

Invitation to Comment

Title	Advisory Commission on Civil Fees in the Courts (adopt rule 10.75 of the California Rules of Court)
Summary	<p>Proposed rule 10.75 of the California Rules of Court would establish an Advisory Commission on Civil Fees in the Courts to review civil fees regularly; report to the Judicial Council on the effectiveness of the civil fee structure and fee revenues at least once every two years; and make recommendations on civil court fees including legislative proposals. The commission would recommend changes in civil fees as needed to accommodate increased costs for the courts and various programs that rely on court fees for funding, while maintaining the uniform fee structure and other policy goals of the Uniform Civil Fees and Standard Fee Schedule Act of 2005. The rule would prescribe the duties and membership of the commission.</p>
Source	<p>Administrative Office of the Courts Finance Division and Office of the General Counsel</p>
Staff	<p>Ruben Gomez, Manager, Office of Budget Management, Finance Division, 415-865-7686, ruben.gomez@jud.ca.gov</p> <p>Patrick O’Donnell, Supervising Attorney, Office of the General Counsel, 415-865-7665, patrick.o’donnell@jud.ca.gov</p>
Discussion	<p><u>Background</u></p> <p>In December 2003, the Chief Justice appointed a Court Fees Working Group to undertake a comprehensive review of civil fees and make policy recommendations to streamline and simplify the civil fees; provide for statewide uniformity of civil fees; address a funding shortfall under the existing civil fee structure; and improve financial stability, accountability, and predictability in the courts. The recommendations of the working group led to passage of the Uniform Civil Fees and Standard Fee Schedule Act of 2005 (UCF) (Stats. 2005, ch. 75 (AB 145)).</p> <p>The UCF restructured the civil fees in the trial courts, resulting in statewide uniformity of most filing fees, a two-year moratorium on civil fee increases, a new separate chapter for superior court civil fees in the Government Code, and a new method for trial courts to deposit and report the civil fees separate from the counties. The UCF also required the Judicial Council to establish a Task Force on Civil Fees to</p>

recommend a process to adjust civil fees in the future to accommodate inflation and other factors affecting operating costs for courts and various programs that rely on court civil fees for funding, while maintaining the uniform fee structure in the UCF. (Gov. Code § 70601(b).) In February 2007, the task force reported to the Judicial Council and recommended the establishment of a Commission on Civil Fees in the Courts, which would make periodic recommendations to the council for adjustment of fees. The council directed staff to develop a proposal for review by the Policy Coordination and Liaison Committee, addressing which aspects of the proposal were appropriate for rule and whether any part should be adopted in statute.

Later in 2007, proposed legislation including a section establishing a fee commission was introduced by representatives of dispute resolution programs under Business and Professions Code section 465 et seq., which receive funding from court filing fees. (Proposed Gov. Code § 6511.6, SB 396, as amended July 12, 2007.) The Legislature passed the bill, but the Governor vetoed it with this message: “This bill seeks to create a commission to study issues relating to civil filing fees. The Judicial Council already retains the authority to conduct this study and make recommendations to the Legislature. I encourage the Judicial Council to continue their progress in reforming the civil filing fee system.”

Proposed Rule

Proposed rule 10.75 of the California Rules of Court will establish an Advisory Commission on Civil Fees that will provide advice and recommendations to the Judicial Council concerning civil fees. The commission will review issues that arise regarding specific civil fees, proposals for fee changes made by other entities that rely on court fees for revenue (which often have been introduced piecemeal in the Legislature), and the courts’ revenue needs and projections under existing fees. The commission will then develop proposals to recommend to the council for any statutory or rule changes needed to address the issues raised and future revenue needs in a way that preserves the policy goals of the UCF.

Rules 10.75 will prescribe the area of focus for the commission. It will state the duties of the commission, including reporting to the Judicial Council at least once every two years on the effectiveness of the fees structure, the performance of revenues, and the funding needs of

entitles that rely on filing fee revenues. The commission's reports may include recommendations for legislative proposals on court fees.

The rule will also provide for the membership of the commission. The Chief Justice will appoint the members of the commission for two-year terms. The commission will consist of between 9 and 15 members. Commission members must include at least one member from each of the following categories: (1) trial court judicial officer; (2) judicial administrator; (3) private attorney; (4) legal service provider; and (5) representative of a program funded by court fees, such as a county law library, dispute resolution program, or small claims advisory program.

These membership requirements will ensure that courts, court users, and entities that receive distributions from civil fees will participate in the commission.

Attachment

Rule 10.75 would be added to the California Rules of Court, effective January 1, 2009, to read as follows:

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Chapter 2

Judicial Council Advisory Committees, ~~and~~ Task Forces, and Commissions

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Rule 10.75. Advisory Commission on Civil Fees in the Courts

(a) Area of focus

The commission makes recommendations to the council regarding civil court fees. The commission seeks to preserve the principal goals of the Uniform Civil Fees and Standard Fee Schedule Act of 2005: uniformity, simplicity, fairness, and equal access to justice.

(b) Duties

The commission must report to the Judicial Council at least once every two years on issues related to civil court fees, including the effectiveness of the fee structure, the performance of the revenues, and the funding needs of the entities that rely on filing fee revenues. The commission's report may include recommendations for legislative proposals on court fees.

(c) Membership

The Chief Justice appoints the chair and the members of the commission. The commission consists of between 9 and 15 members who are appointed for two-year terms. Commission members must include at least one member from each of the following categories:

- (1) Trial court judicial officer;
- (2) Judicial administrator;
- (3) Private attorney;
- (4) Legal services provider; and
- (5) Representative of a program funded by court fees, such as a county law library, dispute resolution program, or small claims advisor program.

Item SPR08-46 Response Form

Title: **Advisory Commission on Civil Fees in the Courts** (adopt Cal. Rules of Court, rule 10.75)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be written on this form, prepared in a letter format, or submitted online. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments.

Internet: www.courtinfo.ca.gov/invitationstocomment

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
 Judicial Council, 455 Golden Gate Avenue
 San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 20, 2008

*Circulation for comment does not imply endorsement by the Judicial Council
or the Rules and Projects Committee.
All comments will become part of the public record of the council's action.*