

HB

299

<TARGET><BILL>HB 299</BILL><SUBJECT>HB
299</SUBJECT><COMM>HJUD27</COMM></TARGET>

ALASKA STATE LEGISLATURE

Session:

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REPRESENTATIVE STEVE THOMPSON DISTRICT 10

SPONSORS STATEMENT for House Bill 299

"An Act allowing appropriations to the civil legal services fund from court filing fees."

This bill is designed to help fund civil legal services for low-income Alaskans. House Bill 299 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.

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 less than \$3.1 million as of 2010, while it struggles to serve a growing 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 \$350,000. House Bill 299 aims to correct this lack of funding and helps ensure civil legal representation for Alaska's most needy population.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB 299
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB299-LAW-CIV-02-03-12 Dept. Affected Law
Title An Act allowing appropriations to the civil legal services Appropriation Civil
fund from court filing fees. Allocation Labor and State Affairs
Sponsor Representative Thompson
Requester (H) Judiciary OMB Component Number 2718

Expenditures/Revenues (Thousands of Dollars)

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

| | FY13 Appropriation Requested | Included in Governor's FY13 Request | Out-Year Cost Estimates | | | | |
|-------------------------------|------------------------------------|--|-------------------------|-------------|-------------|-------------|-------------|
| | | | FY14 | FY15 | FY16 | FY17 | FY18 |
| OPERATING EXPENDITURES | FY13 | FY13 | FY14 | FY15 | FY16 | FY17 | FY18 |
| Personal Services | | | | | | | |
| Travel | | | | | | | |
| Services | | | | | | | |
| Commodities | | | | | | | |
| Capital Outlay | | | | | | | |
| Grants, Benefits | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

FUND SOURCE (Thousands of Dollars)

| | | | | | | | | |
|--------------|------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 | Federal Receipts | | | | | | | |
| 1003 | GF Match | | | | | | | |
| 1004 | GF | | | | | | | |
| 1005 | GF/Prgm (DGF) | | | | | | | |
| 1037 | GF/MH (UGF) | | | | | | | |
| 1178 | temp code (UGF) | | | | | | | |
| TOTAL | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

CHANGE IN REVENUES

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
Division Administrative Services
Approved by Michael C. Geraghty, Attorney General
Department of Law

Phone 465-5427
Date/Time 2/3/12 3:30PM
Date 2/3/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. HB 299

Analysis

This bill would provide an additional source for the civil legal services fund established in AS 37.05.590: an amount from the general fund that is up to 25 percent of the filing fees received by the Alaska Court System during the previous fiscal year.

There is no anticipated fiscal impact to Department of Law.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version HB299
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB299-DOA-OPA-02-07-2012 Dept. Affected Administration
 Title Civil Legal Services Fund Appropriation Legal and Advocacy Services
 Allocation Office of Public Advocacy
 Sponsor Representative Thompson
 Requester House Judiciary OMB Component Number 43

Expenditures/Revenues (Thousands of Dollars)

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

| | FY13 Appropriation Requested | Included in Governor's FY13 Request | Out-Year Cost Estimates | | | | | |
|-------------------------------|------------------------------------|--|-------------------------|------|------|------|------|------|
| | | | FY13 | FY14 | FY15 | FY16 | FY17 | FY18 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | *** | *** | *** | *** | *** | *** | *** | *** |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants, Benefits | | | | | | | | |
| Miscellaneous | | | | | | | | |
| TOTAL OPERATING | *** | *** | *** | *** | *** | *** | *** | *** |

| FUND SOURCE | | (Thousands of Dollars) | | | | | | |
|--------------------|------------------|------------------------|-----|-----|-----|-----|-----|-----|
| 1002 | Federal Receipts | | | | | | | |
| 1003 | GF Match | | | | | | | |
| 1004 | GF | | | | | | | |
| 1005 | GF/Prgm (DGF) | | | | | | | |
| 1037 | GF/MH (UGF) | | | | | | | |
| 1178 | temp code (UGF) | | | | | | | |
| TOTAL | | *** | *** | *** | *** | *** | *** | *** |

| POSITIONS | | | | | | | | |
|------------------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

| CHANGE IN REVENUES | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| | | | | | | | | |

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, Initial version

Prepared by Richard Allen, Director
 Division Office of Public Advocacy
 Approved by John Cramer, Deputy Commissioner
Department of Administration

Phone 907-269-3504
 Date/Time 02/07/2012 11:45 a.m.
 Date 2/7/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. HB299

Analysis

The Office of Public Advocacy's enabling statute includes a provision that requires OPA to provide legal representation "to indigent parties in cases involving child custody in which the opposing party is represented by counsel provided by a public agency." AS 44.21.410(a)(4). This portion of OPA's enabling statute was the result of a 1979 Alaska Supreme Court decision, *Flores v. Flores*, 589 P.2d 893 (Alaska 1979).

