

MATTIE COHAN

From: Jon Comstock-Legal [Jon.Comstock@walmartlegal.com]
Sent: Sunday, February 28, 2010 8:59 PM
To: MATTIE COHAN
Subject: Interim Final Rule - Attorney Fees - Comment

Dear Ms. Cohan,

While I am a member of the Board of Directors for Legal Aid of Arkansas and an in-house attorney at Wal-Mart Stores, Inc., my comments below represent my personal opinions only.

I very much agree with the content of the Interim Final Rule and the background discussion provided by LSC. The previous prohibition had always struck me as inconsistent with the mission of the Legal Services Corporation to provide meaningful access to justice for those with limited income. As a trial attorney for almost 30 years, it has been obvious to me - and every trial attorney I know - that the inability to recover attorney fees was a distinct disadvantage for the legal aid attorneys' ability to achieve parity with opposing parties and their counsel.

There are two points that I think would benefit from additional clarification:

1. Footnote 1 in the Supplementary Information, "Repeal of Part 1642", refers to an absence of "any incentive for recipients to seek out fee-generating cases at the expense of the needs of other clients." While I agree with the statement, I do believe it would be helpful to others' acceptance of the rule change if they could better understand how LSC arrived at this conclusion.
2. As to the interim rule itself, section 1609.4 (a) provides direction as to how attorney fees should be "allocated". I believe it would be helpful to recipients if this were discussed in the Supplementary Information section; perhaps a specific example could be provided as to its intended application.

Thank you for the opportunity to comment.

Jon B. Comstock

[Jon B. Comstock](#), Associate General Counsel
Phone 479.204.5788 Fax 479.277.5991
jon.comstock@walmartlegal.com

Walmart
David Glass Technology Center
805 Moberly Lane, MS 560-30
Bentonville, AR 72716-0560
[Save money. Live better.](#)

This email and any attachments are privileged and confidential. If you have received this email in error, please destroy it immediately.