

REDLINE VERSION SHOWING DRAFT PROPOSED CHANGES TO PART 1621—CLIENT GRIEVANCE PROCEDURES¹

Sec.

1621.1 Purpose.

1621.2 Grievance Committee.

1621.3 Complaints **by applicants** about **denial of** legal assistance.

1621.4 Complaints **by clients** about **manner or quality of legal** ~~denial of~~ assistance.

AUTHORITY: Sec. 1006(b)(1), 41 U.S.C. 2996e(b)(1); sec. 1006(b)(3), 42 U.S.C. 2996e(b)(3); sec. 1007(a)(1), 42 U.S.C. 2996f(a)(1).

§ 1621.1 Purpose.

This Part is intended to help ensure that recipients provide the highest quality legal assistance to clients as required by the LSC Act and are ~~By providing an effective remedy for a person who believes that legal assistance has been denied improperly, or who is dissatisfied with the assistance provided, this part seeks to insure that every recipient will be accountable to~~ **applicants for legal assistance and clients by requiring recipients to establish grievance procedures to process complaints by applicants about the denial of legal assistance and clients about the manner or quality of legal assistance provided** ~~those it is expected to serve, and will provide the legal assistance required by the Act. This Part is further intended to help ensure that the grievance procedures adopted by recipients will result, to the extent possible, in mutually satisfactory resolution of complaints.~~

§ 1621.2 Grievance Committee.

The governing body of a recipient shall establish a grievance committee or committees, composed of lawyer and client members of the governing body in approximately the same proportion in which they are on the governing body.

§ 1621.3 Complaints **by applicants** about **denial of** legal assistance.

A recipient shall establish a simple procedure for review of complaints by applicants about decisions to deny applicants legal assistance. The procedure shall, at a minimum provide a method for the recipient to provide applicants with adequate notice as practicable of the complaint procedures; and information about and how to make a complaint, as practical; and an opportunity for applicants to confer with the Executive Director or the Executive Director's designee, and, to the extent practicable, with a representative of the governing body. The procedure must shall be designed to treat complaining applicants with dignity and to foster effective communications between the recipient and complaining applicants.

~~(a) A recipient shall establish procedures for determining the validity of a complaint about the manner or quality of legal assistance that has been rendered.~~

¹ NOTE: Changes in red are those which were proposed in the NPRM. Changes in green are those additional changes being proposed in response to comments on the NPRM

~~(b) The procedures shall provide at least:~~

~~(1) Information to a client at the time of the initial visit about how to make a complaint, and~~

~~(2) Prompt consideration of each complaint by the director of the recipient, or the director's designee, and, if the director of the recipient is unable to resolve the matter,~~

~~(3) An opportunity for a complainant to submit an oral and written statement to a grievance committee established by the governing body. The complainant may be accompanied by another person. Upon request, the recipient shall transcribe a brief written statement, dictated by the complainant, for inclusion in the recipient's complaint file.~~

~~(c) A file containing every complaint and a statement of its disposition shall be preserved for examination by the Corporation. The file shall include any written statement submitted by the complainant.~~

§ 1621.4 Complaints by clients about manner or quality of legal assistance.

(a) A recipient shall establish procedures for the review of complaints by clients about the manner or quality of legal assistance that has been rendered by the recipient.

(b) The procedures shall be designed to treat complaining clients with dignity and foster effective communications between the recipient and the complaining client and, at a minimum, provide:

(1) A method of providing a client, at the time the person is accepted as a client or as soon thereafter as is ~~practicable~~ practical, with adequate notice of the complaint procedures and how to make a complaint;

(2) For prompt consideration of each complaint by the Executive Director ~~of the recipient,~~ or the Executive Director's designee,

(3) An opportunity for the complainant, if the Executive Director or the Executive Director's designee is unable to resolve the matter, to submit an oral or written statement to a grievance committee established by the governing body as required by section 1621.2 of this Part. The procedures shall also: provide that the opportunity to submit an oral statement may be accomplished in person, by teleconference, or through other reasonable alternative; permit a complainant to be accompanied by another person who may speak on that complainant's behalf; and provide that, upon request of the complainant, the recipient shall transcribe a brief written statement, dictated by the complainant for inclusion in the recipient's complaint file.

(c) ~~Complaints received from clients~~ Consistent with its responsibilities under 45 CFR Part 1614.3(d)(3), a recipient shall establish a procedure to review complaints by ~~clients~~ about the manner or quality of legal assistance that has been rendered by a private attorney to which the client was referred pursuant to the recipient's private attorney involvement program under 45 CFR Part 1614 shall be processed in a

manner consistent with the recipient's responsibilities under 45 CFR §1614.3(d)(3) and with applicable state or local rules of professional responsibility.

- (d) A file containing every complaint and a statement of its disposition shall be preserved for examination by LSC. The file shall include any written statement submitted by the complainant or transcribed from a complainant's oral statement.

~~A recipient shall establish a simple procedure for review of a decision that a person is financially ineligible, or that assistance is prohibited by the Act or Corporation Regulations, or by priorities established by the recipient pursuant to section 1620. The procedure shall include information about how to make a complaint, adequate notice, an opportunity to confer with the director of the recipient or the director's designee, and, to the extent practicable, with a representative of the governing body.~~