

From: Y FRIEDMAN  
(212) 714 7082

To: Mattie C Condray  
Senior Assistant General Counsel  
Office of Legal Affairs  
Legal Services Corporation  
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Washington, DC 20007-3522  
(2092) 295 - 1624 (voice)  
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RE: Legal Services Corp  
45 CFR Part 1611  
Financial Eligibility  
Notice of Proposed Rulemaking

FAX: PAGE ONE OF TWO PAGES

Dear Miss Condray:

In reviewing your agency's website, I came across your solicitation for comments on the above matter.

I would like to propose adjustments along the following lines:

- A. Any review of an "applicants" (or proposed applicant) eligibility take into account an adversary's (and/or proposed adversary's) financial situation, both individually and collectively (in the situation where there are more than one adversary)
- B. Such review, besides including known and/or later discovered financial information, shall include a review of legal and other fees such adversary (ies) will be expected to expend, and/or has expended.
- C. At the initiation of each substantial representation, and every calendar quarter thereafter (as well as when any substantial change, defined as a 10% change) a statement shall be provided to each adversary (in duplicate, one copy to each adversary's attorney/ representative, and one copy to each adversary)
  1. Detailing the review,
  2. specifying the anticipated and actual hours and funds expended/to be expended by the applicant and his/her representatives/attorneys, broken down by class of skill, usual hourly (or other rate) of such class, and detailing other expenses and or fees incurred and/or to be incurred

3. estimating the anticipated and actual hours and funds expended/to be expended by each adversary and his/her representatives/attorneys, broken down by class of skill, usual hourly (or other rate) of such class, and detailing other expenses and or fees incurred and/or to be incurred
  4. A comparison of each side's financial situation (as estimated by the grantee and its client/anticipated client), the expected fees and expenses of each side, and the expected and intended result of the legal matter.
  5. an expectation of the availability of quality, affordable legal services to the adversary (ies) to fully and/or properly defend (or prosecute) itself in the legal matter, considering the nature of the case/claim itself, and the anticipated fees, rates, and charges necessary to do so.
- D. Any reinstatement of any currently closed case, including any cases improperly closed, and/or cases anticipated to be opened anytime in the future shall be subject to this rule.
- E. This statement requirement is appropriate to LSC, since it promotes the proper use of (limited) LSC funding, ensures the efficient use of LSC funds, and promotes the interest of basic fairness. However, if desired, an exception can be made for adversary (ies) that are government agencies or insurance companies (a "deep pockets" exception), and/or an exception for the simple "advice and counsel" cases

Please advise me regularly on your progress in this matter. If additional information is desired, I may be contacted at (212) 714 7082

Thank you in advance for your cooperation,

Sincerely

Y FRIEDMAN