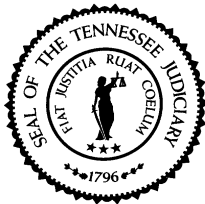


Status Report to the General Assembly

Civil Legal Representation of Indigents Fund

Fiscal Year 2009-10

**Presented by: The Administrative Office of the Courts
Information Systems Division**



Supreme Court of Tennessee

Administrative Office of the Courts
Nashville City Center, Suite 600
511 Union Street
Nashville, Tennessee 37219
615 / 741-2687 or 800 / 448-7970
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ELIZABETH A. SYKES
Director

MEMORANDUM

TO: Members of the House Judiciary Committee
Members of the Senate Judiciary Committee

FROM: Elizabeth A. Sykes, Director

DATE: April 7, 2011

RE: Civil Legal Representation of Indigents Fund

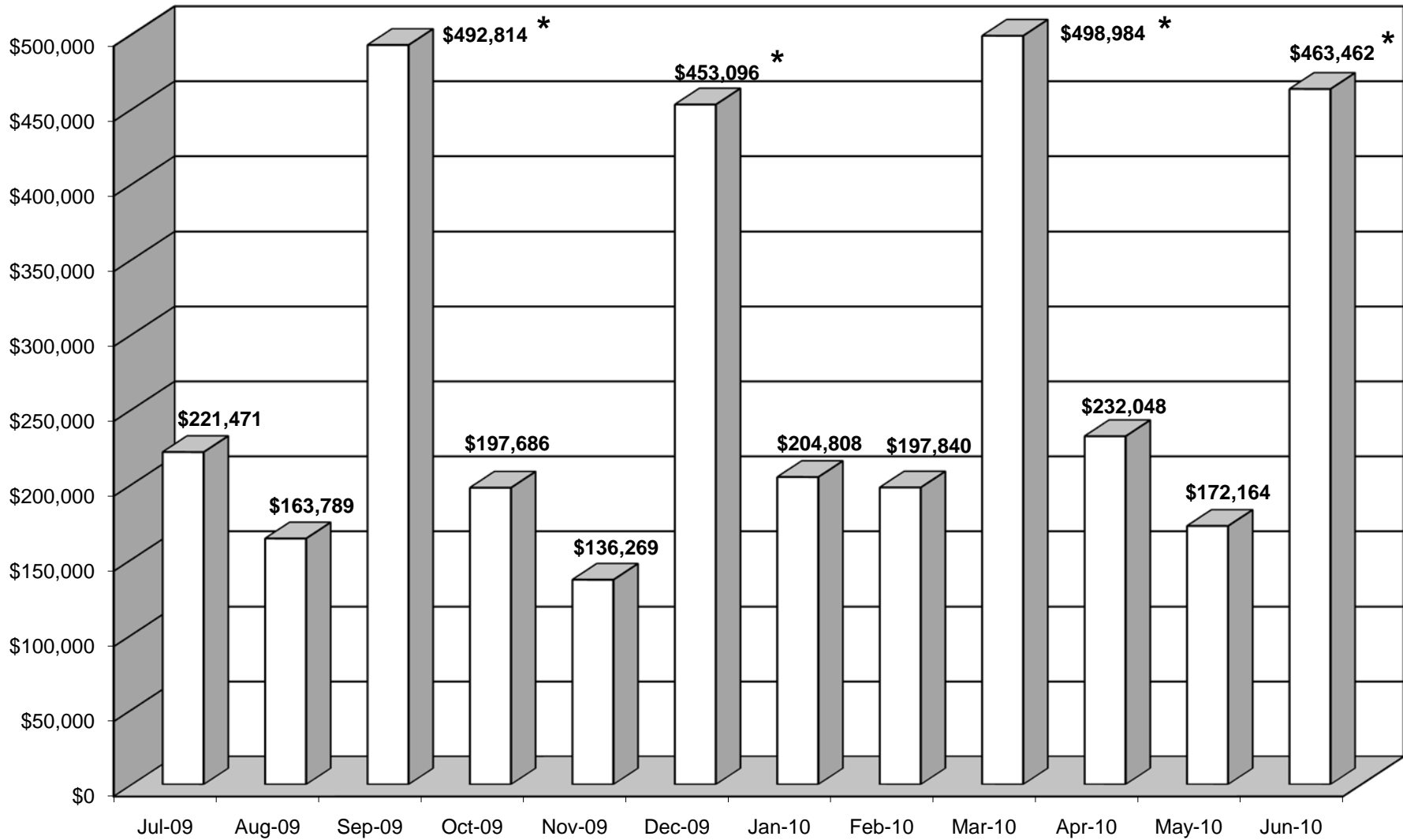
On May 18, 1995, the Tennessee General Assembly enacted Public Chapter 550, which amended Tennessee Code Annotated sections 16-3-803 and 67-4-602 and thereby levied certain taxes on civil litigation and established a Civil Legal Representation of Indigents Fund for the purpose of providing legal representation for the poor in civil matters. This legislation levied a privilege tax of \$10 on all civil cases filed in circuit and chancery courts and a privilege tax of \$3 on all civil cases filed in general sessions courts. The Tennessee Supreme Court was authorized to adopt rules and procedures to carry out the intent of the legislation. On September 29, 1995, the Tennessee Supreme Court amended Supreme Court Rule 11 to include procedures for distribution of the money deposited into the fund to the then eight legal aid societies in Tennessee. On June 17, 1999, Tennessee Code Annotated section 67-4-602 was amended to add an additional \$1 privilege tax for violations of Title 55, Chapter 8 or any public parking space ordinance. On July 24, 2001, Public Chapter 456 was enacted by the General Assembly amending Tennessee Code Annotated sections 67-4-801 to -808, Title 40, Chapter 11 and Tennessee Code Annotated section 16-3-808. This legislation imposed a \$12 tax on each bail bond issued. The legislation instructed bail bondsmen in the state to collect this tax and remit the monies collected quarterly to the Department of Revenue for placement into the civil legal representation fund. These funds were to be distributed to the four remaining civil legal aid societies, the Tennessee Alliance for Legal Services and the Tennessee Association of Professional Bond Agents as provided for in Tennessee Code Annotated section 16-3-808.

