

COMMENTS ON LSC'S REGULATORY AGENDA FOR 2007

**SUBMITTED BY
THE CENTER FOR LAW & SOCIAL POLICY
ON BEHALF OF
THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION**

MARCH 16, 2007

These brief comments are submitted to the Legal Services Corporation (LSC) by the Center for Law & Social Policy (CLASP) on behalf of the National Legal Aid and Defender Association (NLADA). NLADA is a membership organization that represents civil legal aid programs, including those funded by LSC. CLASP serves as counsel to NLADA and its civil members.

On Thursday, February 22, 2006, LSC President Helaine Barnett sent a message to all LSC Executive Directors seeking comments on the adoption of a 2007 regulatory agenda for LSC. The message asked that comments be submitted to Victor Fortuno by March 16, 2007. Attached to the message was a memorandum prepared by the Office of Inspector General containing the OIG's suggestions for a 2007 regulatory agenda for LSC.

As NLADA has indicated in the past when the issue of a regulatory agenda was raised, we do not believe that there is any necessity for LSC to make additional regulatory changes at the current time. In general, we believe that, absent a compelling need to make changes in existing rules, LSC should consider adopting a very limited regulatory agenda or no regulatory agenda at all. We believe that the current regulations are working well. Both recipients and LSC compliance staff generally understand the rules and are reasonably comfortable with the requirements and procedures prescribed by the regulations. We are not aware of any serious compliance problems that need to be addressed, and we are not aware of any particular pressure on LSC, other than from the OIG, to make additional changes to the existing rules. As was clear from the effort to revise Part 1611, regulatory revision can be a very long and difficult process that consumes a great deal of Operations & Regulations Committee and LSC staff time and resources and should not be initiated unless there is a compelling reason to do so.

In particular, we are opposed to the regulatory changes that are proposed by the OIG. We do not believe that these suggested changes are either necessary or wise. To the extent that these changes may have been precipitated by the OIG's investigation of California Rural Legal Assistance (CRLA), we believe that the recommendations are overly broad and would greatly expand LSC authority and impose new and burdensome requirements on the entire universe of LSC recipients to address relatively narrow allegations of isolated activity by one recipient. Several of the recommended changes have been on

the OIG's agenda for years, and the CRLA investigation has just provided a convenient excuse for recommending action that LSC has not seen fit to adopt in the past. Some of the recommendations are directly contrary to longstanding LSC regulatory and legislative interpretations, which are clearly understood by recipients and LSC compliance staff and there is no reason to change.

In the event that the Operations and Regulations committee does decide to consider the OIG's recommendations, NLADA requests an opportunity to comment in more detail, both orally and in writing, on the specific proposals. Please contact our counsel, Linda Perle, at lperle@clasp.org or 202-906-8002 to make any necessary arrangements for such comments prior to the Operations and Regulations Committee meeting.