

**NEIGHBORHOOD LEGAL SERVICES, INC.**

**PROGRAM POLICY**

**PROHIBITIONS ON ADVOCACY EFFORTS INTENDED TO INFLUENCE  
CERTAIN LEGISLATIVE AND ADMINISTRATIVE ACTIVITIES  
AND  
PROHIBITED ADVOCACY TRAINING, PARTICIPATION IN  
PUBLIC DEMONSTRATIONS AND  
RELATED ACTIVITIES, AND ORGANIZING**

**45 CFR Part 1612  
July 2017**

**I. LEGISLATIVE AND ADMINISTRATIVE RULEMAKING PROHIBITIONS**

- A. It is impermissible for NLS, or any individual while engaged in legal services activities funded by Neighborhood Legal Services, Inc., to initiate, engage in, or participate in any effort:
1. that attempts to influence the passage or defeat of any legislation or constitutional amendment; or any initiative, referendum or similar procedure of the Congress, any state legislature or local council, or similar governing body acting in a legislation capacity;
  2. that attempts to influence any provision in a legislative measure appropriating funds to, or defining or limiting the functions or authority of, the recipient or the Legal Services Corporation (e.g., self-help lobbying);
  3. that attempts to influence the conduct of oversight proceedings of any legislative body concerning NLS or the Legal Services Corporation;
  4. that attempts to participate in or influence any rulemaking or influence the issuance, amendment, or revocation of any executive order. Rulemaking is defined to include agency processes for formulating, amending, or appealing rules, regulations or guidelines of general applicability and future effect issued by the agency pursuant to Federal, State or local rulemaking procedures, including notice and comment rulemaking and adjudicatory proceedings that are formal adversarial proceedings used to formulate or modify an agency policy of general applicability and future effect; or
  5. that engages in any grassroots lobbying activity\*.

NLS shall not use any funds to pay for any personal service, advertisement, telegram, telephone, communication, letter, printed or written matter, administrative expense or related expense, associated with any activity prohibited in the five preceding paragraphs.

\*For purposes of this policy grassroots lobbying means any written or electronically transmitted communication of advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion to the public to contact public officials in support of or in opposition to ending or proposed legislation, regulations, executive decisions or any decision by the electorate on a measure submitted to it for a vote. It also includes financial contributions (cash or in-kind, direct or indirect) by NLS to or participation by any NLS employee on program time in any demonstration, march, rally, fundraising drive, lobbying campaign for the purpose of influencing the course of such legislation or regulation, decisions by administrative bodies or any decision by the electorate on a measure submitted to it for a vote.

B. Notwithstanding the prohibitions outlined in Section I.A., it is permissible for NLS or any individual funded by Neighborhood Legal Services, Inc. to:

1. provide administrative representation for an eligible client in a proceeding that adjudicates the particular rights or interests of such eligible client or in negotiations directly involving that client's legal rights or responsibilities including pre-litigation negotiation and negotiation in the course of litigation;
2. initiate or participate in litigation challenging agency rules, regulations, guidelines or policies unless otherwise prohibited by law or the Legal Services Corporation regulations;
3. communicate with a government agency for the purpose of obtaining information clarification, interpretation of the agency's rules, regulations, practices or policies;
4. inform clients, other recipients, or attorneys representing eligible clients, about new or proposed statutes, executive orders or administrative regulations;
5. communicate directly or indirectly with the Legal Services Corporation for any purpose including commenting upon existing or proposed Legal Services Corporation rules, regulations, guidelines, instructions and policies;
6. participate in meetings or serve on committees of bar associations, provided that no resources of NLS are used to support prohibited legislation nor rulemaking activities and that NLS is not identified with activities of bar associations that include such prohibited activities;
7. advise a client of the client's right to communicate directly with an elected official; or
8. participate in activity relating to the judiciary, including the promulgation of court rules, rules or professional responsibility and disciplinary rules;
- 9.

C. With prior approval of the Executive Director or his/her designee, non-LSC funds of NLS may be used by NLS and NLS' employees:

