

May 19, 2010

**H 1915. APPOINTMENT OF COUNSEL FUNDS.** Filed 5/19/10. *TO APPROPRIATE FUNDS TO INCREASE ACCESS TO COUNSEL IN CIVIL CASES, AS RECOMMENDED BY THE NORTH CAROLINA EQUAL ACCESS TO JUSTICE COMMISSION.*

Adds new subsection (g) to GS 7A-451 to authorize the court in any civil case to appoint an attorney to represent any person who cannot afford an attorney. Directs the court to consider the totality of the circumstances relevant to the need for representation in the particular case in determining whether to exercise the discretion to appoint an attorney. Permits the court to revoke the appointment of counsel or take other appropriate action if the court determines that the allegation of poverty is false or the case is frivolous or malicious, fails to state a claim for which relief may be granted, or seeks monetary relief against a defendant who is immune from monetary relief. Provides that the appointment of counsel under subsection (g) and the procedure for compensation must comply with the rules adopted by the Office of Indigent Defense Services. Also provides that the services provided for under proposed subsection (g) are not intended to and do not supplant other legal services resources, and do not override the local or national priorities of existing civil legal services programs.

Directs the Office of Indigent Defense Services to make grants of \$25,000 each to three geographically dispersed judicial districts to establish a Provision of Counsel Committee (Committee) consisting of a minimum of seven members in each district. Provides that each of the three Committees is to evaluate the existing justice system in its respective judicial district to identify the areas of law in which basic human needs are at stake and to determine where there is a need to provide counsel to ensure that individuals in that district receive fair results. Enumerates factors to be considered by the Committees in their evaluations. Provides criteria for the composition of the membership of the Committees. Requires each Committee to submit a written report of its findings and deliberations to the General Assembly no later than April 1, 2011.

Appropriates \$200,000 for 2010-11 from the General Fund to the Judicial Department, Office of Indigent Services to provide counsel in cases pursuant to new subsection (g) of GS 7A-451. Appropriates \$75,000 for 2010-11 from the General Fund to the Judicial Department, Office of Indigent Defense Services to provide \$25,000 grants to three judicial districts to establish a Provision of Counsel Committee to study and develop a plan for providing counsel in certain civil cases as provided in proposed subsection (g) of GS 7A-451.

Effective July 1, 2010.

**Intro. by Glazier.**

GS 7A, APPROP