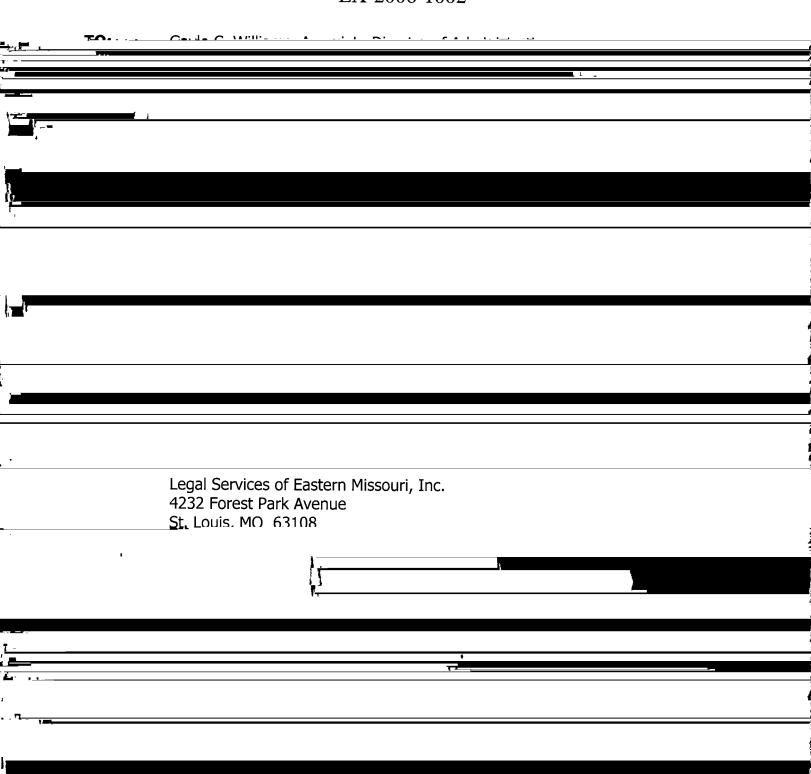


OFFICE OF LEGAL AFFAIRS

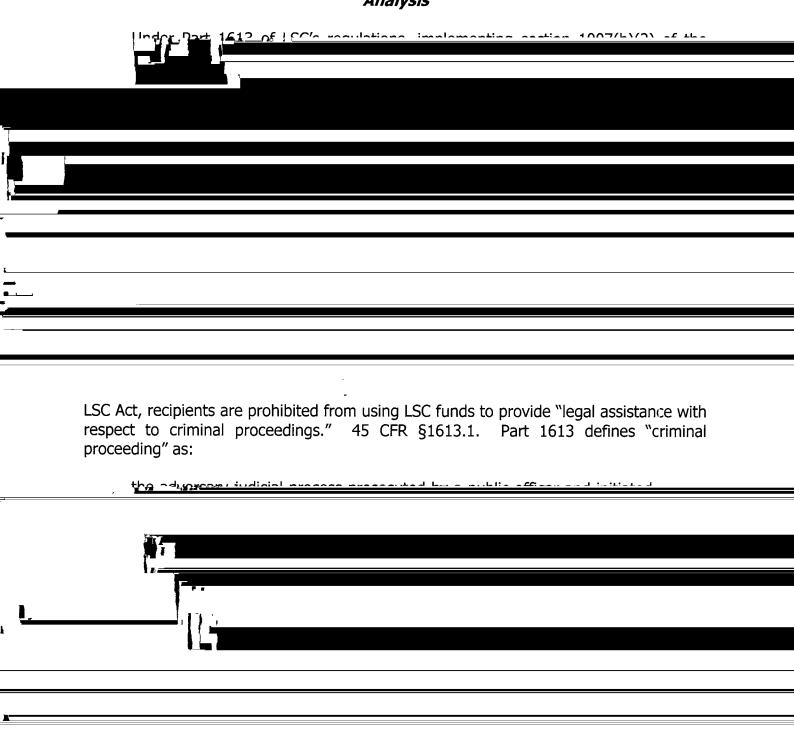
EXTERNAL OPINION EX-2006-1002



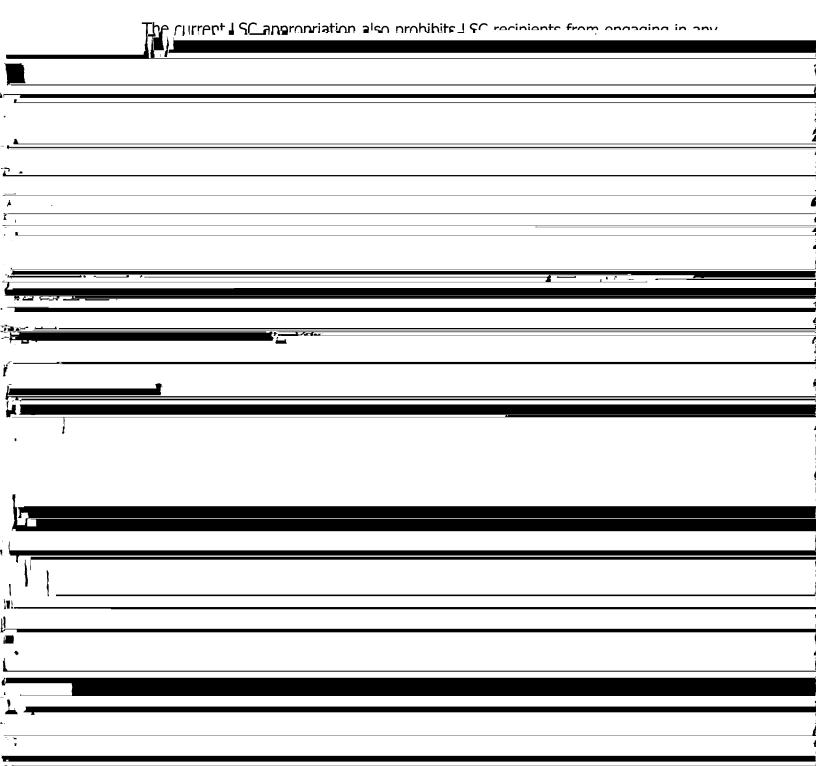
- Page 2

urination in public, disorderly conduct, criminal trespass, and the like. We understand that some of these offenses are punishable by a fine, while some may also be punishable by a jail sentence (although actual incarceration is rarely imposed).

Analysis



that this provision shall not be construed to prevent recipients from receiving other public funds or tribal funds . . . and expending them in accordance with the purposes for which they are provided" 42 U.S.C. §2996i(c). "Public funds" are defined by LSC as "non-LSC funds derived from a Federal, state or local government or instrumentality of a government" 45 CFR §1610.2(f). The HUD funds received by LSEM are clearly "public funds" and, according to your letter, were provided for the purpose of providing representation in these kinds of cases.



- Page 4 the situation from your letter and our conversations is that some of the cases handled offenses involved do not qualify as "criminal proceedings" under Part 1613 and the clients are otherwise LSC eligible. Those cases can be supported with LSC funds, and LSEM may report them for CSR purposes even though they are HUD funded. However,