

TO: Lester K. Fryer, Chairman, Local Government Committee

FROM: John H. Broujos, Counsel

SUBJECT: H.B. 1616, P.N. 1997 - Counties of the Third through Eighth Class - Appropriations for legal aid services

REF: 16 PS 1998.1

MUNICIPALITY AND LAW AFFECTED: Counties of Four through Eighth Class; the County Code Act of August 9, 1955, P.L. 323, Section 1998.1

BACKGROUND: Legal aid services are of two types called - criminal assistance and civil assistance. Matters of a criminal nature are handled by Public Defenders appointed under other provisions of law and required under case law. Legal aid services are an outgrowth of the legal aid committees which most bar associations had established in the past and which were handled by attorneys appointed as a committee. These attorneys generally did not have extensive staff or advertising of these services or a separate office. The result was that persons requiring legal assistance who were indigent did not avail themselves of legal aid committee services.

RELATED LEGISLATION: There is no known related legislation. Philadelphia as a Home Rule Charter Government has the authority to authorize aid for legal services; otherwise other municipalities are not authorized directly. Some counties have made appropriations, based on unconfirmed information. Most funding is by OEO on a 4 to 1 matching basis, federal to local, and HEW funds through State Department of Welfare, 3 to 1 matching.

RELATED BILLS: None.

PROVISIONS

1. Purpose. To permit a county to appropriate money for legal aid services.
2. Section 1 (Sec. 1998.1) Authorizes Board of Commissioners of any county to appropriate monies for payment to non-profit legal aid groups, bar associations, and individuals to provide legal services.

COMMENT: The bill authorizes payment to individual attorneys at law. This may be advisable and necessary in very small counties, where the formation of a non-profit corporation would involve more costs than return. If appropriations were limited only to legal aid non-profit corporation, the small county would not have the flexibility of simply compensating an individual attorney.

COMMENT: A legislative concern will be control of funds paid. If the Board considers that the Commissioners can exercise this control, then they may be authorized to appropriate monies subject to their own limitations and restrictions as to use and standards. A question of defining an indigent is faced by every municipality providing such services. There is usually a reference to the federal scale at about \$3200 to \$3600, with a modification for children and dependents.

COMMENT: The County Code specifically excludes Counties of the First Class, Second Class, and Second Class A from its coverage, meaning that this bill refers only to Counties of the Third through Eighth Classes.

June 14, 1972