In *Flores*, the Alaska Supreme Court determined that a parent has a constitutional right to counsel in a child custody action where the indigent parent's opponent is represented by a "public agency." Mr. Flores, the indigent parent's opponent, was represented by Alaska Legal Services Corporation (ALSC) in the underlying child custody matter. The majority opinion in *Flores* identified ALSC as a public agency for purposes of triggering the state's obligation to provide counsel to the other parent.

The Flores court did not define "public agency" or set forth criteria for determining whether an organization is a public agency for these purposes. Likewise, OPA's enabling statute fails to define the term "public agency."

If the Alaska Legal Services Corporation or similar organizations receive additional public funding to represent parties in child custody matters, this will trigger additional obligations by the Office of Public Advocacy to provide representation to indigent parties in those matters. Since the agency cannot determine in how many additional cases it may be appointed, it cannot accurately predict the fiscal impact on the agency. Therefore, the Agency submits an indeterminate fiscal note.

Alaska Legal Services Corporation

Types of Cases

The types of problems ALSC handles fall into one of the following ten areas.

Consumer
Education
Employment
Family Law
Juvenile
Health Care
Housing
Public Benefits
Individual Rights
Miscellaneous

ALSC does not have enough staffing to accept all the applications that come in, and case acceptance decisions are based on priorities set by our governing board.

ALSC generally does not provide service in cases for personal injury, accidents, or wrongful death.

ALSC is prohibited from handling certain types of representation: (1) class actions; (2) criminal defense; (3) representation of prisoners in any type of case; (4) representation of undocumented non-citizens, with an exception if the case involves domestic violence or trafficking.

Consumer - bankruptcy/debtor relief, collections (repossessions, garnishments) contracts/warranties, collection practices/creditor harassment, predatory lending practices, loans/installment purchases, public utilities, unfair sales practices;

Education - discipline (including expulsion/suspension), special education/learning disabilities, access (including bilingual/residency/test), vocation education, student financial aid;

Employment - job discrimination, wage claims, earned income tax credit, taxes, employee rights, agricultural worker issues;

Family - adoption, custody/visitation, divorce/separation/annulment, guardianship/conservatorship, name change, parental rights termination, paternity, domestic abuse, support;

Juvenile - juvenile delinquent, neglected/abused/dependent, emancipation, minor guardian/conservatorship

Health - Medicaid, Medicare, Denali Kidcare, government children's health insurance programs, home and community based care, private health insurance, long term health care facilities, state and local health;

Housing - federally subsidized housing rights, homeownership/real property, landlord/tenant, other public housing, mobile homes, housing discrimination, mortgage foreclosures, mortgage predatory lending practices;

Public Benefits - Temporary Assistance for Needy Families, Social Security, food stamps, Supplementary Security Income, unemployment compensation, veterans benefits, state/local income maintenance;

Individual Rights - mental health, physically disabled rights, civil rights, human trafficking;

Miscellaneous - legal assistance to non-profit organizations/groups, Indian/tribal law, subsistence, Native allotments, license (auto and other), torts, advance directives, wills and estates, power of attorney, municipal legal needs.

Thomas Studler

From: Nancy Meade <NMeade@courts.state.ak.us>
Sent: Thursday, January 26, 2012 3:25 PM
To: Thomas Studler
Subject: SB 62 - House equivalent

Hi Tom –

Our CFO got me the number that you asked for right away: in FY11, the Court System collected and deposited into the general fund **\$2,666,900** in filing fees. Your bill looks at calculating up to 25% of this, and my math says that would amount to \$666,725.

I hope this helps. Thanks.

*Nancy Meade
General Counsel
Alaska Court System
Anch: 907-264-8264
Juneau: 907-463-4736*

Melanie Lesh

From: Pat and Dave Purcell <dppurcel@gci.net>
Sent: Tuesday, February 07, 2012 9:14 PM
To: Rep. Carl Gatto
Subject: Support HB299

Dear Representative Gatto,

I don't write to you very often, but I wanted to express my support of HB299. The Alaska Legal Services does an excellent job of service for our low income population with legal services. My youngest daughter was working on some issues with the father of her baby and I was able to see first hand how understanding and helpful the organization can be.

