



General Assembly

Substitute Bill No. 428

February Session, 2016

* SB00428FIN 042016 *

AN ACT CONCERNING FUNDING OF LEGAL SERVICES FOR THE POOR.

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

1 Section 1. Section 51-81d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) The Superior Court, in accordance with rules established by the
4 judges of the Superior Court, may (1) establish a Client Security Fund
5 to (A) reimburse claims for losses caused by the dishonest conduct of
6 attorneys admitted to the practice of law in this state and incurred in
7 the course of an attorney-client relationship, [and] (B) provide for crisis
8 intervention and referral assistance to attorneys admitted to the
9 practice of law in this state who suffer from alcohol or other substance
10 abuse problems or gambling problems, or who have behavioral health
11 problems, and (C) make grants-in-aid to the organization
12 administering the program for the use of interest earned on lawyers'
13 clients' funds accounts pursuant to section 51-81c, for the purpose of
14 funding the delivery of legal services to the poor, and (2) assess any
15 person admitted as an attorney by the Superior Court, in accordance
16 with section 51-80, an annual fee to be deposited in the Client Security
17 Fund for the purposes described in this subsection. Such crisis
18 intervention and referral assistance (i) shall be provided with the
19 assistance of an advisory committee, to be appointed by the Chief
20 Court Administrator, that includes one or more behavioral health

21 professionals, and (ii) shall not be deemed to constitute the practice of
22 medicine or mental health care.

23 (b) All fees assessed pursuant to subsection (a) of this section and
24 collected by the Superior Court in accordance with rules established by
25 the judges of the Superior Court may be recorded with the State
26 Comptroller and deposited with the State Treasurer, who shall credit
27 such payments to the Client Security Fund. The State Treasurer shall
28 maintain the Client Security Fund separate and apart from all other
29 moneys, funds and accounts and shall credit any interest earned from
30 the Client Security Fund to the fund. The Client Security Fund shall be
31 maintained by the State Treasurer in trust for the sole and exclusive
32 purposes and uses designated in this section. The moneys in the Client
33 Security Fund are not tax revenues and may not be transferred or
34 credited to the General Fund or any other fund or account except as
35 expressly directed by the committee established to administer the fund
36 and in accordance with rules established by the judges of the Superior
37 Court.

38 (c) The Client Security Fund shall be used to satisfy the claims
39 approved in accordance with procedures established pursuant to rules
40 of the Superior Court, to provide funding for crisis intervention and
41 referral assistance provided pursuant to this section, to make grants-in-
42 aid to the organization administering the program for the use of
43 interest earned on lawyers' clients' funds accounts pursuant to section
44 51-81c, for the purpose of funding the delivery of legal services to the
45 poor, and to pay the reasonable costs of administration of the fund.
46 Only moneys deposited in the Client Security Fund on or after October
47 1, 2016, may be used to make any such grants-in-aid to the
48 organization administering the program for the use of interest earned
49 on lawyers' clients' funds accounts pursuant to section 51-81c.

50 (d) No such fee shall be assessed to any attorney described in
51 subsection (g) of section 51-81b, except that any attorney who does not
52 engage in the practice of law as an occupation and receives less than
53 four hundred fifty dollars in legal fees or other compensation for

54 services involving the practice of law during the calendar year shall be
55 obligated to pay one-half of such fee.

56 (e) The Commissioner of Revenue Services shall notify the Chief
57 Court Administrator or his designee of the failure of any person to pay
58 any fee assessed in accordance with subsection (a) of this section.

59 (f) All information given or received in connection with crisis
60 intervention and referral assistance provided pursuant to this section,
61 including the identity of any attorney seeking or receiving such crisis
62 intervention and referral assistance, shall be confidential and shall not
63 be disclosed to any third person other than a person to whom
64 disclosure is reasonably necessary for the accomplishment of the
65 purposes of such crisis intervention and referral assistance, and shall
66 not be disclosed in any civil or criminal case or proceeding or in any
67 legal or administrative proceeding, unless the attorney seeking or
68 obtaining such crisis intervention and referral assistance waives such
69 privilege or unless disclosure is otherwise required by law. Except as
70 otherwise provided in this subsection, no attorney who provides crisis
71 intervention and referral assistance pursuant to this section shall
72 disclose any information given or received in connection with such
73 crisis intervention and referral assistance unless such disclosure is
74 required by the rules governing communications between attorney
75 and client. Unless the privilege under this subsection has been waived
76 or unless disclosure is otherwise required by law, no person in any
77 civil or criminal case or proceeding or in any legal or administrative
78 proceeding may request or require any information given or received
79 in connection with the crisis intervention and referral assistance
80 provided pursuant to this section.

