

Supreme Court to distribute Civil Legal Assistance Funds

July 25, 2007

Members of the Mississippi Supreme Court will deliver checks totaling \$251,663 on Monday, July 30, and Tuesday, July 31, to programs which provide civil legal assistance to poor people.

The Supreme Court has directed that the money be divided among the state's two Legal Services programs and the Mississippi Volunteer Lawyers Project. The distribution includes:

- \$107,963 to the Mississippi Center for Legal Services;
- \$71,850 to North Mississippi Rural Legal Services;
- \$71,850 to the Volunteer Lawyers Project of the Mississippi Bar.

Supreme Court Justice Ann H. Lamar will present a check to North Mississippi Rural Legal Services at 10 a.m. July 30 at the Legal Services office at 5 County Road 1014 in Oxford.

Supreme Court Chief Justice James W. Smith Jr. will present checks to the Mississippi Center for Legal Services and to the Mississippi Volunteer Lawyers Project during a luncheon which will begin at 12:30 p.m. July 31 at the Hollywood Casino in Bay St. Louis. Legal Services staff are participating in a training program in Bay St. Louis that day.

Chief Justice Smith said, "The Supreme Court's commitment to quality access to justice for all citizens is a continuing effort. It requires vision and fresh, progressive ideas, strategy and implementation into workable solutions which will result in legal aid to the poor who otherwise could not have adequate legal representation in civil courts."

Justice Lamar said, "These legal services programs provide a great service to our state. They serve people who cannot afford legal representation. Without their help, many of these people would be denied access to our courts. Our legal service attorneys do a great job with very limited resources."

Attorneys employed by the state's two Legal Services entities provide civil legal representation to poor people in areas such as domestic law, housing, landlord-tenant disputes, land issues, trust and estate matters, will and probate matters, wage and employment issues, bankruptcy, and consumer disputes.

Directors of the state's two Legal Services offices say their most frequent calls for service involve domestic relations, including abuse, custody and support issues; bankruptcy and consumer matters such as collections and repair fraud; housing issues such as foreclosures, apartment evictions and poor housing conditions; and income issues such as unemployment benefits, Social Security and other public benefits.

Representation provided by the Volunteer Lawyers Project, the Mississippi Center for Legal Services and North Mississippi Rural Legal Services is in civil legal matters. The programs are unrelated to indigent criminal defense.

A statewide Legal Services hotline directs callers to the nearest office. The number is 1-800-498-1804.

Ben Cole II of Oxford, executive director of North Mississippi Rural Legal Services, said there are not enough lawyers to handle all the requests to Legal Services offices for assistance. Assessing the most dire needs is a bit like legal triage.

“We try to determine the cases that are the most serious legal needs for poor people,” Cole said. Necessities of family safety and stability, safe housing and income maintenance are among the priorities.

If Legal Services staff can’t handle the case, they may refer the person to a local private attorney or to the Volunteer Lawyers Project, which attempts to match the person needing service with a private practice lawyer willing to handle some cases for free. However, there are gaps in some geographic areas, and in the kinds of cases volunteers are willing to take.

Some people simply go without services. Cole said, “If we can’t refer them to a private attorney, most of the time those people are not able to get legal services if they have to pay for it. In a lot of those instances, those people have to go without legal representation.”

North Mississippi Rural Legal Services has 13 staff attorneys who provide civil legal assistance for poor people in 39 counties. Offices are in Clarksdale, Greenville, Oxford, Tupelo and West Point. The Mississippi Center for Legal Services has 15 attorneys who serve clients from 43 counties. Offices are in Gulfport, Hattiesburg, Jackson, Meridian and McComb. The two Legal Services offices share an attorney who serves as director of litigation.

North Mississippi Rural Legal Services has one attorney vacancy. The Mississippi Center for Legal Services has two vacancies.

Sam Buchanan of Hattiesburg, executive director of the Mississippi Center for Legal Services, said, “One of the biggest problems facing legal services locally, and legal services programs elsewhere, is our ability to recruit and retain attorneys.” Buchanan said he will use the Civil Legal Assistance Funds to supplement salaries and benefits.

Buchanan said starting salaries for Legal Services attorneys in Mississippi are about \$34,000 a year, lower than any public agency lawyer salary and far below the \$75,000 a year expected median salary of an attorney in a small private law firm.

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 ordered collection of a \$200 fee from out-of-state attorneys who represent clients in Mississippi courts, with the fees going to civil legal assistance for the poor. The Mississippi Legislature in July 2006 added a \$5 fee to each civil case filed in circuit and chancery courts, with the fees going to the Civil Legal Assistance Fund.

The \$5 special assessment has increased the amount of money available to assist poor people with civil matters. The \$5 fee generated \$436,371.88 for the Civil Legal Assistance Fund in the 2007 fiscal year that ended June 30. Fees from out of state lawyers, know as pro hac vice fees, amounted to approximately \$98,200 in the 2007 fiscal year. An out of state lawyer must pay a \$200 pro hac vice fee to practice in a Mississippi state court.

A total of \$1,022,663 has been allocated from the Civil Legal Assistance Fund since it was created in 2003.

The statute which created the Civil Legal Assistance Fund, Mississippi Code Section 9-21-43, says, “The monies appropriated shall be distributed to eligible legal services programs based on the percentage of poverty population within the program service area, consistent with the formula used by the Legal Services Corporation.”

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