SENATE DOCKET, NO. 203 FILED ON: 1/18/2011

SENATE . . . . . No. 666

The Commonwealth of Massachusetts

PRESENTED BY:

Gale D. Candaras

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to a law student loan repayment assistance program..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Gale D. Candaras	☐ *[District]* ☐
James B. Eldridge	☐ *[District]* ☐
Angelo J. Puppolo, Jr.	*12th Hampden*
Benjamin Swan	*11th Hampden*

SENATE DOCKET, NO. 203 FILED ON: 1/18/2011

SENATE . . . . . No. 666

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 666) of Gale D. Candaras, James B. Eldridge, Angelo J. Puppolo, Jr. and Benjamin Swan for legislation relative to a law student repayment assistance program. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1602* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to a law student loan repayment assistance program..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established a law student loan repayment assistance program to be administered by the loan repayment management committee set out in Section five below.

SECTION 2. The purpose of the law student loan repayment assistance program is to eliminate the inequities in our legal system that disproportionately impact the poor and other persons who cannot afford competent legal assistance by: (a) encouraging people newly graduated from law school, who are often straddled with large undergraduate and law school loans, to engage in public interest legal work; (b) helping to remove the economic barriers that confront public interest attorneys; and (c) encouraging the dedication of professional life to the development of a more just and compassionate society.

SECTION 3. Definitions

a. Accredited Law School: A law school in the commonwealth that is accredited by the American Bar Association and the Massachusetts state board of higher education.

b. Full time employment: An applicant who works or plans to work at least thirty-five hours per week, excluding vacation and sick leave days

c. Law-related position: On a daily basis, the position requires the utilization of the knowledge, legal skills, and ethical standards acquired at an accredited law school in the commonwealth.

d. Public Interest Legal Employment: A person employed by local entity, the commonwealth, the committee for public counsel services, legal services, and non-profit advocacy organizations that qualify for tax exemption under Section 50lc of the United States Internal Revenue Code, and are engaged in the practice of law.

e. Qualified Public Sector Employment: Employment for at least thirty-five hours a week in a legal-related position in public interest legal work.

f. Substantial Law School/ Undergraduate education debt: More than $60,000 in undergraduate and/ or law school loan debt.

SECTION 4. (a) An applicant for assistance under this program must be a graduate of an accredited law school in this commonwealth, and must, at the time of graduation, have incurred substantial law school/ undergraduate education debt because of expenses related to undergraduate and law school education.

(b) Applicants for assistance under this program shall derive their income from "qualified public sector employment."

(c) An applicant is engaged in "full-time employment."

(d) An applicant's work is in"a law-related position."

(e) An applicant is engaged in "public interest legal employment."

SECTION 5. (a.)There is hereby established a loan repayment management committee to administer the law student loan repayment assistance program. Said committee shall consist of one representative from each accredited law school in the commonwealth appointed by such law school, and two persons appointed by the governor. Each members of the committee shall serve a two-year term, which is renewable by the respective appointing authority. Said committee shall have the power to: Promulgate such policies, rules and regulations for the administration of the program that area not inconsistent with this act, including the determination of income and employment eligibility for applicants; apply for tax exempt status; raise funds to support the program;

1. require repayment of any grant if the recipient fails to comply with the terms of any such assistance; and

2. engage in any other activity that directly benefits the program and is necessary for its implementation.

49 (b.) In the administration of this program, the loan repayment management
50 committee shall ensure that assistance is granted in an equitable and proportionate manner to
51 applicants from each accredited law school in the commonwealth.

52 (c.) In granting assistance under this program, the loan repayment management
53 committee shall not award, in any one year, a sum to any applicant that exceeds 20 percent of
54 such applicant's total educational indebtedness. An applicant may reapply annually for
55 additional assistance.

56 SECTION 6. In granting assistance under this program, the loan repayment
57 management committee shall not take into account the political or ideological views or purposes
58 of the applicant's employer. The loan repayment management committee shall not grant any
59 assistance under this program to an applicant who works for an employer that discriminates
60 based on race, color, sex, religion, national origin, sexual orientation, marital status, age,
61 disability, or veteran status.

62 SECTION 7. For each fiscal year, there is hereby authorized to be appropriated
63 $2,000,000 and such additional sums as the general court deems appropriate. Any funds not
64 expended by the loan repayment management committee in any fiscal year shall be carried over
65 to the next fiscal year or returned to the commonwealth at the discretion of the loan repayment
66 management committee. The loan repayment management committee may engage in private
67 fundraising to supplement the funds appropriated by the general court for this program. The
68 accredited law schools in the commonwealth shall, at their expense, furnish sufficient personnel
69 and facilities to administer this program.