



Dear Colleagues,

In response to recent requests, LSC is extending the public comment period on the proposed changes for the LSC 2015 Grant Assurances.

The extended comment period applies only to Grant Assurances 10 and 11. Please submit comments related to Grant Assurances 10 and 11 by Friday, June 20, 2014. The May 30, 2014, deadline still applies for comments other than those related to 10 and 11.

Grant Assurance #10 requires LSC recipients to give LSC and the U.S. Comptroller General access to records they are entitled to under the provisions of the LSC Act and other applicable law. The proposed change to the grant assurance requires LSC recipients to provide access to records in accordance with Federal law.

Grant Assurance #11 requires LSC recipients to provide LSC, federal agencies, and other auditing or monitoring entities access to financial records, time records, retainer agreements, client trust fund and eligibility records, and client names. As with Grant Assurance #10, the proposed change to the grant assurance requires LSC recipients to provide access to these records in accordance with Federal law.

The proposed revisions to Grant Assurances 10 and 11 are based on the decision of the United States Court of Appeals for the District of Columbia Circuit in *United States v. California Rural Legal Assistance*, 722 F.3d 424 (D.C. Cir. 2013), which involved an action to enforce a subpoena for documents held by an LSC recipient. The question before the court was “whether, and[,] if so, which[,] California state privileges and protections apply.” *Id.* at 427. The court decided that “the answer to the ‘whether’ issue is ‘no’” *Id.* The decision was based entirely on federal law; the court found it unnecessary to consider the nature and extent of the California laws and rules on privileges and protections. The D.C. Circuit held that “[f]ederal law and not state law governs.” *Id.*

Under the court’s decision, the laws and rules of other states are similarly inapplicable. The court specifically considered the LSC Act and concluded that “Congress has made abundantly clear its intention to regulate the federal programs funded through LSC according to federal and not California standards.” *Id.* at 428.

Written comments may be submitted by mail, email, or fax to Reginald J. Haley, Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; LSCGrantAssurances@lsc.gov; or (202) 337-6813 (fax). Comments may also be submitted online at <http://www.lsc.gov/contact-us>.

Thank you.