



**COMMENTS ON  
PROPOSED REVISIONS TO LSC'S  
PRIVATE ATTORNEY INVOLVEMENT (PAI) RULE  
Federal Register Volume 78, Number 155**

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These comments are submitted to the Legal Services Corporation (LSC) in response to its request for public comments on revising LSC's Private Attorney Involvement (PAI) Rule. These comments pertain to Topic 1, i.e., that "Resources spent supervising and training law students, law graduates, deferred associates, and others should be counted toward grantees' PAI obligations, especially in 'incubator' initiatives", and the following related requests:

- 1) Please provide specific suggestions for definitions, limits, or guidelines relating to the potential addition of law students, pre-admission law graduates, or paralegals to the scope of Part 1614 activities.
- 2) Are there any other categories of non-lawyers whose work should be considered for inclusion in Part 1614?
- 3) If you recommend changing the definition of a private attorney, then please provide specific recommendations addressing the scope of the definition and how the proposed definition relates to the purpose of the rule.
- 4) Please provide specific suggestions relating to the potential inclusion in Part 1614 of underemployed attorneys receiving reduced fees (e.g., in "incubator projects") that may be their primary professional income.
- 5) Please provide specific suggestions relating to the potential inclusion in Part 1614 of attorneys who are not authorized to practice law in the jurisdiction of the LSC recipient but who may provide legal information or other Part 1614 services if permitted under local bar rules.

## **Background**

Legal Services NYC fights poverty and seeks justice for low-income New Yorkers. For more than 40 years, we have challenged systemic injustice and helped clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. LSNYC is the largest civil legal services provider in the country, with deep roots in all of the communities we serve. Our neighborhood-based offices and outreach sites across all five boroughs help more than 60,000 New Yorkers annually.

Legal Services NYC supervises and trains more than a hundred law students and pre-admission law graduates each year. We have developed long-standing relationships with law schools in and outside of New York and spend significant numbers of hours interviewing potential law students and pre-admission law graduates each month. We attend job fairs organized by New York law schools and regularly participate in informational sessions to educate and recruit students and new attorneys to work with us on a volunteer basis. We write evaluations for law students, assist with bar application requests, and communicate with professors who seek further clarification of a student's involvement with our organization. Because the hours Legal Services NYC staff spends on recruitment, training, and supervision are significant and undeniably contribute towards our delivery of "high quality, economical and effective client-centered legal assistance"<sup>1</sup>, they should be counted towards our PAI obligations to continue to encourage our mutually beneficial relationship with law students and law graduates.

### **Question 1 - Please provide specific suggestions for definitions, limits, or guidelines relating to the potential addition of law students, pre-admission law graduates, or paralegals to the scope of Part 1614 activities.**

Part 1614.1(d) should be expanded to include law students and law graduates who have not yet been admitted to practice law by the grantee's state bar. Provided that recruitment and supervision of these law students and law graduates are conducted by the grantees, no further guidelines are necessary.

### **Question 2 - Are there any other categories of non-lawyers whose work should be considered for inclusion in Part 1614?**

In addition to law students, LSC should consider including college students and volunteer paralegals, secretaries, and interpreters in Part 1614 as well, as Legal Services expends resources recruiting and training these individuals for the purpose of enhancing client-centered legal assistance.

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<sup>1</sup> See 45 CFR 1614.2 (c).

**Question 3 - If you recommend changing the definition of a private attorney, then please provide specific recommendations addressing the scope of the definition and how the proposed definition relates to the purpose of the rule.**

Given severe budget constraints facing civil legal service providers nationwide, the inclusion of law students, pre-admission law graduates, college students, volunteer paralegals, secretaries, and interpreters in Part 1614.1(d) significantly contributes to the goal of “generat[ing] the most possible legal services for eligible clients from available, but limited, resources.”<sup>2</sup> Accordingly, the scope of the expanded definition needs only to reference this goal.

**Question 4 - Please provide specific suggestions relating to the potential inclusion in Part 1614 of underemployed attorneys receiving reduced fees (e.g., in “incubator projects”) that may be their primary professional income.**

N/A

**Question 5 - Please provide specific suggestions relating to the potential inclusion in Part 1614 of attorneys who are not authorized to practice law in the jurisdiction of the LSC recipient but who may provide legal information or other Part 1614 services if permitted under local bar rules.**

Because attorneys often move from state to state, there should be no requirement that attorneys be admitted to the grantees’ bar to count towards a grantee’s PAI obligations. To the contrary, attorneys who are admitted in other states often seek to volunteer with grantee organizations for the purpose of learning that state’s practice. Accordingly, these attorneys require supervision and training. Given their years of experience, these attorneys are able to contribute significantly to the delivery of high-quality legal services for our clients, the overriding goal of Part 1614, and these hours should be counted by LSC.

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<sup>2</sup> See 45 CFR 1614.1(c).