

HB

149

ALASKA STATE LEGISLATURE HOUSE JUDICIARY COMMITTEE

Representative Jay Ramras
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Fairbanks, AK 99701



Committee Members:
Representative Nancy Dahlstrom,
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Representative John Coghill
Representative Bob Lynn
Representative Carl Gatto
Representative Max Gruenberg
Representative Lindsey Holmes

State Capitol, Room 120
Juneau, Alaska 99801

SPONSOR STATEMENT

HB149 – “An Act allowing appropriations to the civil legal services fund from court filing fees.” (26-LS0624\A 3.12.09)

This bill is designed to help fund civil legal services for low-income Alaskans. House Bill 149 will provide a mechanism for funding the Alaska Legal Services Corporation (ALSC), by allowing the legislature to appropriate up to 25 percent of filing fees paid to the Alaska Court System during the previous fiscal year into the Civil Legal Services Fund. In the fiscal year of 2008, the Alaska Court System collected and turned over to the State of Alaska a total of \$2,525,300.

The Alaska Legal Services Corporation was established in 1966 to address the civil legal aid needs of low-income Alaskans. ALSC is not a state agency, but is instead a nonprofit charitable 501(c)(3) whose funding comes from a variety of state, federal, and private sources. Over the last several years ALSC funding has dwindled, from \$4.2 million as of 1987 to \$3.1 million as of 2007, while it struggles to serve a larger number of poverty-level applicants. Appropriations from the State of Alaska that were once as high as \$1.2 million in FY84 are currently at \$200,000. House Bill 149 aims to correct this lack of funding and helps ensure civil legal representation for Alaska's most needy population.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 149
 () Publish Date: _____

Identifier (file name): HB149-DOR-TRS-03-23-09 Dept. Affected: DOR
 Title: approps to civil legal services fund from court filing fees RDU: Taxation and Treasury
 Component: Treasury Division
 Sponsor: Representative Ramras
 Requester: Representative Ramras Component Number: 121

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information					
		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES ()							
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

Investment of these funds would be included in the GFONSI investment group where they are currently invested. There would be no additional costs to the Department of Revenue for investment purposes.

Prepared by: Ginger Blaisdell, Director
 Division: Administrative Services
 Approved by: Ginger Blaisdell, Director
Administrative Services

Phone 465-2312
 Date/Time 3/23/2009 9:35am
 Date 3/23/2009

Jane Pierson

From: Doug Wooliver [dwooliver@courts.state.ak.us]
Sent: Friday, February 27, 2009 10:28 AM
To: Jane Pierson
Subject: RE: HB149

Hello Jane. Here is what we collected and turned over to the state in the last few years. Doug

FY08 – \$2,525,300

FY07 – \$2,402,700

FY06 – \$2,623,400

FY05 – \$2,651,300

-----Original Message-----

From: Jane Pierson [mailto:Jane_Pierson@legis.state.ak.us]
Sent: Thursday, February 26, 2009 2:34 PM
To: Doug Wooliver
Subject: HB149

Hi Doug,

Just to let you know, I have the same request into revenue. However, I was curious to know how much money was taken in last year in court filing fees.

Thanks,

Jane W. Pierson, Staff
Representative Jay Ramras
State Capitol, Room 118
Juneau, AK 99801
Phone: (907) 465-4990
Cell: (907) 978-5115
Fax: (907) 465-2070



ALASKA LEGAL SERVICES CORPORATION
FAIRBANKS OFFICE

1648 CUSHMAN STREET, SUITE 300
FAIRBANKS, ALASKA 99701-6238
TELEPHONE (907) 452-5181
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WWW.ALASKALAWHELP.ORG

March 6, 2009

Representative Jay Ramras
Alaska State Capitol, Room 118
Juneau AK 99801

Dear Representative Ramras,

I want to thank you again for having HB 149 introduced by the House Judiciary Committee. This bill if enacted into law can play a vital role in protecting the basic necessities of life for indigent Alaskans from jeopardy through civil legal proceedings.

Although I know that you understand this, it is not widely understood by the public at large that, although Alaskans who are charged with crimes are entitled to appointed attorneys, Alaskans who have civil legal problems are left on their own.

Thus, Alaskan families can face evictions or foreclosures forcing them out of their homes; garnishments or attachments raiding their bank accounts or paychecks; loss of health insurance coverage; victimization by domestic violence; and any number of other hazards, with none of the legal assistance or protections made available to an indigent Alaskan facing a criminal charge.

ALSC's mission is to provide meaningful access to justice in resolving legal problems for low-income clients through our civil justice system, thus promoting family stability and reducing the legal consequences of poverty.

ALSC provides this help with a cost-effectiveness that could not be equaled by any state agency. It recruits private attorneys to volunteer their time to represent indigent families for free, through its successful Volunteer Attorney Support program. Also, as a private charitable organization, ALSC salaries are considerably lower than either private practice or state employment. For example, a just-admitted law school graduate coming to work for ALSC would get about \$32,000; the same attorney going to work for a state governmental agency would start at about \$60,000.

In addition, providing indigent litigants with counsel helps our entire justice system. Pro se litigants require more judicial time, with attention to other cases postponed; pro se litigants are more apt to return to court repeatedly due to their lack of understanding; and presiding over pro se litigation frequently pushes the judge towards the role of educator, or advisor, to the pro se party, detracting from his/her role as neutral decision-maker.

It is for this reason that looking to civil case filing fees as a designated program receipt, to help provide the legal assistance that will yield more just results for indigent Alaskans, and will benefit our justice system as a whole, is an appropriate and salutary measure.

