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## OFFICE OF LEGAL AFFAIRS

Lawyers Not Admitted in the Relevant Jurisdiction

A number of comments suggest including lawyers who are on retired status, licensed in other jurisdictions, or otherwise not licensed in the grantee's jurisdiction. For states without rules permitting limited practice by those attorneys, what standards or criteria can LSC apply for the types of work that these lawyers can assist with that would constitute involvement in the delivery of legal assistance to eligible clients, without constituting the unauthorized practice of law?

Definition of a Private Attorney

The current definition of a private attorney is based on whether the attorney earns more than one-half of her professional income from LSC funds, an LSC grantee, or an LSC subgrantee or contractor. This presents problems for counting underemployed attorneys taking reduced fees in incubator projects. Also it means that whether an attorney qualifies may depend on fluctuations in her other professional income. If LSC addresses this issue, should LSC create exceptions for underemployed attorneys or should LSC revise the definition entirely?

Should the definition of a private attorney be based on whether the attorney has paid full-time or part-time LSC-related employment rather than on the attorney's earnings?

Please comment on Question A.6. from the additional questions, which asked:

Should Part 1614 include the use of non-LSC funds as a subgrant to provide support to attorneys working at a staff-attorney model legal aid program that receives no LSC funds? This question specifically addresses the situation in Advisory Opinion 2009-1004. Please identify how involving attorneys at non-LSC, staff-attorney model legal aid programs relates to the priority LSC-0006 Staff Attorney Model Legal Aid Programs at Non-LSC Locations.

Tracking Case Services

Many comments express the concern that tracking pro bono cases as grantee cases could create unnecessary conflicts for grantees. Please suggest methods of tracking pro bono case services and referrals to provide accountability without creating conflicts.

One comment suggested tracking pro bono casework to determine the outcome of the case and how the client benefited. Are there other minimum criteria that you recommend for tracking pro