



LEGAL SERVICES CORPORATION

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PROGRAM LETTER 97-2

TO: All LSC Program Directors

FROM: John A. Tull, Director
Office of Program Operations

DATE: December 9, 1997

RE: Case Information Disclosure

The recent FY 1998 Appropriations bill for the Corporation, Public Law 105-119, contains a new provision requiring recipients, after January 1, 1998, to disclose certain information about cases filed in court to the Corporation and, upon request, to the public.¹ This letter will provide guidance about what recipients must disclose and when. Early next year, LSC will initiate a rulemaking process on this provision. In the meantime, recipients must adopt procedures to implement the following.

1. Who must disclose information.

LSC Recipients and certain subrecipients. All LSC recipients are covered by the law and must disclose the information required in paragraph 4 below about cases filed by attorneys employed by the recipient. The disclosure requirement is also applicable to LSC subrecipients which receive LSC funds from a recipient for direct representation of eligible clients, unless the subgrant agreement with the subrecipient is for the purpose of funding private attorney involvement activities (PAI) pursuant to 45 CFR part 1614.

¹ See Section 505 of Public Law 105-119, (copy attached).

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2. **When, to whom and how.**

To the Corporation. Recipients must file semiannual reports with the Corporation. Such reports must include cases filed after January 1, 1998 by recipient attorneys as well as cases filed by attorneys employed by covered subrecipients as defined in paragraph 1. The Corporation will provide further guidance on the format for these reports before they are due. The first report will not be due until after June 30, 1998. For now, recipients should make sure they maintain all the information identified in paragraph 4 for each case filed by attorneys employed by the recipient or its covered subrecipient.

To the public. Upon request, recipients must make the information required in paragraph 4 below available for inspection and copying at the recipient's main office, or where there is a subrecipient, at the subrecipient's main office. Upon request, recipients must also make copies of the semiannual reports filed with the Corporation available for inspection and copying at the recipient's main office. Recipients may charge members of the public reasonable document copying fees.

In order to be able to make the required case information available to the public upon request, recipients may choose to maintain an up-to-date central file containing the information required in paragraph 4 for each case filed after January 1, 1998. Alternatively, recipients may choose to compile such information centrally only at the time of receipt of a public request or in preparation of the semiannual report to the Corporation. In either event, the case information must be made available for inspection and copying at the recipient's (or where applicable, the subrecipient's) main office within a reasonable time after a request is made by a member of the public.

3. **What cases to disclose.** Recipients are required to disclose to the public upon request and in semiannual reports to the Corporation the information required in paragraph 4 about "each case filed by its attorneys in any court." This means:

- a. **Plaintiffs or Petitioners only.** The disclosure requirement applies only to actions filed in court by recipients or subrecipients on behalf of plaintiffs or petitioners. The disclosure requirement does not include actions taken by defendants or respondents represented by recipients or subrecipients, such as answers, counterclaims or cross complaints, joinder or third party pleadings.
- b. **Even if there is no defendant or respondent.** The disclosure requirement does apply to cases where there may be no defendant or respondent, such as bankruptcies.
- c. **Only cases filed after January 1, 1998.** The disclosure requirement applies only to actions filed after January 1, 1998.

- d. **Original filing only.** The disclosure requirement applies when a case is first filed in court by a recipient or subrecipient. Appeals filed in appellate courts are covered only if the recipient or subrecipient was not the attorney of record in the case below. Judicial appeals of administrative actions are covered when those appeals are first filed in court.
 - e. **PAI cases excepted.** The disclosure requirement does not include cases filed by private attorneys as part of the recipient's private attorney involvement activities (PAI) pursuant to 45 CFR part 1614.
4. **What information to disclose.** Recipients must disclose the following information for each case, as defined above, filed after January 1, 1998 in any court by attorneys employed by the recipient or a subrecipient:
- a. **Name and full address of each party, (include all plaintiffs and defendants) unless:**
 - 1. **protected by an order or rule of court; or**
 - 2. **protected by state or federal law; or**
 - 3. **the recipient's attorney reasonably believes that revealing such information would put the recipient's client (*plaintiff/petitioner*) at risk of physical harm, such as in domestic violence cases.**
 - b. **Cause of action.** Recipients must disclose the principal cause of action. In disclosing the cause of action, recipients must provide sufficient information to describe the nature of the case, such as "breach of warranty", "bankruptcy", "divorce", "domestic violence", "petition to quiet title", "action to recover property", "employment discrimination action", etc.
 - c. **Court name and address.** Recipients must include the full address of the court where the case is filed.
 - d. **Case number.** Recipients must report the case number assigned by the court.
5. **Information to Clients.** In most, if not all, jurisdictions, the information required to be disclosed under Public Law 105-119 is a matter of public record. Nevertheless, recipients may wish to inform affected clients, prior to filing a lawsuit, of the possible disclosure of the information required by this law.
6. **Questions.** If you have any questions, please contact Anh Tu at (202) 336-8946 or Bob Gross at (202) 336-8856.

Pub. L. 105-119

**Legal Services Corporation
Excerpt of the FY 1998 Appropriation**

SEC. 505. (a) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated in this Act.

(b) Any basic field program which receives Federal funds from the Legal Services Corporation from funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in semi-annual reports, the following information about each case filed by its attorneys in any court:

(1) The name and full address of each party to the legal action unless such information is protected by an order or rule of a court or by State or Federal law or revealing such information would put the client of the recipient of such Federal funds at risk of physical harm.

(2) The cause of action in the case.

(3) The name and address of the court in which the case was filed and the case number assigned to the legal action.

(c) The case information disclosed in semi-annual reports to the Legal Services Corporation shall be subject to disclosure under section 552 of title 5, United States Code.