



STATE OF OREGON

Report to the Joint Interim Committee on State Justice System Revenues

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A. Introduction

In 2009, the Oregon Legislature created a Judicial System Surcharge Account which is funded by various surcharges on offenses, costs and fees. The legislation included both an Emergency Clause indicating the gravity of the resource problems experienced by the Judicial Branch and a provision creating the Joint Interim Committee on State Justice System Revenues of the Oregon Legislature (Committee). The Committee is charged with making recommendations pertaining to improvements in the structural means of funding the courts and indigent defense. The Committee Charter sets forth the purposes for which the Committee was created, one of which is to “Identify national justice funding models, and identify best practices,” which directly pertains to the request for this study.

The Committee has contracted with the National Center for State Courts (NCSC) to provide comparative information from other court systems that is germane to the Committee’s mandate. The information request calls for selection of some state judicial systems that are sufficiently similar to the unified Oregon court system in basic funding structures so as to provide a comparative point of reference on the following:

- Processes by which the courts are funded.
- Total revenues collected, retained, and distributed by each Judicial Branch in the study, describing types of revenue retained and distributed.
- Total annual budget for each Judicial Branch, segregated among fund types.
- Number of judgeship and non-judgeship positions.
- Revenue structure of each corresponding state court system.
- New and contemporary revenue-raising efforts undertaken in response to the current recession and any previous periods of fiscal difficulty.
- Recent studies conducted in the selected states addressing Judicial Branch revenues and funding structure.

A key initial consideration in this study was the selection of comparable states to be reviewed, although it is acknowledged as unlikely that there is any

single state that could be held out as a model for a budgeting and revenue structure that provides access, adequacy, stability, equity, transparency, and simplicity. Our approach was to identify a cross-section of states that will provide the Committee with valuable background information for their deliberations. The focus will be on the selected states, but throughout the term of the study we will add examples of best practices identified outside of the selected states if we become aware of them.

All of the state court system considered for inclusion in this study have undergone recent budget cutbacks, some severe enough to interfere with access and public services and to curtail or eliminate particular programs. Typically, courts that rely heavily on the general fund are more vulnerable than those with more diverse funding streams. However, most special revenue funds are earmarked for a specific purpose and cannot be flexibly appropriated.

The first task of this study was to prepare comparative information for a group of 10 states that have court systems comparable to that of Oregon and, from within those states, recommend 6 of them for more in-depth analysis. This work product¹ was delivered to the Committee in April 2009 and included NCSC's recommended selection of those state court systems for which more in-depth study is most appropriate.

Based upon the preliminary report and discussion during the April 2010 meeting, the Committee authorized continuing study of the state court systems in Alabama, Colorado, Iowa, Minnesota, North Carolina and Utah.

¹ John Doerner, Robert Tobin, Gregory Hurley & Daniel Hall, Preliminary Report to the Joint Interim Committee on State Justice System Revenues, National Center for State Courts; Denver, Colorado, April 2009.

B. Judicial System Information from Selected States

This section provides comparative information from each of the six selected state judicial systems. This information was collected through a variety of methods including, 1) review and analysis of budget, fiscal and operational information published by state judiciary offices and legislatures, 2) surveys of state judicial administrative offices, 3) review of studies independently conducted in various states, and 4) direct interviews with judicial system staff members.

- Alabama

The Alabama Judiciary is a state-funded, unified system consisting of the Alabama Supreme Court, Court of Criminal Appeals, Court of Civil Appeals, a general jurisdiction Circuit Court and a limited jurisdiction District Court. The Probate Courts and Municipal Courts are county-funded operations. There are 41 Judicial Circuits and the District Courts are held in all 67 counties of the state.

The Supreme Court has general supervisory authority over all courts in the State and power to review any judgment of these courts. In addition, the Supreme Court has the authority to make administrative rules and regulations to ensure the efficient and speedy administration of justice and to make and promulgate rules governing practice and procedure in all courts in the state.

Overview of state budget process:

The Alabama Judicial System submits its annual budget to the Governor's office for transmission to the legislature. The Governor is allowed to modify the court budget before passing it on. Over the past several years, the court's budget has remained essentially flat. The Alabama court budget is approximately \$212 million per year. Special revenue funds make up about 13.2 percent of the Judicial budget.

In FY2010, the Governor applied a 12 percent "proration" (an across the board budget reduction) to the Judicial budget, resulting in an 8.4 million dollar cut. In addition, the courts took a significant staffing cut in 2003 and have not yet returned to previous staffing levels.

Facility Funding. Alabama's local courthouses are county owned and operated. The state is responsible for furnishing the courthouse and telecommunication costs. The counties maintain the facilities and are responsible for all maintenance, repairs and utilities. Counties obtain funding for new facilities through the normal public financing options, usually bonds. No specific statewide court fee has been instituted to assist in facility costs.

The state's appellate level courts and the administrative office of the courts are located in a state owned facility. The court pays an annual "rent" which is applied to debt service on the related bonds. Until this year, revenues from the Alabama Capitol Improvement Trust were used to fund this facility cost. Revenues to this trust fund are derived from offshore drilling fees. Beginning this year, the fund has focused solely on supporting local rather than states facilities and is no longer available to the courts for debt service. As a result, the judiciary had to absorb an additional four million dollar expense in its already reduced budget.

Rainy Day Fund. The State of Alabama has established an emergency fund that can be utilized upon authority of the Governor. Certain restrictions apply to the use of the fund. The fund can only be used after the Governor has enacted a budget reduction process referred to as "proration" and is limited to providing no more than ten percent of total General Fund revenue. Once the fund is utilized, it must be paid back over the next several fiscal years. The funds parameters are structured to allow it to be used as a very short term, one-time only budget solution. The Judicial Branch is not authorized to have its own rainy day emergency fund.

Special Revenue Funds. The State of Alabama has established two specialized funds for the purpose of court automation. The Court Automation Fund obtains its revenue from the sale of court data and court informational pamphlets. Revenue to this fund is approximately \$3 million per year. In addition, a five-dollar Advanced Technology Fee is applied to all civil filings and criminal convictions. This fee generates approximately \$5 million per year. The fee for the

Advanced Technology Fund is statutorily established as a permanent fee. Both of these funds are non-reverting and subject to annual appropriation by the legislature.

Although not a formalized program, since the 2004 budget crisis, certain counties have chosen to supplement state funding for their courts by reimbursing the state for personnel expenditures related to court staff in their county. As the economic situation has worsened, fewer counties are opting to bear this cost.

In Fiscal Year 2000, the Alabama Judicial Budget consisted of:

General Fund:	\$ 99,720,031
Federal Funds:	3,252,179
Special Revenue Funds:	7,606,883
Total FY2000:	\$110,579,093 ²

In Fiscal Year 2010, the entire Alabama General Fund totaled \$1,569,212,290. The normalized judicial budget of \$196,530,469 is 12.5% of the total state general fund amount.³

Alabama Normalized Budget Data, Segregated by Source: (Table 1)

Budget Source	FY 2007	% by source	FY 2008	% by source	FY 2009	% by source	FY 2010	% by source
General Fund	164,829,555		174,266,175	88%	177,991,630	87%	186,221,959	88%
Less: Juvenile Probation	-13,998,975		-15,644,015		-15,312,800		-15,687,425	
Normalized General Fund	150,830,580	84%	158,622,160	87%	162,678,830	86%	170,534,534	87%
Grants & Trust Funds	21,142,327	12%	18,983,308	10%	18,677,606	10%	19,166,133	10%
Federal & Local Funds	7,375,149	4%	4,351,334	2%	7,278,900	4%	6,829,802	3%
NORMALIZED TOTAL	179,348,056		181,956,802		188,635,336		196,530,469	

² Normalized total to exclude general fund and special revenue funds for juvenile probation

³ The majority of Alabama's state budget comes from the Education Trust Fund (ETF). For FY2010, the ETF appropriation was \$5,324,802,183; as a percentage of the general fund plus the ETF, the judicial budget is 2.85%.

Alabama Staffing Data: (Table 2)

	Judicial FTE	Staff FTE	Total FTE
FY 2007	267	1,980	2,247
FY 2008	267	2,155	2,422
FY 2009	267	2,114	2,381

The 2009 Staff FTE figure includes temporary employees hired by clerks with money from an earmarked fund based on collections of the worthless check fee. The temporary employees are paid through AOC with the clerks reimbursing the AOC. They are listed as employees because they are, as a matter of payment mechanics, listed with other court employees.

Fiscal Year 2009 Personnel Costs and Employee Benefits totaled \$186,071,473.⁴ For a comparative reference regarding staff salaries and benefits, the salary range for the Court Specialist position (levels I, II, III, and IV) runs from \$22,272 at entry level to a maximum of \$52,663. State paid benefits consist of FICA at 7.65% of salary, pension contribution of 11.94% of salary and health insurance at an average \$805 per month.

Alabama Caseload Data: (Table 3)

Total Case filing information reported by the Alabama Courts is:

	2007	2008	2009
Supreme Court	1,826	1,741	1,806
Courts of Appeals (Criminal & Civil in separate Courts)	4,189	3,538	3,238
Trial Court Civil	249,294	273,333	270,707
Trial Court Criminal	875,689	928,786	949,736
Trial Court Other	100,563	101,028	95,728
Total Trial Court	1,133,005	1,209,406	1,227,496
Total Filings	1,231,561	1,308,426	1,321,215

⁴ Data obtained from State of Alabama Comptroller Open.Alabama website.

Court Collected Revenue Data:

Court Fees are periodically increased, normally at the suggestion of the court system. Small claims fees have been kept fairly low as this area of litigation raises the most concerns regarding access to the courts. The State of Alabama prescribes the amount for the various court fees in statute. The Chief Justice does not have authority to modify any court fees. The most recent major increase took place in 2004⁵ and permanently increased court fees. Example fee increases included in this Act are: Circuit Court civil filing fees increased from a flat \$140 to \$197 if the prayer amount is less than \$50 thousand and \$297 for prayers exceeding \$50 thousand. Circuit Court Jury fees increased from \$50 to \$100. Fees for additional parties were also established with a maximum of \$500 for cases which include a prayer amount less than \$50 thousand and \$1,000 for prayers exceeding \$50 thousand. The fees are uniform across the state except that counties, by local act, are permitted to assess additional fees. Most often, these local fees are used to fund jail facilities and local law libraries. Local fees can be temporary or permanent. The fact that local jurisdictions can add their own surcharges to fees sometimes precludes the state from increasing fees for their own purposes.

Filing Fees	Description	Prior Amount	New Amount
Civil Complaint	Prayer \leq \$50,000	\$140	\$197
	>\$50,000	N/A	\$297
	\geq \$10,000	\$155	\$360
Counterclaim, Cross-claim, 3 rd party complaint, intervenor			\$297
Add'l Plaintiff Fees	\leq \$50,000	N/A	\$50/\$500 max
Add'l Plaintiff Fees	>\$50,000		
Domestic Relations Petition			\$145
Domestic Relations Modification			\$248
Jury Demand Fee		\$50	\$100

⁵ HB 308, Act 2004-636 of the State of Alabama.

⁶ State of Utah, Senate Bill 0184, 2009 General Session.

The Alabama Administrative Office of Courts produces reports that detail dollar distribution of fees, fines and court collected as well as pass-through funds (See attached matrices). The AOC computation of gross revenues and net revenues, excluding pass-through funds is listed below. A breakdown of revenues distributed to state funds other than the general fund and local government was not made available. The distributions are made by court clerks using the financial module of State Judicial Information System (SJIS). The net revenues have been essentially flat for the last two fiscal years.

Criminal and Civil Revenues of the Alabama Courts (FY 2007, 2008, 2009)
(Table 5)

Revenue Distribution	FY 2007	FY 2008	FY 2009
Criminal Revenues (Gross)	\$120,145,395	\$132,433,403	\$131,649,065
Criminal Revenue (Net) *	\$101,413,878	\$112,204,460	\$112,236,220
Civil Revenue (Gross)	\$242,340,013	\$239,324,789	\$259,561,848
Civil Revenue (Net)**	\$45,739,424	\$51,249,964	\$51,624,595
Total Net Revenues	\$147,153,302	\$163,454,424	\$163,860,815
General Fund Portion of Net Revenues (estimated for FY 2008 and FY 2009)	\$84,284,856	\$85,000,000	\$86,000,000

* Total revenue minus bonds, refunds, restitution, and miscellaneous pass-through.

** Total revenue minus alimony, child support other pass-through.

Court Reengineering and Cost Reduction Efforts:

To cope with the budget shortfalls, the Alabama courts have taken several emergency and one-time measures. These include hiring freezes, elimination of merit pay increases and promotions, travel expense reduction or elimination, and elimination of non-critical positions in the administrative office.

To address future operations, the judiciary is undertaking major efforts to move toward a paperless system. All needed forms have been posted on-line for users, eliminating printing and postage costs. They have entered into a contract for operation of an e-citation system with the Department of Public safety. This project will reduce operating and personnel costs for both agencies. Many human resources functions are conducted electronically, including an automated performance evaluation system, direct deposit and on-line training. All legal research is conducted on-line resulting in elimination of expenditures for periodicals and law books.

Alabama Courts have implemented a centralized voice response system for child support and traffic cases. Court users are able to pay traffic citations on-line or by phone. This has been operational for four years and requires approximately 8 FTE to operate the system statewide. Traffic fees and fines are standardized statewide; if users choose to take the case to court, they risk incurring a higher fine.

In addition, the Judicial Branch has found it necessary to minimize training. All conferences for clerks and judges have been suspended unless the groups choose to meet at their own expense or via videoconference. The courts are working with the state bar to provide training for new judges at the National Judicial College. The state pursues grant funding for topic specific training.

Finally, the Alabama courts process 100 percent of civil cases by e-filing. They are piloting a criminal e-file system and are scheduled to go statewide with that system in about six months. They estimate that the e-file system resulted in enormous savings in staff time, reduction in need to replace staff, and in paper and postage, although these savings have not been quantified.

- Colorado

The Colorado Judiciary is a unified, state-funded system that includes the Colorado Supreme Court, a state-wide intermediate Court of Appeals, general jurisdiction District Courts and limited jurisdiction County Courts. Municipalities have the option to create a Municipal Court although these courts are not state-funded. There are 22 Judicial Districts and 64 counties in Colorado.

In addition to its legal duties, the Supreme Court has supervisory and administrative responsibilities. The Supreme Court has supervisory power over all other state courts, state probation services, and the practice of law in Colorado.

Overview of state budget process:

The Colorado courts are funded on an annual basis. The Judicial budget is submitted directly to the legislature. The Governor has no authority over the court's request and receives no formal communication as to its content or the size of the request. The Governor's office is required to submit a balanced budget to the legislature. The budget size is based on projected revenue and pertinent constitutional budget restrictions. Whether the Governor's budget accounts for judicial funding varies from year to year. In some fiscal years, the Governor reserves a proportionate share of the budget for Judicial. In other years, the Executive Branch submits a budget that utilizes 100 percent of revenue available. The legislature is then in the position to make the final balancing decisions.

Since 2003, the Colorado courts have undergone two rounds of staff reduction. In 2003, the courts and probation⁷ reduced approximately 300 positions to meet a ten million dollar shortfall. Beginning in 2009, the courts have filled vacancies on an emergency basis only. As of June 2010, the courts held over 300 unfilled positions. According to the current FY 2011 budget, the courts will be

⁷ Budget and staffing figures reported later in this section excluded amounts attributable to the Adult and Juvenile Probations Departments. In this instance a consolidated figure was provided to NCSC without detail to determine the reduction in the number of court positions.

able to begin filling some vacancies but will need to reduce approximately 85 positions on a permanent basis.

Facility Funding. All local court facilities are provided and maintained by the counties. Court security, building maintenance, repair and utilities are all county responsibilities. Costs of furnishings and telecommunications are borne by the state. Facilities for the appellate courts and administrative office are a state responsibility. In 2008, the legislature authorized the Judicial Branch to enter into certificates of participation to fund a new complex. The complex will house the State Court Administrator's Office, the Supreme Court, Court of Appeals and many law related agencies within state government⁸ and is scheduled to be completed in 2013. During construction, the appellate courts and the administrative office are housed in leased space. Revenue to service the debt was obtained by permanently raising civil filing fees across all cases. See the excerpt below for examples of the fees increased.⁹

(Table 6) Excerpt from Colorado Fee Increase Fact Sheet

While national rankings are not available for all categories of court fees the major fee increases and resulting national ranking* for Colorado are listed below. All fees included in this proposal can be waived by a judge when a party is indigent.					
	Current Total Filing Fee	Current National Rank	Proposed Facilities Surcharge	Total Filing Fee with proposed Facilities Surcharge	National Rank with proposed Facilities Surcharge
General Jurisdiction Civil Filing Fee, District Court	\$156.00	27 of 50	\$45.00	\$201.00	19 of 50
Domestic Relations Filing Fee	\$194.00	20 of 50	\$5.00	\$199.00	20 of 50
Limited Jurisdiction Civil Filing Fee, County Court	\$60.00	42 of 50	\$50.00	\$110.00	26 of 50
Small Claims Filing Fee	\$44.00	31 of 50	\$11.00	\$55.00	25 of 50

*Rankings based upon August, 2007 figures.

⁸ These agencies include the State Public Defender's Administrative Office and Appellate Division, Office of the Attorney General, Office of Child's Representative, Alternate Defense Counsel, Office of Attorney Regulation, Judicial Performance Commission, Judicial Discipline Commission and the Judicial Ethics Commission.

⁹ This data is an excerpt from the Colorado Judicial Branch's legislative fact sheet pertaining to the related bill.

Rainy Day Funds. Colorado's ability to maintain or access emergency funds is strictly controlled by a constitutional measure passed in the early 1990's. The state is required to maintain a 4 percent reserve and can access those funds only during a declared "fiscal emergency," which requires a 2/3 vote of the General Assembly. Colorado has tapped this reserve in both 2009 and 2010. Current revenue projections show that continued use of this fund will be required to meet basic expenses in the state budget for the next several years. The Colorado courts have no specified emergency fund. However, the creation of a "Justice Stabilization Fund" in 2003 has allowed the courts to build some reserve funds that can be used either for on-going or one-time expenses. This fund can serve as a rainy day fund as long as on-going expenditures do not require full utilization of the available balance.

Special Revenue Funds. The Colorado courts collect revenue for a variety of funds. Aside from funds that benefit the probation section of the Judicial Branch, the courts have three funds that are earmarked for use in the courts. For the past two decades, the Colorado court collection program has been funded by a surcharge of \$25 dollars on all cases requiring a time payment plan. This surcharge completely supports the salaries of court employees serving as collections investigators statewide. The court security fund derives its revenue from a five-dollar fee on all cases including civil, traffic and criminal cases. This fund provides approximately two million dollars annually that is granted to local counties to offset the cost of court security. Security costs are the responsibility of the counties; however, some of Colorado's counties are too small or have such a high indigent population that court security was not adequately funded in those locations. Therefore, grants are prioritized to the poorest and smallest counties as a statutory requirement. Finally, the Colorado courts currently have a Justice Stabilization fund that supports approximately 25 percent of court operational expenses (22 million dollars). This fund is explained in more detail in the fees and fines section.

Colorado Normalized Budget Data, Segregated by Source: (Table 7)

Budget Source	FY 2008	% by Source	FY 2009	% by Source	FY 2010	% by Source
General Fund	217,737,601		237,883,730		239,814,826	
Less: Probation Gen. Fund	-65,994,058		-72,565,759		-67,098,222	
Normalized General Fund	151,743,543	60%	165,317,971	59%	172,716,604	57%
Cash Funds	77,038,682		95,265,534		102,017,170	
Less: Probation Cash Fund	-14,690,537		-18,202,564		-22,276,766	
Normalized Cash Funds	91,729,219	37%	113,468,098	40%	124,293,936	41%
Re-appropriated Funds	10,366,178		5,996,385		7,601,376	
Federal Funds	2,291,464		2,290,265		4,430,420	
Less: Probation Other & Fed. Funds	-5,187,615		-4,633,475		-6,519,570	
Normalized Fed. & Other Funds	7,470,027	3%	3,653,175	1%	5,512,226	2%
Total	250,942,789		282,439,244		302,522,766	

Budget Figures obtained from the Colorado Judicial Branch were adjusted to exclude funding for the Adult and Juvenile Probation Departments.

