

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2844

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

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

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

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

28 (3) The monies appropriated shall be distributed to eligible

29 legal services programs based on the percentage of poverty
30 population within the program service area, consistent with the
31 formula used by the Legal Services Corporation.

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

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

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

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

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

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

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

62 and after July 1, 1999.