

Greater Boston Legal Services Client Caucus
197 Friend Street
Boston, MA 02114

December 20, 2006

Mattie Cohan
Senior Assistant General Counsel
Office of Legal Affairs
Legal Services Corporation
333 K Street, NW
Washington, DC 20007

Re: 45 CFR Part 1621 Client Grievance Procedure

Dear Ms. Cohan:

These comment are submitted on behalf of the Greater Boston Legal Services Client Caucus (Client Caucus). The comments were adopted by a unanimous vote of the Client Caucus.

The Client Caucus consists of the client board members of Greater Boston Legal Services. As well as participating in the Board and Board committees of Greater Boston Legal Services, members of the Client Caucus meet separately to educate themselves and consider issues of special interest to the client community. While Greater Boston Legal Services is not an LSC grantee, our program is part of the delivery system in the greater Boston area which includes an LSC funded program. We are therefore concerned that clients in our service area have access to high quality legal services including an effective Client Grievance Procedure.

We request that the existing Client Grievance Procedure should remain unchanged. We believe it is a better document than that being proposed. We have two primary concerns, both about 1621.1. We oppose dropping the language concerning an effective remedy and we oppose adding the language concerning entitlement.

Effective Remedy

The present 1621.1 states that its purpose is among other things “to provide an effective remedy” LSC proposes to drop this language because the process “is not a guarantee of any *specific* outcome or ‘remedy’ for the complainant.” (emphasis added). Just because there is no guarantee of a specific outcome, does not mean that the purpose should not be to provide *some* remedy. We believe the present language strengthens the rights of clients while dropping it implies that all complainants with meritorious complaints are entitled to is the right to be heard.

In the many years since the present 1621 was adopted, no one has ever understood this section to mean that meritless complaints should have a remedy. However if this is a concern of LSC then we suggest the purpose be amended as follows.

By providing an effective **remedy** procedure for a person who believes that legal assistance has been denied improperly, or who is dissatisfied with the assistance provided **and an effective remedy for those with meritorious grievances**, this part seeks to insure that every recipient will be accountable to those it is expected to serve, and will provide the legal assistance required by the Act.

No entitlement

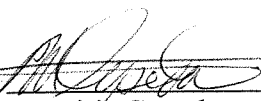
We recognize that there is no general entitlement to legal services. We know too well in our own program how often potential clients with critical legal needs must be turned away. Nevertheless we believe that adding the language that the section “does not create any entitlement to legal assistance” is at best gratuitous and could be read to deny complainants when in fact that they do have a right.

If, for example, a program’s policy is provide an advocate for *all* clients in certain limited types of cases and then a client is arbitrarily turned away, perhaps out of some personal animus, the no entitlement language could be read to deny the grievance. Or a hotline might have a policy that everyone who talks to a hotline advocate about a housing problem is entitled to a copy of the program’s legal rights brochure. If a hotline became annoyed with a caller and refused to send the brochure, this “no entitlement language could be read to deny that grievance.

While we have no objection to changing the order of the sections, we believe the existing Section 1621 is a more effective procedure to safeguard the rights of clients and notify them of their rights. We request that the substance of Section 1621 remain unchanged. Alternatively, we request that 1621.1 be amended as proposed above.

Respectfully,

Greater Boston Legal Services Client Caucus

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