For fiscal year 2009-10, the General Assembly appropriated \$3,393,408.67 for distribution to the four legal aid societies. An appropriation of \$424,342.43 was made to the Tennessee Alliance for Legal Services and the Tennessee Association of Professional Bail Agents as mandated by the public chapter cited above. A total of \$3,434,432.16 was deposited into the fund for the fiscal year.

This report includes charts showing monthly deposits into the fund and the amount awarded to each agency. The report also contains individual breakouts for each of the agencies indicating the number of clients served from each county, the types of cases handled and a brief description of the community education activities conducted by the agencies. The appendix of the report contains a copy of Tennessee Supreme Court Rule 11, § VI, which establishes the distribution of the Civil Legal Representation of Indigents Fund. If you have any questions regarding this report, please give me a call.

Deposits to the Civil Legal Representation of Indigents Fund Fiscal Year 2009-10

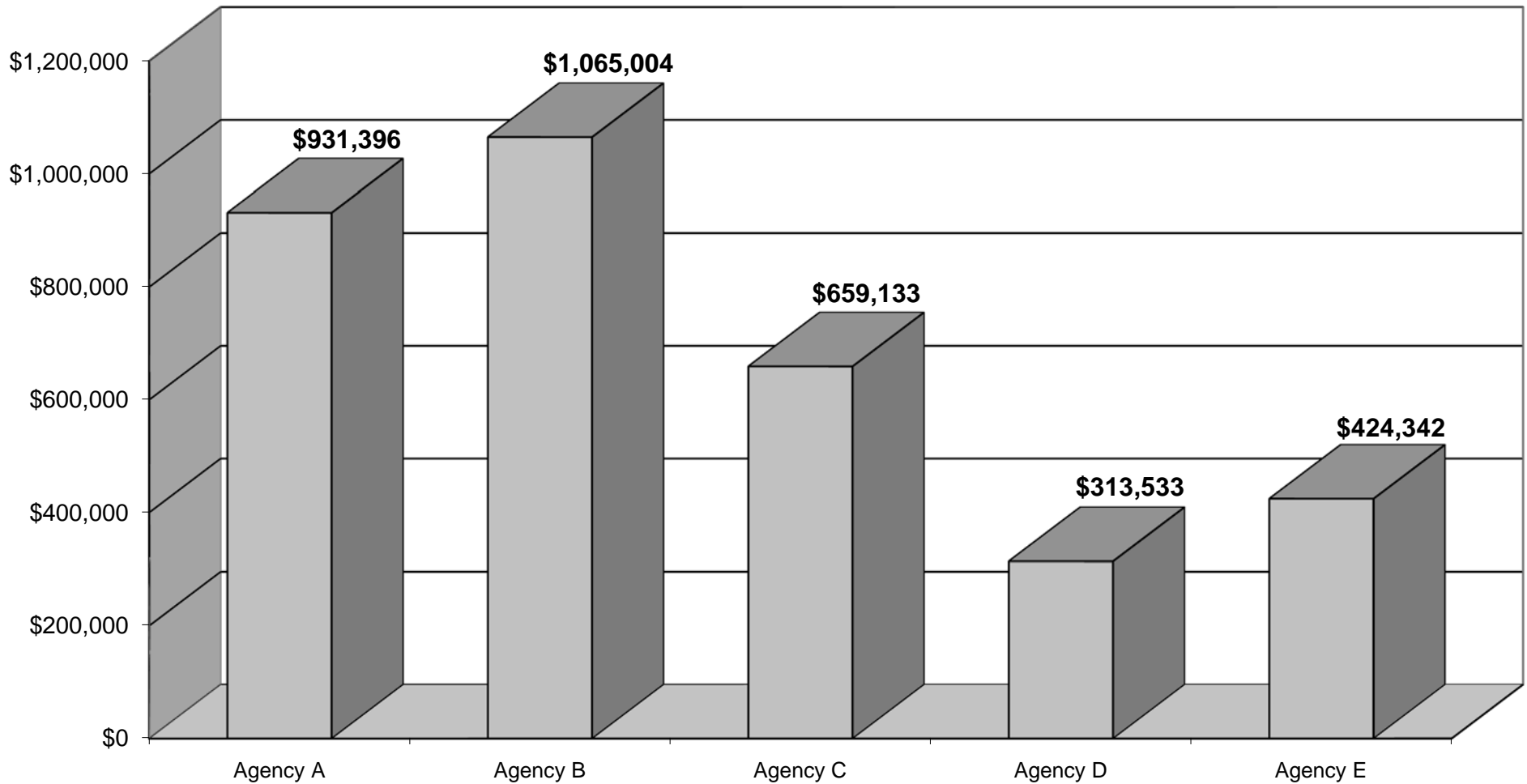
Total Deposits into Fund - \$ 3,434,432



***Proceeds from bail bond tax are deposited on a quarterly basis.**

Grant Funds Awarded by Agency Fiscal Year 2009-10

Total Awarded - \$ 3,393,408.67



- Agency A - Legal Aid of East Tennessee
- Agency B - Legal Aid Society of Middle Tennessee and the Cumberland
- Agency C - Memphis Area Legal Services, Inc.
- Agency D - West Tennessee Legal Services
- Agency E - Tennessee Alliance for Legal Services/Tennessee Association of Professional Bail Agents

LEGAL AID OF EAST TENNESSEE

Fiscal Year 2009-10 Overview

