



Legal Services Corporation
America's Partner For Equal Justice

OFFICE OF LEGAL AFFAIRS

EXTERNAL OPINION
EX-2006-1002

TO: [REDACTED]

FROM: [REDACTED]

Legal Services of Eastern Missouri, Inc.
4232 Forest Park Avenue
St. Louis, MO 63108

[REDACTED]

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

Under Part 1613 of LSC's regulations implementing section 1007(b)(2) of the

LSC Act, recipients are prohibited from using LSC funds to provide "legal assistance with respect to criminal proceedings." 45 CFR §1613.1. Part 1613 defines "criminal proceeding" as:

the adversary judicial process prosecuted by a public officer and initiated

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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.

The current LSC appropriation also prohibits LSC recipients from engaging in any

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,