



OFFICE OF THE PRESIDENT

## MEMORANDUM

**To:** Operations and Regulations Committee

**From:** Victor M. Fortuno  
President

**Date:** April 9, 2010

**Subj:** Management Recommendations regarding Attorneys' Fees Rulemaking – Final Rule

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This memorandum sets forth management's recommendations regarding the Final Rule being presented to you for action in connection with the current rulemaking to repeal the regulatory prohibition on claiming, collecting and retaining attorneys' fees found in 45 CFR part 1642 and make conforming rulemakings to revise Parts 1609 (fee-generating cases) and 1610 (use of LSC funds, transfers of LSC funds and program integrity).<sup>1</sup> Having reviewed the Final Rule being presented to you, management recommends that the Committee, in turn, recommend that the Board adopt as permanent the repeal Part 1642, and the conforming amendments to Part 1609 and 1610. Management further recommends that this be accomplished by the issuance of the Final Rule presented herein.

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<sup>1</sup> As contemplated by the LSC Rulemaking Protocol, the ROP is prepared by OLA and is designed to provide the Committee and the Board with a full range of options and information to aid the Committee and Board in their respective deliberations and decisionmaking process. Although recent practice has been to include the management recommendation in the ROP, I believe that setting forth management's recommendations in a separate memo will benefit the Committee and the Board by clarifying the distinction between the analysis being provided by OLA and the policy recommendation being made by Management.