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In conclusion, LSC-funded staff cannot assist reservists with wills or other matters if said reservists are financially ineligible.

2. *If LSC-funded staff volunteer during their personal time to prepare wills and power of attorney documents for individuals who are not income eligible, can LSC-funded equipment and facilities be used to prepare these documents?*

Your second question implicates an an

Unfortunately, the voluntary representation of reservists during non-business hours does not fall into any of the excepted categories, and it is accordingly prohibited by Part 1604.

3. *Can a program Board of Directors amend its eligibility guidelines to raise the eligibility threshold from 125% of poverty to 187.5% of poverty, limiting the increased threshold to reservists who are faced with being called up for active duty?*

As mentioned in the response to your first question above, LSC Regulation 1611 requires that grantees establish maximum income levels pursuant to which they can evaluate applicants for financial eligibility, and section 1611.3(b) prohibits those maximum income levels from exceeding one hundred and twenty-five percent (125%) of the current, official Federal Poverty Income Guidelines.⁵ Nothing in the regulation permits an exception to the imposed ceiling on maximum income levels, even when the exemption is applied to a limited category of persons. Accordingly, a program's Board of Directors does not have the discretion to amend its eligibility guidelines beyond one hundred and twenty-five percent (125%) of the current, official Federal Poverty Income Guidelines, even for a select category of persons like reservists.

I hope that this information adequately answers your questions. While we understand and share your desire to assist members of your community who have been, or will be, affected by recent world events, the existing LSC regulatory scheme does not permit the requested representation. If you have additional questions or would like to further discuss these issues, please feel free to contact me directly at (202)336-8871.

Sincerely,

Dawn M. Browning
Assistant General Counsel

Victor M. Fortuno
General Counsel

⁵Again, Section 1611.3(e) specifies that this requirement "does not prohibit a recipient from providing legal assistance to a client whose annual income exceeds the maximum income level established . . . , if the assistance provided the client is supported by funds from a source other than th