

RESTRICTIONS ON LEGAL SERVICES FUNDS IN TEXAS

ACTIVITY	BASIC CIVIL LEGAL SERVICES (FILING FEE) PROGRAM	CRIME VICTIMS CIVIL LEGAL SERVICES PROGRAM	IOLTA PROGRAM	LEGAL SERVICES CORPORATION FUNDING
Fee-Generating Cases	Funds may not be used in matters that might reasonably be expected to result in a fee award from public funds or an opposing party unless appropriate attempts have been made to obtain representation from an attorney in private practice. (one rejection)	May not be used for any case or matter that, if undertaken on behalf of an indigent person by an attorney in private practice, might reasonably be expected to result in payment of a fee for legal services from an award to a client from public funds, or from the opposing party, unless applicant has been unable to obtain counsel because the potential fee is inadequate, likely un-collectable, would substantially consume recovery, or otherwise preventing applicant from obtaining counsel.	Same as BCLS.	1609 Same as BCLS, except two attorneys have to have rejected the case.
Class Action Suits	Funds may not be used directly OR INDIRECTLY ¹ to support a class action lawsuit	No class action	No funds shall be granted by the Foundation to directly fund class action lawsuits.	1617 NO class actions.
Lawsuits Against Governmental Entity, Political Party or Candidate	Funds may not be used directly OR INDIRECTLY to support a lawsuit against a governmental entity, political party or candidate.	No lawsuits against Governmental Entity	No funds shall be used to directly fund lawsuits against governmental entities.	1608 NO political activities. 1612 NO legislative and administrative advocacy. 1632 NO redistricting cases. 1639 NO initiating legal representation or challenging or participating in litigation, lobbying or rule-making involving an effort to reform a Federal or State welfare system

¹ For an explanation of **direct** or program costs versus **indirect** or administrative costs, review section 4.01 of the BCLS General Grant Provisions readily available at www.txiolta.org.

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Government Benefits	Exception to suits against governmental entity if brought by an individual solely on behalf of the individual or a dependent to compel benefits that the beneficiary is expressly eligible to receive by statute or regulation.	May be used to compel governmental entity to provide benefits that an individual is expressly eligible to receive by statute or regulation, but not to support a claim for actual or punitive damages.	Exception to suits against governmental entity if brought by an individual solely on behalf of the individual or a dependent to compel benefits that the beneficiary is expressly eligible to receive by statute or regulation.	
Lobbying	Funds may not be used directly OR INDIRECTLY to support lobbying for or against a candidate or issue.	No lobbying	Funds may not be used directly to support lobbying for or against a candidate or issue.	1612 NO lobbying.
Abortion-related Litigation	Funds may not be used directly or indirectly to support abortion litigation.	No restriction	No restriction.	LSC Act prohibits abortion-related litigation.
Prisoners	Funds may not be used directly or indirectly for representation of an individual who is confined to jail or in prison.	No restriction	No restriction.	1637 NO civil litigation on behalf of a person incarcerated nor representing such a person in any administrative proceeding challenging the conditions of incarceration

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Individuals Not Legally in the Country	Funds may not be used directly or indirectly to provide legal services to an individual who is not legally in this country unless necessary to protect the physical safety of the individual.	No restriction	No restriction.	1626 Services only to citizens and eligible aliens; citizens must attest in writing to the fact of their citizenship
Miscellaneous Other Restrictions	Attorneys' fees awarded shall be sent to the comptroller, if any attorney for any party in the case was paid with funds from a grant under the filing fee law.	Must be a relationship between type of criminal activity, specific injury suffered by victim and legal services to be rendered.		<p>1610 NO LSC-funded organization may engage in any LSC-restricted activities (all funds-restriction)</p> <p>1633 In public housing eviction proceedings, NO defense of persons charged with or convicted of the sale and use of illegal substances.</p> <p>1642 Prohibits LSC recipients from seeking attorney's fees.</p> <p>1643 Prohibits representation involving assisted suicide</p> <p>LSC ACT</p> <ul style="list-style-type: none"> ◆ NO School desegregation ◆ NO representation involving Violation of Military Selective Service Act or military desertion