

HCS SCS SB 1247 -- STATE LEGAL EXPENSE FUND

SPONSOR: Dougherty (Byrd)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Judiciary by a vote of 18 to 0.

This substitute adds licensed attorneys practicing law for no compensation at a tax-exempt, nonprofit community social services center to those eligible for coverage from the State Legal Expense Fund. The aggregate of any payments from the fund will be limited to a maximum of \$500,000 for all claims based upon the same act or acts alleged in a single cause and will not exceed \$500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the fund will also be limited to \$500,000.

An attorney's liability or malpractice insurance will not be considered for the payment of a claim to the extent that the legal expense fund is required to make payment. However, an attorney may obtain liability or malpractice insurance for amounts that exceed the maximum coverage of the legal fund.

The Attorney General is authorized to promulgate rules regarding contract procedures and documentation of legal practice of attorneys covered by the fund.

FISCAL NOTE: No impact on General Revenue Fund in FY 2005, FY 2006, and FY 2007. Estimated Cost on Other State Funds of Unknown in FY 2005, FY 2006, and FY 2007. Unknown costs to State Legal Expense Fund could exceed \$100,000 in any given fiscal year.

PROPOSERS: Supporters say that the bill will increase the number of attorneys providing free services to needy persons by covering them under the State Legal Expense Fund under these circumstances.

Testifying for the bill were Senator Dougherty; Lou DeFeo; and Missouri Bar.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Legislative Analyst