

Memorandum/Comments on the Proposed Revisions to 45 CFR Part 1614

COMMITTEE ON LEGAL AID

Legal Aid #2

July 2, 2014

We submit this memo on behalf of the New York State Bar Association's Committee on Legal Aid to express our support for the adoption of many of the proposed substantive revisions to the Legal Services Corporation's (LSC) private attorney involvement (PAI) regulation, 45 CFR 1614, contained in the notice of proposed rulemaking published at 79 FR 21188.

The NYSBA Committee on Legal Aid submitted comments during LSC's rulemaking process in 2013. We reiterate that, if amendments to the PAI regulation are adopted, we urge LSC to take great care to help ensure that they do not have the unintended consequence of diluting the good work of many strong PAI initiatives across the United States through which LSC grantees and other organizations that administer pro bono programs utilize attorney volunteers to provide direct representation to low-income people in extended service cases.

We do anticipate, however, that many of the proposed revisions to the PAI regulation will result in more pro bono hours being donated to the legal services delivery system in New York and other states which will ultimately benefit low-income people who would not otherwise have access to needed professional assistance to help resolve civil legal problems.

We support all of the proposed amendments to the PAI regulation that will allow LSC grantees to count toward their 12.5% PAI obligation resources expended involving law students, law graduates and other professionals in the delivery of legal assistance to eligible clients and in the delivery of legal information.

The proposed amendments to the LSC PAI regulation which encourage recipients to involve law students, law graduates and other professionals in addition to private attorneys in their PAI programs will help New York's LSC grantees allocate the resources necessary to integrate these new volunteers into our delivery system and will strengthen the already strong relationships between our LSC grantees and New York's 15 accredited law schools.

We also support the proposed amendment which would reverse the requirement that individuals receiving direct services through pro bono providers must be accepted as clients of the LSC grantees in order for the LSC grantees to count these activities toward their PAI requirement. We believe that this change will allow LSC grantees to have more expansive programming which will provide access to greater numbers of low-income people and encourage more participation in pro bono programs by potential volunteers.

We applaud LSC for the thorough and extensive process undertaken in connection with the proposed revisions to the PAI regulation. We believe that the proposed substantive changes discussed above will result in more volunteers being integrated into the legal services delivery system in New York and other states, ultimately benefitting more low-income people in desperate need of civil legal services.

Thank you for the attention and the time taken to consider these comments. If there are questions, please feel free to be in touch with us at the contact information provided below.

Thank you for your attention and for the time taken to consider these comments.

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