Counties Served	Number of Clients Served Per County	Counties Served	Number of Clients Served Per County	Case Type	Number of Clients Served Per Case Type
Bledsoe	93	Loudon	100	Consumer	1,360
Blount	565	McMinn	129	Education	23
Bradley	334	Marion	56	Employment	70
Carter	198	Meigs	31	Family	2,664
Cocke	90	Monroe	83	Juvenile	284
Grainger	43	Polk	42	Health	531
Greene	163	Rhea	47	Housing	1,531
Hamblen	309	Sequatchie	40	Income Maintenance	756
Hamilton	1,101	Sevier	325	Individual Rights	13
Hancock	16	Sullivan	440	Miscellaneous	652
Hawkins	98	Unicoi	80		
Jefferson	220	Washington	681		
Johnson	201	Other	82		
Knox	2,317				
		Total Served	7,884	Total Served	7,884

LEGAL AID OF EAST TENNESSEE

Fiscal Year 2009-10 Overview

Community Education Activities

Total Grant Funds Awarded

Continued to make presentations to community groups on such topics as domestic violence and family law, special education, advance directives for health care, elder abuse and exploitation, housing law, health law, Families First, food stamps, TennCare, community economic development, the legal system, Legal Aid of East Tennessee, etc. Participated in community information fairs.

\$931,396

Served as training resource for domestic violence shelters, housing development organizations, community centers, economic development groups, veterans organizations, homeless centers, medication centers, and many others. Continued collaboration with the Administrative Office of the Courts on pro se projects.

Made frequent public appearances on radio/tv shows to outline services offered by LAET as well as to speak on various legal topics. Continued work with ASEN Marketing to develop ways to better inform the public.

