

**PART 1616—ATTORNEY HIRING**

The Legal Services Corporation ("the Corporation") was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f ("the Act"), for the purpose of providing financial support

for legal assistance in non-criminal proceedings or matters to persons financially unable to afford legal assistance. Section 1007(a)(8) of the Act provides that the Corporation shall ensure that recipients solicit recommendations of the local Bar in filling staff attorney positions, giving preference to qualified local residents, and section 1006(b)(8) requires the Corporation to provide, to the extent feasible, in areas where a language other than English is the principal language of significant numbers of eligible clients, that such language is used in the provision of legal assistance to those clients.

A proposed regulation was published on June 11, 1976 (41 FR 23730-1), and interested persons were given until July 12, 1976 to submit comments. All comments received were given full consideration before adoption of a final regulation. The following issues were among those considered.

Section 1007(a)(8) of the Act requires a recipient to solicit recommendations from the local Bar before filling staff attorney positions, and to give preference to qualified local applicants. This part draws upon Part 1007, Governing Bodies, by requiring a recipient to seek recommendations from other appropriate groups as well as from the local Bar. And because these requirements serve the laudable purpose of promoting a cooperative relationship between a recipient and the local Bar and community, they have been applied to all attorney positions, not just "staff attorneys", as that term is defined in the Act. Local applicants need be given preference only when they are equally qualified with non-residents.

The part requires a recipient to establish qualifications for attorneys; and the enumerated criteria include those for the attorney members of governing bodies under § 1007.3(b) of the Corporation's regulations, and for State Advisory Council members under §§ 1003.3 and 1003.4. This part also implements section 1006(b)(8) of the Act, that requires legal assistance to be provided in the principal language, other than English, used by significant numbers of eligible clients in a given area.

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Authority: Secs. 1007(a)(8); 1006(b)(8); 1006(b)(4); (42 U.S.C. 2006f(a)(8); 2006(b)(4)).

§ 1616.1 Purpose.

This part is designed to promote a mutually beneficial relationship between a recipient and the local Bar and community, and to insure that a recipient will choose highly qualified attorneys for its staff.

§ 1616.2 Definition.

"Community", as used in this part, means the geographical area most closely corresponding to the area served by a recipient.

§ 1616.3 Qualifications.

A recipient shall establish qualifications for individual positions for attorneys providing legal assistance under the Act, that may include, among other relevant factors:

- (a) Academic training and performance;
- (b) The nature and extent of prior legal experience;
- (c) Knowledge and understanding of the legal problems and needs of the poor;
- (d) Prior working experience in the client community, or in other programs to aid the poor;
- (e) Ability to communicate with persons in the client community, including, in areas where significant numbers of eligible clients speak a language other than English as their principal language, ability to speak that language; and
- (f) Cultural similarity with the client community.

§ 1616.4 Recommendations.

(a) Before filling an attorney position, a recipient shall notify the organized Bar in the community of the existence of a vacancy, and of the qualifications established for it, and seek recommendations for attorneys who meet the qualifications established for the position.

(b) A recipient shall similarly notify and seek recommendations from other organizations, deemed appropriate by the recipient, that have knowledge of the legal needs of persons in the community unable to afford legal assistance.

§ 1616.5 Preference to local applicants.

When equally qualified applicants are under consideration for an attorney position, a recipient shall give preference to an applicant residing in the community to be served.

§ 1616.6 Equal employment opportunity.

A recipient shall adopt employment qualifications, procedures, and policies that meet the requirements of applicable laws prohibiting discrimination in employment, and shall take affirmative action to insure equal employment opportunity.

§ 1616.7 Language ability.

In areas where a significant number of clients speak a language other than English as their principal language, a recipient shall adopt employment policies that insure that legal assistance will be provided in the language spoken by such clients.

Effective date: This part becomes effective on October 12, 1976.

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