



HDLI MESSENGER

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WHAT'S HAPPENING AT HDLI?

HDLI'S FIRST GENERAL COUNSEL'S FORUM - JANUARY 20, 2005 in Tampa, FL!

PHAs won't want their **General Counsel and/or outside attorney(s) functioning as GC** to miss HDLI's first annual **General Counsel's Forum** taking place **Friday, January 20, 2006 in Tampa, FL**. The Forum will address current operational and legal issues facing PHAs and provide for networking and problem solving. Come and sit face-to-face with your colleagues round-table style and tackle such issues as (**SEE ATTACHED PROGRAM**):

- * **Surviving Asset Management:** *Where Does HUD's New Operating Subsidy Rule Leave Us?*
- * **Kelo v. New London and Subsequent Developments:** *Protecting Our Remaining Eminent Domain Power*
- * **Managing Conflicts of Interest**
- * **Stretching the Legal Budget:** *Pots of money, Effecting advocating for your department, Best practices in prioritizing, assigning and managing legal work*
- * **Maximizing Relationships:** *With the E.D., Board of Commissioners, and Residents*

SPACE IS LIMITED, SO PLEASE REGISTER USING THE ATTACHED REGISTRATION FORM SOON!

HOT TOPIC

Following is a hot topic arising out of a recent HDLI member inquiry:

Q: Are Legal Services Organizations Prevented From Representing Clients in Criminal Cases?

A: The statute defining the powers, duties, and limitations of the Legal Services Corporation is 42 U.S.C. Section 2996e. The restrictions on the ability of affiliates/grantees of the Legal Services Corporation to represent clients in criminal proceedings are found at 45 CFR 1613 ("Restrictions on Legal Assistance With Respect to Criminal Proceedings").

Exceptions to this broad restriction are found in Section 1613.4, and include court appointments and when arising out of ancillary representation.

Of course, the Legal Services Corporation has the authority to terminate funding of any of its grantees if it does not follow applicable law and guidelines. *San Juan Legal Services v. Legal Services Corp.*, 655 F. 2d 434 (1st Cir. (P.R. 1981).

In 2001, the U.S. Supreme Court struck down a restriction on LSC representation in matters challenging welfare laws in *Velasquez v. Legal Services Corp*, 531 U.S. 533, 121 S. Ct. 1043, 149 L.Ed. 2d 63 (Feb. 28, 2001). However, in that case the Supreme Court specifically left the balance of the statute's restrictions in place.