

Introduced: 5/1/81
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for legal services in civil cases
7 for persons who are financially unable to obtain legal
8 counsel."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. PURPOSE. There is a need for a program that will allow all
11 persons equal access to the system of justice in the state. Reductions in
12 federal funding for legal services for persons who cannot afford those
13 services in civil cases leaves a gap which can and should be filled by state
14 coordination and support of a legal services program to serve the needs of
15 those persons. A legal services program supported by the state must be a
16 statewide program that

17 (1) provides high quality legal assistance to those otherwise
18 unable to afford adequate legal counsel;

19 (2) supplements or replaces the existing federal legal services
20 program in the state; and

21 (3) allows the attorneys who operate the program to have full
22 freedom to represent their clients in keeping with the Code of Professional
23 Responsibility, the Canons of Ethics, and the highest standards of the legal
24 profession.

25 * Sec. 2. AS 44.47 is amended by adding new sections to read:

26 ARTICLE 11. LEGAL SERVICES PROGRAM FOR CERTAIN PERSONS.

27 Sec. 44.47.600. PROGRAM ESTABLISHED. (a) A program to provide
28 legal services for persons who cannot afford adequate legal counsel in
29 civil cases is established in the Department of Community and Regional

1 Affairs.

2 (b) The department shall contract for the legal services program
3 on an annual basis with an organization selected by the department
4 through competitive bidding.

5 Sec. 44.47.602. PROPOSAL AND CONTRACT FOR OPERATION OF THE LEGAL
6 SERVICES PROGRAM. (a) An organization seeking to operate the legal
7 services program established under AS 44.47.600 - 44.47.610 shall
8 submit a proposal to the department containing

9 (1) an operating budget for the first year of operation;

10 (2) a plan to establish local advisory councils from the
11 client population served by the program;

12 (3) financial and income guidelines to be applied in deter-
13 mining client eligibility;

14 (4) a statement that the organization agrees to

15 (A) operate a competent, professional legal services
16 program to serve persons eligible under the guidelines adopted
17 under (3) of this section;

18 (B) provide legal services for persons eligible under
19 the guidelines adopted under (3) of this subsection on a statewide
20 basis;

21 (C) maintain an approximately equal number of attorneys
22 and persons who are not attorneys on its board of directors; and

23 (D) assume the caseload of the Alaska Legal Services
24 Corporation.

25 (b) The contract entered into between the department and the
26 organization selected to operate the legal services program shall
27 include the terms and information set out in (a) of this section,
28 together with other terms and conditions agreed to by the department
29 and the organization.

1 Sec. 44.47.604. DUTIES OF THE DEPARTMENT. The department shall

2 (1) supervise the organization selected to operate the legal
3 services program;

4 (2) provide for and accept the transfer of the caseload of
5 the Alaska Legal Services Corporation to the organization selected to
6 operate the legal services program;

7 (3) receive federal and state money appropriated to operate
8 the legal services program; and

9 (4) distribute money received to the contracting organization
10 under the terms of the contract.

11 Sec. 44.47.606. LIMITS ON SUPERVISION. In performing its duties
12 under AS 44.47.604 the department may not interfere with the attorney-
13 client relationship between the organization selected and the clients
14 represented by the legal services program, and may not restrict the
15 categories of cases accepted by the organization.

16 Sec. 44.47.610. DEFINITION. In AS 44.47.600 - 44.47.610 "organi-
17 zation" means a corporation organized for the purpose of providing
18 legal services, which applies to operate the legal services program
19 under AS 44.47.602.
20
21
22
23
24
25
26
27
28
29