

STATE OF MINNESOTA

IN SUPREME COURT

ORDER ESTABLISHING RULES
RELATING TO DISTRIBUTION
OF CIVIL SURCHARGE FUNDS

A-14

WHEREAS, the Court has carefully reviewed the proposed administrative rules governing the distribution of the civil filing surcharge for legal services programs,

WHEREAS, as the Court has the authority pursuant to M. S. 480.242 to promulgate rules regulating the distribution of the civil filing surcharge for legal services

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached rules on the distribution of the civil filing surcharge for legal services and alternative dispute resolution programs be, and hereby are, adopted.

Dated this 13th day of September, 1982.

BY THE COURT



Chief Justice

SUPREME COURT

FILED

SEP 14 1982

JOHN McCARTHY

CLERK

RULES RELATING TO DISTRIBUTION OF CIVIL SURCHARGE FUNDS

Rule 4 Federal Legal Services Corporations

A. Eligible Entities - Mandatory Distribution

The Legal Services Corporations which have been identified by statute, M. S. 480.242, subd. 2, as recipients of 85 percent of the surcharge funds, are those qualified legal services programs which have demonstrated an ability as of July 1, 1982 to provide legal services to persons unable to afford private counsel with funds provided by the federal Legal Services Corporation.

Those programs are:

1. Southern Minnesota Regional Legal Services
60 East Fourth Street
St. Paul, MN 55101
2. Mid Minnesota Legal Assistance
222 Grain Exchange Building
323 South Fourth Street
Minneapolis, MN 55415
3. Judicare of Anoka County
403 Jackson Street
Anoka, MN 55303
4. Legal Aid Service of Northeastern Minnesota
302 Ordean Building
424 West Superior Street
Duluth, MN 55802
5. Northwest Minnesota Legal Services
Eighth Street and Fourth Avenue South
P. O. Box 714
Moorhead, MN 56560
6. Anishinabe Legal Service
Box 157
Cass Lake, MN 56633

B. Frequency of Distribution

The mandatory distribution to the Legal Services Corporations shall be made of funds on deposit at the Supreme Court on October 15, January 15, April 15, May 15 and June 15 based upon the number of persons with incomes below the poverty level established by the United States Census Bureau who reside in the geographical area served by each program as determined by the Supreme Court on the basis of the 1980 national census. Until the 1980 figures are available, the 1970 census poverty level data shall be the basis for preliminary distributions.

An adjustment in funds disbursed shall be made to insure that total fiscal year 1983 disbursements are in accord with the 1980 census data applied for the entire year. The Legal Services Corporations shall, upon request by the Legal Services Advisory Committee, provide a report and recommendation in writing concerning the number of such persons in the areas served by each such program in accordance with the statutory criteria. The report shall set forth the bases for the enumerations.

C. Maintenance of Financial Records

Each Legal Service Corporation shall maintain books and records in accord with generally accepted accounting principles. The book and records shall account for the receipts and expenditure of all funds appropriated from the surcharge. Within 90 days after the close of the state fiscal year the Legal Service Corporation shall return any unexpended funds to the Supreme Court. Books and records shall be maintained for a period of five years from the close of the fiscal year in question or until audited whichever is sooner.

D. Budgets

Each Legal Service Corporation shall submit a proposed budget to the legislature biennially. These budgets shall be submitted to the Supreme Court for inclusion in the agency's budget in the manner, form, and time prescribed for state agencies.

Rule 5 Discretionary Grant Funds

A. Application Process

The Legal Services Advisory Committee shall solicit applications for funding for the provision of qualified legal services in civil matters to eligible clients, including programs which organize members of the private bar to perform services and programs for qualified alternative dispute resolution.

B. Requests for Proposal

Requests for proposal shall be prepared by the Legal Services Advisory Committee specifying the requirements with which applicants must comply. At a minimum applicants must furnish statements about the nature of the proposed program, a proposed budget, and a description of the organizational structure of the sponsoring agency.

C. Notice of Requests for Proposal

Notice of the requests for proposal shall be posted in the Bench and Bar, Finance and Commerce, the St. Paul Legal Ledger and such other places as the Legal Services Advisory Committee deems likely to give adequate notice to potential applicants at least 30 days prior to the application deadline.

D. Application Deadline

The request for proposal shall clearly state the application deadline. The Legal Services Advisory Committee shall consider all applications submitted prior to the deadline.

E. Review and Recommendation

The Legal Service Advisory Committee shall review all applications within 90 days of the deadline and recommend in writing to the Supreme Court the agencies and dollar amount of the awards which it deems most suitable for receiving surcharge funding.

F. Award of Surcharge Funds by the Supreme Court

The Supreme Court, if it agrees with the recommendations of the Legal Services Advisory Committee, shall contract with the agency to execute the proposed program within legal and budgetary limitations. The funds shall be disbursed in the manner provided by contract.

G. Maintenance of Books and Records

Each recipient of an award of legal services surcharge funds shall maintain books and records in accord with generally accepted accounting principles. The books and records shall account for the receipt and expenditure of all funds appropriated from the surcharge. Within 90 days after the close of the state fiscal year the recipient shall return any unexpended funds to the Supreme Court. Books and records shall be maintained for a period of five years from the close of the fiscal year in question or until audited whichever is sooner.

Rule 6 Surcharge Appropriation Budget

The responsibility for presenting the surcharge budget to the legislature shall reside with the Legal Services Advisory Committee.