

(c) Recipients and their employees may provide legal advice or assistance to eligible clients who desire to plan, establish or operate organizations, such as by preparing articles of incorporation and bylaws.

**§ 1612.10 Recordkeeping and accounting for activities funded with non-LSC funds.**

(a) No funds made available by the Corporation shall be used to pay for administrative overhead or related costs associated with any activity listed in §1612.6.

(b) Recipients shall maintain separate records documenting the expenditure of non-LSC funds for legislative and rulemaking activities permitted by §1612.6.

(c) Recipients shall submit semi-annual reports describing their legislative activities with non-LSC funds conducted pursuant to §1612.6, together with such supporting documentation as specified by the Corporation.

[62 FR 19404, Apr. 21, 1997; 62 FR 22895, Apr. 28, 1997]

**§ 1612.11 Recipient policies and procedures.**

Each recipient shall adopt written policies and procedures to guide its staff in complying with this part.

**PART 1613—RESTRICTIONS ON LEGAL ASSISTANCE WITH RESPECT TO CRIMINAL PROCEEDINGS**

- Sec.
- 1613.1 Purpose.
- 1613.2 Definition.
- 1613.3 Prohibition.
- 1613.4 Authorized representation.

AUTHORITY: Sec. 1007(b)(1); 42 U.S.C. 2996f(b)(1).

SOURCE: 43 FR 32775, July 28, 1978, unless otherwise noted.

**§ 1613.1 Purpose.**

This part is designed to insure that Corporation funds will not be used to provide legal assistance with respect to criminal proceedings unless such assistance is required as part of an attorney's responsibilities as a member of the bar.

**§ 1613.2 Definition.**

*Criminal proceeding* means the adversary judicial process prosecuted by a public officer and initiated by a formal complaint, information, or indictment charging a person with an offense denominated "criminal" by applicable law and punishable by death, imprisonment, or a jail sentence. A misdemeanor or lesser offense tried in an Indian tribal court is not a "criminal proceeding".

**§ 1613.3 Prohibition.**

Corporation funds shall not be used to provide legal assistance with respect to a criminal proceeding, unless authorized by this part.

**§ 1613.4 Authorized representation.**

Legal assistance may be provided with respect to a criminal proceeding.

(a) Pursuant to a court appointment made under a statute or a court rule or practice of equal applicability to all attorneys in the jurisdiction, if authorized by the recipient after a determination that it is consistent with the recipient's primary responsibility to provide legal assistance to eligible clients in civil matters; or

(b) When professional responsibility requires representation in a criminal proceeding arising out of a transaction with respect to which the client is being, or has been, represented by a recipient.

**PART 1614—PRIVATE ATTORNEY INVOLVEMENT**

- Sec.
- 1614.1 Purpose.
- 1614.2 General policy.
- 1614.3 Range of activities.
- 1614.4 Procedure.
- 1614.5 Prohibition of revolving litigation funds.
- 1614.6 Waivers.
- 1614.7 Failure to comply.

AUTHORITY: Sec. 1007(a)(2)(C) and sec. 1007(a)(3); (42 U.S.C. 2996f(a)(2)(C) and 42 U.S.C. 2996f(a)(3)).

SOURCE: 50 FR 48591, Nov. 26, 1985, unless otherwise noted.