



OFFICE OF LEGAL AFFAIRS  
EXTERNAL OPINION

External Opinion # EX-2003-1013

**To:** Hadassa Santini-Colberg, Esq.  
Compliance Officer,  
Oficina del Director Ejecutivo  
Servicios Legal de Puerto Rico, Inc.  
Apartado 9134  
San Juan, Puerto Rico 00908-9134

**Date:** September 16, 2003

**Subject:** **Permissibility of PRLS Attorney Participation in Legislative  
Compilation of Puerto Rican Labor Laws**

---

You requested an Opinion from this Office as to whether the Puerto Rico Legal Services ("PRLS") may, consistent with the restrictions on lobbying at 45 CFR Part 1612 and the outside practice of law at 45 CFR Part 1604, allow attorneys in the PRLS Migrant Program to serve on a Commission developing a compilation of State labor laws at the request of an elected official on their own time and without the use of PRLS funds.

***Brief Answer***

PRLS may allow its attorneys to serve on a Commission developing a compilation of State labor laws at the request of an elected official on their own time and without the use of LSC funds.

***Background***

We understand the facts to be the following: Severo Colberg-Toro, President of the Labor Commission of the House of Representatives of Puerto Rico, has requested the participation of PRLS Migrant Program attorneys on a Commission which will be tasked with developing a compilation of Puerto Rican labor laws. The Commission will not be recommending changes to the laws, rather, it is seeking to compile Puerto Rico's various labor laws for recodification in one place. The attorneys serving on the Commission will not receive compensation for their participation. Further, PRLS is not funding the Commission, and the attorneys will serve entirely on their own time, without using and PRLS funds or resources.

***Analysis***

Part 1612 generally restricts *LSC recipients* from using *LSC funds* for lobbying and certain other activities. As noted above, however, the attorneys participating on the

Commission are doing so on their own time, without the use of PRLS funds or resources.<sup>1</sup> Thus, PRLS is not engaging in any activities covered by Part 1612 so there are no 1612 compliance issues implicated in this situation.

Part 1604 (Outside Practice of Law) is, however, implicated in this case. Part 1604 generally prohibits full-time recipient attorneys from engaging in the outside practice of law. Thus, Part 1614 would be violated if the participation of the PRLS attorneys in the Commission's activities constitutes the outside practice of law.

Section 1604.2 defines "outside practice of law" as the "provision of legal assistance to a client who is not entitled to receive legal assistance from the employer of the attorney rendering assistance, but does not include, among other activities, teaching, consulting, or performing evaluation." At issue here is whether the PRLS attorneys' proposed services are considered "consulting" and, therefore, not subject to the general prohibition. LSC addressed the definition of the term "consulting" in § 1604.2 in OLA External Opinion EX-2000-1011 issued on May 16, 2000. In that opinion, OLA summarized LSC's position as follows:

The term "consulting" is not defined in the regulations, but has been interpreted by LSC as "providing advice or sharing an expertise in a particular area of the law to other attorneys [or] in a law school setting, as long as [the] activities are not within an attorney-client relationship. (LSC Op. Ltr., 1/25/99) . . . Among the factors involved in analyzing whether a particular activity can be considered to be consulting is the extent the prospective work will involve client representation and the extent to which the attorney's services are sought for the attorney's expertise in and knowledge of a particular subject.

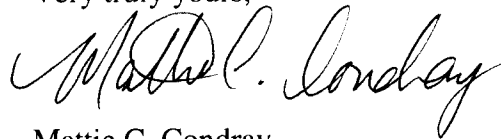
The participation of the PRLS Migrant Program attorneys on the Commission does not entail entering into any attorney-client relationships with any individual clients. Secondly, the attorneys' involvement in the compilation program is sought primarily on the grounds of their expertise in Puerto Rican labor law, particularly the laws affecting migrant workers. Accordingly, the PRLS Migrant Program attorneys' service on the

---

<sup>1</sup>We note that PRLS could permit the attorneys to serve on the Commission, on PRLS time and with the support of PRLS resources, provided that non-LSC funds were used. Section 1612.6(a)(2) expressly allows an LSC recipient or employee to use non-LSC funds to respond to a written request from an elected official, legislative body, legislative committee or member of a legislative body or committee "for information which may include analysis of or comments upon existing or proposed rules, regulations, or legislation, or drafts of proposed rules, regulations or legislation." In this case, a member of a legislative body and committee has requested help from an LSC recipient and its employees in the analysis of existing Puerto Rican labor laws resulting in the compilation of the currently dispersed law on the subject. This situation fits squarely within the requirements of 1612.6(a)(2).

Commission is appropriately considered “consulting” and, as such, they may engage in the Commission’s work consistent with the requirements of Part 1604.

Very truly yours,



Mattie C. Condray  
Senior Assistant General Counsel  
Office of Legal Affairs



Victor M. Fortuno  
General Counsel  
Office of Legal Affairs

mcondray@lsc.gov  
(202) 295-1624