



Legal Aid Society
of Northeastern
New York, Inc.

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This office serves Albany, Columbia, Greene, Rensselaer and Schenectady Counties

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June 16, 2014

Sent via email to: pairulemaking@lsc.gov

Stefanie K. Davis
Assistant General Counsel
Legal Services Corporation
333 K Street, NW
Washington, D.C. 2007

Re: Comments Concerning Proposed Revisions to 45 CFR § 1614,
Private Attorney Involvement

Dear Ms. Davis:

The Legal Aid Society of Northeastern New York (“LASNNY”) submits the comments to follow in response to LSC’s request for same on their proposed revisions to 45 CFR § 1614, the regulation on private attorney involvement (“PAI”). LASNNY’s PAI program has been in existence since 1985, the year in which the regulation went into effect. The program covers a diverse geographic area encompassing 16 counties in upstate New York. Through this program, LASNNY has created and fostered partnerships with the judiciary, other legal service providers, bar associations, Albany Law School, the private bar and government lawyers. LASNNY credits these partnerships and strong relationships as the main components for its successful PAI program. LASNNY’s PAI program includes advice, brief and extended services.

On behalf of LASNNY I would like to thank LSC for inviting comments from legal services providers, and ensuring that this revision process is collaborative.

I would also like to recommend that LSC reconsider 45 CFR § 1614.4(ii). As currently written, the proposed revision only permits grantees to allocate resources spent providing support to clinics to PAI “...if the clinic screens for eligibility and only provides legal assistance to clients who may be served consistent with the LSC Act and relevant statutory restrictions.” 79 FR 21200, Proposed 45 CFR 1614.4(4)(ii).

By restricting PAI activity to clinics in which legal assistance is provided to clients who have been screened as LSC eligible, LASNNY is restricted in some of our programs. At the request of our Presiding Justice and the Director of the Court’s Access to Justice Initiatives and as a means to both collaborate with the local bar association, and meet the needs of pro se family



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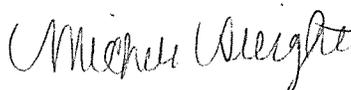
court litigants, we participate in the Albany County Family Court Help Center. At the Help Center, our volunteers provide support and assistance to pro se litigants in the Albany County Family Court. For this program, the litigants are not screened, per the preferences of the court and judges. Therefore, we are unable to count the time expended on this effort toward our PAI requirement. This limits the time that we can spend on this very important program, as well as the PAI personnel who are permitted to assist.

An alternative may be to use non-LSC funds to provide services to these clients who have not been screened. For LASNNY's program in particular, we currently use non-LSC funds for the Help Center, but of course, we cannot currently count the time as PAI time. Due to the uncertain nature of funding from year to year, I fear that there may come a day where we lack sufficient non-LSC funds to expend toward this program, and we might be forced to cease our participation. Most significantly, the litigants would not be served and assisted. In addition, the partnership we have formed with the Family Court and the Albany County Bar Association would be discontinued. This is exactly the type of program LSC's Pro Bono Task Force wanted grantees to be able to participate in in order to help grow and expand our PAI collaborations.

Collaboration should be fostered, as it allows for programs to become a reality for LSC legal services providers and thus serve more clients. One way to ensure that collaboration can continue is for the time spent on clinics providing legal assistance (in addition to legal information, which has been permitted already) to count toward the PAI requirement, regardless of whether a client has been screened for eligibility.

Thank you for considering these comments. Please contact me if you have any questions. I can be reached directly at (518) 689-6322 and msleight@lasnny.org.

Respectfully,



Michele Sleight, Esq.
PAI Director