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Judiciary Committee
Public Hearing
March 9, 2012

Raised Bill No. 5388-AN ACT CONCERNING CONCERNING COURT FEES AND THE DELIVERY OF LEGAL SERVICES TO THE POOR

TESTIMONY OF ATTORNEY RENÉE CANNELLA OF THE CANNELLA LAW FIRM,
STAMFORD, CT IN OPPOSITION TO RAISED BILL NO. 5388

Chairman Fox, Chairman Coleman and Distinguished Members of the Judiciary
Committee:

With the current state of economic devastation, for so many, individuals and businesses alike, the suggestion of increasing court fees at this time is contrary to common sense and removed from the reality of how these increases will affect the very people they are purportedly proposed to help.

SMALL CLAIMS FILING FEE

While the effects of the fee increases will be felt by all who utilize our courts I will focus my first remarks on the chilling affect these increases will have in Small Claims court. Small claims court is used by individuals and businesses for claims to recoup money owed to them for a variety of reasons but most often for rent, unpaid loans, or for services or products which were provided and remain unpaid. As recently as 2009, the filing fee for small claims court more than doubled when it was raised from \$35 to \$75, an increase of almost 115%. Now, less than three years later an additional almost 34% increase? Thus the fee for getting into small claims court has almost tripled in less than three years.

POST JUDGMENT COLLECTION FEES

Then, looking at post judgment remedies to collect a judgment which a defendant has failed to pay, there is now a proposal to increase bank and wage execution fees to \$100.00, again almost a tripling of what the fee was less than three years ago.

SAMPLE CASE

From a practical standpoint, it would be helpful to consider a typical case in small claims court. A landscaper who is owed \$300.00 and in all likelihood has gone unpaid for years must pay 1/3 of what he is owed just to get into court. He goes to court and obtains a judgment for the \$300.00 plus the court fee of \$100.00. He is now owed \$400.00. The defendant defaults on that payment. The landscaper has to come up with an additional \$100.00 to move the court for a bank execution. The bank execution is unsuccessful. Now the landscaper moves the court for a wage execution for which

he must pay an additional \$100.00. Court fees have now doubled the loss the landscaper had initially suffered. An amount of money he can ill afford to advance even if the costs are ultimately the responsibility of the defendant who owed the original \$300.00. Which takes us to the next part of this equation- The defendant, who is most likely already in financial straits, now owes twice as much as he did initially. So now you may say perhaps the landscaper should just write off the loss and not pursue his rights in court. But a small business person cannot afford to write off \$300.00 or even \$200.00 or less, nor should he have to. Our state should not be placing businesses in such a position. If businesses cannot reasonably seek redress in our courts for services or products they have provided but have not been paid for they cannot continue to operate and if they cannot continue to operate they cannot continue to employ the citizens of our state and that is the slippery slope we are now on. I can assure you, no private businesses have tripled their fees/rates in the past three years, how can the state justify doing so?

NEW FEE- CLAIM TO THE TRIAL LIST

Part of the bill adds a brand new fee, specifically,

There shall be paid to the clerk of the Superior Court a fee of one hundred twenty-five dollars at the time any claim to the trial list is filed.

If a case is filed in Superior Court and the case is not resolved by a default judgment or a motion for summary judgment, where there are issues of fact the matter must be claimed to the trial list or it will be dismissed. In order to prevent a case from being dismissed without an opportunity to be heard Raised Bill 5388 will require a payment of \$125.00 in addition to the initial filing fee the plaintiff already paid.

Imagine you buy tickets to a baseball game; you spend a few hundred dollars. You're watching the game, taking it all in, looking forward to seeing your team win. Before the last inning, an announcement is made. If you want to watch the end of the game you have to now pay an additional fee or you will be ejected from the stadium. I do not believe that scheme would feel fair to most who consider it. And in this scenario we are just talking about a game, entertainment. In court we are talking about the adjudication of legal rights.

Thank you for your consideration and I urge you to consider the vast ramifications of increasing court fees on Connecticut businesses and consumers.

Renee Cannella