

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

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 548 am

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 legal assistance to those otherwise unable to afford
18 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 legal counsel in civil
29 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, which are substantially based upon regula-
14 tions drafted to be generally similar to those contained in the Code of
15 Federal Regulations, Title 45, Chapter XVI, Part 1611 - Eligibility;

16 (4) a statement that the organization agrees to

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

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

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

25 (D) assume the caseload of the Alaska Legal Services
26 Corporation.

27 (b) The contract entered into between the department and the
28 organization selected to operate the legal services program shall
29 include the terms and information set out in (a) of this section,

1 together with other terms and conditions agreed to by the department
2 and the organization.

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

4 (1) supervise the organization selected to operate the legal
5 services program;

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

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

11 (4) distribute money received to the contracting organiza-
12 tion under the terms of the contract.

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

17 Sec. 44.47.610. DEFINITION. In AS 44.47.600 - 44.47.610 "organi-
18 zation" means a corporation organized for the purpose of providing
19 legal services, which applies to operate the legal services program
20 under AS 44.47.602.
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