

Civil Legal Assistance funds to be distributed this week

June 21, 2006

Supreme Court Justice Oliver E. Diaz Jr. on Friday, June 23, will visit the future Gulfport branch office of the Mississippi Center for Legal Services and deliver a \$32,200 check to assist in civil legal representation of poor people. Justice Diaz is scheduled to make the presentation at 10 a.m. at the office under construction at 520 East Pass Road, Suite J, in Gulfport.

The Supreme Court has authorized distribution of \$75,000 from the Civil Legal Assistance Fund to programs which provide civil legal assistance to poor people. The money is collected as fees from out of state lawyers who represent clients in Mississippi.

Presiding Justice William L. Waller Jr. will present a check for \$21,400 to the Mississippi Volunteer Lawyers Project at 11:45 a.m. Thursday, June 22, at the Mississippi Bar Center at 643 North State Street in Jackson. Last week, Presiding Justice Kay B. Cobb presented a check for \$21,400 to North Mississippi Rural Legal Services on June 16 in Oxford.

Mississippi Supreme Court Chief Justice James W. Smith Jr. on Monday, June 19, appointed Justice Jess H. Dickinson to serve as liaison to the Legal Services community. The appointment formalizes the role which Justice Dickinson has already been filling for several years as a proponent for access to the judicial system for poor people who have civil legal issues.

Justice Dickinson said, "I am very proud to serve as the Court's liaison to the Legal Services Community and I will do all I can to keep the line of communication and cooperation intact."

Attorneys employed by the state's two Legal Services entities and private practice attorneys who give their time to the Volunteer Lawyers Project provide civil legal representation to poor people in areas such as domestic law, housing and consumer disputes.

These programs are unrelated to indigent criminal defense.

After an intense recruitment effort, there are now more than 1,500 Mississippi private practice lawyers willing to assist with civil legal representation of the poor, said Shirley Williams of Jackson, director of the Volunteer Lawyers Project. Also, 196 out of state volunteer lawyers are helping with Hurricane Katrina related cases in cooperation with the Mississippi Center for Justice and the Lawyers Committee for Civil Rights Under Law.

Justice Diaz said, "We thank the volunteers from Mississippi and out of state who have come down to provide assistance in legal services for those in the affected area."

The Volunteer Lawyers Project averages more than 1,000 calls for service each month. Williams said her office opened 1,498 cases during the first six months of 2006, nearly as many cases as all of 2005, when 1,542 cases were opened.

Justice Diaz said that Hurricane Katrina exacerbated the legal needs of poor people. Justice Diaz said, "There is a need for increased assistance to folks after the hurricane. Housing disputes are a particular problem right now on the coast, with the housing shortage there. I know that the Legal Services program as well as the Volunteer Lawyers Project are working to address those needs and other legal difficulties created by the hurricane, along with the heavy caseloads they already had."

Sam Buchanan Jr. of Hattiesburg, executive director of the Mississippi Center for Legal Services, said, "Hurricane Katrina resulted in additional needs in terms of housing assistance and consumer issues relative to repairs, insurance and things of that nature. Problems we had before have

been compounded as a result of Katrina.”

Hurricane victims are a priority, Buchanan said. Although Legal Services offices have strict limitations on the income levels of people whom they may represent, Buchanan said the national Legal Service Corp. made exceptions to assist victims of Hurricane Katrina.

“They recognized that there are significant numbers of the working poor who otherwise would fall through the cracks unless we increase the eligibility to assist them,” Buchanan said.

The Mississippi Center for Legal Services has 17 attorneys who serve clients from 43 counties. Offices are in Hattiesburg, Jackson, Meridian, McComb and Pascagoula. Another office will open soon in Gulfport, replacing one damaged by Hurricane Katrina. The Pascagoula office is looking for a new facility because its lease expires July 31.

Buchanan said needs exceed the funds and staff available to handle cases. Legal Services staff limit the cases they can accept.

“We establish priorities for case acceptance and focus on the cases where there is the greatest need,” Buchanan said. “We can’t handle everything that comes through the door.”

Legal Services offices are funded primarily by federal appropriations to the Legal Services Corp., and the funding continues to shrink. Buchanan said his 2005 budget was \$2,814,569, and the 2006 budget is \$2,806,707. He has been told to expect more cuts.

The Supreme Court and the Legislature have sought ways to replace the lost funding for civil legal representation of the poor. The Mississippi Legislature in 2003 created the Civil Legal Assistance Fund, which is authorized to accept money from any public or private source. The Supreme Court in March 2003 began collecting a \$200 fee from attorneys who are licensed in other states and who represent clients in Mississippi courts, with the fee going to civil legal assistance for the poor. The \$75,000 to be distributed this week and next will bring the total to \$491,000 which has been distributed from the Civil Legal Assistance Fund since July 2003.

The Civil Legal Assistance Fund is expected to generate more money starting July 1. The Mississippi Legislature this year added a \$5 fee to each civil case filed in circuit and chancery courts, with the fees going to the Civil Legal Assistance Fund.

Legal Services offices also receive money from Interest on Lawyer Trust Accounts. IOLTA involves the deposit of small dollar amounts or short-term funds held in trust by lawyers for their clients. The Mississippi Supreme Court on May 18 ordered mandatory participation by lawyers in the IOLTA program, effective Jan. 1, 2007. Collections have increased in other states which have made participation mandatory.

The Mississippi Supreme Court in March 2005 also revised the Rules of Professional Conduct for lawyers, ordering that lawyers report their hours of pro bono work for the poor and allowing lawyers to donate money in lieu of their time for pro bono work.

No state tax dollars are involved in any of the funding efforts.

Justice Dickinson said, “Mississippi has taken great strides in the last couple of years in the area of legal services for the poor. With our recent rule changes concerning mandatory IOLTA accounts and required reporting of pro bono hours by lawyers, Mississippi has moved forward significantly. We are currently looking at additional steps the Court can take to ensure equal access to justice by all Mississippians, regardless of their economic status.”

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(Editors and News Directors: Please note that the scheduled time of the June 23 presentation in Gulfport is an hour earlier than the time previously announced in a press release last week.)