

# Overview of Community Governance Attorney Act

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## Community Governance Attorney Act

- Goals:
  - provide more legal capacity to non-profit organizations (or law school) doing this work
  - develop a pipeline of attorneys who understand relevant law and communities
- Part of a broader goal of providing more legal education on relevant law



## SB 244 Basics

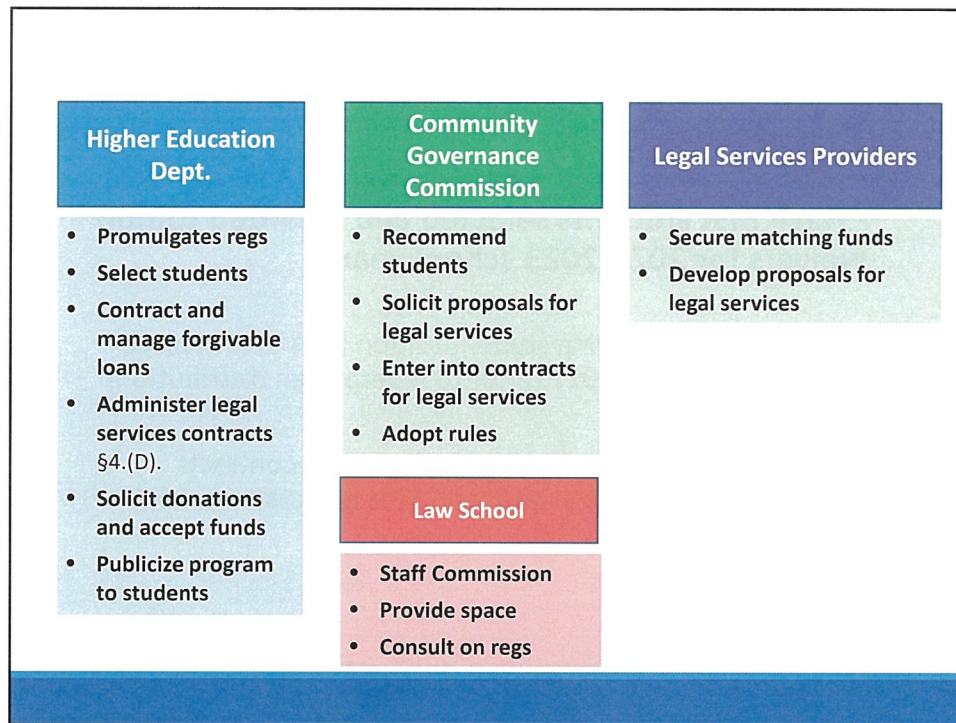
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- **Commission is established, Governor appoints 3 of 5 members from Acequia, Land Grant, Colonia communities. §4(A).**
- **Up to two law students in final year of law school receive “tuition waiver” (forgivable loan). §3(B)-(C).**
- **Students are recommended by Commission, §4(C)(4), “selected” by HED pursuant to regulations to be established, §3(B).**
- **Tuition waiver is forgiven if students work 2 years as community governance attorney making not more than \$50,000 annually. §3(F).**

## SB 244 Basics Continued

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- **HED enters into contracts with students, §3(D)-(E), and administers repayment if necessary, §3(A)(3).**
- **Commission solicits and enters into contracts with legal services providers (LSPs) to provide legal services to land grants, acequias, and low-income colonia residents. §4(C)(3)-(4).**
  - Eligible LSPs are “the university or nonprofit organizations whose mission is to provide a range of free legal services to low-income New Mexicans”. §4(C)(4).
- **Contract may provide up to 50% of funding for community governance attorney position. §4(C)(4).**
- **Service providers must show sufficient non-state matching funding to provide a full-time position. §4(C)(4).**



# Possible Implementation Sequence

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## Goals

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- **Have first students selected and awarded tuition waivers for 2022-2023 school year.**
  - Would require having student tuition contracts in place before August 1, 2022 (prior to federal loan distribution)
  - Likely would require having legal services contracts established prior to award (and 50% non state match)

## Possible Sequence based on SB 244 Requirements

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- ~~Governor appoints Commission members. §4.A.3.~~
- ~~Law school consults on rulemaking. §3.A.1.~~
- **Commission adopts its rules. §4.C.5.**
- **Commission provides input to HED on rulemaking. §4.C.2.**
- **HED promulgates rules. §3.A.1.**
- **Commission solicits legal services proposals. §4.C.3.**

## Implementation Sequence Continued

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- **Commission enters into legal services contracts** (LSPs need 50% match for positions). §4.C.3.
- **Commission recommends applicants.** §4.C.1.
- **HED selects student participants.** §3.B.
- **HED enters into contract with students for forgivable loan.** §3.D.
- **HED administers student and legal services contracts.** § 3.D-F; § 4.D.
- **HED manages repayment if necessary.** §3.A.3

## HED Rulemaking & Commission Rules

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- **HED to “(1) promulgate rules for implementing the program” §3.A.1.**
  - Rules to be promulgated “in consultation” with law school §3.A.1.
  - Commission is to advise HED on the adoption of rules. §4.C.2.
  - Rules are to include: “a standard process for law students to apply to participate in the program” §3.B.
- **Commission is to “adopt such rules as are necessary to carry out the provisions of this section.” §4.E.5.**

## Solicitation and Contracting with Legal Services Organizations

- Likely need to award legal services contracts before choosing students so student are guaranteed a job.
  - Forgivable loan terms are much less favorable than federal loans
  - 18% interest in a 10 year pay back period. §3.E.
  - Students will likely be more interested in the position if they know who they would be working for
- Legal Service Organizations need to secure a non-state match for at least 50% of attorney position before signing contract §4.C.4.
- On proposed timeline, would need a non-state match by Spring 2022, or latest Summer 2022.

