, who is not seeking any fees, may work on the case with the *pro bono* attorney, even if the *pro bono* attorney seeks or retains attorneys' fees for working on the case. However, please note that attorneys who are co-counseling with a legal services program on a *pro bono* basis may seek and recover fees ***only for the portion of the work done by them***" Program Letter 97-1(emphasis added).³

With respect to your question on judicare attorneys, your staff attorney

I hope that this adequately responds to your inquiry. Please let me know if I can provide any additional assistance in this matter.

Sincerely,

Suzanne B. Glasow

Senior Assistant General Counsel