An estimated 88,000 Alaskans live below 125% of the poverty ceiling and this number increases yearly. For most of these people, access to the civil justice system is possible only with the help of a legal services attorney. Thanks for considering my plea for your support of HB299.

Sincerely,
Patricia Purcell
5280 E Alder Dr
Wasilla, Ak 99645

907-373-1777

STATE OF ALASKA

DEPT. OF HEALTH & SOCIAL SERVICES

SEAN PARNELL, GOVERNOR

P.O. BOX 110693
JUNEAU, ALASKA 99811-0693
PHONE: (907) 465-3250
FAX: (907) 465-1398

Alaska Commission on Aging

February 6, 2012

The Honorable Carl Gatto, Chair
The Honorable Steve Thompson, Vice Chair
House Judiciary Committee
Alaska State Capitol, Rooms 118 & 428
Juneau, AK 99801-1182

Subject: Support for HB 299, Civil Legal Services Fund

Dear Chair Gatto & Vice Chair Thompson:

The Alaska Commission on Aging (ACoA) is pleased to offer our support for HB 299, a bill to establish a mechanism to enhance funding for nonprofit organizations that provide free or reduced cost civil legal services for low-income individuals by allowing the Legislature to appropriate up to 25% of filing fees paid annually to the Alaska Court System. This bill is authored by Representative Thompson and co-sponsored by Representatives Gara, Costello, and Gruenberg.

Alaska Legal Services Corporation (ALSC) is a non-profit organization that addresses the civil legal needs of low-income Alaskans by providing no cost legal representation. Currently, there are approximately 88,000 Alaskans who live below 125% of the poverty level who are eligible for these services, including Alaskan seniors.

ALSC provides no-cost or subsidized legal assistance for seniors statewide to assure that seniors, especially those at greatest social and economic risk, have access to the civil justice system. ALSC received 611 new applications from Alaska seniors requesting legal assistance in 2011. Due to insufficient funding, ALSC was forced to turn away 186 seniors. This bill will provide a mechanism to increase funding to ALSC to provide legal assistance to help more seniors and other Alaskans of modest means. Examples of ways ALSC assists seniors with legal matters includes helping with consumer and family law by establishing Miller Trusts, guardianships, conservatorships, and wills; and assisting with housing issues such as resolving renter-landlord disputes, foreclosures, and reverse mortgages. Due to funding limitations, ALSC is able to accept about one in five individuals requesting their help.

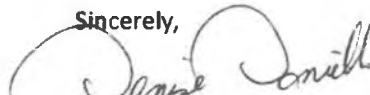
The ACoA supports HB 299 to improve access to civil legal representation for Alaska's most needy population. Accessing legal information, advice, and assistance helps older Alaskans preserve financial and personal independence, maintain control of their finance and health care decisions, maintain appropriate family relationships, protect personal assets and enhance their well-being. Thank you for sponsoring this important legislation. Please feel free to contact Denise Daniello, ACoA's executive director, by phone (465-4879) or email (denise.daniello@alaska.gov) should you have questions or require additional information.

Sincerely,



Sharon Howerton-Clark
Chair, Alaska Commission on Aging

Sincerely,



Denise Daniello
ACoA Executive Director

Cc: Representative Keller
Representative Pruitt
Representative Holmes

Representative Lynn
Representative Gruenberg
Representative Chenault



AARP Alaska
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Anchorage, AK 99503

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TTY 1-877-434-7598
www.aarp.org/ak

February 7, 2012

The Honorable Carl Gatto, Chair
House Judiciary Committee
Alaska Capitol, Room 118
Juneau, AK 99801-1182

Dear Chair Gatto:

HB 299 (Thompson)—Support

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House Judiciary Committee to support HB 299, authored by your Committee Vice-Chair Steve Thompson and co-sponsored by your Committee colleague Representative Max Gruenberg as well as Representatives Les Gara, Mia Costello, and Beth Kerttula.

HB 299 would provide a mechanism to increase funding for legal services for lower income Alaskans.

