



**Judicial Council of California**  
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

RONALD M. GEORGE  
*Chief Justice of California*  
*Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

November 3, 2006

Hon. Wesley Chesbro, Chair  
Joint Legislative Budget Committee  
Room 5035, State Capitol  
Sacramento, CA 95814

Hon. John Laird, Chair  
Assembly Budget Committee  
Room 6026, State Capitol  
Sacramento, CA 95814

Dear Senator Chesbro and Assembly Member Laird:

The Uniform Civil Fees (UCF) and Standard Fee Schedule Act of 2005 took effect on January 1, 2006. The new fee structure streamlined and simplified the civil fees collected by the courts by folding the previously varied surcharges and add-on fees into the uniform statewide filing fees.

Budget trailer bill AB 145 (Stats. 2005, ch. 75, as amended by AB 1742; Stats. 2005, ch. 706) enacted the UCF and required the Judicial Council to report to the Joint Legislative Budget Committee as follows:

The Judicial Council shall report to the Joint Legislative Budget Committee by November 1, 2006 on the impact of the uniform civil filing fee changes enacted in the Budget Act on the ability of low income litigants to access the court system. This report shall include recommendations on the use of fee waivers, deferrals, and partial payments or payments over time as mechanisms to ensure access in a fiscally responsible manner, as well as any recommended statutory changes to enhance the use of these procedures.

Also pursuant to AB 145, a Task Force on Civil Fees has been formed and will make additional recommendations to the Legislature. The task force had its first meeting on October 26, 2006 and reaction to the UCF has been universally positive, with attorneys, judges, court administrators, and representatives that rely on filing fees (law libraries and dispute resolution programs) pleased with the simplicity and predictability of the new structure.

Staff of the Administrative Office of the Courts believes it is too early to tell whether the UCF has had a negative impact on low income litigants. The UCF has proven to be revenue neutral with the only additional revenues received being those that were intended to fund court construction and legal services through the Equal Access Fund. There has been no noticeable revenue or filings decline which might suggest limited impact on a party's ability to file, however with only six months of filings and revenue data, this cannot be said for certain.

There is no doubt that having a fair and effective fee waiver process is imperative to ensuring access to the courts for low income litigants. Consistent with that goal, at its December 2006 meeting, the Judicial Council will consider a draft legislative proposal to revise the fee waiver statute to improve the ability of courts and litigants to understand and implement fee waivers.

The draft legislative proposal largely echoes the existing statutory requirements governing filings in forma pauperis, but it is different from the current statute in the following ways:

- The draft proposal reorganizes the statutory provisions in current law to make them easier to follow and to implement and includes findings that set forth the purpose of the new article and then lays out each of the aspects of the fee waiver and recovery system.
- Three additional income-based entitlement programs have been added to the list of public benefit programs for which recipients have an automatic right to an initial waiver of fees.
- The draft legislative proposal lays out clear procedures and timeframes for acting on fee waiver applications. It specifies that a clerk cannot deny a fee waiver application on his or her own authority but may be delegated authority to grant one. It also limits the documentation that must be provided to support the application at the time it is filed. Finally, it provides that the court must provide notice to an applicant whose application is being denied of the reasons for denial and that the court must afford the applicant a reasonable opportunity to either correct the application if information is missing or request a hearing to demonstrate eligibility.
- The proposal would enact new procedures for collecting fees in cases where an initial fee waiver has been granted and subsequent events indicate that recovery of the waived fees is appropriate.

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- The proposal would require the person who is requesting the court to enter a partial or full satisfaction of the judgment to file a declaration that the waived fees and costs have been paid.

This revised and reorganized statute is intended to create a system for initial waiver of court fees and subsequent reconsideration in specified cases that meet the working group's vision of the fee waiver system's intent.

The Judicial Council will submit a more comprehensive report on the UCF by February 1, 2007 pursuant to Government Code 70601 that will include the following:

- (1) The effectiveness of the uniform fee structure, any operational or revenue problems, and how to address these issues.
- (2) Whether a fee differential should be implemented based on the number of cases a party files in a year.
- (3) A process to adjust fees in the future to accommodate inflation and other factors affecting operating costs for trial courts, county law libraries, and county programs that rely on court fees.

In the meantime, if you have any questions related to this report, please contact Ms. Eraina Ortega, Manager, Administrative Office of the Courts at 916-323-3121 or via e-mail at [eraina.ortega@jud.ca.gov](mailto:eraina.ortega@jud.ca.gov).

Sincerely,

William C. Vickrey  
Administrative Director of the Courts

WCV/EO

cc: Members of the Judicial Council  
Ron Overholt, Chief Deputy Director, AOC  
Christine M. Hansen, Director, AOC Finance Division  
Kathleen T. Howard, Director, AOC Office of Governmental Affairs  
Ruben Gomez, Manager, AOC Finance Division  
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