

OFFICE OF LEGAL AFFAIRS

EXTERNAL OPINION

EX-2006-1001

To: Andy Harrington, Executive Director
Alaska Legal Services Corporation

From: Victor M. Fortuno
Vice President & General Counsel

Date: January 6, 2006

Subject: Financial Eligibility for Eligible Client Board Members

You have asked the Office of Legal Affairs (OLA) to reconsider External Opinion 2001-1011. We had stated that eligible client members of a recipient's board must meet the LSC financial eligibility requirements at the time of appointment. You would like to have as an eligible client board member an individual who is over income for LSC services, but who is eligible for services from your program from other funding sources. Having reviewed your thoughtful points and the background of this requirement, we feel that EX 2001-1011 is correct. We understand that the individual whom you would like to have on your board is

and part 1611 of this chapter at the time of appointment to each term of office” 45 CFR §1607.2(c). Part 1611 sets out the financial eligibility

Thus, a client member who is financially eligible for services when first appointed to a recipient's board may not be reappointed to a second or subsequent term if, at the time of reappointment, the client board member is no longer financially eligible for LSC-funded services.

Id. at 65249. In doing so, the Board recognized that there might be eligible client board members who, by virtue of their own financial success, would disqualify themselves from re-appointment due to the LSC financial eligibility requirements.

We hope that this requirement does not prevent you from including individuals such as this one in guiding your program in some other capacity. Please feel free to contact us if you have any further questions.