

March 18, 2009

**S 663. INCREASE ACCESS TO JUSTICE.** Filed 3/18/09. *TO INCREASE ACCESS TO JUSTICE IN THE CIVIL COURTS, AS RECOMMENDED BY THE CHIEF JUSTICE'S NORTH CAROLINA EQUAL ACCESS TO JUSTICE COMMISSION.*

Amends GS 7A-304(a)(4) (Costs in criminal actions), GS 7A-305(a)(2) (Costs in civil actions), GS 7A-306(a)(2) (Costs in special proceedings), and GS 7A-307(a)(2) (costs in administration of estates) to require the State Treasurer to remit a portion of each fee collected under the aforementioned subdivisions to the North Carolina State Bar in the following amounts each fiscal year: (1) fiscal year 2009-10, \$4.05; (2) fiscal year 2010-11, \$6.05; (3) fiscal year 2011-12, \$8.05; and (4) fiscal year 2012-13 and after, \$10. The fees are to be used by established legal services programs for the provision of services described in GS 7A-474.4.

Amends GS 7A-308(a)(1) (Miscellaneous fees and commissions) to remit \$50.00 of the fee collected for foreclosure under power of sale to the North Carolina State Bar for the provision of foreclosure services described in GS 7A-474.4.

Appropriates from the General Fund \$1,800,000 for 2009-10 and \$1,800,000 for 2010-11 in recurring funds to the North Carolina State Bar to be allocated to the established legal services programs under GS 7A-474.2 for the provision of legal assistance to low-income consumers in cases involving predatory mortgage lending, mortgage broker and services abuses, foreclosure defense, and other legal issues related to foreclosure and home loss.

Amends Section 22.6 of SL 2008-107 by adding a requirement for the Office of State Budget and Management to include, in its study of State assistance to county veterans services programs, an analysis of the number of cases requiring appeal and whether the assistance of an attorney was provided on appeal. Extends the deadline for the final report to March 1, 2010.

Appropriates from the General Fund \$3 million for 2009-10 and \$3 million for 2010-11 in recurring funds to the Division of Veterans Affairs, Department of Administration, to contract with the established legal services programs under GS 7A-474.2 and Disability Rights of North Carolina to provide adequate legal representation to veterans and their families in all 100 counties of the state in cases involving appeals of denials (presumably of veterans benefits) beyond the administrative level.

Amends GS 7A-474.2(1) to add a veteran of the United States armed forces, reserves, or national guard, who is a resident of the State, to the list of eligible clients.

Amends GS 7A-474.3(b) by making technical changes and adding to the list of eligible cases (1) representation of eligible veterans and their families in cases involving appeals of denials of veterans benefits beyond the administrative level, and (2) assistance in special education matters to at-risk students from low-income families.

Appropriates from the General Fund \$1 million for 2009-10 and \$1 million for 2010-11 in recurring funds to the North Carolina State Bar to be allocated to the established legal services programs under GS 7A-474.2, Disability Rights of North Carolina and other organizations approved by the North Carolina State Bar to provide advocacy support in special education matters to at-risk students from low-income families.

Makes associated conforming changes and provides supporting findings. The amendment to GS 7A-304(a)(4) becomes effective on July 1, 2009, and applies to all costs assessed or collected on or after that date, except that in misdemeanor or infraction cases disposed of on or after that date by written appearance, waiver of trial hearing, and plea of guilt or admission of responsibility in which the citation or other criminal process was issued before that date, the cost shall be the lesser of (1) those specified in GS 7A-304(a), as amended by this act, or (2) those specified in the defendant's or respondent's copy of the citation or other criminal process, if any costs are specified in that notice. The amendments to GS 7A-305(a)(2), GS 7A-306(a)(2), GS 7A-307(a)(2), and GS 7A-308(a)(1) become effective July 1, 2009, and apply to fees collected on or after that date. The remainder of the act becomes effective July 1, 2009.

**Intro. by Clodfelter.**

GS 7A, APPROP