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Helaine M. Barnett
President
Legal Services Corporation
3333 K. Street, NW
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Dear Frank and Helaine:

On behalf of the National Legal Aid and Defender Association, I am writing to urge LSC not to appeal the preliminary injunction issued by Judge Frederic Block on December 20, 2004 in *Dobbins v. LSC*.

As you have publicly noted, the Court's decision did not hold unconstitutional the restriction on private funds imposed by Congress nor did it strike down section 1610.8 of the LSC program integrity regulation. Instead, the opinion finds that LSC's particular application of its regulation with regard to three recipients imposed undue financial, programmatic and administrative burdens on the recipient's First Amendment rights of free speech.

In our view, Judge Block sets out an appropriate framework for insuring sufficient physical and financial separation and, thus, objective integrity and independence between a recipient and an affiliate established by a recipient to help meet the legal problems of low-income clients in the recipient's service area. LSC can fully meet Congressional requirements of the restriction on private funds, and the Congressional intent behind it, by incorporating the criteria set out in the *Dobbins* opinion. This may be accomplished simply by changes in LSC's interpretation and application of §1610.8, or by making minor changes in the rule. As always, NLADA through its counsel, CLASP, would be happy to assist LSC in that process.

Moreover, LSC can maximize limited resources and help ensure economic and effective delivery of civil legal assistance by accepting the *Dobbins* framework. Over the past seven years, many NLADA civil program members, who are also LSC recipients, have set up costly and often inefficient arrangements in order to address their client's legal

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problems and also to satisfy LSC that they were complying with the program integrity provisions (45 CFR §1610.8) of the LSC regulations and LSC's interpretation of those provisions. Yet Judge Block has found that many of these LSC requirements were not necessary in order to enforce the restriction on private funds and to ensure program integrity.

Therefore, we strongly recommend that LSC work within the *Dobbins* framework as it goes forward to enforce the restriction on private funds.

Again, we at NLADA and CLASP would welcome the opportunity to discuss this issue with you at any time.

Sincerely,

Clint Lyons
President and CEO