

Neighborhood Legal Services Association

Central Office
928 Penn Avenue

(412) 255-6700 (Writer's Ext. 6104)
Fax (412) 765-3223
Website www.nlsa.us

Pittsburgh, Pennsylvania 15222-3799

September 6, 2006

Legal Services Corporation
Mattie Cohan, Senior Assistant General Counsel
Office of Legal Affairs
3333 K Street NW.
Washington, DC 20007

RE: Comments on Client Grievance Procedure Proposed Regulation 45 CFR 1621

Dear Attorney Cohan:

We have had an opportunity to review the proposed regulations and have the following comments:

1. We would ask for clearer guidance regarding the requirements as they relate to telephone advice. It is unclear at what point we would be required to send out the grievance procedure notice to clients who only receive assistance via the telephone. The proposed regulation indicates that the notice is to be sent "at the time the person is accepted as a client or as soon thereafter as practicable". An eligibility determination and case are opened on callers immediately upon their initial telephone contact with our program. Because it has been determined that they are financially eligible, there are no conflicts, and that the problem is within our priorities, we consider these callers to be "accepted" at that time for the receipt of telephone advice from our helpline attorneys. The helpline attorneys either immediately take the call or return the call within 48 hours. Often the telephone conversation results in a letter of advice which is mailed to the client within a few days along with the grievance procedure notification. In some cases, the attorney makes telephone calls, writes letters on the clients behalf, or must await a response from a 3rd party before closing the file. This may delay the closure of the case several weeks.

It would appear that we would be in compliance with the proposed regulations by sending the notice with the closing letter in those cases where the telephone advice is completed and a letter sent within a few days of the initial acceptance. However, how long is too long in those situations wherein the advice letter is not sent for several weeks while we await further information? While it may be "practicable" to send out the notice, must we incur the additional expense/time in these cases of sending out a letter for the sole purpose of enclosing the grievance procedure? It would be our position that an exception should be made in the instance of telephone advice cases such that the



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notice would be considered timely as long as it is sent with the closing letter.

2. Treating applicants with dignity is such a basic duty, that it would be inappropriate and frankly, insulting to legal service staff to have it placed in a regulation.

3. The use of grievances for feedback should remain ancillary and not made a part of this regulation which is designed to provide clients with the means to pursue complaints. Programs take grievances very seriously and use them as a means to improve services whenever possible. The use of them for this purpose should remain a "best practice".

Your kind consideration of these comments, is greatly appreciated.

Sincerely Yours,



Pamela Lynn Dalton-Arlotti

Director of Program Performance and Compliance

cc: Robert V. Racunas, Executive Director
Phyllis Stevens, Assistant Director