In Fiscal Year 2000, the Colorado Judicial Budget consisted of:

General Fund:	\$156,244,861
Cash Funds:	35,677,567
Re-appropriated Funds:	4,683,398
Federal Funds:	1,338,068
Total FY2000:	\$ 197,943,894

In Fiscal Year 2010, the entire Colorado state General Fund totaled \$7,483,534,549. The normalized Judicial Branch general fund budget of \$239,814,826 represents 3.2% of the total state general fund amount.¹⁰

¹⁰ The total state budget appropriation for FY 2010 was \$19,028,061,557. The normalized Judicial general fund appropriation was 1.3% of the total state budget.

Colorado Staffing Data: (Table 8)

Budget Period	Judicial FTE	Staff FTE	Total FTE
FY 2007	289.50	1,531.00	1,820.50
FY 2008	299.60	1,603.20	1,902.80
FY 2009	315.60	1,649.90	1,965.50

Staffing Figures reported by the Colorado Judicial Branch were adjusted to remove positions in the Probation Department.

The total personnel services budget for FY 2009, including all judges and staff members (except Probation staff) was \$205,243,273. For a comparative reference regarding staff salaries and benefits for the Court Judicial Assistant position ranges from \$26,940 at entry level to a maximum of \$48,588. There are currently 915.0 FTE in this job class. State paid benefits consist of total pension contribution of 11.8% of salary, Medicare at 1.45%, short-term disability insurance at 0.155% and health insurance at an average of \$654 per month.

Colorado Caseload Data: (Table 9)

Total Case filing information reported by the Colorado Courts is:

	FY 2007	FY 2008	FY 2009
Supreme Court	1,534	1,657	1,643
Court of Appeals	2,548	2,753	2,809
Trial Court Civil	273,675	283,879	312,745
Trial Court Criminal	136,849	133,023	133,959
Trial Court Other	329,908	330,320	300,158
Total Trial Court	740,432	747,222	746,862
Total Filings	744,514	751,632	751,314

Court Collected Revenue Data:

In 2003, the Colorado courts were facing up to a 20 million dollar budget reduction. This level of reduction would have required eliminating over 600

positions (approximately 33 percent of all court and probation staff). In order to mitigate these cuts, the courts suggested permanently raising filing fees, through a surcharge, to approximately mid-range in the nation. In the first full year, these fee increases produced 10 million dollars in revenue that was deposited to the newly created "Justice Stabilization Fund." This fund is used to pay salaries of court staff. In establishing this cash funded option, the courts wanted to avoid any appearance of impropriety or conflict. Therefore, fees deposited in the fund cannot be reliant on a decision of the judge as would be the case with criminal conviction fees or fines. The civil fees that support the fund are established by the legislature, are automatically assessed in every case and can only be waived by the court with a finding of indigency.

In 2008, the Judicial Branch again asked for a surcharge to fund a new central administrative and appellate building. In order to raise this revenue, the legislature assessed a facility surcharge on all civil cases (the same case fees that had been raised in 2003). Since most states had increased fees in response to the fiscal difficulties earlier in the decade, the Judicial Branch found that it could again increase its fee to achieve a mid-range mark. Opposition to the fee increases came from high volume users of court services such as collections agencies and landlords' associations. Proposed fee structures were phased in to mitigate the impact on court users. Revenues from the facility surcharge are held in a separate facilities fund as required by terms of the Certificates of Participation and the authorizing legislation.

Colorado's constitutional requirements regarding budgeting and revenue cause the state to need to either maximize or minimize cash funds under different economic circumstances. When the economy is strong and tax revenue meets constitutional limits, additional cash funds can trigger general fund tax refunds; thereby, causing budget cuts in general fund programs (while the state simultaneously refunds "excess" general fund dollars to tax payers.) These requirements drive many of the cash fund increases and transfers that have impacted Colorado's Judicial Branch in recent years. At times when the revenues were insufficient to maintain base revenues needed by the state, the legislature has found it advantageous to increase fees to offset the accounting impact of low revenue. In years where general fund revenues are high, the legislature has found it advantageous to move fees deposited into the General Fund into

earmarked cash funds.¹¹ This peculiarity of the interaction of constitutional amendments with accounting systems is a primary driver of the fact that Colorado's courts have become increasingly cash fund reliant.

The Colorado Judicial Branch has tried to use the overall state budgeting situation to build a sound funding system for itself. By moving to a mixed General Fund/Cash Fund system, the court system hopes to smooth economic impacts. The theory is that when tax revenues are high, the courts will be funded through General Fund dollars; and when the economy lags, the fact that court filings are somewhat counter cyclical to the economy¹² will mean that filing fee revenue increases. These two factors work in tandem to help smooth budget impacts to the courts. Colorado has less than a decade's experience with this system; but to date, the cash fund has produced adequate revenue to carry the expenses assigned to it. The existence of cash funding has mitigated but not eliminated the need for Colorado's courts to make budget reductions. The budget situation in Colorado is projected to become significantly worse in the next two fiscal years. A reassessment of the success of this approach will need to be made at that time.

The principles applied to cash funding for the courts are to keep filing fees reasonable as compared to the rest of the nation, assess the impact of additional fee increases on large volume court users such as collections agencies, limit the reliance on fee revenues to no more than approximately 25 percent of total court funding, and minimize the opportunity for the court to have independent control of fees that are ultimately used to fund their operations.

All fees are authorized by the state legislature – the Chief Justice and the courts have no authority to raise or create additional fees. Additional fees imposed by counties or municipalities are not permitted in the state court system.

¹¹ Beginning in 2007, filing fee revenue was moved from general fund to the Justice Stabilization fund for general fund accounting purposes.

¹² During economic downturns, the courts generally see an increase in debt related cases, foreclosure and collections. This increase in caseload comes with an increase in the number of filing fees assessed.

Court Collected Revenues of the Colorado Courts (FY 2008 & 2009)
(Table 10)

Revenue Distribution	FY 2008	%	FY 2009	%
General Fund	\$29,569,328	28%	\$ 23,953,826	19%
Local Funds	\$14,112,385	13%	\$ 14,206,504	11%
State Other Funds	\$23,273,525	22%	\$ 25,207,649	20%
Court Retained Funds	\$39,261,528	37%	\$ 60,835,272	49%
Total	\$106,216,766	100%	\$ 124,203,251	100%

Court Reengineering Efforts:

The Colorado Courts have made constant efforts at maximizing the use of technology. They utilize e-filing, automated access to public records, e-citation (in limited locations), on-line legal research, and audio recording in all courts of limited jurisdiction. Audio recording is used in about half of all general jurisdiction courts. Court Reporters are required to be real-time certified or progressing toward that goal. The courts utilize video conferencing systems for arraignment and are exploring more uses for this technology. On-line payment of fines and fees has recently been implemented. All of these technologies have served to mitigate the impact of budget cuts on staff and judges.

In addition, the administrative office recently asked all employees and judges to share their budget saving ideas. As a result, over 300 ideas were submitted. Each of these ideas is currently being analyzed. Although a number of them will likely not be pursued, some of the more significant ideas included:

- Reclassifying certain traffic offenses to traffic infractions which entail a primarily administrative court process,
- Regionalizing certain rural courts,
- Creating a single-level trial court system by combining the courts of limited and general jurisdiction,
- Reducing the use of part-time employees to save the cost of benefits,
- Reducing the number of hours of paid time off credited to employees,
- Combining the appellate court clerks' offices,
- Transferring traffic court operations for low-level offenses to another agency.

- Iowa

The Judicial Branch of the State of Iowa is composed of the Supreme Court, the Court of Appeals, and the Iowa District Court, all of which are state-funded.

The Supreme Court is the highest appellate court in the state with jurisdiction to review the decisions of all inferior courts. The Supreme Court is also responsible for licensing and disciplining attorneys, promulgating rules of procedure and practice used throughout the state courts, and overseeing the operation of the entire state court system. The Court of Appeals is the state's intermediate appellate court with jurisdiction to hear appealed cases assigned to the Court of Appeals by the Supreme Court. The Iowa District Court was established as a unified trial court, effective July 1, 1973, by the Unified Trial Court Act of 1972, which also abolished all trial courts below the district court such as justice of the peace courts. The district court is organized into 8 Judicial Districts and has general jurisdiction of all civil, criminal, juvenile cases and probate matters in the state. The District Court sits in all 99 county seats.

Overview of State Budget Process

The Iowa courts are funded on an annual basis. The Supreme Court solicits budgetary needs for the local courts, conducts hearings on the budget requests and then submits one unified request. The Governor is statutorily precluded from changing the Judicial Branch's request to the legislature. The legislature appropriates all funds to the Judicial Branch in one single line item for court operations. Funding for information technology and the central administrative office are separately identified.

As in most states, Iowa's budget problems have impacted the courts. Between January and July 2009, court staff incurred five furlough days and a small number of layoffs. As quarterly revenue estimates worsened, the courts were in a position of needing to reduce expenses by 33 percent. With six months of the fiscal year already elapsed, the only option was to combine more furlough days with layoffs. In December 2009, the Judicial Branch eliminated 12 percent of their court positions and required remaining workers to take ten furlough days. Unlike

in some states where judge salaries are constitutionally protected, judges in Iowa were included in the furlough requirement.

Facility Funding. Local court facilities are funded and maintained by the counties. This includes court security, maintenance, repair and utilities. Court furnishings and phone systems are the responsibility of the state.

Rainy Day Fund. The state of Iowa has a rainy day fund although, currently, there is very little money left in the fund. The availability of American Recovery and Restoration funds prevented the state from completely expending the entire balance of the rainy day fund, but there is very little left. The Judicial Branch does not have a dedicated rainy day fund.

Special Revenue Funds. The courts do maintain a jury and witness fund that has roll-forward authority. Last year, the legislature utilized the entire surplus in that fund to mitigate budget reductions. The courts also have two additional earmarked funds that are tied to annual performance. For the Court Technology fund, once certain obligations are met pertaining to the amount of fee revenue submitted, the court is entitled to retain up to one million dollars for court technology expenditures. The Enhanced Court Collection fund was established to encourage courts to meet annual collection targets. If the courts meet or exceed the annual projection for court collections, they are entitled to retain up to four million dollars in the fund. Both funds are dedicated to development and upgrade of technology applications and both have roll-forward authority. The Judicial Branch has traditionally allowed the reserves to build over time in order to make major technology investments.

In Fiscal Year 2000, the Iowa Judicial Budget consisted of \$108,024,912.

In Fiscal Year 2010, the entire Iowa General Fund totaled \$5,768,265,048. The normalized judicial budget constituted 2.6% of the total general fund amount.

Iowa Normalized Budget Data, Segregated by Source: (Table 11)

Budget Source	FY 2007	% by source	FY 2008	% by source	FY 2009	% by source
General Fund	137,200,000	97%	144,900,000	95%	152,400,000	92%
Other Funds	3,950,476	3%	8,019,604	5%	13,760,893	8%
TOTAL	141,150,476		152,919,604		166,160,893	

Iowa Staffing Data: (Table 12)

	Judge FTE	Staff FTE	Total FTE
2007	244.66	1564	1808.66
2008	245.66	1582	1827.66
2009	246.91	1586	1832.91

*Due to budget cuts in November 2009 (FY10), non-judicial officer staff positions were reduced by 10.1%. These reductions are not reflected in the FTE figures for 2009 in this table.

The total salaries and benefits budget for FY 2009, including all judges and staff members was \$143,021,278. For a comparative reference regarding staff salaries and benefits, the annual salary range for the Judicial Clerk 2 position runs from \$29,619 to \$43,285. State paid benefits include a 6.95% of salary contribution to the state pension fund. The state also pays an average of \$17,678 annually for health, life and dental insurance, based on family plan rates.

Iowa Caseload Data: (Table 13)

Total Case filing information reported by the Iowa Courts is:

Filings	FY 2007	FY 2008	FY 2009
Court of Appeals	2,176	2,076	1,951
Trail Court Civil	218,725	230,594	225,954
Trial Court Criminal	823,816	791,740	802,187
Trial Court Other	15,078	14,240	14,040
Total Trial Court	1,057,619	1,036,574	1,042,181
Total Filings	1,059,795	1,038,650	1,044,132

Court Collected Revenue Data:

During 2009, the Iowa state legislature significantly increased court filing fees. This included approximately \$5.3 million of additional revenue dedicated to court funding, with any excess retained in the General Fund. To offset budget shortfalls in 2010, the legislature increased traffic fines across the board. These were all permanent increases in the fine and fee amounts. The Supreme Court only has authority to set the examination fee amounts only for the bar and shorthand reporter exams. All fees and fines in Iowa, including these exam fees, are transmitted directly to the General Fund with the courts retaining only the amounts set aside for the special revenue funds. Specific statutory language permits local counties to establish jail and sheriff fees.

(Table 14) Iowa Court Revenue Collection & Distribution

Revenue Distribution	FY 2008	%	FY 2009	%
General fund	\$ 94,895,220.00	68%	\$ 97,509,821.00	68%
Local Fund	\$ 12,064,376.00	9%	\$ 12,093,333.00	8%
State Other Funds	\$ 20,234,056.00	14%	\$ 28,495,618.00	20%
Court Retained Funds	\$ 12,973,922.00	9%	\$ 5,003,974.00	3%
Total	\$ 140,167,574.00	100%	\$ 143,102,746.00	100%

Court Reengineering & Cost Reduction Efforts:

The Iowa courts are beginning to implement e-filing. Thus far, it has been implemented in one county (Plymouth County) and indications are that it has become very popular with the bar. There is no additional transaction fee assessed and no registration fee. Pro se (non-represented) parties are allowed to access the system from their own computers and scanners are available at the courthouse to accommodate their needs. The system is proving to significantly reduce clerical data entry time. The state will be moving into more locations in September.

The Iowa courts are using e-citation to receive charge information in traffic cases from law enforcement. The system was first piloted five years ago. At this time, over 60 percent of all traffic cases are transmitted through this system. The Iowa courts have not established a centralized traffic case processing system. The courts also utilize an on-line payment system in which any type of fee or fine can be paid remotely.

The Iowa Courts On-line system provides information about every court case for a monthly fee of 25 dollars. This system reduces the number of calls to court and is a convenience to frequent court users, primarily attorneys. Data reports are sold to firms such as Dunn and Bradstreet. Revenue received from the use of Iowa Courts On-line is deposited to the state's General Fund.

In November 2009, based on a successful reduction in the ratio of court reporters to judges, the state's Judicial Council adopted a staffing standard of 9 court reporters to every 10 judges for the entire state and since that time has had to cut court reporter staffing an additional 12 percent. Availability of reporters is now becoming a challenge in some courts and the courts do not all have audio recording systems as a replacement.

The Iowa Courts are authorized to hold judicial vacancies for six months. This has resulted in substantial savings to the system but has added further workload to the remaining judges' dockets. In addition, emergency authorization was passed that allowed for judges and magistrates to be included in the staff furloughs; this authorization is set to expire at the end of 2010.

Traditionally, the Iowa courts were able to staff their judicial divisions with one law clerk per four judges. Because of the budget reductions, this ratio has been changed to one clerk per eight or nine judges.

The courts have reduced public service hours in all 99 counties. All court clerks' offices are closed on Tuesday and Thursday afternoons from 2:30 to 4:30. This allows staff uninterrupted time to complete paperwork. Twenty-nine rural courts have taken additional staffing reductions resulting in shorter operational hours for both the clerk's office and courtrooms. To assist rural courts with this reduction, the administrative office has taken over some centralized bookkeeping

and check writing tasks. Daily and monthly balancing is done centrally for these small courts and check printing can be done centrally for any court if needed.

Finally, in 2002 the court system explored the concept of regionalization and the use of regional litigation centers. The legislature did not accept this idea; and in 2003, enacted a statute prohibiting the use of regional litigation centers and requiring courts to remain fully operational in all 99 counties.

- Minnesota

The Minnesota Judicial System is comprised of the Minnesota Supreme Court, a state-wide intermediate Court of Appeals, and a single level general jurisdiction District Court. Minnesota achieved full and complete state funding of all courts as of July 2005.

The Minnesota Supreme Court is the state's highest appellate court with jurisdiction to review decisions from the Court of Appeals and the District Court, and administrative authority over the operations of the judicial system.

Overview of the state budget process:

The Minnesota courts are funded on a biennial basis. The budget is submitted through the Governor's office; however, the Governor does not exercise any control over the request and passes the request directly to the legislature. The courts are funded with a minimum of line items; that is only one line item per level of court. This provides the courts with autonomy in utilizing their budget and in directing any budget cuts that are necessary.

In recent years, the legislature has regularly increased court filing fees as a source for raising general fund revenues. However, the perception is that this option has run its course and is now likely off the table.

Facility Funding. Minnesota court facilities are the responsibility of the individual counties. This includes installation and operation of telecommunications and all building maintenance, repair and utilities. The appellate courts and state administrative offices are housed in state-owned facilities.

Rainy day fund. The Minnesota state government has a rainy day fund but as of the last legislative session, the balance has been exhausted. The court system does not have its own emergency fund and all funds within the court's control revert to the General Fund at the end of the biennial budget period.

Special Revenue Funds. As a matter of philosophical principle, the Minnesota Judiciary has not established any special funds earmarked specifically for court

funding. Although the legislature has utilized court filing fee increases to prevent further cuts to the judicial branch budget, these amounts are submitted directly to the general fund for subsequent appropriation by the legislature.

The Minnesota courts have recently transitioned from primarily local to full state funding as of Fiscal Year 2005. As a result, Fiscal Year 2000 state court budget figures are not presented.

In the 2010/2011 Biennium, the entire Minnesota General Fund totaled \$15,350,000,000. The normalized judicial budget of \$371,229,500 is 2.4% of the total state general fund amount.

Minnesota Normalized Budget Data, Segregated by Source: (Table 15)

Budget Source	FY 2006	FY 2007	% by source	FY 2008	FY 2009	% by source	FY 2010	FY 2011	% by source
General Fund	344,578,000	344,578,000	97%	375,200,000	375,200,000	97%	371,229,500	371,229,500	96%
Special Revenue Fund	6,471,000	6,471,000	2%	5,975,500	5,975,500	2%	8,402,500	8,402,500	2%
Federal Fund	4,999,000	4,999,000	1%	4,924,500	4,924,500	1%	6,415,500	6,415,500	2%
Gift Fund	212,000	212,000	0%	111,500	111,500	0%	272,000	272,000	0%
TOTAL	356,260,000	356,260,000		386,211,500	386,211,500		386,319,500	386,319,500	

Biennial budget amounts were divided equally across two fiscal years for comparative purposes.

Minnesota Staffing Data: (Table 16)

Budget Period	Judicial FTE	Staff FTE	Total FTE
FY 2007	314	2,890	3,204
FY 2008	315	2,890	3,205
FY 2009	315	2,890	3,205

The total salaries and benefits expended for the 2008-2009 biennium, including all judges and staff members, was \$591,355,000. For a comparative reference

regarding staff salaries and benefits, the annual salary range for a Senior Court Clerk runs from \$33,095 at the entry level to a maximum of \$49,694. State paid benefits consist of FICA at 7.65% of salary, pension contribution of 5% and insurance coverage at a rate of \$15,600 per year for family coverage.

Minnesota Caseload Data: (Table 17)

Total Case filing information reported by the Minnesota Courts is:

Filings	FY 2007	FY 2008	FY 2009
Supreme Court	774	767	889
Court of Appeals	2,333	2,141	2,253
Trail Court Civil	207,744	232,749	219,848
Trial Court Criminal	1,658,016	1,601,096	1,290,285
Trail Court Other	104,796	100,902	95,484
Total Trial Court	1,970,556	1,934,747	1,605,617
Total Filings	1,973,663	1,937,655	1,608,759

Court Collected Revenue Data:

Minnesota's court fees are standardized across the state. However, local jurisdictions can add a variable law library fee that ranges from three to five dollars to support county funded law libraries, jail fees and probation fees. The jail and probation fees vary greatly and can include the actual cost of room, board and other correctional services. Over the past several years, the legislature has raised filing fees but indications from the legislature are that they do not wish to increase fees above the current levels. Although specific data is not available, local judges and clerks report experiencing increases in requests by parties in individual cases to waive or lower the filing fees. Examples of fee and surcharge increases are:

FEE INCREASES IN MINNESOTA STATE COURTS (Table 18)				
	2002 Fee Amount	2004 Fee Amount	2005 Fee Amount	2008 Fee Amount
Civil Filing Fee	\$135	\$235	\$240	\$240
Dissolution Filing Fee	\$135	\$235	\$320	\$320
Conciliation Ct Filing Fee	\$25/\$35	\$50	\$50	\$50
Appellate Filing Fee	\$250	\$500	\$500	\$500
Motion Fee in civil, family & guardianship cases	\$0	\$55	\$55	\$55
Criminal Traffic Surcharge	\$60	\$60	\$72	\$75

All of these fee increases are permanent and are deposited to the Minnesota General Fund; the surcharge increases are split between the General Fund and the Law Enforcement Training Fund. Increases have not been associated with any specific court services but were intended only to raise general fund revenue. The Minnesota Supreme Court has no fee setting authority, with the exception of a facsimile filing fee; any funds collected through this fee are deposited with the General Fund. The only new fee established was the motion fee of \$55 beginning in 2004.