81 Sec. 2. Section 52-258 of the general statutes is repealed and the
82 following is substituted in lieu thereof (*Effective July 1, 2016*):

83 The jury fee in civil actions shall be [four hundred twenty-five] four
84 hundred forty dollars to be paid at the time the case is claimed for the
85 jury by the party at whose request the case is placed upon the jury

86 docket. The jury fee shall be taxed in favor of the party paying the jury
87 fee in the bill of costs in the action, if final judgment thereon is
88 rendered in such party's favor.

89 Sec. 3. Section 52-259 of the 2016 supplement to the general statutes
90 is repealed and the following is substituted in lieu thereof (*Effective July*
91 *1, 2016*):

92 (a) There shall be paid to the clerks for entering each appeal or writ
93 of error to the Supreme Court, or entering each appeal to the Appellate
94 Court, as the case may be, two hundred fifty dollars, and for each civil
95 cause in the Superior Court, [~~three hundred fifty~~] three hundred sixty
96 dollars, except (1) [~~two hundred twenty-five~~] two hundred thirty
97 dollars for entering each case in the Superior Court in which the sole
98 claim for relief is damages and the amount, legal interest or property
99 in demand is less than two thousand five hundred dollars; (2) one
100 hundred seventy-five dollars for summary process and landlord and
101 tenant actions; and (3) there shall be no entry fee for making an
102 application to the Superior Court for relief under section 46b-15 or 46b-
103 16a, or for making an application to modify or extend an order issued
104 pursuant to section 46b-15 or 46b-16a. If the amount, legal interest or
105 property in demand by the plaintiff is alleged to be less than two
106 thousand five hundred dollars, a new entry fee of seventy-five dollars
107 shall be charged if the plaintiff amends his or her complaint to state
108 that such demand is not less than two thousand five hundred dollars.

109 (b) The fee for the entry of a small claims case and for filing a
110 counterclaim in a small claims case shall be [~~ninety~~] ninety-five dollars.
111 If a motion is filed to transfer a small claims case to the regular docket,
112 the moving party shall pay a fee of one hundred twenty-five dollars.

113 (c) There shall be paid to the clerk of the Superior Court by any
114 party who requests that a matter be designated as a complex litigation
115 case the sum of [~~three hundred twenty-five~~] three hundred thirty-five
116 dollars, to be paid at the time the request is filed.

117 (d) There shall be paid to the clerk of the Superior Court by any
118 party who requests a finding of fact by a judge of such court to be used
119 on appeal the sum of twenty-five dollars, to be paid at the time the
120 request is filed.

121 (e) There shall be paid to the clerk of the Superior Court a fee of
122 seventy-five dollars for a petition for certification to the Supreme
123 Court and Appellate Court.

124 (f) There shall be paid to the clerk of the Superior Court for
125 receiving and filing an assessment of damages by appraisers of land
126 taken for public use or the appointment of a commissioner of the
127 Superior Court, two dollars; for recording the commission and oath of
128 a notary public or certifying under seal to the official character of any
129 magistrate, ten dollars; for issuing a certificate that an attorney is in
130 good standing, ten dollars; for certifying under seal, two dollars; for
131 exemplifying, twenty dollars; for making all necessary records and
132 certificates of naturalization, the fees allowed under the provisions of
133 the United States statutes for such services; and for making copies, one
134 dollar per page. Any fee set forth in this subsection shall be payable in
135 accordance with subsection (m) of this section.

136 (g) There shall be paid to the clerk of the Superior Court for a copy
137 of a judgment file a fee of twenty-five dollars, inclusive of the fees for
138 certification and copying, for a certified copy and a fee of fifteen
139 dollars, inclusive of the fee for copying, for a copy which is not
140 certified; and for a copy of a certificate of judgment in a foreclosure
141 action, as provided by the rules of practice and procedure, twenty-five
142 dollars, inclusive of the fees for certification and copying. Any fee set
143 forth in this subsection shall be payable in accordance with subsection
144 (m) of this section.