Because of their unique health, income and social needs, and because they often depend on services provided by government agencies with complex requirements, older people must have access to competent legal assistance. As Alaska's population ages, the requests for landlord/tenant dispute resolution and other housing matters, quality health care and treatment, public benefits, fraud, and abuse and neglect will only increase for Alaska's seniors. HB 299 will provide additional funds to support the civil legal aid needs of low-income Alaskans, including many older clients.

We receive many calls, as I am sure you do, from older Alaskans with a legal problem or question who simply do not know where to go. There is great concern about the cost of seeking a private attorney and the ability to refer older callers to legal services assistance is of great importance to us as well as to them. AARP supports the good work done by our legal services programs and we hope you will too.

AARP recommends an "AYE" vote on HB 299.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin

Marie Darlin, Coordinator
AARP Capital City Task Force
415 Willoughby Avenue, Apt. 506
Juneau, AK 99801
586-3637 (voice)
463-3580 (fax)

CC: Vice-Chair Steve Thompson
Representative Bob Lynn
Representative Wes Keller
Representative Lance Pruitt
Representative Max Gruenberg
Representative Lindsey Holmes

Alaska Legal Services Corporation

Serving Alaska Communities and Families for over 40 years

Who we are:

- ◆ Alaska Legal Services Corporation (ALSC) is a private, non-profit law firm that provides free civil legal services to seniors and low-income Alaskans.

Our Mission:

- ◆ To provide meaningful access to justice in resolving civil legal problems for low-income clients, thus promoting family stability and reducing the legal consequences of poverty.

Who We Serve:

- ❖ Alaskans below 125% of the Alaska poverty ceiling – 2541 last year alone
- ❖ Children --- nearly 1/2 of those assisted have children in their households
- ❖ Domestic Violence Victims --- over 550 cases per year
- ❖ Seniors --- over 600 per year
- ❖ Rural residents --- over 40% of all clients served resided in rural communities
- ❖ Veterans---preventing homelessness and assuring access to healthcare

Unmet Need For ALSC's services:

- ◆ An estimated 88,000 Alaskans live below the poverty ceiling. At present, there is only one ALSC attorney for every 4,000 Alaskans living in poverty.
- ◆ In FY11, ALSC received over 3,500 inquiries and 2,858 new applications for legal help.
- ◆ In FY11, we turned away nearly one family for each one that we helped due to lack of resources.
- ◆ Many more did not apply, knowing our resource limitations.

Providing Statewide Access To Justice With Offices In:

Anchorage Barrow Bethel Dillingham Fairbanks
Juneau Kenai Ketchikan Kotzebue Nome Palmer

Strong Local Support:

- ◆ All of our offices enjoy local financial support. Each office sets its own case acceptance priorities based on local needs.

Our Services:

Legal Advice and Counseling Court Representation Advocacy
Community Legal Clinics On-line Self-Help Pro Bono program

Types of Cases:

Domestic Violence Protection Foreclosures Family Law
Wills & Healthcare Directives Public Benefits Consumer Protection
Housing Protection Debtor Relief
Health care Advocacy Employment
Probates & Estates Child Support
Veteran's Benefits



Access to Justice for Alaskans in Need

HB 299

Amending the Civil Legal Service Fund

What is the Fund?

- ◆ The Civil Legal Services Fund was created in 2007 with widespread bipartisan support to help ensure civil legal representation for Alaska's most needy population.
- ◆ At the discretion of the legislature, deposits to the fund come from Alaska's 50 percent share of civil damage awards. The Legislature is authorized to appropriate these funds to organizations providing civil legal services to low-income Alaskans.

Why the Fund is needed:

- ◆ An estimated 88,000 Alaskans live below 125% of the poverty ceiling – this number is increasing yearly. For most of these people, access to the civil justice system is possible only with the help of a legal services attorney.
- ◆ Alaska Legal Services (ALSC) is the only statewide comprehensive civil legal services provider. At present, there is only one ALSC attorney for every 4,000 Alaskans living in poverty.
- ◆ The May 2000 Alaska Supreme Court Access to Civil Justice Task Force Report recommended that ALSC be fully funded at a minimum of 1982 levels (adjusted for inflation \$7.5 million as of 2005). ALSC's current budget is just over \$3 million. The Fund was among the Task Force Recommendations to help bridge this gap.
- ◆ State appropriations to ALSC steadily declined from a high of \$1.2 million in 1984 to nothing by 2004. Appropriations resumed in 2008, but are far below the level needed to meet the demand for services. At current funding levels, ALSC turns away hundreds of families seeking assistance each year due to resource limitations.

