

By: Representative Smith (39th)

To: Judiciary A;
Appropriations

HOUSE BILL NO. 1212

1
2 AN ACT TO CREATE A SPECIAL FUND TO BE KNOWN AS THE
3 MISSISSIPPI CIVIL LEGAL ASSISTANCE FUND; TO DESIGNATE
4 ORGANIZATIONS ELIGIBLE TO RECEIVE FUNDS THEREFROM AND TO PROVIDE
5 THAT FUNDS WILL BE USED TO PROMOTE INCREASED PARTICIPATION BY THE
6 PRIVATE BAR IN THE DELIVERY OF LEGAL SERVICES TO THE INDIGENT; AND
7 FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. (1) There is hereby created in the State
10 Treasury a special fund designated as the Civil Legal Assistance
11 Fund into which shall be deposited not more than Three Million
12 Dollars (\$3,000,000.00), as appropriated by the Legislature. The
13 fund shall be administered by the Supreme Court through the
14 Administrative Office of Courts. The fund shall consist of monies
15 made available therefor by the Legislature through appropriation
16 or other means, and the Administrative Office of Courts may also
17 accept monies from any public or private source for deposit into
18 the fund. Money remaining in the fund at the end of a fiscal year
19 shall not lapse into the State General Fund but shall remain in
20 the fund and any interest earned from the investment of monies in
21 the fund shall be deposited to the credit of the fund. Money in
22 the fund shall be utilized by the Administrative Office of Courts
23 to provide legal representation for poor persons in civil matters
24 as determined by the Supreme court.

25 (2) All monies shall be allocated to only those
26 organizations providing legal services to low income
27 Mississippians, specifically those eligible to receive funds from
28 the Legal Services Corporation in Washington D.C.

29 (3) The monies appropriated shall be distributed to eligible
30 legal services programs based on the percentage of poverty
31 population within the program service area, consistent with the
32 formula used by the Legal Services Corporation.

33 (4) At least twelve and one-half percent (12-1/2%) of any
34 monies appropriated to the fund shall be used to promote increased
35 participation by the private bar in the delivery of legal services
36 to the indigent through the Mississippi Volunteer Lawyers Project,
37 which may include the operation of intake and referral systems,
38 the provision of professional education regarding legal matters
39 peculiar to the indigent, the provision of technical cocounseling
40 assistance to private attorneys engaged in representing indigent
41 clients in civil matters and reimbursement of reasonable costs and
42 expenses incurred by private attorneys in delivering pro bono
43 legal assistance.

44 (5) No provision of this section shall be construed as
45 limiting the maximum amount of funds that the governing body of a
46 local legal services organization may use for promotion of
47 pro bono services where it is deemed that the most effective and
48 efficient system of delivering legal assistance to the local
49 indigent population would require a sum in excess of twelve and
50 one-half percent (12-1/2%) of such funds. The local
51 organization's governing body shall review annually the provision
52 of pro bono services in its services area and allocate funds
53 appropriately.

54 (6) Recipients of funds shall have the following duties:

55 (a) To develop, operate, and administer programs within
56 their respective service areas that provide free legal services to
57 indigent clients involved in civil matters;

58 (b) To report annually to the Supreme Court, through
59 the Administrative Office of Courts, on its activities, including
60 providing a copy of its annual audit that accounts for the use of
61 the funds; and

62 (c) To refund annually all unused or uncommitted funds.

63 SECTION 2. This act shall take effect and be in force from

64 and after July 1, 1999.