



**LEGAL SERVICES CORPORATION**

750 1st St., NE, 11th Fl., Washington, D.C. 20002-4250  
(202) 336-8800 Fax (202) 336-8959

John Eakeley  
President

Writer's Direct Telephone  
(202)  
336-8817

July 10, 1998

Edward Berg, Executive Director  
Mid-Missouri Legal Services Corp.  
205 East Forest Avenue  
Columbia, Missouri 65203

Dear Mr. Berg:

This is a response to your request for an opinion regarding whether the Legal Services Corporation's (LSC) regulation on prisoner representation would prohibit Mid-Missouri Legal Services (MMLS) from representing a client who is under house arrest.

According to your letter, the individual who has requested legal assistance:

has been released from state prison and was placed on home arrest as a condition of his parol. He is required to wear a foot monitor and to respond to random telephone calls from his probation officer. He is allowed to work during the day, go to stores to purchase essentials, and provide care for his children for whom he has custody.

LSC's regulation on prisoner representation prohibits LSC recipients from participating in any civil litigation on behalf of a person who is incarcerated in a Federal, State or local prison.<sup>1</sup> 45 CFR §1637.3. "Federal, State or local prison" is defined as "any penal facility maintained under governmental authority." §1637.2(b). This definition does not include persons who have been released from prison, even if they are subject to house arrest. Therefore, based on

<sup>1</sup> The rule also prohibits participation on behalf of a prisoner in any administrative proceeding challenging the conditions of incarceration. §1637.3.

BOARD OF DIRECTORS - Douglas S. Eakeley, Chairman, Roseland, NJ

Hulett H. Askew  
Atlanta, GA

LaVeeda M. Battle  
Birmingham, AL

John T. Broderick, Jr.  
Manchester, NH

John N. Erlenborn  
Issue, MD

Maria L. Mercado  
Galveston, TX

F. Wm. McCalpin  
St. Louis, MO

Nancy H. Rogers  
Columbus, OH

Thomas F. Smegal, Jr.  
San Francisco, CA

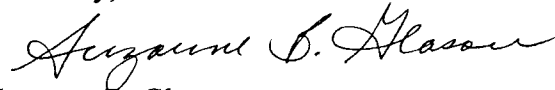
Ernestine P. Watlington  
Harrisburg, PA

Edna Fairbanks-Williams  
Fairhaven, VT

the information provided in your letter, MMLS may provide representation to the individual you described who is under house arrest.

I hope this adequately responds to your inquiry. Please let me know if I can provide any additional assistance in this matter.

Sincerely,

A handwritten signature in black ink, reading "Suzanne B. Glasow". The signature is written in a cursive style with a large, stylized initial 'S'.

Suzanne B. Glasow

Senior Assistant General Counsel