How has the Fund been used?

- ◆ To date the fund has generated only \$110,000 over a 4 year period -- far less than needed to address the critical unmet need for civil legal assistance.

How can the Fund be more effective?

- ◆ Support HB 299. If passed House Bill 299 would amend AS 37.05.590 so that 25% of Court system filing fees would be placed into the Civil Legal Services Fund.



ACCESS TO CIVIL JUSTICE TASK FORCE:
REPORT AND RECOMMENDATIONS

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I. Executive Summary

The past five years has been marked by massive decreases in funding for social and legal services to low and moderate income Alaskans. This change corresponds to a decline in federal funding of programs assisting these individuals nationwide. The need for these services however has not declined. Indeed, it is greater than ever.

In Alaska, as in many states, the effect of these funding cuts created a crisis for groups charged with providing legal and social assistance to the poor and near-poor. The impact on Alaska Legal Services Corporation (Alaska Legal Services), the primary provider of civil legal services to the poor, was particularly profound. As various groups mobilized individually in response, it rapidly became apparent that a joint effort, examining the legal needs of Alaska's low- and moderate-income population and recommending new ways of meeting those needs, would ensure the most comprehensive and effective approach to the problem.

This movement spurred the creation of the Equal Access to Civil Justice Task Force in November 1997. Its mandate was to explore the unmet legal needs of Alaskans and to suggest ways of meeting those needs. The Task Force included representatives from as many parts of the community and state (urban and rural) as possible, including judges, business leaders, members of the private bar, court officials, and legal services providers. The recommendations formulated by the Task Force are directed to Alaska Legal Services, the private bar, the court system, other legal services providers and the state legislature.

This report presents the Task Force's recommendations. It is divided into three sections. First, a summary of the Task Force's prioritized recommendations is set out. Second, a narrative section provides an overview of the work and history of this Task Force, the legal needs of the poor and Alaska's poverty population, and outlines the history of Alaska Legal Services and its funding. The third section contains the various subcommittee findings and Steering Committee/Task Force approved recommendations.

This report contains a request to the Alaska Supreme Court to authorize the formation of an Implementation Task Force to put into place the recommendations set forth here.

II. Summary of Recommendations

The Steering Committee approved and presented to the Task Force approximately 60 specific recommendations. Over the course of a two-day meeting, the Task Force reviewed and prioritized those recommendations. The following list represents only these 22 prioritized recommendations. More detailed explanations of these and all the other recommendations appear in the last section of this report with a list of the findings made by each subcommittee to support the recommendations. (The page cite after the prioritized recommendations refers to the page in the report where the more detailed explanation of the recommendation appears). There is no significance to the order of the prioritized recommendations, i.e. Recommendation A has no greater priority than Recommendation V.

A. The Alaska Supreme Court should establish an "Access to Civil Justice Implementation Task Force" to act upon and put into place the recommendations forwarded by this Task Force.

B. The Alaska Bar Association should develop an Alaska "Modest Means Program" to provide moderate-income Alaskans (those who do not qualify for Alaska Legal Services), access to representation by attorneys who have agreed to charge a reduced hourly rate for their services. [p. 20]

C. A "One-Stop Shopping" customer-oriented intake and referral service for low-income clients with potential legal problems should be established. The service would include the development of a mentoring program for volunteer lawyers and would provide information on alternative dispute resolution and other resources. All resources in this "One-Stop Shopping" service would be available in as many different languages and formats as possible in order to assist the greatest number of people. This service would be available on-line and by an 800 number. [p. 26, 35]

D. By the year 2001, secure significant increased funding for Alaska Legal Services, at a minimum to 1982 levels. Even in 1982, the funding level was only minimally adequate funding for Alaska Legal Services. Updated to 2001 dollars that figure would be \$5,000,000 that should be raised from traditional and new sources. [p. 24-25]

E. Increase rural Alaska Legal Services staff and open an Alaska Legal Services office with attorneys on staff in every community that maintains an Alaska Superior Court. [p. 25]

F. Alaska Legal Services should increase coordination with other service providers, particularly in rural areas where there already may be a network of providers or staff willing and able to establish an affiliation with Alaska Legal Services. [p. 25]

G. Alaska Legal Services and the Alaska Bar Association should coordinate a request to the American Bar Association regarding law students' externships outside a school's geographical area, to permit law students to come to Alaska (a state with no law school), and work at Alaska Legal Services for the externship period. [p. 26]

