

February 19, 1976

CLERK: Read title to LB 346. There are no committee amendments or other amendments pending.

PRESIDENT: Senator Fowler.

SENATOR FOWLER: As indicated in the title LB 346 provides for legal service program for low income elderly citizens. LB 346 would authorize the State Commission on Aging to establish and fund a program of legal services for low income elderly citizens. Such services may be provided directly by the Commission or by contracting with existing firms or non-profit organizations. The legal services that are allowed in the bill include direct client service, legal education, legal research and lawyer referral. The bill would fill a needed gap in services to elderly.

I'd like to share with the Legislature some examples of services that the Commission ... or the local Aging Division in the City of Lincoln provided me legal cases they've actually had where senior citizens needed legal help but could not afford it. In the area of consumer and merchant relationships there have been things on recourse for shoddy home repairs, mail-order frauds, advice on contracting commercial services. The area consumer fraud, I'm sure we've all read stories of senior citizens having trouble with signing contracts and losing large amounts of money. Another area is tenant-landlord relationships. The third area is home-ownership, problems with assessments and property taxes, filling out forms and so on, being aware of their rights. Then there's the area of kind of general civil rights and protective services, things like guardianships, forced institutionalization such as the mental health commitment, protection of property and savings from certain action. These are the types of services that we're talking about, the types of needs that senior citizens have.

The bill would authorize direct client service, that is an attorney helping the citizen. It will authorize legal education, that is attorney's going out and talking to senior citizens about programs, provide for legal research and enable the attorneys to look into special areas of senior citizen needs such as social security law. In certain areas it would provide for lawyer referral if the persons income was above the guidelines established by the bill.

There are limitations in the bill to limit what the attorneys can do. There can be no fee-generating cases similar to the Federal Legal Services Act and they cannot handle criminal cases.

As indicated the program will be established by the Commission on Aging. There is language written in for them to work with the State Bar Association as far as guidelines so that the viewpoint of professional attorneys are provided.