(Table 19) Minnesota Court Revenue Collection & Distribution

Revenue Distribution	2007	%	2008	%	2009	%
General fund	\$ 126,881,000.00	65%	\$ 131,004,000.00	67%	\$ 126,503,000.00	67%
Local Fund	\$ 52,895,000.00	27%	\$ 51,676,000.00	26%	\$ 49,233,000.00	26%
State Other Funds	\$ 15,632,000.00	8%	\$ 13,873,000.00	7%	\$ 13,361,000.00	7%
Court Retained Funds	\$0	0%	\$0	0%	\$0	0%
Total	\$ 195,408,000.00	100%	\$ 196,553,000.00	100%	\$ 189,097,000.00	100%

Court Reengineering and Cost Reduction Efforts:

Minnesota has made major efforts at reengineering the court system. They have leveraged technology to simplify and standardize the work of the clerk's office and instituted several electronic data exchange programs. Most of these

efforts involve increased reliance on automated processes and providing remote access to the courts

The courts have instituted an e-citation program, allowing law enforcement to transmit traffic offense information to the court. This results in significant savings as court clerks no longer need to enter charge information into the case processing system. Similarly, they are utilizing an e-filing system for other case types allowing attorneys to interact with the court remotely.

The case processing system automatically applies the correct fee and fine assessment, which minimizes data entry errors, speeds up the process of fee assessment and assists court staff in remembering all applicable fees for each filing or conviction. The system handles the revenue dispersal process by automatically breaking fees and fines into the correct accounts. Finally, the system has been programmed to automatically refer past due accounts to the Department of Revenue who can apply a variety of collection strategies, including tax refund intercept, wage garnishment and bank levies.

The Minnesota courts have begun to centralize some court services. Over the past year, Minnesota has centralized the processing of traffic offenses. Parties can pay traffic tickets on-line or by phone unless they are requesting a hearing.

The courts are expanding the use of interactive video technology. Hearings in civil commitments and conciliation court are done by video and the courts are now exploring its use in criminal matters. This has proven to be controversial with the public defenders, but has the prospect of decreasing costs for transportation of defendants. This has been especially helpful in cases involving warrants on relatively minor charges. When a defendant is arrested on an outstanding warrant from another county, the court is able to handle the matter without requiring law enforcement to transport the defendant across county lines to the court location.

The Minnesota Courts have also flattened their management structure by combining clerk of court functions within a judicial district. Prior to the economic downturn, each county had an appointed clerk of court. Through attrition,

districts are now combining responsibilities for the county offices under fewer clerks. For example, their Fifth Judicial District has 15 counties and their goal is to reduce the number of clerk's of court to only three. Similarly, they are exploring the option of combining judicial districts under several regional administrators.

The judicial staffing structure requires that support staff in each judge's office be calculated on a ratio basis (i.e. one court reporter and one law clerk to each judge). Maintaining this ratio has resulted in budget cuts falling disproportionately on the clerks' offices. In order to mitigate cuts to the clerks' offices, Minnesota is looking into the possibility of reducing the use of court reporters and having judges share law clerks.

In addition, the staffing standards provided more staff to smaller court locations. This was in recognition of the economies of scale that can be realized in larger courts. Prior to the budget cuts, larger courts were staffed at a 4:1 staff to judge ratio (not including court reporters and law clerks). The smallest courts were staffed at a 7:1 ratio and mid-size courts varied between those standards. Since the economic downturn, Minnesota has begun to move court staffing to "the lowest norm." This means that all courts will move to the 4:1 staffing ratio over a three-year period.

- North Carolina

Under the North Carolina Constitution, the Judicial System is established as a co-equal branch of state government with the Legislative and Executive branches. North Carolina's court system, called the General Court of Justice, is a unified statewide and state-funded system, and is comprised of the Appellate Division, Superior Court Division and the District Court Division. The Superior Court is the general jurisdiction trial court and is organized into 8 administrative divisions. The District Court is a trial court of limited jurisdiction. Local tribunals, consisting of the justices of the peace and mayors' courts, were replaced by magistrates who operate within the district court division.

On the appellate level, an intermediate appellate court – the Court of Appeals – was created in 1967 to relieve the heavy caseload of the Supreme Court.

In FY 2010, the entire North Carolina Certified Budget totaled \$20,700,000,000. The normalized judicial budget of \$360,778,457 is about 1.75% of the total state certified budget amount.

North Carolina Normalized Budget Data, Segregated by Source: (Table 20)

Budget Source	FY 2007	% by source	FY 2008	% by source	FY 2009*	% by source
GF	\$333,388,049	95%	\$368,743,227	96%	\$360,778,457	95%
Other Funds	\$9,469,314	3%	\$5,643,361	1%	\$5,300,000	1%
Federal funds	\$7,979,685	2%	\$9,688,667	3%	\$13,000,000	4%
Other funds (NL)	\$350,692	0%	\$505,822	0%	\$500,000	0%
Total	\$351,187,740		\$384,581,077		\$379,578,457	

Biennial budget amounts were divided equally across two fiscal years for comparative purposes. Budget Figures obtained were adjusted to exclude funding for the District Attorneys.

*: The FY 2009 figures for NC provide only a lump-sum estimate with no detailed breakdown.

The largest non-GF fund is Grant and Contract Special Revenue that constitutes over 60% of the non-GF funds. The next two largest funds are the Collection of Worthless Checks Fund G.S. 7A-308 (c) and the Court Automation Fund (G.S. 7A-343.2). The Worthless Check Fund is fed by a fee for participation in a program for the collection of worthless checks and is set up as a special revenue fund in the Treasury that was established to pay the expenses of programs for the collection of worthless checks. It is subject to appropriation by the General Assembly that has recently diverted some of this balance to the Court Automaton Fund.

The Court Automation Fund is set up as a special revenue fund but is under the control of the Judicial Department and does not revert to the state. The money is restricted and must be used to maintain courthouse phone systems or to supplement the funds of the Judicial Department for information technology and office automation. There is a court cost for phone systems that goes into the fund.

Facility Funding. Expenses for the maintenance and operation of local courthouses are the responsibility of the counties. The appellate courts and administrative office are in state-owned buildings. North Carolina courts assess a facility fee, ranging from \$5 to \$7 that is distributed to the counties. In addition, a new state judicial facility fee has been established at \$4 per case.

Rainy Day Fund. North Carolina has a rainy day fund at the state level – the Judicial Department does not have a rainy day fund.

North Carolina Staffing Data: (Table 21)

	Judicial FTE	Staff FTE	Total FTE
FY 2007	395	6,344	6738.625
FY 2008	395	5233.125	5628.125
FY 2009	403	4846.20	5249.20

For a comparative reference regarding staff salaries and benefits, the annual salary range for a Deputy Clerk runs from \$27,888 at the entry level to a maximum of \$42,596. The Assistant Clerk salary ranges from \$32,222 to \$54,767. State paid benefits consist of a pension contribution and health insurance coverage at a rate of \$4,929 per year.

North Carolina Caseload Data: (Table 22)

Total Case filing information reported by the North Carolina Courts is:

Filings	FY 2008	FY 2009
Supreme Court*	629	629
Court of Appeals	1,575	1,653
Trial Court Civil	650,597	721,840
Trial Court Criminal	2,706,254	2,634,789
Total Trial Court	3,356,851	3,356,629
Total Filings	3,358,426	3,358,911

*- Supreme Court filings were provided only for FY2009. We presumed the same number of filings for FY 2008.

(Table 23) North Carolina Court Revenue Collection & Distribution

Gov't Fees	FY 2008	%
General fund	\$224,788,304	66%
Local Fund	\$93,387,940	27%
State Other Funds	\$8,679,696	3%
Court Retained Funds	\$15,837,850	5%
Total	\$342,693,790	100%

In FY 2009, North Carolina clerks distributed approximately \$657,000,000, nearly half of which was as a pass through to citizens. The distribution was down about \$40,000,000 from FY 2008.

(Table 24)

Gov't Fees and Pass-through Funds	Amount Distributed	% of Total
State Treasurer (Court Costs)	\$ 147,000,000	22%
Other State Treasury & State Agencies	\$88 000,000	14%
Local Governments	\$93 000,000	14%
Judicial Operations	\$14, 000,000	2%
Escheats	\$ 13 000,000	2%
Citizens	\$302 000,000	46%
Total	\$ 657,000,000	

In FY 2009, General Court of Justice fees collected were equivalent to 42 percent of the General Fund appropriation to the Judicial Branch.¹³ These fees are sent to the State Treasurer and included in the money appropriated by the General Assembly to all state agencies.

Revenues from General Court of Justice fees were down slightly in FY 2009. In FY 2008, revenues had increased substantially due to a host of fee increases of at least \$10. These increased fees raised approximately \$29 million for the state general fund, of which about \$9 million was appropriated to the courts.

All court fees are established by the legislature and are uniform across the state. The Chief Justice does not have authority to establish or increase fees. No locally assessed fees are permitted. With the exception of a few specific fees, all revenues accrue to the general fund.

EXAMPLE NORTH CAROLINA COURT FEE INCREASES (Table 25)			
Description	Prior Rate	2009-10 Rate	2010-11 Rate
Seat Belt/Helmet Violations	\$75	\$95.50	\$95.50
Failure to Appear	\$100	\$200	\$200
State Facility Fee	\$1	\$3	\$4
Foreclosure Filing Fee	\$75	\$150	\$150
Business Court Filing Fee	\$200	\$1,000	\$1,000
Superior Court Civil Filing Fee	\$93	\$93	\$125

¹³ This percentage was provided by staff of the North Carolina Administrative Office of the Courts and is based on the full budget appropriation rather than the normalized budget figure provided in this report.

Court Reengineering and Cost Reduction Efforts:

North Carolina has worked diligently to increase its use of technology and automation to reduce the workload burden on reduced numbers of staff. Some of the technological innovations that the courts have implemented include:

- Statewide E-Pay for traffic fine payments on cases that are waivable and do not require a court appearance. The courts plan to expand into other case types in the future. Along with this service, there is a convenience fee of 25 cents for automatic bank debits transactions and \$1 plus 2% for use of a credit card.
- E-File has been implemented for civil cases in three counties. Expansion of the program has been suspended due to initial implementation costs.
- E-Citations are in use across the state, saving workload needs associated with data entry of case filings.
- Electronic pre-file for search and arrest warrants.

In addition to technological adaptations, the North Carolina courts have reduced costs of operation by managing vacancies. Many positions have been left unfilled for extended periods allowing for hiring only into essential positions. All new hires are brought in at the lower portion of the salary range. The Judicial Department has utilized its weighted caseload staffing formulas to equalize the percent of vacancies across the various court locations.

Travel costs have been significantly reduced by elimination of all non essential out of state travel, reduction of the standard mileage rate by 50%, limiting in state travel authorization and quantitative analysis of the use of state cars. Those positions which routinely require automobile travel of 1,000 miles per month or more were assigned a state car at a lower overall cost. Approximately 90 cars have been assigned with the breakeven of cost and savings averaging two years.

- Utah

The Utah State Court System is comprised of two appellate courts - the Supreme Court and Court of Appeals; trial courts including the District and Juvenile Courts; and two administrative bodies - the Judicial Council and the Administrative Office of the Courts. District and Juvenile courts are located in each of the state's eight judicial districts. The District Court is the state trial court of general jurisdiction handling all types of cases except those specifically assigned to the Juvenile Court. The Juvenile Court has exclusive original jurisdiction over youths who violate any federal, state or municipal law, and any child who is abused, neglected or dependent.

Justice Courts are optionally established by counties and municipalities and have the authority to deal with class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice Court jurisdictions are determined by the boundaries of local government entities such as cities or counties, which hire the judges and fund these local courts.

Overview of state budget process:

The Utah state courts are funded on an annual basis. The budget is submitted through the Governor's office, but the Governor has no authority to modify the Judicial Branch request. The Governor's office puts out guidelines for each year's budget request, but the Judicial Branch is not required to follow the guidelines. Requests for additions to the base budget are known as "building blocks." Analysts from both the legislative branch and the executive branch make recommendations on the Judicial Branch's building block requests.

In 2009, the Utah courts incurred an eight percent budget cut (\$8.5 million). Because some expenses were unavailable for reduction (contracts and leases, judicial salaries, mandated costs such as interpreters), the remaining 50 percent of the budget had to bear the full cut. This resulted in a reduction of nine percent of non-judicial staff. At the same time, filings increased 16 percent that

year. Clearance rates¹⁴ have dropped from 99 percent in 2008 to 88 percent in 2009, showing that these courts are falling behind on resolving their caseloads. Based on recent economic projections, the Utah courts are considering their new funding levels to be “the new normal” and are preparing to live with fewer resources on a permanent basis.

Facility Funding. The state of Utah pays all expenses related to housing local courts, except for the Justice Courts.

Rainy Day Funds. Utah State Government has a rainy day fund but due to a budget shortfall at the end of fiscal year 2010, they were forced to use \$100 million of the remaining balance. Since the fund had to be unexpectedly tapped this year, it has compounded the projected shortfall in the coming two fiscal years. Utah is projecting a \$250 million shortfall in FY2011 and a \$280 million structural deficit in FY 2012. The Judicial Branch does not have a dedicated rainy day fund, but with the legislature’s approval, has been allowed to use the balances in some of its non-reverting accounts as a one-time source of emergency funding.

Special Revenue Funds. Utah courts manage several General Fund Restricted accounts. These accounts are non-reverting with expenditures limited to specific purposes. These accounts include a substance abuse prevention fund, non-judicial assessments fund, children’s legal defense fund, on-line court assistance, court records program, and an alternative dispute resolution fund. Court fees are assessed to support a court security fund with moneys allocated to local sheriffs. DNA surcharges support a DNA testing fund and a three dollar fee is assessed to support alternative dispute resolution. As stated above, many of these funds had built up a significant fund balances over the years and were used, with permission, as a one-time source of emergency funding for the courts.

The normalized Utah Judicial Budget for Fiscal Year 2000 was approximately \$79 million.

¹⁴ Clearance rate is the number of cases closed compared to the number of cases filed in one year. It is used as a type of inventory assessment. A clearance rate less than 100% results in an increase in the number of cases pending.

The Utah State general and education funds total \$4,768,851,000 for FY 2011. Court general funds total \$107,637,000 or 2.3 percent of Utah's available general and education dollars.

Utah Normalized Budget Data, Segregated by Source: (Table 26)

Budget Source	FY 2007	% by source	FY 2008	% by source	FY 2009	% by source	FY 2010	% by source
General Fund	\$87,640,900	90%	\$95,904,900	91%	\$91,792,500	87%	\$92,897,200	85%
Federal Funds	226500	0%	273400	0%	624900	1%	166700	0%
General Fund Restricted & Dedicated Credits	\$8,773,600	8%	\$9,702,700	8%	\$12,542,600	10%	\$14,497,900	12%
Transfers & Net lapsing/non-lapsing	\$483,600	1%	-\$456,200	1%	\$179,200	1%	\$1,470,500	1%
Total	\$97,124,600		\$105,424,800		\$105,139,200		\$109,032,300	

Court Facility contracts and leases amounts were removed from the total budget for comparative purposes.

Utah Staffing Data: (Table 27)

	Judicial FTE	Staff FTE	Total FTE
2007	110	1,062.55	1,172.55
2008	111	1,085.38	1,196.38
2009	111	1,043.89	1,154.89

The total personnel services budget for FY 2009, including all judges and staff members (except pertaining to Contracts & Leases) was \$88,521,400.

For a comparative reference regarding staff salaries and benefits, the salary range for court clerks and clerical managers (approximately one-third of the total FTE) runs from \$25,459 for the lowest tier clerk at the entry level to a maximum of \$64,064 for the highest tier clerical manager. State paid benefits consist of

FICA at 7.65% of salary, pension contribution of 16.3% plus 1.5% employer contribution to a 401K plan, 1.5% for LTD coverage and health insurance coverage at a rate of \$14,020 per year for family coverage.

Utah Caseload Data: (Table 28)

Total Case filing information reported by the Utah Courts is:

Filings	2007	2008	2009
Supreme Court & Court of Appeals	1,050	1,037	1,116
Trial Court Civil	98,342	105,267	121,944
Trial Court Criminal	39,277	39,044	40,085
Trial Court Other	93,282	74,130	74,418
Total Trial Court	230,901	218,441	236,447
Total Filings	231,951	219,478	237,563

Court Collected Revenue Data:

At the beginning of the last fiscal year, the Utah courts were scheduled for a 15 percent cut in total funding. In order to reduce the impact on the courts, the Utah legislature increased court filing fees. A survey of other states showed that Utah's fees were at the lower end of national rankings. As the courts increased fees, they attempted to move to the mid-range. This resulted in increases of between 50 percent and 100 percent in most court fees. Surcharges on traffic tickets were increased from 85 percent of the fine to 90 percent of the total fine. While existing fees were permanently increased, no new fees were added and the legislature has decided against charging convenience fees for e-filing. The courts are not allowed to recoup credit card fees for on-line payments.

All revenues associated with the fee increases are deposited to the state general fund resulting in an additional \$11.3 million appropriation to the courts. The Courts have no authority to establish or increase any fees; under Utah's Budgetary Procedures Act the Courts may make recommendations on fee amounts to the Legislature which has approval authority. Local county established fees are not allowed.

EXAMPLE INCREASES IN UTAH STATE COURT FEES ¹⁵ (Table 29)			
Filing Fees	Description	Prior Amount	New Amount
Civil Complaint	Prayer < \$2,000	\$50	\$75
	>\$2,000 & < \$10,000	\$95	\$185
	≥\$10,000	\$155	\$360
Domestic Relations Petition		\$155	\$310
Probate Estate Accountings	Estate Value ≤ \$50,000	\$10	\$15
	> \$50,000 & ≤ 75,000	\$20	\$30
	>\$75,000 & ≤ \$112,000	\$40	\$50
	>\$112,000 & ≤ \$168,000	\$80	\$90
	>\$168,000	\$150	\$175
Jury Demand Fee		\$75	\$250

The Utah AOC and a recent legislative audit showed that state fee assessments among the local Justice Courts were inconsistent, surcharges were misapplied and revenue was not always transmitted correctly. As a result, all Justice Courts will be moved to the state's automated case processing system (CORIS) which addresses these issues in the district and juvenile courts.

(Table 30) Utah Court Revenue Collection & Distribution

Revenue Distribution	FY 2008	FY 2009	FY 2010
General fund	\$15,628,890	\$16,750,929	\$ 16,139,257
Local Fund	\$ 2,101,586	\$ 1,963,177	\$ 1,682,811
State Other Funds			
Court Retained Funds	\$ 7,910,941	\$ 9,498,172	\$ 18,619,534
Total	\$25,643,425	\$ 28,212,278	\$ 36,441,602

Court Reengineering & Cost Reduction Efforts:

Utah's courts are undertaking aggressive efforts to go paperless. They currently have e-filing available in five districts. No fee is charged for e-filing. Equipping the courts for e-filing required substantial investment in technology but is expected to reap benefit in reducing staff time associated with organizing and retrieving paper files.

¹⁵ State of Utah, Senate Bill 0184, 2009 General Session.

An on-line public access system is available for viewing court records statewide and an on-line payment system that accepts court payment. The system generates revenue for the courts but they do not recoup the credit card processing fees associated with this service.