H. The concept of an expanded and liberated (free of Congressional restrictions) Pro Bono Program should be explored.¹ [p. 29]

I. A Pro Bono Asylum Project should be created to assist immigrants seeking political asylum in the United States. (A free continuing legal education class was held in March 1999, and is scheduled for March 2000 in Anchorage for attorneys willing to take on a pro bono asylum case. In 1999, thirty attorneys out of 40 attending accepted cases. Follow-up meetings are being held bi-weekly to provide mentoring for these attorneys). [p. 22]

J. A Pro Bono Naturalization Program should be created to work with elderly and disabled immigrants. [p. 22]

K. The Alaska Pro Bono Program should adopt administrative procedures that would allow for attorneys to assist other pro bono attorneys by doing discrete tasks such as research or motion preparation. [p. 30]

L. The Alaska Pro Bono Program should develop a mentoring program. (This has already been implemented). [p. 29]

M. The Alaska Bar Foundation should continue to seek new ways of increasing "Interest On Lawyer Trust Accounts" funding. [p. 30]

N. The Alaska Bar Association should recommend that the Alaska Supreme Court adopt the American Bar Association's Model Rule 6.1 an aspirational guideline that all attorneys should perform 50 hours of pro bono work per year. [p. 29]

O. The Alaska Bar Association should especially encourage public sector attorneys to perform pro bono work. [p. 29]

P. The Alaska Bar Association should provide free continuing legal education classes to pro bono attorneys in poverty law areas, with the condition that the attorneys would then be obligated to take a pro bono case. (This was initiated in

¹ Currently, the Alaska Pro Bono Program operates under the same Congressional case restrictions as Alaska Legal Services. This might soon change as Alaska Legal Services has received oral and written confirmation from the national Legal Services Corporation approving a new plan for the Pro Bono Program which would in effect, sever it from Alaska Legal Services, and thus from the restrictions attached to the receipt of federal monies.



ALASKA FEDERATION OF NATIVES, INC.

2011 ANNUAL CONVENTION

RESOLUTION 11-25

TITLE: SUPPORT FOR ALASKA LEGAL SERVICES CORPORATION

WHEREAS: Alaska Legal Services Corporation's (ALSC's) twenty lawyers serve a poverty population exceeding 80,000 Alaskans, including over 20,000 Native Alaskans, in ten offices around the state; and,

WHEREAS: Although the May 2000, Alaska Supreme Court Access to Civil Justice Task Force Report recommended that ALSC be funded at \$5 million annually, ALSC's actual funding has remained at approximately \$3 million since that time; and

WHEREAS: That same report estimated that approximately ½ of this population would face a legal need at some point during any given 12-month period; and

WHEREAS: ALSC estimates that it is currently providing assistance to only 10%-20% of those needing such assistance, which figure appears to be consistent with estimate of 20% in the national Legal Services Corporation report from September 2005, "Documenting the Justice Gap in America"; and

WHEREAS: The vast majority of ALSC's cases involve the basic human necessities of shelter, food, access to medical care, income, maintenance, and safety and stability within the family; and,

WHEREAS: Several regional Native nonprofits, including Bristol Bay Native Association, Maniilaq Association, and Kawerak have made significant financial and in-kind contributions over the years for the re-establishment of small ALSC offices which had formerly had to be closed in the communities of Dillingham, Nome, and Kotzebue; and others, including the Central Council of Tlingit-Haida Indian Tribes of Alaska, the Tanana Chiefs Conference, the Inupiaq Community of the Arctic Slope, and the Nome Eskimo Community have otherwise provided support for ALSC; and,

WHEREAS: The State of Alaska, which had for several years been one of only five states making no appropriation for civil legal assistance to its citizens, did make an appropriation to ALSC for FY 2011, approved by Governor Parnell, in the amount of \$350,000, but it is unclear whether this will be sustained in future fiscal years; and,

NOW THEREFORE BE IT RESOLVED by the Delegates to the 2011 Annual Convention of the Alaska Federation of Natives, Inc., that AFN urges Governor Parnell to retain and increase the appropriation for ALSC in his proposed FY 2012 budget, and urges the Alaska Legislature to appropriate that funding, and urges Congress to award sufficient funding to the federal Legal Services Corporation to support Alaska Legal Services Corporation's mission of providing free legal services on vital issues to low income Alaskans.

