



OFFICE OF LEGAL AFFAIRS

Legal Services Corporation
America's Partner For Equal Justice

RULEMAKING OPTIONS PAPER

TO: Helaine M. Barnett
President

FROM: Victor M. Fortunato *VMF*
Vice President & General Counsel

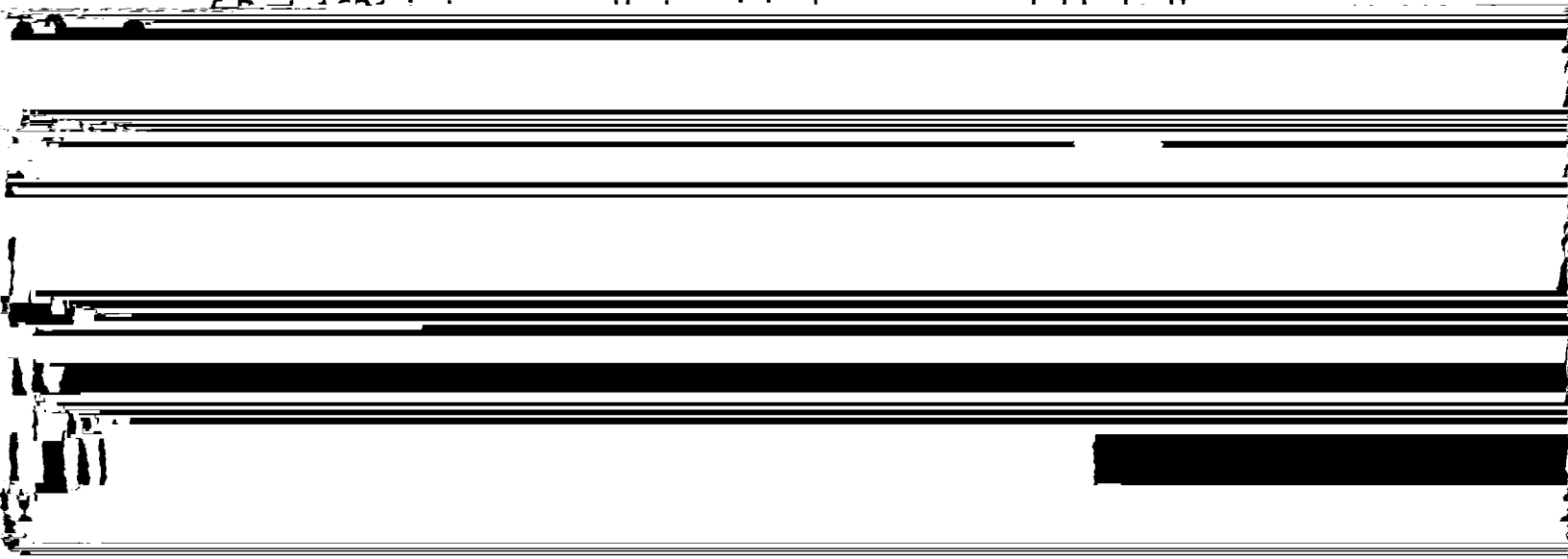
DATE: October 11, 2005

SUBJECT: Revision of 45 CFR Part 1621 - Client Grievance Procedures

The Operations & Regulations Committee of LSC's Board of Directors determined that LSC should initiate a rulemaking to consider whether LSC should initiate a rulemaking to consider revision to Part 1621. This Rulemaking Options Paper (ROPO) is submitted to the Board of Directors for its consideration.

Background

Part 1621 requires recipients to establish a grievance committee and procedures for receiving and investigating complaints that service was improperly denied or that service provided was inadequate. The purpose



they are expected to serve. The regulation was adopted in 1977 and has not been amended since then.²

Summary of Major Issues

The grievance process is vital to the shared interests of LCC



creation of a meaningful process by which clients and applicants may pursue complaints with a grantee about the grantee's service or decision to deny service, while providing grantees with flexibility and protecting grantees from expending resources on frivolous complaints.

The major issues which a rulemaking to consider revisions to Part 1621 should address can be summarized as follows:

1. How the client grievances process should distinguish between

applicants and clients, and the process applicable to each;

2. The appropriate scope of the available grievance procedures (i.e., what types of complaints are appropriately addressed by the grievance process);
3. The procedural requirements appropriately placed on complainants;
4. Whether there are better ways to protect the confidentiality of client information in the grievance process (including how the adoption of the LSC Access Protocol affects this issue);
5. The appropriate ways grantee flexibility can be enhanced with regard

Recommendation for Action

Accordingly, I recommend that LSC undertake a rulemaking to revise 45 CFR Part 1621. I further recommend that this rulemaking be undertaken through Notice and Comment

convene a Rulemaking Workshop.⁴ Conducting a formal