



**LEGAL SERVICES CORPORATION**

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June 26, 1998

Stan Platke  
Legal Services of Eastern Missouri  
P.O. Box 1276, 801 Broadway  
Hannibal, Missouri 63401

Dear Mr. Platke:

I have been requested by a member of your staff to provide Legal Services of Eastern Missouri (LSEM) a legal opinion on whether LSEM may provide civil legal representation to prisoners. LSEM is prohibited under its LSC grant from providing legal representation to prisoners, as discussed below, regardless of whether the representation is funded with LSC or non-LSC funds.

The Legal Services Corporation's (LSC) regulations prohibit LSC recipients from participating in any civil litigation on behalf of persons incarcerated in a Federal, State or local prison. 45 CFR §1637.3. "Incarcerated" means the "involuntary physical restraint of a person who has been arrested for or convicted of a crime." §1637.2(a). "Federal, State or local prison" means "any penal facility maintained under governmental authority." §1637.2(b). The rule also prohibits a program from representing a prisoner in "any administrative proceeding challenging the conditions of incarceration." §1637.3.

The restriction does not apply to a recipient's separately funded public defender program or criminal cases accepted by a recipient under a court appointment. 45 CFR §1610.6.

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

Sincerely,

Suzanne B. Glasow  
Senior Assistant General Counsel

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