Local courts are increasingly relying on digital audio recording for the court record. Court Reporters are now provided at state expense only in first-degree felony or capital offense cases. This has allowed local courts to eliminate all court reporter positions. The former employees now provide transcription services and may contract with the court to provide stenographic reporting in certain criminal cases or by parties for any other proceeding. An unanticipated benefit of this change has been a marked reduction in the time needed to obtain transcribed records for appeals. Transcription time has been reduced from a previous average of about 250 days to approximately 21 days currently.

Other efficiency efforts include cross training employees between the two court divisions (district court and juvenile court), increasing training for judges on settlement conference skills, utilizing senior judges to address caseload backlog and implementing a remote translation service for language interpretation needs. Finally, the Utah courts have implemented a program to enhance and professionalize more of its court staff. Their theory is that as courts move to more automated processes, court employees can be used more effectively on higher-level tasks. This would include case management and case facilitation duties. The organization believes that it can staff the courts with more highly qualified, more highly-paid employees while reducing the total number of staff needed. Employees will be expected to handle a larger workload in a team-based structure and will be compensated at a higher level. As the courts have transitioned to this model, they have implemented incentives for employees to obtain educational degrees and training. One unanticipated outcome was the number of employees who initially qualified for "auto-promotion" under the personnel rules. The number of employees qualifying for 10 to 20 percent increases forced the court to temporarily suspend the auto-promotion component of the program. No formal evaluation of this program is yet available.

- Oregon

The Oregon Judicial Department includes the Supreme Court, a state-wide intermediate Court of Appeals, Tax Court and a single level general jurisdiction Circuit Court. County, Municipal and Justice Courts are funded by local governments and are not a part of the state system.

The Oregon Supreme Court is the state's highest court with jurisdiction to review decisions from the Court of Appeals, Tax Court and the Circuit Courts, as well as administrative authority over the operations of the Judicial Department.

Overview of the state budget process:

The State of Oregon operates on a biennial budget cycle. The Judicial Department submits its budget to the Legislature through the Governor's Office. The Governor is responsible for submitting a balanced budget, which includes the courts, and may revise the Judicial Department's request.

In order to offset the effects of budget reductions, the state has authorized increased court fees as a source for raising revenues.

Facility Funding. Expenses of operating and maintaining Oregon court facilities are the responsibility of the local counties. The appellate courts and state administrative offices are housed in state owned and operated buildings.

Rainy Day Fund. The State of Oregon has a rainy day fund but, like many others, the balance has been greatly reduced. The Oregon Judicial Department does not have its own emergency fund.

Special Revenue Funds. The Oregon courts receive Other Fund revenue from an 8% revenue collections overhead rate, sale of publications, public access to the Oregon Judicial Information Network and an assortment of other fees.

In the 2010/2011 Biennium, the Oregon Judicial Department budget general fund appropriation constituted of approximately 2.37% of the entire state general fund.

Oregon Normalized Budget Data, Segregated by Source: (Table 31)

	2007	%	2008	%	2009	%	2010 ¹⁶	%
General Fund	\$141,030,387	90%	\$155,177,593	83%	\$155,177,593	83%	\$149,626,267	84%
Other Funds	\$10,835,802	7%	\$25,309,734	14%	\$25,309,734	14%	\$29,051,179	16%
Federal Funds	\$739,380	0%	\$506,732	0%	\$506,732	0%	\$429,582	0%
Other Funds (NL)	\$4,740,721	3%	\$5,453,983	3%	\$5,453,983	3%	\$0	0%
Total	\$157,346,290	100%	\$186,448,041	100%	\$186,448,041	100%	\$179,107,027	100%

Biennial budget amounts were divided equally across two fiscal years for comparative purposes.

Oregon Staffing Data: (Table 32)

	Judicial FTE*	Staff FTE	Total FTE
2005-07 Biennium	188.00	1,675.54	1,863.54
2007-09 Biennium	191.00	1,721.45	1,912.45
2009-11 Biennium	191.00	1,624.97	1,815.97

* FTE difference is related to four new circuit judges approved with an effective date of 1/1/07 for 0.25 FTE each (1.00 total) for the 2005-07 biennium and 3.00 FTE for the remaining biennia.

The total salaries and benefits expended for FY 2010, including all judges and staff members, was \$142,943,950. For a comparative reference regarding staff salaries and benefits, the annual salary for a Judicial Services Specialist 3 (the

¹⁶ Figures obtained from the LFO Analysis of 2009-11 Legislatively Approved Budget.

largest classification at 544 employees) ranges from \$29,976 to \$48,816. State paid benefits consist of 8.22% pension contribution, 5.95% pension bond, 7.65% FICA, 0.6% mass transit and \$13,325 for health insurance.

Oregon Caseload Data: (Table 33)

Total Case filing information reported by the Oregon Courts is:

Filings	2007	2008	2009
Appellate (Supreme Court, Court of Appeals & Tax Court)	5,567	5,879	6,075
Trial Court Civil	166,180	182,225	172,091
Trial Court Criminal	355,966	346,888	346,148
Trial Court Other	83607	81,221	81,366
Total Trial Court	605,753	610,334	599,605
Total State Filings	611,320	616,213	605,680

Court Collected Revenue Data:

Oregon court fees are established by the legislature. Additional fees imposed by counties are also established by the legislature, setting them either as a specified amount or as a percentage of another amount. However, individual counties do establish the amounts for mediation/conciliation fees in domestic relations and paternity cases. These amounts can be assessed in conjunction with a variety of other court fees and can range from a low of \$75 to a high of \$224.

Court fees were legislatively increased in FY2007 and in FY2009. These increases were established as temporary surcharges however, the 2007 increases have been extended; both sets of increases are now scheduled to sunset at June 30, 2011.

(Table 34) Oregon Courts Revenue Collection & Distribution

Revenue Distribution ¹⁷	FY 2008	%	FY 2009	%
General fund	\$26,766,652	22%	\$27,954,257	23%
Local Fund	\$28,959,112	23%	\$27,731,339	23%
State Other Funds	\$61,589,334	50%	\$58,354,613	49%
Court Retained Funds ¹⁸	\$6,058,475	5%	\$5,318,832	4%
Total	\$123,373,573	100%	\$119,359,042	100%

¹⁷ Figures obtained from OJD Business & Fiscal Services staff.

¹⁸ Court Retained Funds include revenues to the Oregon Court Collections Fund, Oregon Court Forms Fund, OJD Facility Account and OJD Operating Account.

C. State Comparative Data and Analysis

This section summarizes the budget and revenue information from the comparative state judicial systems.

Cross-Comparison Structural Attributes: (Table 35)

State	Primarily State Funded	Unified System	Trial Court Levels	Number of Counties
Alabama	YES	YES	2	67
Colorado	YES	YES	2	64
Iowa	YES	YES	1	99
Minnesota	YES	YES	1	87
North Carolina	YES	YES	2	100
Utah	YES	YES	1	29
Oregon	YES	YES	1	36

Cross-Comparison Budget & Revenue: (Table 36a)

State	Rainy Day Fund – State	Rainy Day Fund – Jud	Special Revenue Fund(s)	Facility Funding
Alabama	Y	N	Y	C
Colorado	Y	N	Y	C
Iowa	Y	N	Y	C
Minnesota	Y	N	N	C
North Carolina	Y	N	Y	C
Utah	Y	N	Y	S
Oregon	Y	N	Y	C

(Table 36b)

State	FY 2010 Normalized Budget (in millions)	State	FY 2009 Net Revenues (in millions)
Utah	\$109.0	Utah	\$36.4
Iowa	\$166.2	Alabama	\$86.0
Oregon	\$179.1	Oregon	\$119.3
Alabama	\$196.5	Colorado	\$124.2
Colorado	\$302.5	Iowa	\$143.1
Minnesota	\$386.3	Minnesota	\$189.1
North Carolina	\$400.4	North Carolina	\$342.7

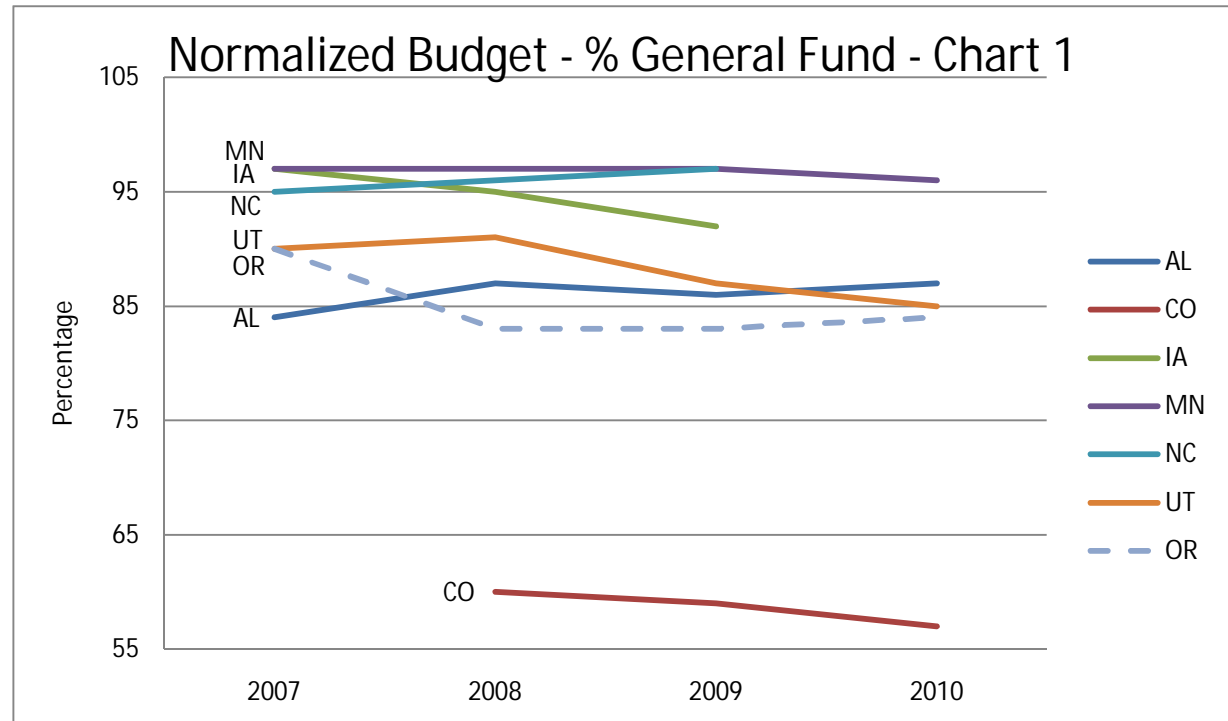
Cross-Comparison FY 2009 Revenue as a Percentage of Budget: (Table 37)

State	FY 2009 General Fund Revenue	% of Normalized Budget	State	FY 2009 All State Level Revenue	% of Normalized Budget
CO	\$23,953,826	8.5%	UT	\$28,212,278	26.8%
OR	\$27,954,257	15.0%	CO	\$124,203,251	44.0%
UT	\$16,750,929	15.9%	MN	\$189,097,000	49.0%
MN	\$126,503,000	32.8%	OR	\$119,359,042	64.0%
NC	\$224,788,304	58.5%	IA	\$143,102,746	86.1%
IA	\$97,509,821	58.7%	NC	\$342,693,790	89.1%
AL	\$86,000,000	45.6%	AL	n/a	n/a

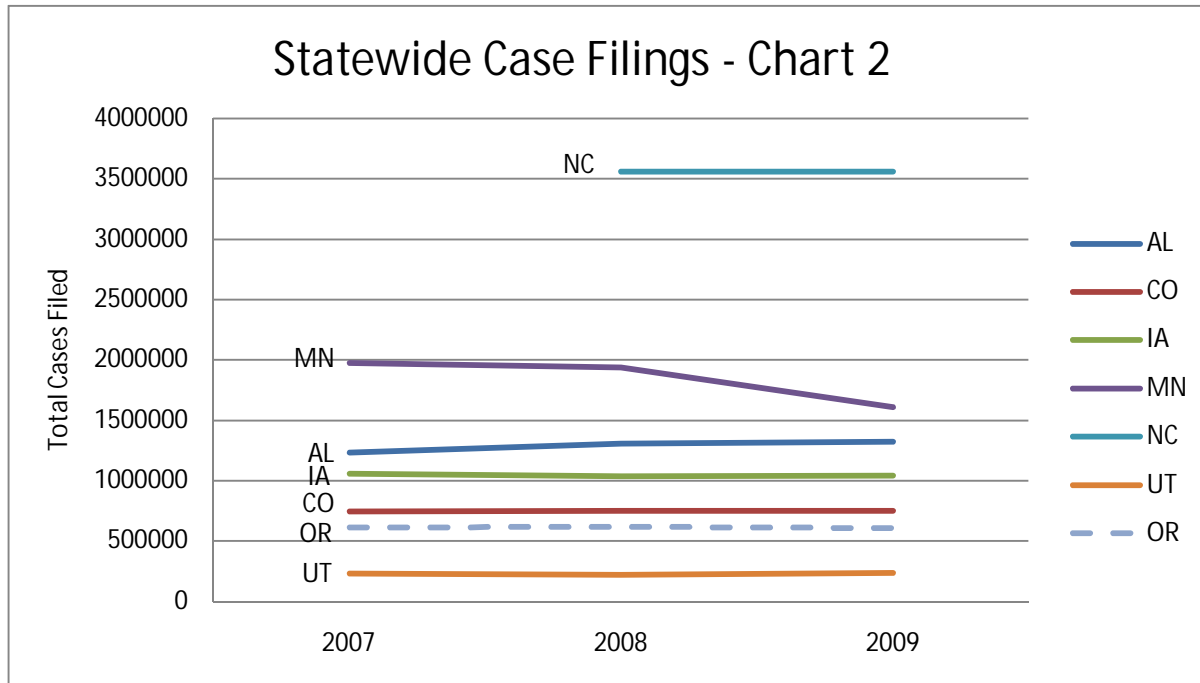
Cross-Comparison Staffing and Caseload: (Table 38)

State	FY 2009 Judges	State	FY 2009 Staff	State	FY 2009 Total Caseload
Utah	111	Utah	1,044	Utah	237,536
Oregon	191	Iowa	1,605	Oregon	605,680
Iowa	247	Colorado	1,650	Colorado	751,314
Alabama	267	Oregon	1,721	Iowa	1,044,132
Minnesota	315	Alabama	2,114	Alabama	1,321,215
Colorado	316	Minnesota	2,890	Minnesota	1,608,759
North Carolina	403	North Carolina	4,846	North Carolina	3,558,911

Among the selected states, the general fund percentage of the normalized, or comparable, budget ranged from a high of 97% to a low point of 57%. The Oregon judicial budget ranged from a high of 90% in FY2007 to a low of 83% in the 2008-2009 biennium and is in the lower end of the spectrum for all four of these fiscal years. The Oregon judicial budget ranged from a high of 90% in FY2007 to a low of 83% in the 2008-2009 biennium and is in the lower end of the spectrum for all four of these fiscal years. This can be attributed in part to the General Fund component of the OJD budget shrinking from \$155 million to \$149 million while the Other Funds component, which includes HB 2287 fees which were established to replace budgetary funding lost due to the general fund reduction, has increased from \$10 million to \$29 million. Colorado ranks significantly lower than the other state courts in this measure, which is likely attributable to state constitutional limitations on general fund growth and increases in the use of special revenue, or 'cash', funds.

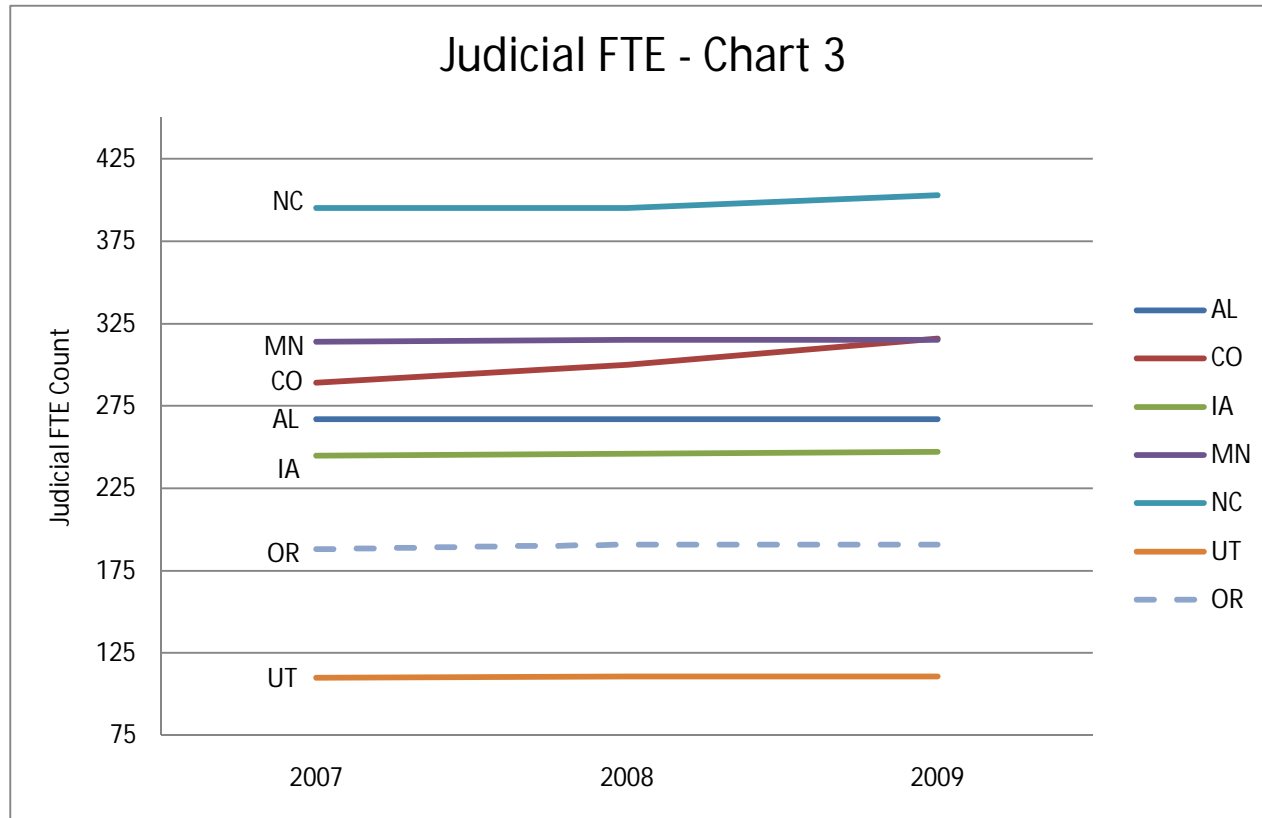


	2007	2008	2009	2010
AL	84	87	86	87
CO	N/A	60	59	57
IA	97	95	92	N/A
MN	97	97	97	96
NC	95	96	97	N/A
UT	90	91	87	85
OR	90	83	83	84
Source Data				



	2007	2008	2009
AL	1231561	1308426	1321215
CO	744514	751632	751314
IA	1059795	1038650	1044132
MN	1973663	1937655	1608759
NC	N/A	3559055	3558911
UT	231951	219478	237536
OR	611320	616213	605680
Source Data			

Among the selected states, statewide case filings ranged from a high of 3,559,055 in North Carolina (FY 2008) to a low of 219,478 in Utah (FY 2008). Oregon was 2nd lowest of the states, averaging about 608,000 for the three year period. Alabama showed the largest rate of increase, with all of the other states generally flat or decreasing in case filings.

