
OLR Bill Analysis

sHB 5388 (as amended by House "A")*

AN ACT CONCERNING COURT FEES AND THE DELIVERY OF LEGAL SERVICES TO THE POOR.

SUMMARY:

This bill increases certain court filing fees and establishes new fees. The fee increases take effect July 1, 2012, but with one exception, sunset after three years.

The bill requires the chief court administrator or her designee, by the last day of January, April, July, and October each year (starting in July 2012 and ending in July 2015), to:

1. certify the amount of revenue received as a result of the bill's fee increases and new fees,
2. transfer 70% of that amount to the organization administering the interest on lawyers' trust accounts (IOLTA) program to fund legal services for the poor, and
3. transfer 30% of the amount to the Judicial Data Processing Revolving Fund to maintain and improve the Judicial Department's informational processing system.

The bill requires, rather than authorizes, the chief court administrator to establish and administer the Judicial Data Processing Revolving Fund. Under current law, any money remaining in the fund at the end of a fiscal year is carried forward to the next fiscal year. The bill instead provides that, at the end of each fiscal year starting with FY 13, any excess over \$5 million must be transferred to the General Fund.

***House Amendment "A":**

1. adds, removes, and modifies several of the underlying bill's fee increases, such as doubling the fee in the original file for

admission as attorney pro hac vice from \$300 to \$600, and removing the \$90 fee in the original file for filing a certificate of closed pleadings;

2. requires excess in revolving fund over \$5 million to go to General Fund starting in FY 13 rather than FY 12; and
3. requires 70%, rather than 60%, of revenue from fee increase to go to IOLTA and 30%, rather than 40%, to go to Judicial Data Processing Revolving Fund.

EFFECTIVE DATE: July 1, 2012, except the provisions reversing the fee increases are effective July 1, 2015, and the provision reversing the certification and transfer of the fee increases is effective August 1, 2015.

INCREASED COURT FEES

The bill increases the fees for filing certain court actions and motions with the Superior Court and establishes certain new fees. With one exception, all of the fee increases sunset on June 30, 2015. The exception is the increased fee for filing paternity actions (other than those in Probate Court). The bill makes the fee for filing paternity actions in Superior Court the same as for filing civil cases generally. Thus, beginning July 1, 2012, the fee for paternity cases in Superior Court doubles from \$175 to \$ 350. On July 1, 2015, the fee is reduced by \$50, to \$ 300.

Table 1 shows all of the increased fees scheduled to sunset.

Table 1: Fee Increases

| Bill §§ | Action or Motion | Current Law | The Bill (July 1, 2012 through June 30, 2015) |
|----------------|--|--------------------|--|
| 2, 9 | Filing civil cases generally (there are different fees for certain types of cases) | \$300 | \$350 |
| 2, 9 | Filing case in which the sole claim for relief is damages and the amount, legal interest, or property in demand is less than \$2,500 | 175 | 225 |
| 2, 9 | Filing small claims case | 75 | 90 |

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|------------|--|-----|-----|
| 2, 9 | Filing a counterclaim in small claims case | -- | 90 |
| 2, 9 | Motion for admittance as attorney pro hac vice | -- | 600 |
| 2, 9 | Filing counterclaim, cross complaint, apportionment complaint, or third party complaint | -- | 200 |
| 3, 10 | Motion to modify judgment in a family relations matter | 125 | 175 |
| 4-7, 11-14 | Application from judgment creditor for enforcement of an unsatisfied judgment, including debts due from financial institutions or other sources, and wage executions against a judgment debtor who fails to comply with an installment payment order | 75 | 100 |

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 44 Nay 1 (04/02/2012)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 49 Nay 2 (04/26/2012)