

July 19, 2002

President
John N. ErlenbornEva Pratt
Director of FinanceBoard of Directors
lenCapital Area Legal Services Corp.
200 Third Street
P.O. Box 3273
Baton Rouge, Louisiana 70821

RE: <u>Request for Opinion on Subgrantee Timekeeping, External Opinion</u> <u>No. 2002-1009</u>

I am writing in response to your inquiry to Willie Abrams, Program Counsel

Dear Ms. Pratt:

b.

in the Legal Services Corporation's (LSC) Office of Program Performance, regarding LSC's timekeeping regulation, 45 C.F.R. ' 1635. You indicated that a subgrantee of Capital Area Legal Services Corporation ("CALSC") has two *pro bono* coordinators who place cases with *pro bono* attorneys. One coordinator is a paralegal and the other is an attorney. Both coordinators' positions are funded only partially by LSC. You have inquired whether these employees of the subgrantee are subject to the requirements of Part 1635, in light of the fact that they do not actually handle cases but merely place them with *pro bono* attorneys.

San Francisco, CA

Ernestine P. Watlington Harrisburg, PA The answer to your question is that the *pro bono* coordinators are *not* subject to the requirements of Part 1635, but this conclusion rests on the fact that they are employees of a subgrantee, rather than on the fact that they do not actually handle cases.

Section 1635.3(b) provides that "[t]ime spent by attorneys and paralegals must be documented by time records which record the amount of time spent on each case, matter, or supporting activity." Regulation 1610 extends the general requirement of timekeeping to subgrantees, although not with the same level of stringency that it applies to direct recipients. Section 1610.7(b)(2) provides that "[i]n regard to the requirement of timekeeping, persons or entities receiving a transfer of LSC funds are required to maintain records of time spent on each case or matter undertaken with the funds transferred." 45 C.F.R. ' 1610.7(b)(2). The preamble to regulation 1610 notes, however, that: Page 2