

By: Senator(s) Turner

To: Judiciary

SENATE BILL NO. 2844  
(As Passed the Senate)

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.