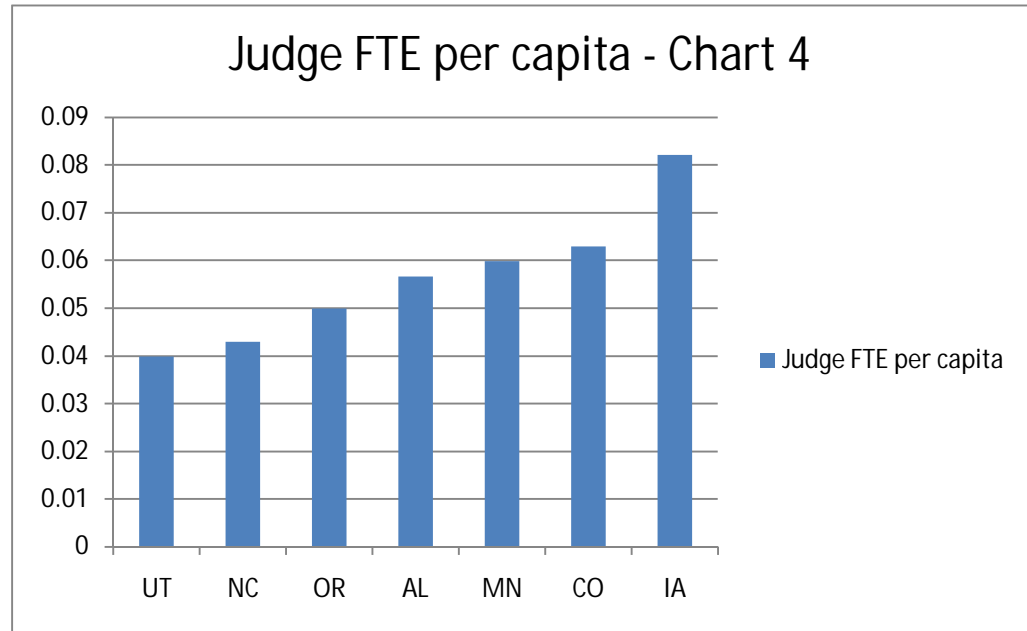


	2007	2008	2009
AL	267	267	267
CO	289	300	316
IA	245	246	247
MN	314	315	315
NC	395	395	403
UT	110	111	111
OR	188	191	191
Source Data			

Among the selected states, the number of Judicial FTE ranged from a high of 403 in North Carolina (FY 2009) to a low of 110 in Utah (FY 2007). Oregon has the next lowest number of Judicial FTE at a current level of 191.

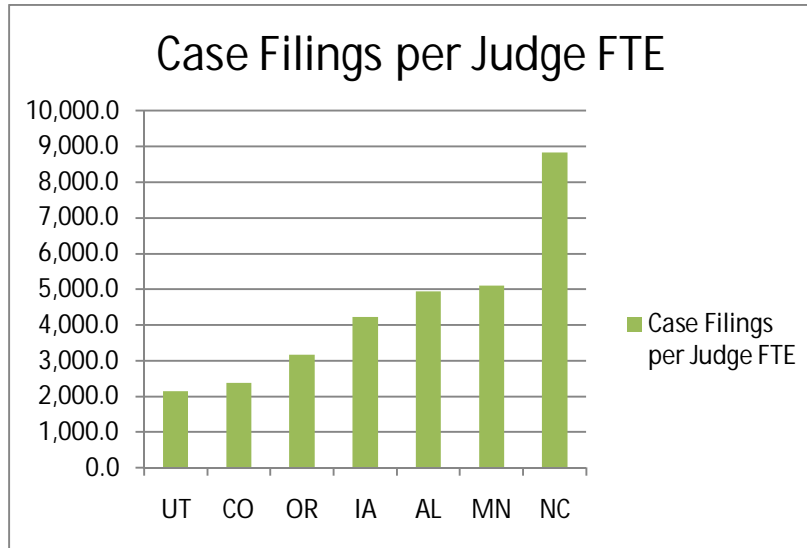
When compared on a per-capita basis, 5 of the 6 comparable states are clustered very closely and Oregon is right in the middle of the pack. Only the state of Iowa varies significantly when viewed in this perspective. The value of this measure may be in demonstrating the similarity of the states, with the exception of Iowa. Possible circumstances that may impact this measure include the statutory jurisdictions within the states, the number of trial court levels, use of quasi-judicial officers, the number of

counties and/or judicial districts, as well as overall population levels. The indication here is that Oregon is clearly in the center of the selected states. The Iowa figure appears to be affected by its relatively low population and relatively high number of counties.



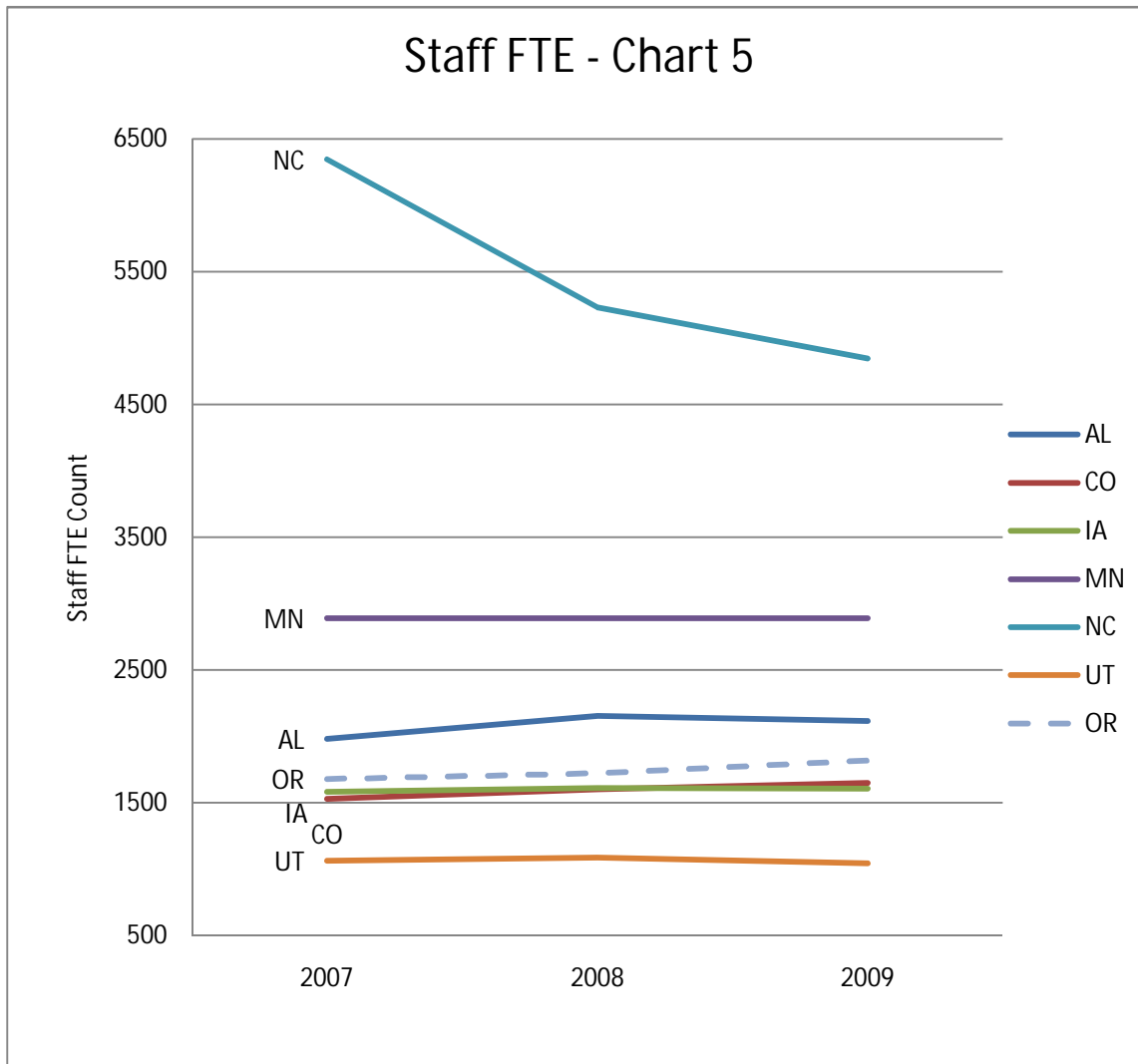
	2009 State Judges	2009 Population ¹⁹	Judicial FTE per capita	Number of Counties
UT	111	2,784,572	0.04	29
NC	403	9,380,884	0.04	100
OR	191	3,825,657	0.05	36
AL	267	4,708,708	0.06	67
MN	315	5,266,214	0.06	87
CO	316	5,024,748	0.06	64
IA	247	3,007,856	0.08	99
Source Data				

¹⁹ Table A1: Interim projections of the Total Population for the United States and States: April 1, 2000 to July 1, 2030. Source: U.S. Census Bureau, Population Division, Interim State Population Projections, 2005. Internet Release Date: April 21, 2005



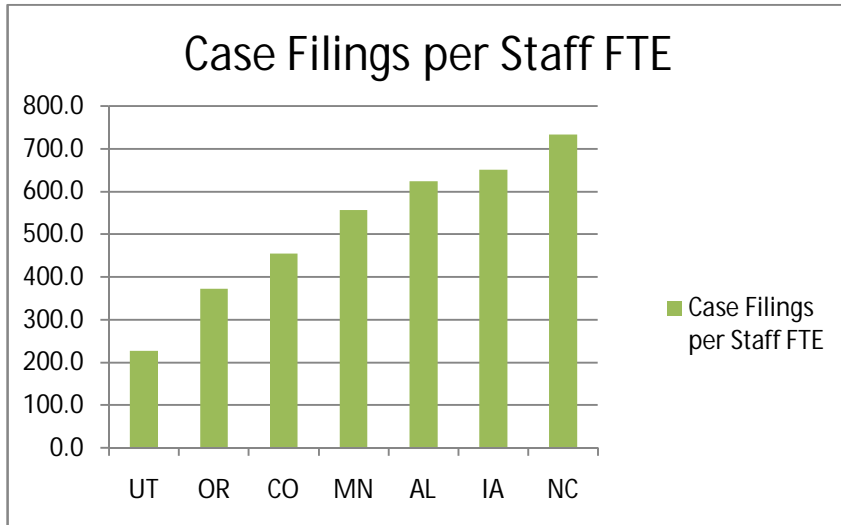
	Judge FTE	2009 Case Filings	Case Filings per Judge FTE
UT	111	237,536	2,140.0
CO	316	751,314	2,377.6
OR	191	605,680	3,171.1
IA	247	1,044,132	4,227.3
AL	267	1,321,215	4,948.4
MN	315	1,608,759	5,107.2
NC	403	3,558,911	8,831.0
Source Data			

Among the state court systems selected, this measure varies dramatically from a low of 2,140 cases per judges in Utah to 8,831 in North Carolina. Oregon is in the lower portion of this range with 3,171 cases per judge, placing it above Utah and Colorado. This raw measure does not take into account possible differences in case counting rules, use of quasi-judicial officers, and the statutory jurisdiction of the courts in each state.



	2007	2008	2009
AL	1980	2155	2114
CO	1531	1603	1650
IA	1581	1610	1605
MN	2890	2890	2890
NC	6344	5233	4846
UT	1063	1085	1044
OR	1676	1721	1625
Source Data			

Among the selected states, staff FTE ranged from a high of 6,344 in North Carolina (FY 2007) to a low of 1,044 in Utah (FY 2009). Oregon staff FTE is approximately in the middle of the states, averaging just over 1,700 positions across these 3 fiscal years. Due to the fiscal challenges over the 2007-2009 time period with hiring freezes and layoffs, courts have made concerted efforts to hold on to staff vacancies. As a result, total staff FTE declined in North Carolina and showed only modest increases in the other states.

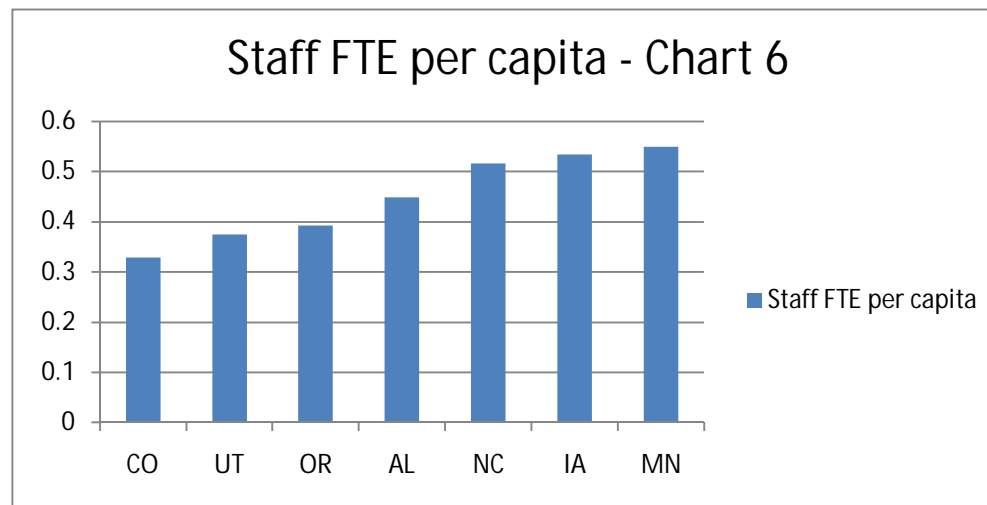


	Staff FTE	2009 Case Filings	Case Filings per Staff FTE
UT	1,044	237,536	227.5
OR	1,625	605,680	372.7
CO	1,650	751,314	455.3
MN	2,890	1,608,759	556.7
AL	2,114	1,321,215	625.0
IA	1,605	1,044,132	650.5
NC	4,846	3,558,911	734.4
Source Data			

Case filings per staff FTE ranges from 227.5 in Utah to 734.4 in North Carolina. Oregon had 372.7 cases filed per staff FTE, putting it just above Utah. This raw measure does not take into account possible differences in case counting rules, use of technology or simplified administrative procedures, general hiring practices, and court employee duties and responsibilities in each state.

	Staff	2009 Population ²⁰	Staff FTE per capita
CO	1,650	5,024,748	0.33
UT	1,044	2,784,572	0.37
OR	1,504	3,825,657	0.39
AL	2,114	4,708,708	0.45
NC	4,846	9,380,884	0.52
IA	1,605	3,007,856	0.53
MN	2,890	5,266,214	0.55
Source Data			

When compared on a per-capita basis, all of the 6 comparable states are clustered very closely and Oregon is in the lower-middle range of the pack. Based on the results of this raw measure, indications are that Oregon court staffing does not appear excessive or out of the ordinary when compared to the selected state court systems. As with the Judicial FTE per capita, this measure is likely influenced by factors such as court’s statutory jurisdictions within the states, the number of trial court levels, the number of counties and/or judicial districts, as well as overall population levels.

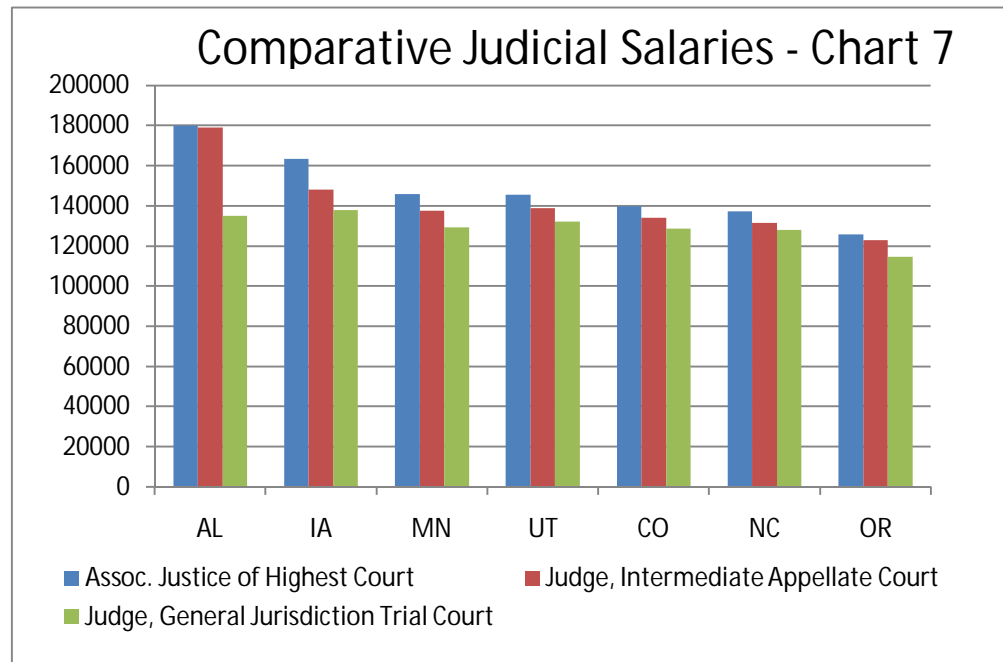


²⁰ Table A1: Interim projections of the Total Population for the United States and States: April 1, 2000 to July 1, 2030. Source: U.S. Census Bureau, Population Division, Interim State Population Projections, 2005. Internet Release Date: April 21, 2005

	Assoc. Justice of Highest Court	National Rank	Judge, Intermediate Appellate Court	National Rank	Judge, General Juris. Trial Court	National Rank	COLI Adjusted Rank ²¹
AL	180,005	9	178,878	3	134,943	23	9
IA	163,200	14	147,900	16	137,700	18	8
MN	145,981	27	137,552	22	129,124	28	31
UT	145,350	28	138,750	21	132,150	25	17
CO	139,660	32	134,128	26	128,598	31	34
NC	137,249	35	131,531	30	127,957	32	24
OR	125,688	43	122,820	36	114,468	44	50

Source Data

This committee requested comparisons of judicial department salaries across the selected states compared to the 6 selected states, Oregon pays its judicial officers lower salaries across all court levels. All salary information was obtained from the NCSC Survey of Judicial Salaries, volume 34, Number 2, as of June 30, 2009.



²¹ Cost of Living Index prepared by C2ER (formerly the ACCRA organization). More detailed information can be found at www.c2er.org.

Clerical Salary Range:

	Entry Level	Maximum
AL	\$22,272	\$52,663
CO	\$26,940	\$48,588
IA	\$29,619	\$43,285
MN	\$33,095	\$49,694
NC	\$27,888	\$54,767
UT	\$25,459	\$64,064
OR	\$29,976	\$48,816
Table 39		

This committee requested comparisons of judicial department salaries across the selected states. All of the court systems develop salary ranges for their various job titles. This table presents the base level and maximum annual salary for clerical staff. In courts, these types of job classifications typically include more FTE than any other job class. In this data, the Oregon shows the second highest starting salary and the third lowest maximum salary. However, it is critical to note that specified job duties, minimum qualifications, and supervisory responsibilities have a direct effect on an individual state’s determination of appropriate salary levels. Most states typically conduct surveys and seek to maintain salaries which are comparable to similar positions in the private sector. Among the selected states, the court staffs in Iowa and Minnesota are covered by collective bargaining agreements.

Comparative Civil Filing Fees:

Example civil suit filing fee calculations in general jurisdiction courts under 3 scenarios.

Table 40

		1 Ptf, 1 Def	3 Ptf, 6 Def	1 Ptf, 10 Def	
AL – Circuit Court	< \$50,000	199	449	289	Includes a \$100 fee for each additional plaintiff (max. of \$1,000 per case) and a \$10 service fee for each additional defendant. Alabama also assesses a \$50 fee for dispositive motions (judgment on pleadings, default judgment and summary judgment).
	> \$50,000	299	549	389	Includes a \$100 fee for each additional plaintiff (max. of \$1,000 per case) and a \$10 fee for each additional defendant
CO		224	224	224	No distinction based on prayer amount however Colorado has a judgment fee in civil cases. The fee is graduated and assessed according to this schedule: Judgment Amount - Fee \$5K to \$10K \$10 >\$10 to \$20K \$30 >\$20K to \$30K \$50 >\$30K to \$50K \$90 >\$50K \$90 + \$2 each 1K over 50 Example: Judgment fee on a \$1 million judgment is \$90 + (\$2 * 950) = \$1,990 Judgment fee on a \$100K judgment is \$90 + (\$2 * 50) = \$190.
MN (Ramsey County)		320	320	320	Minnesota assesses a \$100 fee for any motion or response filed after the initial filing.
NC - Superior Court		112	112	112	
NC – Business Court		1,000	1,000	1,000	
UT	< \$10,000	185	185	185	
	> \$10,000	360	360	360	
OR	< \$10,000	137	137	137	
	> \$10,000	197	1,247	1,697	Includes \$197 default fee for each additional moving party and \$150 additional party fee (except first named defendant)

Example small claims filing fee calculations.

