

**PART 1605—APPEALS ON BEHALF OF
CLIENTS**

**Efficient and Effective Use of
Corporation Funds**

**The Legal Services Corporation was
established pursuant to the Legal Serv-**

RULES AND REGULATIONS

ices Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f ("the Act"). Section 1007(a)(7) of the Act requires recipients to establish guidelines, consistent with regulations promulgated by the Corporation, for review of appeals taken on behalf of clients.

A proposed regulation was issued on March 12, 1976 (41 FR 10629), and interested persons were given until April 11, 1976 to submit comments on the proposed regulation. All comments received by the Corporation with respect to appeals were given full consideration and the following issues were taken into account in redrafting the regulation:

- (a) Discourage frivolous appeals, and
- (b) Give appropriate consideration to priorities in resource allocation adopted by the governing body, or required by the Act, or Regulations of the Corporation; but
- (c) Shall not interfere with the professional responsibilities of an attorney to a client.

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President,
Legal Services Corporation.

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Coverage of Part 1605. Section 1007(a)(7) of the Act requires all recipients to establish guidelines, consistent with Corporation Regulations, for review of appeals. Since the purpose is to insure efficient utilization of Corporation resources, this Part does not apply to any part of a recipient's practice that is undertaken with other than Corporation funds. (Comments received noted that the published draft did not address the problem of mixed practices.) The Part requires a recipient to establish a policy and procedure for review of every appeal, as defined by local usage, taken to an appellate court from the decision of any court or tribunal.

Standards for Review. Aside from that clarifying change, the only other changes are the addition of some relevant statutory language omitted from the published draft, and a fuller, but substantively unchanged, statement of the standards for review. A recipient is required to adopt a review policy that discourages frivolous appeals and gives appropriate weight to priorities in resource allocation required by the Act, the Corporation, or its own governing body, but does not interfere with an attorney's professional responsibilities to a client.

Accordingly, the Board of Directors of the Legal Services Corporation adopts the final regulation, as set forth below, to become effective on June 3, 1976, pursuant to section 1008(e) of the Act.

- Sec.
- 1605.1 Purpose.
- 1605.2 Definition.
- 1605.3 Review of appeals.

Authority: Sec. 1007(a)(7), 2008(e), 42 U.S.C. 2996f(a)(7), 2996g(e).

§ 1605.1 Purpose.

This Part is intended to promote efficient and effective use of Corporation funds. It does not apply to any case or matter in which assistance is not being rendered with funds provided under the Act.

§ 1605.2 Definition.

"Appeal" means any appellate proceeding in a civil action as defined by law or usage in the jurisdiction in which the action is filed.

§ 1605.3 Review of Appeals.

The governing body of a recipient shall adopt a policy and procedure for review of every appeal to an appellate court taken from a decision of any court or tribunal. The policy adopted shall