



Senate

General Assembly

February Session, 2014

File No. 418

Senate Bill No. 31

Senate, April 8, 2014

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING CONTINUED DELIVERY OF LEGAL SERVICES TO THE POOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-5d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2014*):

3 (a) The Chief Court Administrator, or a designee, on or before the
4 last day of January, April, July and October in each year, shall certify
5 the amount of revenue received as a result of any fee increase that
6 [takes] took effect July 1, 2009, set forth in sections 52-258, 52-259, 52-
7 259c and 52-361a, and transfer such amount to the organization
8 administering the program for the use of interest earned on lawyers'
9 clients' funds accounts pursuant to section 51-81c, for the purpose of
10 funding the delivery of legal services to the poor.

11 (b) The Chief Court Administrator, or a designee, on or before the
12 last day of January, April, July and October in each year, shall (1)
13 certify the amount of revenue received as a result of any fee increase

14 that [takes] took effect July 1, 2012, set forth in (A) section 52-259, (B)
 15 section 52-259c, (C) subdivision (1) of subsection (a) of section 52-356a,
 16 (D) subsection (a) of section 52-361a, (E) subsection (b) of section 52-
 17 367a, and (F) subsection (b) of section 52-367b, and (2) transfer (A)
 18 seventy per cent of such amount prior to July 1, 2014, and ninety-five
 19 per cent of such amount on or after July 1, 2014, to the organization
 20 administering the program for the use of interest earned on lawyers'
 21 clients' funds accounts pursuant to section 51-81c, for the purpose of
 22 funding the delivery of legal services to the poor, and (B) thirty per
 23 cent of such amount prior to July 1, 2014, and five per cent of such
 24 amount on or after July 1, 2014, to the Judicial Data Processing
 25 Revolving Fund established in section 51-5b, for the purpose of
 26 maintaining and improving any informational data processing system
 27 operated by the Judicial Department, subject to the transfer
 28 requirements of subsection (c) of section 51-5b.

29 Sec. 2. Sections 9 to 15, inclusive, of public act 12-89, and section 14
 30 of public act 13-194 are repealed. (*Effective October 1, 2014*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	51-5d
Sec. 2	<i>October 1, 2014</i>	Repealer section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Judicial Dept.	Judicial Data Processing Revolving Fund - Revenue Loss	1.7 million	None
Judicial Dept.	Judicial Data Processing Revolving Fund - Revenue Gain	None	0.3 million

Municipal Impact: None

Explanation

The bill results in a revenue loss of \$1,668,830 in FY 15 to the Judicial Data Processing Revolving Fund (the "Fund") by decreasing the portion of certain court fees deposited into the Fund from 30% to 5%.

The bill also results in a revenue gain of approximately \$300,000 beginning in FY 16 to the Fund by continuing increases in certain court fees that were scheduled to sunset on July 1, 2015.

Background

Impact to Connecticut Bar Foundation IOLTA account

The bill increases the transfer to the Connecticut Bar Foundation Interest on Lawyers' Trust Accounts (IOLTA) for legal services for the poor by \$1,668,830 in FY 15. The bill also results in a revenue gain of approximately \$6.3 million beginning in FY 16 to the IOLTA by continuing increases in certain court fees that were scheduled to sunset on July 1, 2015.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject court fee collections.

OLR Bill Analysis

SB 31

AN ACT CONCERNING CONTINUED DELIVERY OF LEGAL SERVICES TO THE POOR.

SUMMARY:

This bill makes permanent certain court filing fee increases and fees that took effect July 1, 2012 and are currently set to expire on July 1, 2015.

It also raises, from 70% to 95%, the portion of revenue received from these fee increases that the chief court administrator must transfer to the organization administering the interest on lawyers’ trust accounts (IOLTA) program to fund legal services for the poor. Accordingly, it decreases, from 30% to 5%, the portion of the increase that the administrator must transfer to the Judicial Data Processing Revolving Fund for the judicial branch’s informational data processing system.

EFFECTIVE DATE: July 1, 2014, for the changes in the allocation of the fee increases; October 1, 2014 for the extension of those increases.

EXTENSION OF INCREASED COURT FEES

PA 12-89 increased certain existing fees, and imposed new fees, for filing various court actions and motions in Superior Court. Under that act, the fee increases and new fees are scheduled to sunset on July 1, 2015. The bill makes the increases and fees permanent.

Table 1 shows the current fees and the scheduled reduction under current law.

Table 1: Fee Increases and Fees Extended by the Bill

PA 12-	Action or Motion	Current Fee (and	Reduced Fee
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89 §§		Continuing Fee Under Bill)	Under Current Law As of July 1, 2015
2, 9	Filing civil case generally (there are different fees for certain types of cases)	\$350	\$300
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	225	175
2, 9	Filing small claims case*	90	75
2, 9	Filing counterclaim in small claims case	90	0
2, 9	Motion for admittance as attorney <i>pro hac vice</i>	600	0
2, 9	Filing counterclaim, cross complaint, apportionment complaint, or third party complaint	200	0
3, 10	Motion to modify judgment in a family relations matter	175	125
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	100	75

* By raising the small claims filing fee, PA 12-89 also increased certain fees that are set by law in an amount equal to that fee (e.g., appeals of penalties for certain municipal matters (see CGS §§ 7-152b, 7-152c, and 47a-6b)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 0 (03/24/2014)