

ABA/ NLADA 2004 Equal Justice Conference

The Impact of LSC Rules on PAI Programs and Private Attorneys

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Brief Description: This workshop will address the impact of LSC restrictions, regulations and requirements on PAI programs that are units of LSC funded recipients as well as those that are separately organized but partner with LSC recipients to fulfill their PAI requirements, as well as the private attorneys who participate in those PAI programs. We will encourage participants to share their PAI problems and to discuss with their colleagues approaches that they have used to address similar issues that have arisen in their own PAI programs.

Topical Outline:

- I. Recent Developments
 - a. OIG PAI Audits
 - b. OCE compliance monitoring on PAI issues

- II. CSR
 - a. What “counts” as a PAI case for CSR?
 1. Private attorney involved in case
 2. Client is LSC eligible
 - i. Financially eligible
 - ii. Citizen or eligible alien
 3. Case is LSC permissible case
 - i. Could you use LSC funds to do the case?
 - ii. Not Kennedy Amendment cases
 - iii. Within program priorities
 - b. What documentation is required in order to “count” a case for CSR?
 1. Citizenship attestation, if required
 2. Specific recording of income and assets
 3. Written evidence of services rendered
 4. Timely closing
 5. No duplicates

- c. What problems do PAI programs encounter in meeting these requirements?
 - 1. Lack of citizenship attestation
 - 2. Lack of evidence of services rendered
 - 3. Timely closing
 - d. When is something a “matter” rather than a “case”?
 - e. How important is it to “count” every case?
- III. Program Integrity
- a. How do the program integrity rules affect the relationship between LSC recipients and pro bono programs that participate in PAI?
- IV. Attorneys’ Fees
- a. Does the attorneys’ fee restriction apply to PAI cases?
 - b. Attorneys’ fees and pro bono PAI cases
 - c. Attorneys’ fees and non-PAI referrals
 - d. Attorneys’ fees and co-counseling
- V. Issues under Part 1614
- a. What is an appropriate PAI activity?
 - b. Required oversight and case follow-up
 - c. Other
- VII. Eligibility
- a. Financial
 - b. Aliens
 - c. Kennedy Amendment cases
- VIII. Other issues
- a. Subgrants
 - b. Timekeeping
 - c. Solicitation
 - d. Burton Amendment Case Disclosure Requirements
 - e. Client Identity and Statements of Facts
 - f. Referral of restricted cases
 - g. Other