

External Opinion
File # 99-15

336-8817

August 16, 1999

Gunnar Gunnarsson, President of the Board
Cook County Legal Assistance Foundation
1500 Shermer Road, Suite LL8
Northbrook, IL 60062

Dear Mr. Gunnarsson:

This is a response to your July 28, 1999 request for a confirmation under §1618.4(c) that the interpretation of Cook County Legal Assistance Foundation (CCLAF) of 45 CFR Part 1604 is consistent with that of the Legal Services Corporation (ALSC or ACorporation) before CCLAF sanctions an employee for violation of Part 1604.

assistance activities supported in major part by the Corporation from engaging in the outside practice of law except under a few narrow circumstances.² As a threshold matter, before a full time attorney may engage in any permissible outside practice, the attorney must receive prior permission from the recipient=s director. See §§1604.2(a) and 1604.3. Permission may be granted by the director if the director has determined that the outside practice is consistent with the attorney=s full-time responsibilities to the program. *Id.* You informed me in a phone conversation this morning that the attorney did not request or receive prior permission to engage in the outside practice. Because no permission was obtained by the program=s attorney, his involvement in the outside representation constitutes a violation of Part 1604.

Reason of Part 1604.2(a) is not to be used as a basis for denying the outside practice

family member or a religious, community or charitable group, 1604.5. If the outside practice engaged in by your attorney does not fall into any of these categories, there has been a violation of the rule.

Although you provided our office with some information on the types of outside cases engaged in by the employee, you did not provide any information on whether the types of cases are those exempted from the outside practice restriction. If the general guidance above does not sufficiently inform your decision as to whether any of the outside cases engaged in by the attorney are exempt under 1604.4 and 1604.5, please provide us with more detailed information and we will further consider the matter.

I hope 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