Continued community education presentations with service clinic components whereby attendees have the opportunity, following subject matter presentations, to meet with an attorney and get individual questions answered, consult with agency staff on minor problems or request tended agency services. This included a concentration on senior citizens with special focus on durable powers of attorney for health care and living wills.

LAET worked hard to provide opportunities for private and corporate attorneys to participate in delivering high quality civil legal services to low income persons through our three community based pro bono projects. In order to be a part of the legal community in each of our service areas, we center projects in Chattanooga, Knoxville and the Tri-Cities. This last year we held volunteer recognition events in each region. Former and current Supreme Court Justices participated in these events. In addition, we make certain that there is an opportunity for every lawyer to participate in pro bono by offering Saturday Bar activities, client intake and case placement days, special projects, mentoring and individual one on one representation. We worked closely with the Tennessee Bar Association on 4All and other efforts.

LAET does what it can to make pro bono painless, by fully supporting our volunteers in every way possible. We provide research assistance, case support and insurance. We also provide a significant number of CLEs. With the help of the AOC Blue Ribbon grant, LAET put on the largest number of CLE events ever during the past year. These events are presented free to lawyers who agree to accept pro bono cases.

LEGAL AID SOCIETY OF MIDDLE TENNESSEE AND THE CUMBERLANDS

Fiscal Year 2009-10 Overview

Counties Served	Number of Clients Served Per County	Counties Served	Number of Clients Served Per County	Case Type	Number of Clients Served Per Case Type
Anderson	308	Maury	419	Consumer	1,332
Bedford	78	Montgomery	573	Education	101
Campbell	78	Moore	4	Employment	372
Cannon	20	Morgan	42	Family	2,200
Cheatham	21	Overton	70	Juvenile	93
Claiborne	53	Perry	49	Health	851
Clay	22	Pickett	15	Housing	1,238
Coffee	126	Putnam	252	Income Maintenance	1,431
Cumberland	138	Roane	111	Individual Rights	109
Davidson	3,346	Robertson	47	Miscellaneous	723
DeKalb	38	Rutherford	361		
Dickson	49	Scott	65		
Fentress	42	Smith	25		
Franklin	55	Stewart	18		
Giles	95	Sumner	502		
Grundy	32	Trousdale	17		
Hickman	138	Union	23		
Houston	9	Van Buren	14		
Humphreys	23	Warren	73		
Jackson	33	Wayne	28		
Lawrence	123	White	76		
Lewis	49	Williamson	190		
Lincoln	50	Wilson	173		
Macon	45	Other	254		
Marshall	78				
		Total Served	8,450	Total Served	8,450

LEGAL AID SOCIETY OF MIDDLE TENNESSEE AND THE CUMBERLANDS

Fiscal Year 2009-10 Overview

Community Education Activities

Total Grant Funds Awarded

Staffed workshops, seminars, and numerous speaking engagements with various community and private agencies where subjects affecting the agencies' clientele were discussed. Some of these subjects were: elder abuse; tenant rights and responsibilities; taxes; health benefits; domestic violence; consumer issues; food stamps; employment issues; Families First; flood relief; foreclosure rescue scams; wills and advance directives; health reform; senior safety; immigration; and what Legal Aid does and does not do. During the fiscal year, nearly 5,800 people attended community education sessions where legal aid staff presented information.

\$1,065,004

Disseminated numerous pamphlets, brochures and publications written at a fifth grade level dealing with subjects of concern for clientele. Several of these publications are available in Spanish. Among the topics included are: 2010 tax guide for flood victims; how to solve child support problems; divorce; domestic violence; Families First; food stamps; garnishment; living wills and advance care directives; orders of protection; renters' rights and responsibilities; tax credits; TennCare; unemployment; special education; predatory loans; foreclosure/homeownership; bankruptcy; low-income taxpayer program; school fees; elder abuse; emergency room care; and services available through the Legal Aid Society. During the fiscal year, over 86,000 pieces of literature were produced and distributed informing people about their legal rights and responsibilities. There were approximately 189,000 hits on our website, www.las.org. Brochures are available for download on the website.

MEMPHIS AREA LEGAL SERVICES, INC.

Fiscal Year 2009-10 Overview

Counties Served	Number of Clients Served Per County	Case Type	Number of Clients Served Per Case Type
Fayette	123	Consumer	964
Lauderdale	87	Education	47
Shelby	6,455	Employment	197
Tipton	260	Family	795
Other	183	Juvenile	61
		Health	215
		Housing	2,894
		Income Maintenance	1,293
		Individual Rights	12
		Miscellaneous	630
Total Served	7,108	Total Served	7,108

MEMPHIS AREA LEGAL SERVICES, INC.

