

**Colorado
Legal
Services**

1905 Sherman Street, Suite 400
Denver, Colorado 80203-1811
Telephone: 303-837-1321 V/TDD
Fax: 303-830-7860

Fax Cover Sheet

Page 1 of 3

To:	Stefanie K. Davis Assistant General Counsel Legal Services Corporation		
Fax Number:	202-337-6519		
From:	Carol Germano on behalf of Jon Asher	Phone:	303.866.9379
		Email:	cgermano@colegalserv.org
Date:	3/5/2015		
Re:	Comments on Application of Federal Law to LSC Recipients		

On behalf of Colorado Legal Services, please find attached Comments on Application of Federal Law to LSC Recipients.

Confidentiality Notice:

This facsimile transmission is confidential and may contain information protected by the attorney-client privilege. The information is intended only for the use of the intended recipient. If you are not the intended recipient, or a person responsible for delivering this transmission to the intended recipient, do not use this transmission or disseminate the information, in any way, and promptly contact the sender by telephone.

Colorado Legal Services

1905 Sherman Street, Suite 400
Denver, CO 80203-1811
Telephone: 303.837.1321/Fax: 303.830.7860
www.ColoradoLegalServices.org

Sent by email to: lscrulemaking@lsc.gov

March 5, 2015

Stefanie K. Davis
Assistant General Counsel
Legal Services Corporation
3333 K Street NW
Washington, DC 20007

Re: Comments Concerning Proposed Revisions to 45 CFR Part 1640,
Application of Federal Law to LSC Recipients

Dear Ms. Davis:

This letter is submitted by Colorado Legal Services in response to LSC's request for comments on its proposed revisions to the regulation on Application of Federal Law to LSC Recipients, 45 CFR Part 1640.

Colorado Legal Services is generally supportive of the proposed revisions to 45 CFR Part 1640 addressing the Application of Federal Law to LSC Recipients and has only two specific comments:

First, CLS strongly supports the Corporation's position that the list of applicable Federal laws that each LSC recipient must agree to be subject to under the Rule, given the severity of the consequences of a violation, should be exhaustive and not illustrative and not fully inclusive. LSC recipients and their Boards of Directors and staff, a majority of whom are attorneys, are required to be aware of and to comply with Federal laws relating to the proper use of Federal funds. Given the severity of the consequence - a recipient's funding may be summarily terminated - any list provided to LSC recipients should be complete and exhaustive.

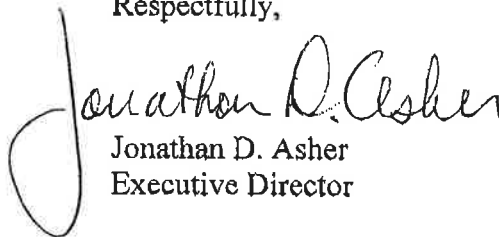
Additionally, CLS believes that, while the list of applicable Federal laws may appropriately be moved from the Rule itself to the LSC website, that notice of such posting should not do away with a reasonable comment period on any proposed changes to the list. As the LSC website is used more often as a vehicle to notify recipients of change to requirements, it will be increasingly easy for LSC to avoid its long standing commitment to regulating only with a full and appropriate notice and comment period. While LSC asserts that changes in Federal law by Congress will require swift changes by LSC to the list, it does not need to be done so quickly as to obviate the historic manner in which LSC has adopted rules, grant conditions and similar recipient requirements. There is almost always a good reason for

Stefanie Davis
Assistant General Counsel, LSC
March 5, 2015
Page 2 of 2

eliminating due process protections, but almost never is it a good enough reason to do so. This is true in the proposed Revisions to the LSC Rule. As LSC is a program uniquely committed to protecting due process rights and protections, it should adhere to them strictly itself and provide an opportunity for comment before the list of Federal laws relating to the proper use of Federal funds by LSC recipients is modified or changed.

If you have any questions concerning these comments, or if CLS or I can be of any further assistance in your consideration of this important regulation, please inform me at your convenience. Otherwise, CLS looks forward to your careful consideration of these comments.

Respectfully,



Jonathan D. Asher
Executive Director

JDA/ccg