

External Opinion # EX-2003-1005

**To:** All LSC Program Executive Directors

**Date:** March 20, 2003

**Subject:** Clarification of November 12, 1999 External Opinion on Attorneys' Fees

On November 12, 1999, the Office of Legal Affairs issued an external opinion interpreting the Legal Service Corporation's (LSC) regulation on attorneys' fees, 45 CFR

the client is the sole owner of the fees, there is no risk of an award of compensation to the recipient and the recipient may provide time records to the client or client's new counsel.<sup>1</sup>

Determinations as to whether a particular recipient may transfer time records to new, private counsel for the purpose of the new counsel making a claim for attorneys' fees on the client's behalf is one that will necessarily be made on an individualized, case-by-case basis depending on whether the attorneys' fees would be owned by the counsel or the client. Ownership of an attorneys' fee award is dictated by express statutory language, or judicial interpretation and construction of the statutory authority from which