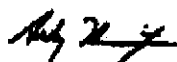
Last year, ALSC opened up slightly more than 1500 new cases, providing assistance to almost 4000 individuals through direct attorney-client relationships. Many more received help through attendance at ALSC classes and clinics, and through ALSC's self-help web site.

At the same time, though, ALSC has figures for those it has been unable to serve, or unable to serve completely. We turned down 900 applications, and of those, about 40% were turned down for inadequate staffing and resources within ALSC. We recorded another 680 inquiry calls that were not followed up with an application, and about 40% of those appeared to be in situations where the caller likely could have benefitted from ALSC assistance had ALSC been able to offer it. And of the 1500 cases where we did provide assistance, about 9% were situations in which the client wanted more than what ALSC was able to provide.

Thus, although ALSC stretches its resources to help as many as possible, there is a large amount of unmet need, and the above figures do not include persons who did not even contact ALSC, either because they did not know about the possibility of assistance or because they were too discouraged to do so. There is much work that still needs doing.

Again, thank you for your willingness to put HB 149 before the legislature; it is sorely needed, and we are greatly appreciative of your efforts.

Sincerely,



Andy Harrington
Executive Director

Alaska Legal Services Corporation

Who is Eligible

Types of Cases

Office Locations

Free Legal Clinics

Publications

Volunteer Attorney Support

Helpful Links

For information on employment opportunities at ALSC, [click here.](#)

Google™

Google Search

Search Google Search also-law.org only

ALSC provides legal advice and representation to:

- Help resolve serious legal problems of low-income Alaskans
- Promote family, social and economic stability by upholding the rule of law
- Reduce the legal consequences of poverty



Press Releases

Alaska Legal Services Corporation (ALSC) is a private, nonprofit law firm that provides free civil legal assistance to low-income Alaskans.

For more than 40 years, ALSC has responded to the civil legal needs of low-income Alaskans who would otherwise go without legal assistance.

Our efforts improve the quality of life for our children, our families, the elderly and disadvantaged, and our community.

You can help support the legal assistance that ALSC provides. [Click here for more information](#) on the Partners In Justice, CIRI, Guess and Rudd Challenge.

For many self-help legal resources please visit AlaskaLawHelp.org

This web site has been prepared by Alaska Legal Services Corporation (ALSC) for general information purposes only. The information on this web site is not intended as a substitute for legal advice. Legal advice is dependent upon the specific circumstances of each situation. Accessing this web site does not create or constitute an attorney-client relationship between ALSC and the user. For more specific information about your problem, you should contact an attorney. ALSC is not able to respond to requests for legal assistance made by e-mail.

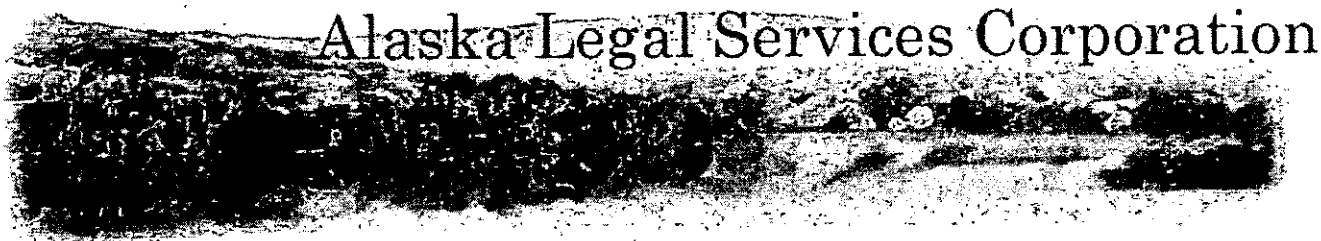
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(Please note the webmaster is NOT a lawyer, Contact one of our [Local Offices](#) if you have a legal question.)



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Please Note:

Alaska Legal Services Corporation does not handle criminal cases, accident claims, personal injury or wrongful death cases, or representation of prisoners.

We typically handle cases involving:

Family law
 Divorce
 Custody/Visitation
 Child Support
 Paternity
 Adoptions
 Guardianships
 Conservatorships
 Domestic violence

Housing
Consumer Issues
Government Benefits
Health Issues
Wills and Probates
Native Allotments
Subsistence Issues
Indian/Tribal law



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**Client eligibility is determined by income level and the type of legal problem.
Current income eligibility figures are:**

Size of Family Unit	Maximum Gross Yearly Income
1	\$16,250
2	\$21,875
3	\$27,500
4	\$33,125
5	\$38,750
6	\$44,375
Each Additional	\$5,625



Press Releases

There are a number of factors that are considered when we make a decision about the income eligibility. Depending on your situation, you might be eligible to receive services even if your income is higher than these guidelines. Income eligibility determinations are made on a case-by-case basis, so if you aren't sure whether your income is too high you should contact your nearest ALSC office.

Alaskans over the age of 60 are generally provided assistance without regard to income, although a priority is placed on providing assistance to Seniors in social or economic need.

If you are serving as a caregiver, contact your nearest ALSC office to see if we can help you.

Native Allotment clients receive free legal services no matter what their income is, or where they live. ALSC's statewide Native Allotment unit is located in Anchorage.

For information on the types of cases that ALSC may be able to handle, see [Types of Cases](#). If you have questions about income eligibility, contact the nearest Alaska Legal Services Corporation [office](#)

We also have a web based eligibility presentation you may try. [Click here to give it a try.](#)