Table 41

AL	\$51	Claim amount up to \$1,500
	\$125	Claim amount > \$1,500 up to \$3,000
	\$216	Claim amount > \$3,000 up to \$10,000
		Alabama assesses the \$50 add'l plaintiff fee (max \$500) and \$10 sheriff service fee for each add'l defendant in small claims cases
CO	\$31	Claim amount up to \$500
	\$55	Claim amount > \$500 up to \$7,500
MN (Ramsey County)	\$75	
NC	\$100	Claim amount up to \$5,000
UT	\$60	Claim amount up to \$2,000
	\$100	Claim amount > \$2,000 up to \$7,500
	\$185	Claim amount > \$7,500 up to \$10,000
OR	\$46.50	Claim amount up to \$1,500; Oregon assesses \$74.50 for defendant denying claim and hearing demand, \$137.00 for defendant denying claim and demanding jury trial, and \$91.50 for plaintiff filing formal complaint after defendant demands jury trial.,
	\$86.50	Claim amount > \$1,500; Oregon assesses \$143.50 for defendant denying claim and hearing demand, \$137.00 for defendant denying claim and demanding jury trial, and \$51.50 for plaintiff filing formal complaint after defendant demands jury trial.,

Example domestic relations filing fee calculations in general jurisdiction courts.

Table 42

AL	\$154	Dissolution of Marriage Petition
	\$257	Modification/enforcement of domestic relations order
CO	\$230	Dissolution of Marriage Petition
	\$105	Modify, alter or amend domestic relations order
MN (Ramsey County)	\$400	
NC	\$145	Dissolution of Marriage Petition
UT	\$310	Dissolution of Marriage Petition
OR	\$256 - \$405	Includes \$181 total filing fee plus mediation conciliation fee ranging from \$75 to \$224

Example estate filing fee calculations in general jurisdiction courts.

Table 43

AL	Not available	Probate Courts in Alabama are established by the counties and fees vary
CO	\$164	
MN (Hennepin County)	\$322	
NC	\$761	\$168,000 estate; includes \$89 fee plus \$4 per \$1,000 of estate value
UT	\$175	Estate greater than \$168,000
OR	\$457	Estate from \$100,001 to \$500,000

Oregon civil suit filing fees are substantially higher than those in the selected states. Among the comparable states, only Alabama assesses a fee for additional parties - \$100 for additional plaintiffs and a \$10 service fee per additional defendants. However, the additional plaintiff fee is capped at \$1,000 per case regardless of the number of plaintiffs. Oregon's additional party fees are not statutorily limited. Alabama and Minnesota (Ramsey County) assess motion fees although Alabama's motion fees are restricted to dispositive motions. Minnesota charges \$100 and Alabama charges \$50; Oregon's motion fees vary based on the type of motion and the type of proceeding, making computation more complex. In addition, the Oregon motion fee applies to many more types of motions than does Alabama's fee.

Regarding the total fee for filing a petition for dissolution of marriage, Oregon ranges from mid-level to the highest of the selected states due to the variability of the mediation/conciliation fee.

Oregon filing fees, for an estate valued at \$168,000 were second highest to North Carolina among the selected states.

D. Judicial System Funding Principles and Observations

The basic function of the state courts includes protection of individual constitutional rights, ensuring procedural due process, and preservation of the rule of law; in short, the impartial adjudication of legal disputes. Although state courts fulfill this core function as a separate branch of government, they depend upon legislative bodies to provide a stable and adequate level of funding with which to execute their constitutional mandates.

Concurrent with their need for stable and adequate funding, court systems should take steps to ensure that effective structural, administrative and governance practices are in place to establish and increase trust and respect with the executive and legislative branches. In addition, courts must embrace a culture of accountability and efficient use of the public resources that are entrusted to them.

Some generally recognized criteria considered essential to building and maintaining confidence both externally with the other branches and internally within the court system are:

- A well-defined governance structure for policy formulation and administration that guides the entire state court system.
- Commitment to transparency and accountability.
- Positive and effective communications with the other branches and with their constituencies.
- Authority to direct resources and allocate them as needed to meet operational objectives with a minimum of legislative and executive branch controls, i.e. budgets with a minimum number of line items.
- Administration and oversight of all funds in accordance with sound, widely-accepted financial management practices.

Once confidence in the governance and organizational structure of the court system is established, the adequacy of funding can be addressed. Although it is difficult to determine a precise level at which court system funding can be deemed adequate, it is possible to consider this issue in light of the basic function of the courts and essential aspects that contribute to its achievement. These

essential aspects include providing court facilities that are safe, secure and accessible; providing proceedings that are affordable in terms of money, time and procedures; ensuring opportunities for litigants to participate without unreasonable hardship due to language difficulties, physical or mental impairments, or lack of financial resources; making a complete and accurate record of all actions; timely resolution of cases; and faithful adherence to applicable laws and rules of procedure.

How effectively a court system conducts these essential aspects over the long term can serve as a 'barometer' to determine the adequacy of its funding. The NCSC, along with various state court leaders, has begun researching and developing a set of principles for court funding. Some of the principles under consideration include:

- Courts should be funded at a level that ensures the disposition of cases in accordance with recognized and accepted time to disposition standards.
- Court funding should ensure that courthouse facilities are safe, secure and accessible, and built in accordance with court facility guidelines.
- Courts should be funded to provide for technological capabilities comparable to public and private organizations.
- Court funding should primarily be from the general fund with earmarked revenue as a secondary or ancillary source. Fees should not be set at a level that inhibits reasonable access to the dispute resolution services provided by the courts.

Oregon generally fares well in considering these court funding principles. The Oregon Judicial Department has established a performance measurement system and has shown steady progress in improving its overall performance in many key areas. For example, the results in Key Performance Measure #6 - 'Timely Case Processing,' which measures the percentage of cases disposed or otherwise resolved within established time frames, have increased from 70% in 2003 to 79% in 2008. In addition, the OJD has spearheaded, and the legislature has funded, the E-Courts project which is designed to meet the court's technology

needs well into the future and to provide enhanced efficiencies in operations. Although the implementation schedule has been changed from a five-year to a ten year timeline, this effort represents an ongoing commitment to upgrading the court's technological capabilities.

Oregon also does reasonably well in regards to the percentage of budget that comes from the state General Fund. In FY 2007, the Oregon Judicial Department budget consisted of approximately 90% general fund appropriation. Although this percentage dropped to 83% in FY 2008 and FY 2009, it increased slightly to 84% in FY 2010. This drop is due primarily to the increases in fees and special revenue funds attributable to HB 2887. These fees were established to 'backfill' the OJD budget due to the reduction in general fund appropriation. This data places Oregon 2nd lowest in the group but it is within a few percentage points of two other states. Caution is warranted however, due to the significant fee amounts that were established, the quantity and type of fees and the variable rules in assessing them.

It is perhaps in regard to the funding principle of ensuring that the Judiciary provides safe, secure, accessible and functionally adequate court facilities that Oregon performs poorest. The condition of the facilities and related needs of the Oregon Judicial Department have been well documented and studied²². The projected cost of the repairs, reconfiguration and replacement of court facilities previously identified is staggering. However, it is not a problem that will resolve itself but will only continue to increase in urgency.

The Judiciary's in North Carolina and Alabama submit their budget requests to their Governor's Offices, which have the authority to make adjustments prior to submission to the Legislature. The Oregon Judicial Department prepares a biennial budget that is submitted to both the Legislature and the Governor's Office. The Governor's Office prepares a state-wide balanced budget document that includes separately determined figure for the Judicial Branch. This process, though not as divisive as that of North Carolina and Alabama, potentially creates a situation in which the Judicial Branch and all of the Executive Departments may

²² [Report on Oregon Court Facilities](#), Court Facilities Task Force, 2006 ; [Court Facility Assessments](#), State Court Facilities Commission, 2008

be at odds regarding the appropriate budget figures. Ultimately, the Legislature has the authority and responsibility to approve the Judicial Branch budget. The budget setting process could operate more harmoniously if the Judicial Branch was not treated as an Executive Department for purposes of the Governor's recommendations. Colorado, which has a similar balanced budget requirement, has developed a method for addressing this issue although it is designed in conjunction with Colorado-specific requirements. The Colorado General Fund budget is limited to 6% each year – the Governor's Office includes the Judicial Branch at the 6% cap when preparing the balanced budget document. The Judicial Branch communicates directly with the Legislature's Joint Budget Committee in explaining or justifying any variations between their budget request and the balanced budget document.

All of the states reviewed have raised court filing fees on at least one occasion over the past several years. While often done across the board as a means of increasing general fund revenue, some of the fee increases have been geared toward ensuring funding for particular purposes, such as increasing judicial positions or the costs associated with financing a new Judicial Building. As seen from the comparison of civil filing fees and the attached appendices, Oregon's fees are significantly higher, are assessed on more types of court actions and vary more widely among case types than those in the selected states. The current fee schedule increases costs for all parties, reduces transparency and ultimately can inhibit access to the courts. A review of the various fee schedules from the selected states also shows greater simplicity and consistency in the fees assessed.

In recent years, as states across the country have attempted to address revenue shortfalls due to the recession, many Judicial Branches have taken a comprehensive look not only at how court business is conducted but at the overall structure of their organization. These re-engineering efforts are directed at efficiency and effectiveness of operations, accessibility and service to the public, and accountability of the Judicial Branch. Within the selected states, Minnesota and Utah have undergone re-engineering efforts as well as states across the country such as New Hampshire, Indiana and Michigan. The Oregon Judicial Department has also taken a number of steps in this direction.

E. Best Practices Regarding Court Fees

Model Standards:

The states selected for comparison with Oregon, as well as states across the nation, display substantial variation in the organization of their judicial systems and related fiscal practices. This variability is clear in the data provided earlier in this report. However, there are also many similarities in the standards and processes by which court fees are considered and established by the states.

In 1986, The Conference of State Court Administrators (COSCA) published a report titled "Standards Relating to Court Costs, Fees, Miscellaneous Charges and Surcharges." This document proposed a set of standards that can be applied by the states on a national scale. The standards were subsequently adopted by the Conference on August 7, 1986. As stated in the report,

"The standards promulgated by this Committee represent what the Committee believes should exist in an "ideal" judicial system ... and are intended to be used as a model when states consider changes in their fees' systems."

The COSCA standards include the adoption of several uniform definitions and address establishing fees and miscellaneous charges; elimination of surcharges and locally established fees; court funding and proceeds from fees and other charges; and the accounting and administration of court costs. Although these standards are almost twenty-five years old, they remain applicable and relevant to the issues and circumstances faced by state legislatures and judicial systems in the present day. They provide a comprehensive yet concise compilation of "best practices" regarding court fees. The following section will highlight a number of the standards and the full text of the document is included in the appendices to this report.

Observations & Analysis:

In recent years, all of the selected states have raised the amount of court fees and fines in attempts to increase general fund revenues and mitigate the impact of budget reductions on the courts. These dual objectives are demonstrated by the fact that generally a large portion of the projected revenue from the fee increases is applied to the judicial department appropriation and the remaining amount is retained in the general fund and appropriated elsewhere. The fee increases in the selected states were instituted in accordance with the COSCA standard 2.1, which reads;

2.1 Fees and miscellaneous charges should be set by the legislature of each state with recommendations provided by the appropriate judicial body.

The basis for this standard is that it is a fundamental responsibility of the legislature to appropriate and to tax. Judicial authority in this responsibility creates a potential conflict of interest for the courts.

COSCA standard 2.2 and 2.3 address issues of access to the courts for all persons regardless of an individual's ability to pay a fee. These standards read;

2.2 Fees and miscellaneous charges should not preclude access to the courts.

2.3 Fees and miscellaneous charges should be waived for indigent litigants.

While many of the fee increases were sizable, the states generally considered and debated the effects of the proposed fee amounts on the ability of citizens to pay them and the possibility of inhibiting access to the courts. As in Oregon, all of the states have provisions for fees to be waived, reduced or deferred for indigent and low income litigants. However, information was not available regarding the extent to which such provisions were utilized. Anecdotal reports from Minnesota indicated that such requests for relief were noticeably more frequent after fees were increased.

The American Bar Association (ABA) addressed court fees in 2004,²³ recommending that “There should be a predictable general funding stream that is not tied to fee generation” and also commenting:

“Increasing or adding new court fees to raise revenues is particularly problematic because of its implications for access to the courts. Funding the courts through user fees is not consistent with the recommendations ...”²⁴

The ABA voiced concern again in 2009 writing, “The imposition of increased court fines and fees is of great concern since the impact of increased legal costs falls disproportionately hard on low-income individuals, who are already impacted by other reductions in court services.”²⁵

Oregon House Bill 2287 includes a specific provision for the review of “all existing Judicial Department fees, fines and surcharges” (Section 39 (2)). The COSCA standards recommend a regular review process, occurring every three to five years, which would allow sufficient time to evaluate the impact of previous fee revisions and to analyze relevant economic data. The intent is to maintain a level of fees and charges that do not unduly restrict access to the courts and is reflective of the state’s current economic conditions. The standard reads;

2.5 Fees and miscellaneous charges should be reviewed periodically to determine if they should be adjusted.

The other states did not include such specific provisions for fee review and the recent fee adjustments were established as permanent increases. In fact, particularly in recent years, court fees have usually been reviewed only in response to the need for increased revenues. The process typically employed was to administer a survey of fees in other states. No in-depth studies were

²³ American Bar Association, Judicial Division, Standing Committee on Judicial Independence, Black Letter Recommendations of the ABA Commission on State Court Funding, August 2004.

²⁴ Ibid.

²⁵ Funding the Justice System How are the Courts Funded?, ©American Bar Association, May 2009 PC# 3460003PDF ISBN# 978-1-60442-734-9

conducted and the degree of detail included was usually slight. The courts gathered this information in an attempt to propose new fees that generally placed them in the mid-range, either nationally or regionally. However, that intent can be overridden by the critical need for funds.

Outside of the selected states, the Wisconsin Supreme Court Planning and Policy Committee published a report²⁶ on court financing in 2004. The Wisconsin committee found similar circumstances in its report, stating:

Fee-based Funding. Current state fiscal crises have led several states to raise court fees to fund the court system. This generally has been accomplished in those states where court fees have been relatively low, with few non-court surcharges. ... Wisconsin has applied an ever increasing number of fees, assessments and surcharges to the basic court fees, fines and forfeitures imposed for law violations to fund a variety of programs, the majority not court-related. The court system is concerned that as these fees, assessments and surcharges increase, access to the courts may be limited. ... All branches of government must be cognizant that access to the court system cannot be reserved only for those who can pay.

... the cost of fees, assessments and surcharges associated with those fines and forfeitures have steadily increased. For example, the forfeiture for speeding 1 to 10 miles per hour above a fixed limit is \$30, while the total cost of the speeding ticket actually is \$154.20 ... *the subcommittee recommends increased court fees not be used as a stable source of court funding.*

In addition, the State of Texas Comptroller reviewed state court costs and fees pursuant to Senate Concurrent Resolution 12. This review resulted in a report titled 'Issues and Recommendations Regarding the Structure of State Court Costs and Fees' which was issued in March 2001.²⁷ The Comptroller's report includes a number of recommendations designed to provide for legislative and administrative simplification of the court costs and fees structure by:

²⁶ Subcommittee on Court Financing, Final Report to the Planning and Policy Advisory Committee of the Wisconsin Supreme Court February 2004

²⁷ The report is available at: <http://www.window.state.tx.us/specialrpt/scr12/>

- Clarification and consistent use of terminology throughout statutes and administrative rules, as well as enumeration of applicable offenses where appropriate,
- Standardized reporting periods and submission dates for the many variety of state court costs and fees,
- Development of a consolidated fee structure for both criminal convictions and civil fees.

Because the Texas court system is not unified and there are a myriad of locally imposed court fees, this review included only state imposed court fees and costs. Despite the limited scope, the issues that the Comptroller focused upon, consistent application and the simplified administration of fees and costs, also make sense for Oregon's fee structure.

The COSCA also addressed fee simplification in standard 2.6, which reads;

2.6 Fees and miscellaneous charges should be simple and easy to understand with fee schedules based on fixed or flat rates.

Court Fee Structures in the Selected States:

Recent court fee increases in all of the comparable states were permanent – Oregon's 2007 and 2009 increases were established as temporary, although the 2007 amounts have been extended. Both sets of increases are scheduled to sunset at June 30, 2011.

Additionally, the COSCA standards state that "Fees and miscellaneous charges should be simple and easy to understand ... based on fixed or flat rates." The selected states vary in the application of this standard. Alabama, North Carolina, Utah and Oregon have a graduated filing fee structure for civil suits and probate estates, based on the dollar amount of the prayer or estate value. Colorado has a flat rate filing fee for all civil suits but includes a graduated fee based on the amount of the resulting judgment. Alabama and Oregon also assess additional fees based on the number of plaintiffs and defendants listed in a complaint. Alabama, Minnesota and Oregon assess additional fees for motions, although application of the motion fee varies. In Alabama, a \$50 fee is assessed

on dispositive motions only; Minnesota assesses a \$100 motion fee on any motion filed after the initial filing. Oregon assesses differing motion fee amounts based on a combination of the type of case and the nature of the motion.

The Committee has heard frequent comments regarding the complexity of understanding the Oregon fee structure. The degree of variation in amounts and specificity required in assessment contributes to misunderstanding and frustration on the part of court staff, attorneys and the public.

Throughout the selected states, the establishment and assessment of various surcharges, with proceeds earmarked to particular special purposes, has occurred. The COSCA standards flatly reject the concept of surcharges and earmarking of the associated revenues. Among the selected states, surcharges are commonly assessed for court technology improvements and maintenance (Alabama, Iowa & North Carolina), facilities (Colorado & North Carolina), courthouse security (Colorado & Utah), court operations generally (Colorado & Oregon), and various treatment or legal services (Utah). Only Minnesota has avoided establishing and assessing surcharges for earmarked purposes.

The application of optional local fees within a state court system, also rejected by the standards, occurs in Alabama, Minnesota and Oregon; no such fees are assessed by the state courts in Colorado, Iowa, North Carolina and Utah.

Conclusion and Recommendations:

Oregon's court fee structure is more complex than those in the comparable states. Contributing to the degree of complexity are the fees and surcharges established in recent years as the state dealt with significant revenue shortfalls. Contributing to Oregon's complexity is the graduated structure in which fees and surcharges increase as civil prayer amounts, estate values, number of parties, etc. also increase.

Court fee amounts in all of the comparable states, in fact across the country, have risen in recent years as the states have struggled to collect enough revenue to fund government services. Due to the number of various types of fees

and the escalating nature of the graduated schedules, Oregon's court fees are generally higher than those of the comparable states. Oregon also has wider variation of fees and amounts based upon the type of case that the other states do.

Oregon's Joint Interim Committee on State Justice System Revenues is now in the process of conducting a comprehensive review of its court fee structure including the amounts assessed, the broad types of actions for which fees are assessed and consistency across various case types and in all courts across the State. The standards developed and adopted by COSCA and discussed in this report can provide guidance during this process.

Fee-based financing and alternative sources of court revenue have increased in many states. Such fees and surcharges can be appropriate for certain discrete programs or services, such as collections programs, alternate dispute resolution, substance abuse testing and the like, but Oregon should guard against becoming overly reliant on fees as a significant, long-term source of funds to support court operations.

The State of Oregon can consider a three-pronged approach to the funding of the state court system. This would include the evaluation of court fees and alternative revenue sources currently underway through this committee, seeking to determine the adequate and desirable level of funding for the state courts, and commitment to an ongoing process of planning, review and reengineering the delivery of court services to ensure that they are provided effectively to the public while costs are contained. Although achieving consensus as to what constitutes an adequate level of court funding is, and likely always will be, elusive, most would agree that efforts in these three areas are beneficial to the administration of justice.

Appendix A: Fees, Fines and Revenue Charts

Alabama

Jefferson County

Mobile County

Colorado

Iowa

Minnesota – Ramsey County

North Carolina

Utah

Oregon

Attachment – Alabama State Fees

Alabama²⁸

Filing Fees for Jefferson County Circuit Court, Civil Division

All fees reported are current as of August 21st, 2007.

ANNE-MARIE ADAMS, CLERK
JEFFERSON COUNTY COURTHOUSE, ROOM 400
BIRMINGHAM, ALABAMA 35203
(205) 325-5355

CIRCUIT CIVIL DIVISION FILING FEES
ACT # 2004-636
EFFECTIVE 6/1/2004

There is no longer a \$10.00 fee for certified mail. Attorneys are required to have postage affixed to the envelope when requesting service by certified mail. For pro se parties, your document will be weighed and you will be given the amount due at the time of filing.

