

**LEGAL SERVICES CORPORATION****45 CFR Part 1607****Governing Bodies of Recipients****AGENCY:** Legal Services Corporation.**ACTION:** Final rule.

**SUMMARY:** This final rule amends Part 1607 of the Legal Services Corporation regulations prescribing the requirements for recipients' governing bodies. The changes are made in response to new provisions contained in the continuing resolution appropriating funds for the Corporation during the 1983 fiscal year. The amendments provide new mechanisms and requirements for selection of attorney members of recipients' governing bodies.

**EFFECTIVE DATE:** February 16, 1983.**FOR FURTHER INFORMATION CONTACT:** Mary F. Wieseman (202) 272-4010.

**SUPPLEMENTARY INFORMATION:** On November 8, 1982, the Legal Services Corporation published on pages 50659-50660 of the Federal Register proposed amendments to Part 1607 of the Corporation's regulations and invited comments for 30 days ending December 8, 1982. These proposed amendments were published along with proposals to amend several other parts of the Legal Services Corporation regulations that were affected by provisions in the continuing resolution appropriating funding for the Corporation during the 1983 fiscal year. Of the more than 800 comments that were received, only a relatively small number addressed the proposed amendments to Part 1607. The great majority of those comments were supportive of the proposed changes, but almost uniformly, the comments from legal services programs, bar associations and private attorneys stated that the time periods for compliance were unreasonably short. In addition, the comments received on Part 1607 generally addressed two other matters. They were overwhelmingly supportive of the provision requiring that attorney board members include women and minorities and reasonably reflect the population of the areas served. They also expressed concern that in areas served by many bar associations or where the leadership of bar associations was not supportive of the Legal Services Corporation Act, compliance with this Part would be difficult.

The Corporation's Board of Directors met on December 16-17, 1982, and approved final adoption of the proposed amendments with two modifications. The final amendments provide: (1) For

an additional three months for coming into compliance with the new requirements of the regulation and (2) for similar additions to the time that may be granted for extensions of the compliance deadline. In addition, the final rule published herein corrects several errors in the dates that appeared in the published version of the proposed regulations.

**List of Subjects in 45 CFR Part 1607**

Legal services, Governing bodies of recipients.

**PART 1607—[AMENDED]**

For the reasons set out in the preamble, 45 CFR Part 1607 is amended to read as follows:

1. The authority citation for Part 1607 is revised to read as follows:

Authority: Sec. 1007(c); 42 U.S.C. Section 2996f(c); Pub. L. 97-377; 96 Stat. 1630.

2. Section 1607.2 is revised to read as follows:

**§ 1607.2 Definitions.**

(a) "Eligible client," as used in this part means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

(b) "Governing body" refers to the board of directors or other governing board of recipient receiving funds under Section 1006(a)(1)(A) of the Act.

(c) "Board member" refers to a member of a recipient's governing body.

3. Section 1607.3 (c) and (g) are revised to read as follows:

**§ 1607.3 Composition.**

(c) Appointment of the attorney members of the governing body shall be conducted so that a majority of the governing body are appointed by the governing bodies of State, county or municipal bar associations, the membership of which represents a majority of attorneys practicing law in the localities in which the recipient is to provide legal assistance. Appointments shall be made so as to insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served. Appointments may be made either by the bar association which represents a majority of attorneys in the recipient's service area or by the bar associations which collectively represent a majority of the attorneys practicing law in the recipient's service area. Any additional attorney members of the board may be appointed by or selected from other bar

associations or legal organizations with an interest in the delivery of legal services to the poor.

(g) The nonattorney board membership shall not be dominated by persons serving as the representatives of a single association, group or organization.

4. Section 1607.7 is revised to read as follows:

**§ 1607.7 Compliance.**

(a) A recipient whose current governing body does not satisfy the requirements of this part shall submit a plan for achieving compliance to the relevant Regional Office by March 1, 1983. The plan shall include:

(1) The current composition of the recipient's governing body, and the date upon which the composition was achieved;

(2) The date upon which the terms of each current member of the recipient's governing body will expire;

(3) The recipient's plan for complying with the requirements of Section 1607.3 and timetables for implementation. This plan shall:

(i) Identify the bar associations in the localities in which the recipient provides legal services, identifying the individual bar association or combinations of bar associations to which a majority of practicing attorneys belong;

(ii) Detail the method of selecting attorney members to provide for representation on the recipient's governing body in accordance with this regulation; and

(iii) Insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served.

(b) Compliance with § 1607.3 shall occur no later than September 15, 1983.

(c) The President may, upon application, extend the time in which a recipient must comply with the requirements of § 1607.3(c). The application must state the reasons why complying by September 15, 1983 would be unduly burdensome or impossible to achieve for the recipients.

(d) An application for an extension of time under paragraph (c) of this section must be received by the Corporation no later than March 16, 1983. An extension may be granted for no more than three months, and no more than two extensions may be granted to any recipient. In no event may the time for compliance be extended beyond March 15, 1984.

Dated: January 11, 1983.

Mary F. Wiseman,  
Acting General Counsel.

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