Fiscal Year 2009-10 Overview

Community Education Activities

Total Grant Funds Awarded

Having long recognized that with limited resources that the demand for legal assistance far outweighs its capacity to respond to all requests for services. MALS used creative and innovative strategies to educate its clientele on how to avoid potential legal entanglements that spur litigation. Outreach primarily targeted social agencies that address domestic violence issues; victims of mortgage and other predatory lending scams; and families with children who have special education issues. MALS also provided direct legal advice and referrals; technical assistance; representation on boards and committees; participation in public forums and community meetings; public and private partnerships; distribution of materials, press releases, public service announcements, media articles; and other opportunities resulting in direct contact with 20,000 individuals and 1 million households annually through print and electronic media.

\$659,133

Designated agency to affirmatively further fair housing and to enforce the local fair housing ordinance, which included informing the public about local, state, and federal fair housing laws; assisted in the procedure for filing discrimination complaints; and enforcing penalties against violators.

Continued in partnership with SEEDCO to ensure that eligible clientele were aware of their rights to public benefits, such as food stamps, free or low-cost prescription services, transitional child care for participants in the Families First program, and the federal Earned Income Tax Credits program. Continued the program to assist low-income clients, particularly those who qualify for the IRS' Earned Income Credit, in filing simple tax returns. Prepared income tax returns for 126 clients as part of the Volunteer Income Tax Assistance program, securing an additional tax preparation fees.

Staff and volunteers continued to work with Welfare to Work agencies at Bridges, Inc. and University of Tennessee Healthworks to provide monthly community legal information workshops on a variety of issues and conducted twice monthly outreach programs for Friends for Life, an HIV-AIDS resource agency.

Expanded Opportunity Plus Project (OPP) that addresses the challenges affecting victims of domestic violence and abuse, while providing direct legal assistance to these individuals. Continued focus on the senior population with monthly outreach and senior community education programs throughout the service area, and distributed informational books at local health fairs and at the annual Senior Expo. Also maintained relationships with agencies and centers serving senior citizens to address issues concerning telemarketing scams, identity theft and predatory lending practices.

Sponsored monthly *pro se* divorce clinics in Shelby and Tipton Counties, provided forms and guidance to persons seeking no-fault or default divorces.

WEST TENNESSEE LEGAL SERVICES

Fiscal Year 2009-10 Overview

Counties Served	Number of Clients Served Per County	Case Type	Number of Clients Served Per Case Type
Benton	55	Consumer	161
Carroll	122	Education	3
Chester	73	Employment	0
Crockett	52	Family	333
Decatur	17	Juvenile	100
Dyer	204	Health	46
Gibson	189	Housing	612
Hardeman	69	Income Maintenance	853
Hardin	42	Individual Rights	140
Haywood	83	Miscellaneous	23
Henderson	102		
Henry	79		
Lake	20		
McNairy	82		
Madison	767		
Obion	79		
Weakley	79		
Other	157		
Total Served	2,271	Total Served	2,271

WEST TENNESSEE LEGAL SERVICES

Fiscal Year 2009-10 Overview

Community Education Activities	Total Grant Funds Awarded
Published and posted <i>The Brief</i> , a twice a year publication of WTLS activities, on the WTLS website.	\$313,533
Created <i>Beware of Flood Damage Vehicles</i> .	
Updated SNAP brochures, "Can I Receive SNAP If I'm Working?," "How Much You Can Make and How Much You Can Get?," "SNAP and Medical Bills:What You Need to Know," "Elderly and Disabled Persons Do Not Use the SNAP Benefits as Much as They Could," "\$16.00 Dollars in SNAP is Worth the Effort," "SNAP Benefits Relief for Storm Victims," "WTLS Offers Assistance to Storm Victims," and "WTLS SNAP Color and Activity Book."	
Participated in several agency fairs to discuss and hand out materials dealing with elder care, victim assistance, consumer issues, domestic violence issues, SNAP benefits, housing issues, child issues, child support, bankruptcy, and unemployment issues.	
Created and distributed news releases and public service announcements about housing counseling seminars and <i>pro bono</i> seminars for attorneys and other professionals.	
Participated in several Family First Workshops and Head Start Parenting Classes talking to attendees about domestic violence, SNAP benefits, housing issues, child support and consumer issues, special education issues, victim assistance for violent crimes, and unemployment issues.	
WTLS also directly served 11,721 through participation in agency fairs, presentations, workshops, and other outreach activities and distributed 34,891 brochures.	

