ATLANTA LEGAL AID SOCIETY, INC.
151 SPRING STREET NW
ATLANTA, GEORGIA 30303-2097
(404) 524-5811
FAX: (404) 525-5710

Steven Gottlieb
Director

Marian Burge
Deputy Director

Ashley Carraway
Director of Litigation

William J. Brennan, Jr.
Dennis Goldstein
Donald M. Coleman
Jacqueline L. Payne
Margaret Hayman
Susan C. Jamieson
Stephen Krumm
Catherine C. Vandenberg
Karen E. Brown
Roshonda Davis-Baugh
Anne E. Bunton
Deborah A. Johnson
Paul Owens
Holly B. Lanford
John R. Warchol
M. Conner Ball
Gina S. Mangham
Berryl A. Anderson
Elliott Schwalb
Anna P. Kennedy

Beth Ellen Dotson
Chris Alibrandi O'Connor
Eleanor M. Crosby
Dina M. Franch
Sheila D. Boyce
Cheri Tipton
Laura J. Lester
Susan Walker Goico
Lynn Goldman
Nirupa Narayan
Lita S. Menkin
Myra Moran
Janet E. Grayson
Laurie A. Scott
Nora Brown Polk
Carmen Rojas Rafter
Kristin S. Verrill
Marcus M. Johns
James R. Goldberg
Sabrina Parker
Michelle White
Tonya C. Boga
Tina Stanford
Andrea Bell
Mardi Wolfson

Legal Consultants:
David Webster
Kay Y. Young
David Bender *(NC only)*
Anne Marie Lugo
Robert de Vito *(TX only)*
Stephanie Salb
Monoka L. Venters

Judith O'Brien
President

S. Wade Malone
1st Vice President

Elizabeth M. Leonard
2nd Vice President

Charles L. Gregory
Secretary, Treasurer

Honorable Patsy Y. Porter
Immediate Past President

February 20, 2001

Mattie C. Condray
Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
750 First Street, NE 11th Floor
Washington, DC 20002-4250

Dear Ms. Condray:

Please let this letter supplement my letter of January 8, 2001 commenting on LSC's review of regulations which create unnecessary administrative burdens on local programs.

In that letter, I suggested that 45 CFR 1626 be revised to eliminate the requirement that citizens attest to their status in writing. While I still prefer the regulation be changed in that manner for all cases, a more limited change might be helpful in many cases.

Presently the regulation does not require that a citizen attest in writing when the only service is limited to brief advice and consultation by telephone. 1626.6(a). There is of course good reason to allow brief service over the phone without a written attestation.

However, it is our experience that many clients who are at first provided advice over the phone also need additional brief service in person. Often, we need to review papers with the clients or the clients need a personal explanation in order to really understand the advice we are giving them. In theory that then requires an attestation under the Regulation.

The problem is that the client has already had his citizenship documented over the phone, and the casehandler must now remember to get the client also to sign that he is a citizen. It is understandable that errors sometimes happen in this situation, especially since the casehandlers do not usually do eligibility screening.

I would suggest that the initial documentation of citizenship made over the phone should be sufficient if advice is first given over the phone, even if some brief service is later provided in person.

In an analogous situation, it is noteworthy that 1611.8(b) providers that retainers are not required in cases of "brief advice and consultation," presumably because getting a signed retainer is an unnecessary administrative burden for a cases where only limited service is being performed. Having an attestation in cases of brief service would similarly seem more of an administrative burden than it is worth.

There would also be some virtue to having the attestation requirement be the same as the requirements for retainers. The Corporation could well develop language which would apply to both situations. That way casehandlers would know that whenever they needed a retainer, they also needed an attestation of citizenship. Hopefully, a uniform rule would diminish the number of errors programs make in getting these documents.

Thank you for the opportunity to submit these comments.

Sincerely,

Steve Gottlieb
Executive Director