145 (h) There shall be paid to the clerk of the Superior Court a fee of
146 [one hundred seventy-five] one hundred eighty dollars at the time any
147 application for a prejudgment remedy is filed.

148 (i) There shall be paid to the clerk of the Superior Court a fee of [six
149 hundred] six hundred twenty dollars at the time any motion to be
150 admitted as attorney pro hac vice is filed.

151 (j) There shall be paid to the clerk of the Superior Court a fee of [two
152 hundred] two hundred five dollars at the time any counterclaim, cross
153 complaint, apportionment complaint or third party complaint is filed.

154 (k) There shall be paid to the clerk of the Superior Court a fee of
155 three hundred fifty dollars at the time any application for a dissolution
156 of lien upon the substitution of a bond with surety is filed pursuant to
157 subsection (a) of section 49-37, subsection (b) of section 49-55a,
158 subsection (a) of section 49-61, subsection (a) of section 49-92b or
159 subsection (b) of section 49-92h.

160 (l) A fee of twenty dollars for any check issued to the court in
161 payment of any fee which is returned as uncollectible by the bank on
162 which it is drawn may be imposed.

163 (m) Any recording or copying performed under subsection (f) or (g)
164 of this section may be done by photograph, microfilm, as defined in
165 section 51-36, computerized image or other process which accurately
166 reproduces or forms a durable medium for so reproducing the
167 original. The fees required under subsections (f) and (g) of this section
168 for recording and copying shall be payable regardless of the method
169 by which the recording and copying is done.

170 (n) The tax imposed under chapter 219 shall not be imposed upon
171 any fee charged under the provisions of this section.

172 Sec. 4. Section 52-259c of the 2016 supplement to the general statutes
173 is repealed and the following is substituted in lieu thereof (*Effective July*
174 *1, 2016*):

175 (a) There shall be paid to the clerk of the Superior Court upon the
176 filing of any motion to open, set aside, modify or extend any civil
177 judgment rendered in Superior Court a fee of seventy-five dollars for

178 any housing matter, a fee of seventy-five dollars for any small claims
179 matter, a fee of [one hundred seventy-five] one hundred eighty dollars
180 for any post-judgment motion to modify any judgment in a family
181 relations matter, as defined in section 46b-1, and a fee of [one hundred
182 twenty-five] one hundred thirty dollars for any other matter, except no
183 fee shall be paid upon the filing of any motion to open, set aside,
184 modify or extend judgments in juvenile matters or orders issued
185 pursuant to section 46b-15 or 46b-16a or upon the filing of any motion
186 pursuant to subsection (b) of section 46b-63. Such fee may be waived
187 by the court.

188 (b) Upon the filing of a motion to open or reargue a judgment in any
189 civil appeal rendered by the Supreme Court or Appellate Court or to
190 reconsider any other civil matter decided in either court, the party
191 filing the motion shall pay a fee of [one hundred twenty-five] one
192 hundred thirty dollars.

193 Sec. 5. Subdivision (1) of subsection (a) of section 52-356a of the
194 general statutes is repealed and the following is substituted in lieu
195 thereof (*Effective July 1, 2016*):

196 (a) (1) On application of a judgment creditor or a judgment
197 creditor's attorney, stating that a judgment remains unsatisfied and the
198 amount due thereon, and subject to the expiration of any stay of
199 enforcement and expiration of any right of appeal, the clerk of the
200 court in which the money judgment was rendered shall issue an
201 execution pursuant to this section against the nonexempt personal
202 property of the judgment debtor other than debts due from a banking
203 institution or earnings. The application shall be accompanied by a fee
204 of [one hundred] one hundred five dollars payable to the clerk of the
205 court for the administrative costs of complying with the provisions of
206 this section which fee may be recoverable by the judgment creditor as
207 a taxable cost of the action. In the case of a consumer judgment, the
208 application shall indicate whether, pursuant to an installment payment
209 order under subsection (b) of section 52-356d, the court has entered a
210 stay of execution and, if such a stay was entered, shall contain a

211 statement of the judgment creditor or the judgment creditor's attorney
212 as to the debtor's default on payments. In the case of a judgment
213 arising out of services provided at a hospital, no application shall be
214 made until the court has (A) issued an order for installment payments
215 in accordance with section 52-356d, (B) made a finding that the debtor
216 has defaulted on payments under the order, and (C) lifted the
217 mandatory stay issued under section 52-356d. The court shall make a
218 determination concerning noncompliance or default, and decide
219 whether to modify the installment payment plan, continue the
220 installment payment plan, or lift the stay. The execution shall be
221 directed to any levying officer.