FILING FEES ON NEW CASES	
\$206.00	One Plaintiff, One Defendant up to \$50,000.00
\$306.00	One Plaintiff, One Defendant over \$50,000.00 or unspecified amount
\$100.00	Each additional plaintiff (up to a maximum of \$1,000.00)
\$10.00	each additional defendant
\$10.00	each additional defendant if served by Sheriff in Jefferson County
\$20.00	each additional defendant if served by registered mail
\$100.00	Jury demand
\$154.00	Workman's Compensation
\$42.00	Abandoned Vehicle (if profit made)

ADDITIONAL FEES FOR EXISTING CASES	
\$297.00	Counterclaim, Crossclaim, Third Party Motion / Complaint, Motion/Complaint for Intervenor, Action for Declaratory Judgment. Cost for Additional Intervenor

²⁸ Court filing fees vary between counties in Alabama. Because of this variability, the state judiciary does not produce a state fee schedule. Jefferson County (Birmingham) and Mobile County are provided in this appendix as examples.

	applies the same as multiple Plaintiffs (plus \$10.00 for service by Sheriff).
\$50.00	Motion for Judgment on Pleadings, Motion for Summary Judgment, Motion for Default Judgment or Application for Default Judgment.
\$10.00	Alias to be served by Certified Mail
\$10.00	Alias to be served by Jefferson County Sheriff
\$20.00	Alias to be served by Registered Mail
\$12.00	Subpoena
\$80.00	Publication Order/ Notice of Publication (payable to Alabama Messenger)
\$200.00	Quiet Title Publication Deposit (payable to Alabama Messenger)

POST JUDGMENT FEES	
\$30.00	Garnishment (Additional \$10.00 for service by Sheriff)
\$30.00	Attachment (Additional \$10.00 for service by Sheriff)
\$30.00	Execution (Additional \$10.00 for service by Sheriff)
\$10.00	Post Judgment Discovery / Conditional Judgment if served by Sheriff, or by Certified Mail.

NOTICE PERTAINING TO JEFFERSON COUNTY SHERIFF'S FEES

ACT # 2003-289

There will be an additional ten dollar (\$10.00) fee charged on every document submitted to the Jefferson County Sheriff's Department for service. This will pertain to all complaints, subpoenas, garnishments, executions, etc. served by the Jefferson County Sheriff's Department only. The fee does not affect documents served out of county, by certified mail or special process server.

PLEASE CHECK ADDRESS FOR IN-COUNTY OR OUT-OF-COUNTY PARTY!

Filing Fees for Jefferson County District Court, Civil Division

All fees reported are current as of August 21st, 2007.

ANNE-MARIE ADAMS, CLERK
JEFFERSON COUNTY COURTHOUSE, ROOM 500
BIRMINGHAM, ALABAMA 35203
(205) 325-5331

DISTRICT CIVIL DIVISION FILING FEES
ACT # 2004-636
EFFECTIVE 6/1/2004

There is no longer a \$10.00 fee for certified mail. Attorneys are required to have postage affixed to the envelope when requesting service by certified mail. For pro se parties, your document will be weighed and you will be given the amount due at the time of filing.

FILING FEES FOR NEW CASES	
\$51.00	(SM) Small Claims, One Defendant (up to \$1,500.00)
\$125.00	(SM) Small Claims, One Defendant (\$1,500.01 to \$3,000.00)
\$216.00	(DV) Large Claims, One Defendant (\$3,000.01 to \$10,000.00)
\$216.00	Unlawful Detainer
\$50.00	Each additional plaintiff (up to \$500.00 maximum)
\$10.00	Each additional Defendant for service by Constable (additional service for Sheriff)
\$10.00	Third Party Complaint (Plus \$10.00 for service by Sheriff)
\$12.00	Subpoenas (additional \$10.00 for service by Sheriff)
\$10.00	Alias Amended Summons and Complaint (additional \$10.00 for service by Sheriff)
\$10.00	Post Judgment Discovery (served by Sheriff)
\$10.00	Petition to Cite Defendant for Contempt of Court (additional \$10.00 for service by Sheriff).
\$10.00	Petition to Show Cause (additional \$10.00 for service by Sheriff)
\$10.00	Citations (additional \$10.00 for service by Sheriff)
\$30.00	Order for Contempt (Attachment) (additional \$10.00 for service by Sheriff)
\$50.00	Application for Default, Default Judgment, Motion for Judgment on Pleadings or Motion for Summary Judgment (except for small claims).

\$30.00	Garnishments (additional \$10.00 for service by Sheriff)
\$30.00	Executions (additional \$10.00 for service by Sheriff - Jefferson County only)
\$30.00	Set-Out Writs (additional \$10.00 for service by Sheriff)
\$10.00	Conditional Judgments (additional \$10.00 for service by Sheriff)

Appeals to Circuit Civil Court	
\$206.00	Without Jury plus \$100 Cash Bond Required
\$306.00	With Jury plus \$100.00 Cash Bond Required
\$20.00	Garnishment Publications
\$80.00	Summons § Complaint Publications (payable to Alabama Messenger)
\$80.00	Summons § Complaint Non-Resident Attachment Publication

AFFIDAVIT OF HARDSHIP ON NEW FILINGS MUST BE APPROVED BY A DISTRICT JUDGE.

AFFIDAVIT OF HARDSHIP ON APPEALS TO CIRCUIT COURT MUST BE APPROVED BY A CIRCUIT JUDGE.

NOTICE PERTAINING TO JEFFERSON COUNTY SHERIFF'S FEES

ACT #2003-289

There will be an additional ten dollar (\$10.00) fee charged on every document submitted to the Jefferson County Sheriff's Department for service. This will pertain to all complaints, subpoenas, garnishments, executions, etc. served by the Jefferson County Sheriff's Department, only. The fee does not affect documents served out of county, by certified mail, constables or special process servers.

Filing Fees for Jefferson County, Domestic Relations Division

All fees reported are current as of August 21st, 2007.

ANNE-MARIE ADAMS, CLERK
DOMESTIC RELATIONS COURTHOUSE, ROOM 100
BIRMINGHAM, ALABAMA 35203
(205) 325-5400

DOMESTIC RELATIONS DIVISION FILING FEES UPDATED 12/17/2003

There is no longer a \$10.00 fee for certified mail. Attorneys are required to have postage affixed to the envelope when requesting service by certified mail. For pro se parties, your document will be weighed and you will be given the amount due at the time of filing.

FILING FEES	
\$154.00	Filing new cases, modifications, rule nisi (\$10 additional cost if served by Sheriff; additional cost, by weight, for Certified Mail)
\$257.00	Modifications and Enforcements (\$10 Additional Cost if served by Sheriff; additional cost, by weight, for Certified Mail)
\$50.00	Motion for Judgment on Pleadings, Motion for Default Judgment
\$12.00	Subpoenas (\$10 additional cost if served by Sheriff)
\$65.00	Publications (Make checks payable to: Alabama Messenger)
\$28.00	Affidavit to Terminate (\$10 additional cost if served by Sheriff; \$9.48 additional cost for Certified Mail)
\$10.00	Request of Income Withholding on Job Change (\$10 additional cost if served by Sheriff; additional cost, by weight, for Certified Mail)
\$30.00	Garnishment (\$10 additional cost for each document [writ and notice] if served by Sheriff; additional cost, by weight, for each document [writ and notice] for Certified Mail)
\$30.00	Execution (\$10 additional cost if served by Sheriff)
\$30.00	Attachments (\$10 additional cost if served by Sheriff)

Court of Civil Appeals	
\$100.00	Appeals/Attorney (Payable to Court of Civil Appeals, plus Security for Cost)
\$250.00	Appeals/Pro Se (Plus \$150.00 Security for Cost and \$100.00 to Court of Civil Appeals)



Mobile County Clerk's Office, Circuit Civil Division

Filing Fees

For suits up to \$50,000.00 (exclusive of interest & costs, but including attorney's fees if allowed by law or contract)
Declaratory Judgments, Injunctions, Complaints for Equitable Relief, and Real property cases, although not seeking specific sums will fall into this fee range.

- With (1) plaintiff: \$215.000
- Each additional plaintiff: \$100.00 (pursuant to Clarification Act No. 2004-636, this fee does not apply if 2nd plaintiff's only claim is loss of consortium)

For suits exceeding \$50,000.00 (exclusive of interest & costs, but including attorney's fees if allowed by law or contract)
This fee range will apply to all torts in which the complaint requests unspecified damages or request PUNITIVE DAMAGES. This rate will also apply to all collection/account cases in which the amount exceeds \$50,000.00

- With (1) plaintiff: \$315.00
- Each additional plaintiff \$100.00 (pursuant to Clarification Act No. 2004-636, this fee does not apply if 2nd plaintiff's only claim is loss of consortium)

-
- Jury Demand: \$100.00
 - Additional Defendants:
 - Personal Service (Sheriff/Process Server): \$10.00 each
 - Service by Certified Mail: \$10.00 each
 - Worker's Compensation: \$163.00 (If complaint also includes other counts for retaliatory discharge, etc. the fee will be base on the amount sued for as listed above)

- Counter-Claims, Cross-Claims, Third-Party motions, Third-Party complaints, motions for intervention, complaints in intervention and declaratory judgments (where such relief is requested after the initiation of complaint): \$297.00 (plus any service fees)
- Applications for default, motions for default, motions for judgment on the pleadings & motions for summary judgment: \$50.00
- Attachments, garnishments and executions: \$30.00
- Subpoenas: \$12.00 each



Mobile County Clerk's Office - District Civil and Small Claims Division

Filing Fees

Fees must be paid with cash, money order or cashier's checks - personal checks are not accepted

- Small Claims Case (Up to \$1500.00) - \$46.00
- Small Claims Case (for cases from \$1500.01 up to \$3000.00) - \$120.00
- District Civil Case - \$211.00
- Unlawful Detainer - \$211.00
- Additional Defendant Fee - \$10.00
- Additional Plaintiff Fee - \$50.00
- Garnishment - \$30.00
- Execution for Property - \$30.00
- Certified Mail - \$10.00
- Subpoena - \$12.00
- District Civil Default Fee - \$50.00
- District Civil Summary Judgment Fee - \$50.00
- Certified Certificates of Judgment - \$5.00
- Copies (1 - 20 pages) - \$5.00 (Additional Pages are .50)
- Computerized Records Search - \$10.00
- Paper Records Search - \$20.00
- Archived Records Search - \$25.00
- Appeals with Jury - \$315.00 plus District Court Costs
- Appeals without Jury - \$215.00 plus District Court Costs

Colorado

COUNTY COURT – CIVIL FEES (JURISDICTIONAL LIMIT OF \$15,000.00 OR LESS)

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. Plaintiff, Petitioner	13-32-101(1)(c)(II)(A)	\$ 30.00	\$ 1.00 ¹	\$24.00	\$5.00	\$27.00	\$87.00
2. Third Party Plaintiff, Intervenor, Party filing answer with cross claim or counter claim	13-32-101(1)(c)(II)(A)	30.00	-----	24.00	5.00	27.00	86.00
3. Defendant, Respondent, Third Party Defendant, other party (not filing cross claim or counter claim)	13-32-101(1)(c)(II)(B)	26.00	-----	24.00	5.00	27.00	82.00
4. Defendant filing Motion to Dismiss for failure to file a Complaint	13-32-103(2)	5.00	-----	25.00	5.00	20.00	55.00
5. Change of name - 13-15-101	13-32-101(1)(c)(II)(A)	30.00	1.00 ¹ 3.00 ²	24.00	5.00	27.00	90.00
6. Rule 369 docket fee; Judgment Creditor	13-32-103(6); Rule 369, CRCP	15.00	-----	30.00	5.00	20.00	70.00
7. Foreign judgment	13-53-106	90.00	1.00 ¹	60.00	-----	15.00	166.00
8. Civil protection order - 13-14-102	13-32-101(1)(c)(II)(A)	30.00 ¹⁰	1.00 ¹	24.00	5.00	27.00	87.00 ¹⁰
9. Jury demand fee	13-71-144	-----	-----	84.00	5.00	9.00	98.00

COUNTY COURT – CRIMINAL FEES AND SURCHARGES				
Category	CRS Reference	Fee		
1. Defendant upon conviction (other than infractions)	13-32-105	\$21.00	\$5.00	\$26.00
2. Defendant upon conviction (infractions)	42-4-1710(4)	19.00	5.00	24.00
3. Appeal from Municipal Court (not of record)	13-10-116(1) & 13-32-103(1)	70.00		
4. Probation supervision fee Misdemeanor, petty offense, traffic	18-1.3-204(2)(a)(V)	50.00 per month		
5. Jury demand fee; petty offense	16-10-109(2)	25.00		
6. Deferred Judgment/Sentence	13-32-105 & 18-1.3-102	21.00	5.00	26.00
7. Victim's compensation cost		Offenses prior to 7.1.07	Offenses on or after 7.1.07	
◆ Misdemeanors	24-4.1-119(1)(a)	60.00	78.00	
◆ Class 1 Misdemeanor Traffic Offense	24-4.1-119(1)(a)	35.00	46.00	
◆ Class 2 Misdemeanor Traffic Offense	24-4.1-119(1)(a)	25.00	33.00	
◆ Alcohol/drug offenses	24-4.1-119(1)(c)	25.00	33.00	
◆ Deferred Judgment/Sentence	24-4.1-119(1)(a)(c)	Applicable amount	Applicable amount	
8. Alcohol/drug related traffic offenses				
◆ LEAF (Law Enforcement Assistance Fund)	43-4-402(1)		90.00	
◆ Alcohol/drug evaluation cost	42-4-1301.3		200.00 ⁴	
◆ Persistent drunk driver surcharge	42-4-1301(7)(d)(II)		50-500	
9. Drug offender surcharge				
◆ Class 1 Misdemeanor	18-19-103(1)(f)		600.00	
◆ Class 2 Misdemeanor	18-19-103(1)(g)		450.00	
◆ Class 3 Misdemeanor	18-19-103(1)(h)		225.00	
◆ Class 2 Petty Offense (marijuana)	18-19-103(2)		100.00	
◆ Surcharge applies to deferred sentences	18-19-103(1), (2)		Applicable amount	
10. Outstanding judgment/warrant cost	42-2-118(3) & 42-4-1709(7)	30.00 ⁵		
11. Useful public service fee	42-4-1301.4(5) & 18-1.3-507(6)	Up to 120.00		
12. Victim's assistance surcharge	24-4.2-104 & 42-4-1701	37% of fine or applicable minimum or surcharge table ⁶		
		Offenses prior to 5.1.03	Offenses between 5.1.03 and 6.30.07	Offenses on or after 7.1.07
◆ Misdemeanors		60.00	78.00	78.00
◆ Class 1 Misdemeanor Traffic Offense		35.00	45.50	46.00
◆ Class 2 Misdemeanor Traffic Offense		25.00	32.50	33.00
◆ County Ordinance	30-15-402(2)	10.00	10.00	10.00
13. Restitution	18-1.3-603	Varies		
14. Time payment fee	16-11-101.6(1)	25.00		
15. Late penalty fee	16-11-101.6(1)	10.00		
16. Family friendly court surcharge	42-4-1701(4)(a)(VI)	1.00		
17. Traumatic brain injury surcharge				
◆ Alcohol/Drug Offense	42-4-1301(7)(d)(III)		20.00	
◆ Traffic/Infraction Offense	42-4-1701(4)(e)(I) – (II) 42-4-109(13)(b) & 42-4-1502(4.5)		15.00	
18. Offender identification fee	16-11-102.4 and 24-33.5-415.6	128.00		
19. Public defender fee	21-1-103(3)	25.00 ¹²		
20. Sex offender surcharge				
◆ Class 1 Misdemeanor	18-21-103(1)(f)		400.00	
◆ Class 2 Misdemeanor	18-21-103(1)(g)		300.00	
◆ Class 3 Misdemeanor	18-21-103(1)(h)		150.00	
21. Child abuse investigation surcharge				
◆ Class 1 Misdemeanor	18-24-102(2)(f)		200.00	
◆ Class 2 Misdemeanor	18-24-102(2)(g)		150.00	
◆ Class 3 Misdemeanor	18-24-102(2)(h)		75.00	
22. Adolescent substance abuse surcharge	18-13-122(2)(b)(IV)	25.00		
23. Victim address confidentially surcharge	18-6-801 & 18-9-111	28.00		
24. Genetic Testing Surcharge	24-33.5-415.6	2.50		
25. Rural Alcohol & Substance Abuse Surcharge	42-4-1301(7)(d)(IV) (A) and 42-4-1301 (2) (a.5)	1.00 – 10.00		

⁴ May be waived if non-resident.

⁵ May be assessed as many times as there are new judgments/warrants.

⁶ Must impose minimum under §24-4.2-104(1)(a), C.R.S. or 37%, whichever is larger.

¹² Assessed at the final disposition of the case on applications submitted on or after 8.4.04.

DISTRICT COURT – CIVIL FEES							
Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. Plaintiff, Petitioner, Administrative Hearings	13-32-101(1)(d)	\$ 90.00	\$ 1.00 ¹	\$60.00	\$5.00	\$68.00	\$224.00
2. Intervenor (adds new party) Rule 24(c), CRCP	13-32-101(1)(d)	90.00	----	60.00	5.00	68.00	223.00
3. Defendant, Respondent (not filing a cross or counter claim - Answer Only)	13-32-101(1)(f)	45.00	----	40.00	5.00	60.00	150.00
4. Third Party Plaintiff	13-32-101(1)(d)	90.00	----	60.00	5.00	68.00	223.00
5. Defendant, Respondent filing a cross or counterclaim or both and an answer fee previously paid	13-32-101(1)(f)	45.00	----	40.00	5.00	68.00	158.00
6. Defendant filing an answer and a cross or counterclaim or both	13-32-101(1)(d)	90.00	----	80.00	5.00	136.00	311.00
7. Defendant filing an answer and also filing third party complaint but not filing cross or counter claim	13-32-101(1)(d)	135.00	----	100.00	5.00	136.00	376.00
8. Defendant filing an answer and third party complaint and a cross or counter claim	13-32-101(1)(d)	180.00	----	140.00	5.00	204.00	529.00
9. Rule 69 docket fee; Judgment Creditor	13-32-103(6)	15.00	----	30.00	5.00	20.00	70.00
10. Petitioner under Rule 120, CRCP	13-32-103(3)	90.00	1.00 ¹	60.00	5.00	68.00	224.00
11. Respondent under Rule 120(h) CRCP	13-32-101(1)(d)	45.00	----	40.00	5.00	68.00	158.00
12. Foreign judgment	13-53-106	90.00	1.00 ¹	60.00	----	15.00	166.00
13. Petition to change name	13-15-101; 13-32-101(1)(d)	90.00	1.00 ¹ 3.00 ²	60.00	5.00	68.00	227.00
14. Defendant's motion to dismiss for failure to file complaint	13-32-103(?)	5.00	----	25.00	5.00	20.00	55.00
15. Appellant; Appellee Civil Appeals Rule 411	13-32-101(1)(e) 13-32-101(1)(f)	50.00 45.00	----	40.00 40.00	5.00 5.00	68.00 68.00	163.00 158.00
16. Appeal from County or Municipal Court of Record	13-32-103(1); Criminal Rule 37	20.00	----	25.00	5.00	20.00	70.00
17. Petition to seal criminal record	24-72-308	90.00	1.00 ¹	60.00	5.00	68.00	224.00
18. Petition to seal criminal conviction	24-72-308.5	90.00	1.00 ¹	260.00	5.00	68.00	474.00
19. Jury demand fee Note: Does not apply for a jury demand pursuant to §38-1-106, C.R.S.	13-71-144	----	----	165.00	5.00	20.00	190.00
20. Additional fee against Judgment Debtors: ◆ Over \$ 5,000, not more than \$10,000 ◆ Over \$10,000, not more than \$20,000 ◆ Over \$20,000, not more than \$30,000 ◆ Over \$30,000, not more than \$40,000 ◆ Over \$50,000	13-32-101(4)(b)	10.00 30.00 50.00 90.00 90.00 plus	----	----	----	----	10.00 30.00 50.00 90.00 (+\$2.00 for each \$1,000 over \$50,000)

