

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1813 Session of
1977

INTRODUCED BY DeVERTER, ENGLEHART, PITTS, LEVI, L. E. SMITH,
HELFRICK, HASAY, MACKOWSKI AND WAGNER, OCTOBER 27, 1977

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 27, 1977

AN ACT

1 Prohibiting legal service organizations from suing the
2 Commonwealth for certain damages, requiring certain
3 disclosures and providing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Definitions.

7 The following words and phrases when used in this act shall
8 have, unless the context clearly indicates otherwise, the
9 meanings given to them in this section:

10 "Legal services organization." An organization or any counsel
11 representing such organization which provides legal assistance
12 to clients and receives Commonwealth funds from or through the
13 Pennsylvania Legal Services Corporation or its successor.

14 Section 2. Prohibition of certain claims.

15 No legal service organization shall bring a suit against the
16 Commonwealth, its political subdivisions, or any of its duly
17 constituted authorities or officers, employees, or members
18 thereof alleging:

- (1) double or triple damages or any punitive damages;
- (2) personal liability against officers, employees, or members acting in their official capacity; or
- (3) pain and suffering or any other noneconomic detriment.

Section 3. Defendants' rights; legal service organization's duties.

(a) The defendant in any suit brought by a legal service organization shall have the right to challenge the financial eligibility of the plaintiff to receive such legal assistance. Once the defendant has challenged the financial eligibility of the plaintiff to be so represented, both the plaintiff and the legal service organization shall have the burden of proving said financial eligibility.

(b) As a condition for bringing the action, the complaint filed by a plaintiff in any suit brought by a legal service organization shall state that the defendant has the right to examine the financial eligibility of the plaintiff to receive such legal assistance.

(c) Any legal service organization violating this act shall be ineligible to receive Commonwealth funds for any purpose for a period of two years. The two years shall commence on the date four months subsequent to a judicial determination of said violation.

Section 4. Loss of Federal funds.

The Department of Public Welfare shall not contract with, nor apply to, nor request from, nor receive any matching or other funds from the Federal Government for the use of a legal service organization in violation of this act for the period of time set forth in section 3(c).

Section 5. Private citizens' rights.

1 Nothing in this act shall be construed to prohibit any
2 citizen from bringing a suit in accordance with existing law
3 against the Commonwealth, its political subdivisions, or any of
4 its duly constituted authorities or officers, employees, or
5 members thereof individually or with the assistance of a private
6 attorney.

7 Section 6. Effective date.

8 This act shall take effect in 60 days.