222 Sec. 6. Subsection (a) of section 52-361a of the general statutes is
223 repealed and the following is substituted in lieu thereof (*Effective July*
224 *1, 2016*):

225 (a) If a judgment debtor fails to comply with an installment
226 payment order, the judgment creditor may apply to the court for a
227 wage execution. The application shall contain the judgment creditor's
228 or the judgment creditor's attorney's statement setting forth the
229 particulars of the installment payment order and of the judgment
230 debtor's failure to comply. The application shall be accompanied by a
231 fee of [one hundred] one hundred five dollars payable to the clerk of
232 the court for the administrative costs of complying with the provisions
233 of this section which fee may be recoverable by the judgment creditor
234 as a taxable cost of the action.

235 Sec. 7. Subsection (b) of section 52-367a of the general statutes is
236 repealed and the following is substituted in lieu thereof (*Effective July*
237 *1, 2016*):

238 (b) Execution may be granted pursuant to this section against any
239 debts due from any financial institution to a judgment debtor which is
240 not a natural person. If execution is desired against any such debt, the
241 plaintiff requesting the execution shall make application to the clerk of
242 the court. The application shall be accompanied by a fee of [one

243 hundred] one hundred five dollars payable to the clerk of the court for
244 the administrative costs of complying with the provisions of this
245 section which fee may be recoverable by the judgment creditor as a
246 taxable cost of the action. The clerk shall issue such execution
247 containing a direction that the officer serving such execution shall
248 make demand (1) upon the main office of any financial institution
249 having its main office within the county of the serving officer, or (2) if
250 such main office is not within the serving officer's county and such
251 financial institution has one or more branch offices within such county,
252 upon an employee of such a branch office, such employee and branch
253 office having been designated by the financial institution in accordance
254 with regulations adopted by the Banking Commissioner, in accordance
255 with chapter 54, for the payment of any debt due to the judgment
256 debtor, and, after having made such demand, shall serve a true and
257 attested copy thereof, with the serving officer's actions thereon
258 endorsed, with the financial institution officer upon whom such
259 demand is made. The serving officer shall not serve more than one
260 financial institution execution per judgment debtor at a time, including
261 copies thereof. After service of an execution on one financial
262 institution, the serving officer shall not serve the same execution or a
263 copy thereof upon another financial institution until receiving
264 confirmation from the preceding financial institution that the judgment
265 debtor had insufficient funds at the preceding financial institution
266 available for collection to satisfy the execution. If the serving officer
267 does not receive within twenty-five days of the service of the demand
268 a response from the financial institution that was served indicating
269 whether or not the taxpayer has funds at the financial institution
270 available for collection, the serving officer may assume that sufficient
271 funds are not available for collection and may proceed to serve another
272 financial institution in accordance with this subsection.

273 Sec. 8. Subsection (b) of section 52-367b of the general statutes is
274 repealed and the following is substituted in lieu thereof (*Effective July*
275 *1, 2016*):

276 (b) If execution is desired against any such debt, the plaintiff
277 requesting the execution shall make application to the clerk of the
278 court. The application shall be accompanied by a fee of [one hundred]
279 one hundred five dollars payable to the clerk of the court for the
280 administrative costs of complying with the provisions of this section
281 which fee may be recoverable by the judgment creditor as a taxable
282 cost of the action. In a IV-D case, the request for execution shall be
283 accompanied by an affidavit signed by the serving officer attesting to
284 an overdue support amount of five hundred dollars or more which
285 accrued after the entry of an initial family support judgment. If the
286 papers are in order, the clerk shall issue such execution containing a
287 direction that the officer serving such execution shall, within seven
288 days from the receipt by the serving officer of such execution, make
289 demand (1) upon the main office of any financial institution having its
290 main office within the county of the serving officer, or (2) if such main
291 office is not within the serving officer's county and such financial
292 institution has one or more branch offices within such county, upon an
293 employee of such a branch office, such employee and branch office
294 having been designated by the financial institution in accordance with
295 regulations adopted by the Banking Commissioner, in accordance with
296 chapter 54, for payment of any such nonexempt debt due to the
297 judgment debtor and, after having made such demand, shall serve a
298 true and attested copy of the execution, together with the affidavit and
299 exemption claim form prescribed by subsection (k) of this section, with
300 the serving officer's actions endorsed thereon, with the financial
301 institution officer upon whom such demand is made. The serving
302 officer shall not serve more than one financial institution execution per
303 judgment debtor at a time, including copies thereof. After service of an
304 execution on one financial institution, the serving officer shall not
305 serve the same execution or a copy thereof upon another financial
306 institution until receiving confirmation from the preceding financial
307 institution that the judgment debtor had insufficient funds at the
308 preceding financial institution available for collection to satisfy the
309 execution, provided any such additional service is made not later than
310 forty-five days from the receipt by the serving officer of such