SUBMITTED BY: BRISTOL BAY NATIVE ASSOCIATION

COMMITTEE ACTION: DO PASS

CONVENTION ACTION: PASSED



Mel -



FYI

AARP Alaska
3601 C Street
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February 7, 2012

The Honorable Carl Gatto, Chair
House Judiciary Committee
Alaska Capitol, Room 118
Juneau, AK 99801-1182

Dear Chair Gatto:

HB 299 (Thompson)—Support

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the House Judiciary Committee to support HB 299, authored by your Committee Vice-Chair Steve Thompson and co-sponsored by your Committee colleague Representative Max Gruenberg as well as Representatives Les Gara, Mia Costello, and Beth Kerttula.

HB 299 would provide a mechanism to increase funding for legal services for lower income Alaskans.

Because of their unique health, income and social needs, and because they often depend on services provided by government agencies with complex requirements, older people must have access to competent legal assistance. As Alaska's population ages, the requests for landlord/tenant dispute resolution and other housing matters, quality health care and treatment, public benefits, fraud, and abuse and neglect will only increase for Alaska's seniors. HB 299 will provide additional funds to support the civil legal aid needs of low-income Alaskans, including many older clients.

We receive many calls, as I am sure you do, from older Alaskans with a legal problem or question who simply do not know where to go. There is great concern about the cost of seeking a private attorney and the ability to refer older callers to legal services assistance is of great importance to us as well as to them. AARP supports the good work done by our legal services programs and we hope you will too.

AARP recommends an "AYE" vote on HB 299.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Melanie Lesh

To: Thomas Studler
Subject: RE: HB 299, House Judiciary Committee

Thanks Tom,

From: Thomas Studler
Sent: Monday, February 06, 2012 9:55 AM
To: Melanie Lesh
Subject: FW: HB 299, House Judiciary Committee

Melanie ,

Another Letter in support for HB299 for the packet.

Also, here is a list of testifiers on HB299 as well.

Vance Sanders – Juneau
Michelle Sharp – Anchorage
Peggy Brockman – Anchorage
Fred Nielson – Dillingham
Frances Digman - Unakleet

Thanks,
Tom

Thomas Studler
Staff for Representative Steve Thompson
State Capitol, Room 428
Juneau, Alaska 99801
Ph: (907) 465-3004
Fax: (907) 465-2070
Toll free: (877) 465-3004

From: Rep. Steve Thompson
Sent: Monday, February 06, 2012 9:48 AM
To: Thomas Studler
Subject: FW: HB 299, House Judiciary Committee

From: Daniello, Denise L (HSS) [<mailto:denise.daniello@alaska.gov>]
Sent: Monday, February 06, 2012 9:43 AM
To: Rep. Carl Gatto; Rep. Steve Thompson; Rep. Wes Keller; Rep. Lance Pruitt; Rep. Lindsey Holmes; Rep. Bob Lynn;
Rep. Max Gruenberg; Rep. Mike Chenault
Cc: Sharon Howerton
Subject: HB 299, House Judiciary Committee

Chair Gatto & Vice Chair Thompson:

*Tom -
+ Type of Cases*

*+ Mikole Nelson
Director,
here*

*(SB 62)
Leslie McGuire
st, des, pgm, receipts*

The Alaska Commission on Aging supports HB 299 that is scheduled to be heard in the House Judiciary Committee.
Thank you for your consideration of this legislation. Denise

Denise Daniello, Executive Director
Alaska Commission on Aging
P.O. Box 110693
Juneau, AK 99811-0693
907-465-4879 (phone) / 907-465-1398 (fax)
Denise.Daniello@alaska.gov
www.alaskaaging.org

Healthy Aging for Alaskans

ALASKA STATE LEGISLATURE

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REPRESENTATIVE STEVE THOMPSON DISTRICT 10



MEMORANDUM

To: Representative Carl Gatto, Chair
House Judiciary Committee

From: Representative Steve Thompson

Date: January 27, 2012

Re: Hearing request for HB 299

"An Act allowing appropriations to the civil legal services fund from court filing fees."

Please consider this memo as a request for the House Judiciary Committee to hear HB 299.

The following documents are attached and will also be provided via email:

HB 299 Sponsor Statement version A
HB 299 version A
ALSC Overview
ALSC statement on HB299
Email from Alaska Court System on filing fees collected in FY11
Excerpt from Access to Civil Justice Task Force Report and Recommendations
AFN Resolution in support of HB299

Thank you,