



OFFICE OF LEGAL AFFAIRS  
EXTERNAL OPINION

External Opinion # EX-2003-1012

To: Hadassa Santini Colberg, Esq.  
Compliance Officer

1850 Ave. Ponce de Leon Pda 26

Date: July 23, 2003

*Analysis*

Your interpretation of Part 1604 is correct. Generally, under the LSC Act and regulations full-time attorneys employed by recipients are prohibited from engaging in

the outside practice of law, subject to a few exceptions. Section 1007(a)(4) of the LSC Act states that:

The Corporation shall...insure that attorneys employed full time in legal assistance activities supported in major part by the Corporation refrain from (A) any compensated outside practice of law and (B) any uncompensated outside practice of law except as authorized in guidelines promulgated by the Corporation.

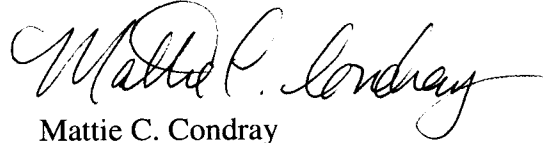
This general prohibition is implemented in LSC's regulations at 45 CFR Part 1604. More specifically, 45 C.F.R. § 1604.3 sets forth the general limitation on the outside practice of law: "[n]o attorney shall engage in any outside practice of law if the director of the recipient has determined that such practice is inconsistent with the attorney's full time responsibilities." Sections 1604.4 and 1604.5 of the regulation, which set forth the situations in which the outside practice of law may be permitted, also clearly limited those circumstances to those in which "§ 1604.3 is satisfied." The "outside practice of law" is defined in the regulation as "the provision of legal assistance to a client who is not entitled to receive legal assistance from the employer of the attorney rendering assistance...."45 C.F.R. § 1604.2(b).

Under the facts as we understand them, Mr. Martinez appears to have violated Part 1604. By appearing as the attorney of record on behalf of Mr. Hernandez, Mr. Martinez was providing legal assistance to a client who was not entitled to receive legal assistance by SLDPR. Thus, Mr. Martinez was engaged in the outside practice of law. By failing to seek and obtain authorization from SLDPR's director before engaging in the outside practice of law, Mr. Martinez violated the general limitation set forth in § 1604.3. 45 C.F.R. § 1604.3. SLDPR may pursue whatever disciplinary actions as may be

July 23, 2003

Page 3

Very truly yours,



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