311 execution. After service of an execution on a financial institution, the
312 serving officer shall not subsequently serve the same execution or a
313 copy thereof upon such financial institution if an electronic direct
314 deposit from a readily identifiable source described in subsection (c) of
315 this section was made to the judgment debtor's account during the
316 look-back period, as described in subsection (c) of this section. If no
317 such deposit was made, the serving officer may subsequently serve the
318 same execution or a copy thereof upon such institution, provided such
319 execution has not expired or otherwise become unenforceable.

320 Sec. 9. Section 51-5d of the general statutes is repealed and the
321 following is substituted in lieu thereof (*Effective July 1, 2016*):

322 (a) The Chief Court Administrator, or a designee, on or before the
323 last day of January, April, July and October in each year, shall certify
324 the amount of revenue received as a result of any fee increase that took
325 effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and 52-
326 361a, and transfer such amount to the organization administering the
327 program for the use of interest earned on lawyers' clients' funds
328 accounts pursuant to section 51-81c, for the purpose of funding the
329 delivery of legal services to the poor.

330 (b) The Chief Court Administrator, or a designee, on or before the
331 last day of January, April, July and October in each year, shall (1)
332 certify the amount of revenue received as a result of any fee increase
333 that took effect July 1, 2012, set forth in (A) section 52-259, (B) section
334 52-259c, (C) subdivision (1) of subsection (a) of section 52-356a, (D)
335 subsection (a) of section 52-361a, (E) subsection (b) of section 52-367a,
336 and (F) subsection (b) of section 52-367b, and (2) transfer (A) seventy
337 per cent of such amount prior to July 1, 2014, and ninety-five per cent
338 of such amount on or after July 1, 2014, to the organization
339 administering the program for the use of interest earned on lawyers'
340 clients' funds accounts pursuant to section 51-81c, for the purpose of
341 funding the delivery of legal services to the poor, and (B) thirty per
342 cent of such amount prior to July 1, 2014, and five per cent of such
343 amount on or after July 1, 2014, to the Judicial Data Processing

344 Revolving Fund established in section 51-5b, for the purpose of
 345 maintaining and improving any informational data processing system
 346 operated by the Judicial Department, subject to the transfer
 347 requirements of subsection (c) of section 51-5b.

348 (c) The Chief Court Administrator, or a designee, on or before the
 349 last day of January, April, July and October in each year, shall certify
 350 the amount of revenue received as a result of any fee increase that took
 351 effect July 1, 2016, set forth in sections 52-258, as amended by this act,
 352 52-259, as amended by this act, 52-259c, as amended by this act, 52-
 353 356a, as amended by this act, 52-361a, as amended by this act, 52-367a,
 354 as amended by this act, and 52-367b, as amended by this act, and
 355 transfer such amount to the organization administering the program
 356 for the use of interest earned on lawyers' clients' funds accounts
 357 pursuant to section 51-81c, for the purpose of funding the delivery of
 358 legal services to the poor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	51-81d
Sec. 2	<i>July 1, 2016</i>	52-258
Sec. 3	<i>July 1, 2016</i>	52-259
Sec. 4	<i>July 1, 2016</i>	52-259c
Sec. 5	<i>July 1, 2016</i>	52-356a(a)(1)
Sec. 6	<i>July 1, 2016</i>	52-361a(a)
Sec. 7	<i>July 1, 2016</i>	52-367a(b)
Sec. 8	<i>July 1, 2016</i>	52-367b(b)
Sec. 9	<i>July 1, 2016</i>	51-5d

JUD *Joint Favorable Subst. -LCO*

FIN *Joint Favorable*