1. to respond to a written request from a governmental agency or official thereof elected official, legislative body, committee or member thereof, made to an employee or to a recipient to-
  - a. testify orally or in writing;
  - b. provide information which may include analysis of a comment upon existing or proposed rules, regulations or legislation, or drafts of proposed rules, regulations or legislation;
  - c. testify before, make information available to, commissions, committees or advisory bodies; or
  - d. participate in negotiated rulemaking.
2. Such participation must be made under the following conditions:
  - a. communications made in response to requests may be distributed by the employee only to the party or parties that made the request or to other persons or entities only to the extent that such distribution is required to comply with the request;
  - b. no employee shall solicit or arrange a request from any official to testify or to otherwise provide information in connection with legislation or rulemaking; and
  - c. each employee shall maintain copies of all written requests received and any written responses made in response thereto and provide the original such requests and responses to the Executive Director (or his/her designee).
3. With prior approval of the Executive Director or his/her designee, employees may use non-LSC funds to provide oral or written comments to an agency and its staff in a public rulemaking proceeding. The Executive Director or his/her designee shall be provided with a copy of any written comments submitted.
4. With prior approval of the Executive Director or his/her designee, employees may use non-LSC funds to contact or communicate with or respond to a request from a State or local governmental agency, a State or local legislative body or committee, or a member thereof, regarding funding for Neighborhood Legal Services, Inc.
5. No LSC funding and accounting requirements
  - a. No LSC funds may be used to pay for NLS administrative overhead or related costs associated with any activity listed in this subsection (§I.C.).
  - b. NLS shall maintain separate records documenting the expenditure of non-LSC funds for legislative and rulemaking activities permitted by this subsection (§I.C.).

## **II. ADVOCACY TRAINING**

- A. It is impermissible for NLS, or any individual engaged in legal assistance activities funded by Neighborhood Legal Services, Inc., to support, conduct, or participate in any training program that: advocates a particular public policy; encourages or facilitates a political activity, a labor or anti-labor activity, a boycott, picketing, a strike, or a demonstration, or the development of strategies to influence legislation or rulemaking; disseminates information about such a policy or activity; or trains participants to engage in activities prohibited by applicable law or LSC regulations, guidelines or instructions.
- B. Attorneys and paralegals may participate in any training program, including skills, substantive and management training, which assists such employees to provide adequate legal assistance to eligible clients or advise eligible clients as to the legal rights of the clients.
- C. Employees of Neighborhood Legal Services, Inc. may participate in training activities intended to inform staff about what activities are prohibited by the LSC Act other applicable Federal law, or Legal Services Corporation regulations, guidelines or instructions.

### **III. PROHIBITIONS ON DEMONSTRATIONS, BOYCOTTS, STRIKES AND CERTAIN OTHER ACTIVITIES**

- A. It is impermissible for any individual during working hours, or while providing legal assistance or representation to NLS's clients, or while using program resources provided by the Legal Services Corporation or by private entities to:
  - 1. participate in any public demonstration, picketing, boycott or strike except as permitted by law in connection with the employee's own employment situation; or,
  - 2. encourage, direct or coerce others to engage in such activities.
- B. It is impermissible for any individual employed by Neighborhood Legal Services at any time to engage in or encourage others to engage in any:
  - 1. rioting or civil disturbance;
  - 2. activity determined by a court to be in violation of an outstanding injunction of any court of competent jurisdiction; or
  - 3. other illegal activity that is inconsistent with an employee's responsibilities under applicable law, Legal Services Corporation regulations, or the Code of Professional Responsibility.
- C. Attorneys for NLS, Inc. may inform and advise a client about legal alternatives to litigation or the lawful conduct thereof and may take such action on behalf of a client as may be required by professional responsibilities or applicable law of New York State.

#### IV. PROHIBITED ORGANIZING ACTIVITIES

- A. It is impermissible for NLS to use any funds provided by the Legal Services Corporation or private entities to initiate the formation, or to act as an organizer, of any association, federation, labor union, coalition, network, alliance, or any similar entity.
- B. Employees may attend informational meetings at which new developments in law and pending cases or matters are discussed. Employees may provide legal advice or assistance to eligible clients who desire to plan, establish or operate organizations, including preparing articles of incorporation and bylaws for such organizations. Employees also may provide legal advice or assistance to eligible community groups or organizations as consistent with NLS's service priorities and the prohibitions stated in this Policy.

#### V. RECORDKEEPING AND ACCOUNTING FOR ACTIVITIES FUNDED WITH NON-LSC FUNDS

- A. No LSC funds will be used to pay for NLS administrative overhead or related costs associated with any activity listed in §I.C. of this Program Policy, as permitted by 45 CFR §1612.6.
- B. NLS will maintain separate records documenting the expenditure of non-LSC funds for legislative and rulemaking activities permitted by §I.C. of this Program Policy, as permitted by 45 CFR §1612.6.
- C. NLS will submit semi-annual reports describing its legislative activities with non-LSC funds, with LSC-specified supporting documentation, conducted pursuant to §I. C. of this Program Policy, as permitted by §1612.6.
- D. The Executive Director [or designee] and [Chief Finance Officer] shall be responsible for NLS's compliance with the accounting and reporting requirements of this Policy.

Adopted by resolution of the NLS Board of Directors on August 16, 2017.



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Thomas F. Knab  
NLS Board President