

TO: Mark Freedman, Senior Assistant General Counsel, Legal Services Corporation

FROM: Legal Aid and Defender Association, Inc.

DATE: June 25, 2013

SUBJECT: Comments Re: LSC Proposed Rulemaking for the PAI Regulation 45 CFR 1614

We offer these comments on behalf of the Legal Aid and Defender Association which provides civil and state and federal criminal defender legal services in the Metropolitan Detroit area.

We support and encourage adoption of Recommendation 2 of LSC's Pro Bono Task Force that Congress create and separately fund a Pro Bono Innovation/Incubation Fund. We see separate funding as necessary so that scarce resources are not drawn from other critically needed programs.

We emphasize that pro bono programs must be staffed and resourced at a level that insures appropriate support for pro bono attorneys. This support should always include appropriate screening of pro bono cases and planning of pro bono projects as well training, support materials and mentoring.

We welcome the Task Force Report's recognition that all pro bono work requires substantial funding for infrastructure investments to support pro bono volunteers. The level of pro bono involvement is directly related to the level of infrastructure investment. Without additional funding we cannot increase and appropriately leverage the full involvement of the private bar so we can begin to achieve access to justice for our clients.

We also support changes to allow LSC grantees to count work done by law students and law graduates as pro bono work. It is clear that projects designed to engage law students result in increased pro bono work as these law students become lawyers. However, it is difficult to channel scarce resources into pro bono projects for law students if those activities do not count in the pro bono case count monitored by LSC.

If these activities are supported by new PAI funding, LAD supports using PAI resources to increase screening, advice and referral programs by pro bono volunteers and staff supervision of pro bono volunteers in new incubator/innovation projects. LAD supports changes to allow grantees to count matters toward PAI requirements.