Case Category Type Examples

CONSUMER/FINANCE

Bankruptcy/Debtor Relief
Collection (Including Repossession/
Delinquency/Garnishment)
Contracts/Warranties
Credit Access
Energy (Other than Public Utilities)
Loans/Installment Purchase
(Other than Collection)
Public Utilities
Unfair Sales Practices
Other Consumer/Finance

EDUCATION

Education

EMPLOYMENT

Job Discrimination
Wage Claims
Other Employment (including CETA)

FAMILY

Adoption
Custody/Visitation
Divorce/Separation/Annulment
Guardianship/Conservatorship
Name Change
Parental Rights Termination
Paternity
Spouse Abuse
Support
Other Family

JUVENILE

Delinquent
Neglected/Abused/Dependent
Other Juvenile

HEALTH

Medicaid, Medicare, TennCare
Other Health

HOUSING

Federally Subsidized Housing Rights
Homeownership/Real Property
Landlord/Tenant (Other than
Public Housing)
Other Public Housing
Other Housing

INCOME MAINTENANCE

AFDC/Other Welfare
Black Lung
Food Stamps/Commodities
Social Security
SSI
Unemployment Compensation
Veterans Benefits
Workers Compensation
Other Income Maintenance

INDIVIDUAL RIGHTS

Immigration/Naturalization
Mental Health
Prisoner's Rights
Physically Disabled Rights
Other Individual Rights

MISCELLANEOUS

Incorporation/Dissolution
Indian/Tribal Law
License (Auto & Other)
Torts
Wills/Estates
Other Miscellaneous

Appendix

Tennessee Supreme Court Rule 11

§VI. Administration of the Civil Legal Representation of Indigents Fund.

a.(1) Revenue deposited into the Civil Legal Representation of Indigents Fund in the Office of the State Treasurer, pursuant to Public Acts, 1995, Chapter 550 and Public Acts, 1999, Chapter 502, shall be paid quarterly by the Treasurer to the four not-for-profit legal organizations listed below, in the corresponding percentage listed by each organization. This funding percentage, like the funding percentage to each organization within the Legal Services Corporation, is based on the poverty populations of the service area of each organization:

Memphis Area Legal Services	22.20%
Legal Aid Society of East Tennessee	31.37%
West Tennessee Legal Services	10.56%
Legal Aid Society of Middle Tennessee and the Upper Cumberland	35.87%

(2) Pursuant to Public Acts, 2001, Chapter 456, twenty-five percent (25%) of the proceeds deposited into the Civil Legal Representation of Indigents Fund, as a result of Public Chapter 456, shall be paid to the Tennessee Association of/Alliance for Legal Services, a statewide non-profit organization providing continuing legal education, technology support, planning assistance, resource development and other support to organizations delivering civil legal representation to indigents. The remainder of the fund shall be paid to the four not-for-profit organizations listed in a(1) in the corresponding percentages. [Amended by order filed December 18, 2001]

b. Funds paid to the not-for-profit organizations listed above shall be used for expenses incurred in the legal representation of poor persons in civil matters by either staff attorneys of the organizations or volunteer attorneys in pro bono programs organized and administered by local bar associations in this State.

c. Each of the not-for-profit organizations receiving funding shall report annually to the Administrative Director of the Courts as to the allocation and expenditure of the funding received. The report shall be prepared in a manner prescribed by the Administrative Director of the Courts, which shall include a description of legal aid activities provided in each county, and a description of the efforts of the legal aid organization designed to foster and encourage the involvement of volunteer attorneys in the delivery of legal services to the poor.

d. Each not-for-profit organization receiving monies from the Fund shall provide a copy of its audited financial statements for the preceding calendar year to the Administrative Director of the Courts on or before June 30th of each year.

e. All unexpended or uncommitted funds received by a designated not-for-profit organization during its fiscal year shall be returned by the organization to the State Treasurer, which monies will be distributed the following year to the participating organization in accordance with paragraph (a).

f. A designated organization's receipt of monies from the Fund shall be conditioned upon the organization's adherence to the underlying principles of the American Bar Association's Standards for Providers of Civil Legal Services to the Poor.

g. The Administrative Director of the Courts annually shall prepare and distribute to the members of the Supreme Court and to the Judiciary Committees of the General Assembly:

(1) a report detailing the expenditure of monies from the Fund;

(2) a copy of any rules and policies adopted by the Supreme Court governing the expenditure and application of monies from the Fund.