¹ Statutory revision tax (§2-5-119, C.R.S.) - \$1.00

² Vital statistics tax (§25-2-107(2), C.R.S.) - \$3.00

DISTRICT COURT – DOMESTIC RELATIONS FEES

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. Petition for Dissolution of Marriage	13-32-101(1)(a)	140.00 ¹¹	\$ 1.00 ¹ 3.00 ² 5.00 ³	\$50.00	\$5.00	\$26.00	\$230.00
2. Petition for Legal Separation, Declaration of Invalidity	13-32-101(1)(a)	140.00 ¹¹	1.00 ¹ 3.00 ² 5.00 ³	50.00	5.00	26.00	230.00
3. Petition for Allocation of Parental Responsibilities	14-10-123 13-32-101(1)(a)	140.00 ¹¹	1.00 ¹	50.00	5.00	26.00	222.00
4. Petitioner - Declaratory Judgment	13-32-101(1)(a)	140.00 ¹¹	1.00 ¹ 3.00 ² 5.00 ³	50.00	5.00	26.00	230.00
5. Petition to Prevent Removal of Child	13-32-101(1)(d) 14-13.5-106	90.00	1.00 ¹	60.00	5.00	68.00	224.00
6. Intervenor	13-32-101(1)(d); Rule 24(c), CRCP	90.00	----	50.00	5.00	26.00	171.00
7. Response	13-32-101(1)(b)	55.00 ¹¹	----	30.00	5.00	26.00	116.00
8. Foreign Decree/Judgment	14-11-101; 13-53-106	90.00	1.00 ¹	60.00	----	15.00	166.00
9. Registration: • Child- Custody Determination • Expedited Child-Custody Determination • Enforcement Child-Custody • Support Order	13-53-106 14-13-305; 14-13-308; 14-13-111 14-5-601	90.00	1.00 ¹	60.00	----	15.00	166.00
10. Motion to modify, amend or alter decree or order (more than 60 days after decree entered)	13-32-101(2)	25.00	----	75.00	----	40.00	140.00
11. Motion to modify final or permanent order concerning parentage with DNA results	14-10-122 13-32-101(2)	----	----	75.00	----	40.00	115.00

¹¹ Statutory motion fee (13-1-103, C.R.S.) - \$5.00
¹² Trial court fee (13-2-1072), C.R.S. - \$5.00
¹³ Expedited Homemaker Fund Fee (14-10-123, C.R.S.) - \$5.00
¹⁴ Includes \$1.00 for the Domestic Abuse Program Fund and \$1.00 for the Family Violence Justice Fund (13-10-1015(a)(2)(b) and (c))

DISTRICT COURT – PROBATE FEES

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. 1 st filings including, excluding Small Estate: <ul style="list-style-type: none"> ◆ Decedent's Estate (Formal & Informal) ◆ Guardianship ◆ Conservatorship ◆ Personal Injury Settlement ◆ Petition to Accept Transfer 	13-32-102(1)(b)	-----	1.00 ¹	\$143.00	\$5.00	\$15.00	\$164.00
2. Small estate	13-32-102(1)(a)	-----	-----	48.00	5.00	15.00	68.00
3. Additional fee for supervised administration (except contested claims)	13-32-102(1)(c)	-----	-----	143.00	5.00	15.00	163.00
4. Petition for Allowance of Claim/Contested Claim	13-32-102(1)(d)	-----	-----	143.00	5.00	15.00	163.00
5. Trust Registration Statement	13-32-102(1)(e)	-----	-----	143.00	5.00	15.00	163.00
6. Petition for Trust Action	13-32-102(1)(f)	-----	1.00 ¹	143.00	5.00	15.00	164.00
7. Registration of Foreign Guardianship and/or Conservatorship	15-14-5-401 15-14-5-402 13-53-106	90.00	1.00 ¹	60.00	-----	15.00	166.00
8. Testator deposit of will	13-32-102(1)(h); 15-11-515	10.00	-----	-----	5.00	-----	15.00
9. Demand for Notice	13-32-102(1)(g); 15-12-204	-----	-----	25.00	5.00	-----	30.00
10. Public Administrator Statement <ul style="list-style-type: none"> ◆ Less than \$500.00 ◆ \$500.00 but less than \$2,000.00 ◆ \$2,000.00 or more 	15-12-623(1)(a) and 13-1-204	Fee waived 9.00 89.00	1.00 ¹ 1.00 ¹	----- -----	5.00 5.00	-----	15.00 95.00
11. Jury demand fee	13-71-144	-----	-----	165.00	5.00	20.00	190.00

DISTRICT COURT – JUVENILE FEES

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. Adoption Petition	13-32-101(1)(g)	\$ 90.00	\$1.00 ¹ 3.00 ²	\$53.00	\$5.00	\$15.00	\$167.00
2. Action under Uniform Parentage Act	19-4-101 and 13-32-101(1)(d)	90.00	\$1.00 ¹ 3.00 ²	60.00	5.00	68.00	227.00
3. Juvenile Party Response	13-32-101(1)(d)	45.00	----	40.00	5.00	68.00	158.00
4. Petition to change name	13-15-101; 13-32-101(1)(d)	90.00	1.00 ¹ 3.00 ²	60.00	5.00	68.00	227.00
5. Intervenor Rule 24(c), CRCP	13-32-101(1)(d)	90.00	----	50.00	5.00	26.00	171.00
6. Motion to modify final or permanent order concerning parentage with DNA results	19-4-107.3 and 13-32-101(8)	----	----	70.00	----	----	70.00
DISTRICT COURT – JUVENILE FEES							
7. Victim's Compensation Cost						Offenses prior to 7.1.07	Offenses on or after 7.1.07
◆ Felonies	24-4.1-119(1)(d)	----	----	----	----	125.00	163.00
◆ Misdemeanors	24-4.1-119(1)(d)	----	----	----	----	60.00	78.00
8. Victim's assistance surcharge	24-4.2-104					37% of fine or applicable minimum	
◆ Felonies		----	----	----		Offenses prior to 5.1.03	Offenses between 5.1.03 and 6.30.07
◆ Misdemeanors		----	----	----		125.00	162.50
						60.00	78.00
9. Restitution	19-2-918	Varies	----	----	----	----	Varies
10. Sex offender surcharge	18-21-103 and 19-2-907(6)						
◆ Class 2 Felony		1,500.00	----	----	----	----	1,500.00
◆ Class 3 Felony		1,000.00	----	----	----	----	1,000.00
◆ Class 4 Felony		500.00	----	----	----	----	500.00
◆ Class 5 Felony		375.00	----	----	----	----	375.00
◆ Class 6 Felony		250.00	----	----	----	----	250.00
◆ Class 1 Misdemeanor		200.00	----	----	----	----	200.00
◆ Class 2 Misdemeanor		150.00	----	----	----	----	150.00
◆ Class 3 Misdemeanor		75.00	----	----	----	----	75.00
11. Offender identification fee	19-2-925.6 and 18-1.3-407 and 24-33.5-415.6	128.00	----	----	----	----	128.00
12. Time payment fee	10-11-101.6(1)	25.00	----	----	----	----	25.00
13. Late penalty fee	16-11-101.6(1)	10.00	----	----	----	----	10.00
14. Public defender fee	21-1-103(3)	25.00 ¹²	----	----	----	----	25.00 ¹²
15. Cost of care	19-2-114	----	----	----	----	----	1,875.00 annually

¹ Statutory revision tax (§2-5-119, C.R.S.) - \$1.00

² Vital statistics tax (§25-2-107(2), C.R.S.) - \$3.00. The \$3.00 tax is per child adopted.

¹² Assessed at the final disposition of the case on applications submitted on or after 8.4.04.

DISTRICT COURT – CRIMINAL FEES				
Category	CRS Reference	Fee		
1. Defendant upon conviction	13-32-105	\$35.00	\$5.00	\$40.00
2. Deferred Judgment/Sentence	13-32-105 & 18-1-3-102	35.00	5.00	40.00
3. Probation supervision fee; Felony, Misdemeanor or Petty offenses	18-1-3-204(2)(a)(V)	50.00 per month		
4. Victim's compensation cost		Offenses prior to 7.1.07	Offenses on or after 7.1.07	
◆ Felonies	24-4.1-119(1)(a)	125.00	163.00	
◆ Misdemeanors	24-4.1-119(1)(a)	60.00	78.00	
5. Victim's assistance surcharge	24-4.2-104	37% of fine or applicable minimum		
◆ Felonies		Offenses prior to 5.1.03	Offenses between 5.1.03 and 6.30.07	Offenses on or after 7.1.07
◆ Misdemeanors		125.00	162.50	163.00
		60.00	70.00	70.00
6. Restitution	18-1.3-003	Varies		
7. Drug offender surcharge.				
◆ Class 2 Felony	18-19-103(1)(a)	4,500.00		
◆ Class 3 Felony	18-19-103(1)(b)	3,000.00		
◆ Class 4 Felony	18-19-103(1)(c)	1,500.00		
◆ Class 5 Felony	18-19-103(1)(d)	1,125.00		
◆ Class 6 Felony	18-19-103(1)(e)	750.00		
◆ Class 1 Misdemeanor	18-19-103(1)(f)	600.00		
◆ Class 2 Misdemeanor	18-19-103(1)(g)	450.00		
◆ Class 3 Misdemeanor	18-19-103(1)(h)	225.00		
◆ Class 2 Petty Offense (marijuana)	10-19-103(2)	100.00		
◆ Surcharge applies to deferred sentences	18-19-103(1)(2)	Applicable amount		
8. Special advocate surcharge	24-4.2-104(1)(a)(II)	Offenses prior to 5.1.03	Offenses on or after 5.1.03	
Applies to: 18-3-305; 18-3-402-405; 18-3-405.3; 18-3-405.5; 18-6-301-302; 18-6-402-404; 18-7-302; 18-7-402; 18-7-105; 18-7-105.5; 18-7-106		1000.00	1300.00	
9. Sex offender surcharge				
◆ Class 2 Felony	18-21-103(1)(a)	3,000.00		
◆ Class 3 Felony	18-21-103(1)(b)	2,000.00		
◆ Class 4 Felony	18-21-103(1)(c)	1,000.00		
◆ Class 5 Felony	18-21-103(1)(d)	750.00		
◆ Class 6 Felony	18-21-103(1)(e)	500.00		
◆ Class 1 Misdemeanor	18-21-103(1)(f)	400.00		
◆ Class 2 Misdemeanor	18-21-103(1)(g)	300.00		
◆ Class 3 Misdemeanor	18-21-103(1)(h)	150.00		
10. Child abuse investigation surcharge				
◆ Class 2 Felony	18-24-102(2)(a)	1,500.00		
◆ Class 3 Felony	18-24-102(2)(b)	1,000.00		
◆ Class 4 Felony	18-24-102(2)(c)	500.00		
◆ Class 5 Felony	18-24-102(2)(d)	375.00		
◆ Class 6 Felony	18-24-102(2)(e)	250.00		
11. Youthful offender surcharge	10-22-103	100% of fine imposed		
12. Useful public service fee	18-1.3-507(6)	Up to 120.00		
13. Time payment fee	16-11-101.6(1)	25.00		
14. Late penalty fee	16-11-101.6(1)	10.00		
15. Offender identification fee	16-11-102.4 & 24-33.5-415.6	128.00		
16. Standardized offender assessment	18-1.3-209			
◆ Screening only (SSI)		45.00		
◆ Full assessment (SSI, ASUS, LSI)		75.00		
17. Public defender fee	21-1-103(3)	25.00 ¹²		
18. Cost of care	18-1.3-701	1,630.00 annually ⁹		
19. Cost of prosecution	18-1.3-701	Varies		
20. Victim address confidentially surcharge	18-0-801 & 18-9-111	28.00		
21. Genetic Testing Surcharge	24-33.5-415.6	2.50		
22. Rural Alcohol & Substance Abuse Surcharge	18-19-103.5	1.00 – 10.00		

¹² Assessed at the final disposition of the case on applications submitted on or after 8/4/04

⁹ Total cost of care that can be assessed (\$1,630.00) less any supervision fees ordered.

DISTRICT AND COUNTY COURT MISCELLANEOUS FEES					
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Category	CRS or other Reference	Docket Fee	Stabilization Fee	Justice Center Fund	Total Fee
1. Issuing and docketing an execution	13-32-104(1)(b)	----	\$35.00	\$10.00	\$45.00
2. Certificate of Dismissal or no suit pending	13-32-104(1)(c)	----	15.00	5.00	20.00
3. Certificate of Satisfaction of Judgment	13-32-104(1)(d)	----	15.00	5.00	20.00
4. Certifying a copy of any record, proceeding, or paper on file	13-32-104(1)(f)	----	15.00	5.00	20.00
5. Preparing and issuing Transcript of Judgment	13-32-104(1)(g)	----	20.00	5.00	25.00
6. Certificate of Exemplification of any record, proceeding, or paper on file	13-32-104(1)(h)	----	15.00	5.00	20.00
7. Writ of Garnishment	13-32-104(1)(j)	----	35.00	10.00	45.00
8. Writ of Attachment	13-32-104(1)(k)	----	55.00	10.00	65.00
9. Returned check "insufficient funds"	13-32-104(2)	----	40.00	10.00	50.00
10. Copies of documents – Filed with the Court	13-32-104(1)(a)	----	.75 per page or \$1.50 if double-sided	----	.75 per page or \$1.50 if double-sided
11. Copies of documents – Not filed with the Court, i.e. Coin-op machine	Judicial Department Fiscal Rules	----	.25 per page or .50 if double sided	----	.25 per page or .50 if double sided
12. Fax Fee	Judicial Department Fiscal Rules	----	\$1.00 per page for pleadings and motions.	----	\$1.00 per page for pleadings and motions.
13. Forms and Form Packets Protection Order forms and packets shall be free per §13-14-102, C.R.S.	Judicial Department Fiscal Rules	----	\$.75 per page or \$1.50 if double-sided. Packets not to exceed \$25.00	----	\$.75 per page or \$1.50 if double-sided. Packets not to exceed \$25.00
14. Scanning Fee (Applicable where E-filing is Mandatory)	Judicial Department Fiscal Rules	----	\$50.00 per document per CRCP 121 & CJD 05-02	----	\$50.00 per document per CRCP 121 & CJD 05-02
15. Tape or CD Transcript Duplication	Judicial Department Fiscal Rules	----	\$35.00 per duplication	----	\$35.00 per duplication
16. Search/Retrieval Fee	Chief Justice Directive (CJD) 06-01	----	Charges assessed per the CJD	----	Charges assessed per the CJD

DISTRICT AND COUNTY COURT NO FEES CHARGED

Category	CRS or other Reference
1. Mental health proceedings.	13-32-101(2)
2. Alcohol commitment.	25-1-311
3. Filing a disclaimer.	13-32-101(1)(e)
4. Acknowledgment of service for purpose of conferring jurisdiction.	13-32-101(1)(e)
5. Answer or appearance by a Guardian ad Litem (GAL) or court-appointed attorney.	13-32-101(1)(e)
6. Action filed by the State of Colorado, or any agencies of the State such as the Industrial Commission, or Department of Social Services, and any county, city, or other governmental subdivision of the State.	Chief Justice Directive 06-01
7. Certified copy of public record required by the Veteran's Administration to determine eligibility for benefits.	28-5-217
8. Workers' compensation cases.	8-43-314
9. Proceedings concerning dependent or neglected children, relinquishment, or delinquency.	13-32-101(3)(c)
10. Parent or child files for a court review of an order by the Board of Education.	----
11. Delegate child support enforcement units.	13-32-113

COURT OF APPEALS

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Justice Center Fund	Total Filing Fee
1. Appellant/Petitioner	13-4-112	\$150.00	----	\$5.00	\$68.00	\$223.00
2. Appellee/Respondent	13-4-112	75.00	----	5.00	68.00	148.00

SUPREME COURT

Category	CRS Reference	Docket Fee	Tax	Total Filing Fee
1. Appeals Appellant/Petitioner	13-2-113	\$150.00	----	\$150.00
2. Appellee/Respondent	13-2-113	75.00	----	75.00
3. Cross Appellant	13-2-113	150.00	----	150.00
4. Additional parties entering appearance by an attorney not of record: ◆ Appellants ◆ Appellees	13-2-113	150.00 75.00	---- ----	150.00 75.00
5. Certiorari ◆ Petitioner ◆ Respondent	C.A.R. 51(b) C.A.R. 51(d)	224.00 115.00	\$1.00 ¹ ----	225.00 115.00
6. Original Actions (Proceedings) Petitioner (writs under Constitution)	C.A.R. 21 (c)	225.00	----	225.00

¹ Statutory revision tax (§2-5-119, C.R.S.) - \$1.00
JDF 1 R1/10 FILING FEES, SURCHARGES, AND COSTS IN COLORADO STATE COURTS

WATER COURT⁷

Category	CRS Reference	Docket Fee	Tax	Stabilization Fee	Court Security	Justice Center Fund	Total Filing Fee
1. Application, Complaint, Petition, or any other pleading initiating a water matter	37-92-302(1)(d)	\$ 90.00	\$ 1.00 ¹	\$60.00	\$5.00	\$68.00	\$224.00
2. Intervenor – treated as an applicant and charged an additional fee If simply protecting an interest, treated the same as a respondent in a civil case.	13-32-101(1)(d) and Judicial interpretation	90.00	----	60.00	5.00	68.00	223.00
		45.00	----	40.00	5.00	68.00	158.00
3. Application for Change of Water Right or Plan for Augmentation	37-92-302(1)(d)	180.00	1.00 ¹	120.00	10.00	136.00	447.00 (Double filing fee)
4. Publication costs	37-92-302(3)(a)	Actual costs	----	----	----	----	Actual costs
5. Statement of Opposition	37-92-302(1)(d)	45.00	----	40.00	5.00	68.00	158.00
6. Pleading in protest or support of referee's ruling (exempt from fee if already a party)	37-92-304(2)	45.00	----	40.00	5.00	68.00	158.00
7. Protest to abandonment list	3/ 92 401(5)	20.00		15.00		10.00	45.00
8. Appeal Fee for Division 1 Only Appeal of a decision made by the State Engineer concerning ◆ Proponent of the Substitute water Supply Plan ◆ Any other party to the Appeal	37-92-308(3)(e)	271.00	----	----	----		271.00
		70.00	----	----	----		70.00
9. Rule 69 docket fee; Judgment Creditor	13-32-103(6); Rule 69, CRCP	15.00	----	30.00	5.00	20.00	70.00
10. Copy of decree (per page)	37-92-304(8); 3/ 92 402(8)	----	----	.75	----	----	.75

⁷ No fee or tax shall be assessed to the State of Colorado or any agency of its executive department under §37-92-302(1)(d), C.R.S. and §37-92-304(22), C.R.S. For any water court fees and costs not specified, refer to the District Court Civil Schedule.

¹ Statutory revision tax (§2-5-119, C.R.S.) - \$1.00

Civil Fee Schedule

Ramsey County Minnesota

Civil Fee Schedule

Effective July 1, 2009

Initial Filing Fee (first filed document by any party such as summons and complaint, petition or answer)	320.00 *
Motions or Responses to Motions filed after the first filing	100.00
Motion filed as first filing - Major Civil Case (\$320.00 + \$100.00)	420.00 *
Fax Filing Fee as per MRCP 5.05 for each 50 pages or parts thereof	25.00 #
Copies	
Authenticated (also known as Exemplified Copy)	14.00
Certified Copy	14.00
Non-certified Copy of a filed document	8.00
Judgments: Filing Foreign or Plea of Confession	
Amount of Judgment from \$1.00 - \$7,500.00	75.00 *
Amount of Judgment from \$7,501.00 and up	320.00 *
Judgments: Confession Pursuant to 548.22	320.00
Application for Discharge of Judgment (for each judgment to be discharged)	5.00
Assignment of Judgment	5.00
Jury Trial Demand	100.00
Orders for Disclosure	5.00
Order to Show Cause (Affidavit in Support)	5.00
Satisfactions of Judgments	5.00
Subpoena, Civil	16.00
Supplementary Proceedings, Affidavit & Order	5.00
Tax Court: Regular Division filing	320.00
Small Claims Division, filing	160.00
Torrens Application (includes two certified copies)	348.00
Proceedings Subsequent (includes one certified copy)	334.00
Transcripts of Judgments, filing and Issuance	40.00
Workers' Compensation Action (Default), filing	5.00
Writs, Execution, Attachment, Certiorari, etc	55.00
HOUSING COURT ROOM 170 RAMSEY COUNTY COURTHOUSE - - (651) 266-8230	
Eviction (Unlawful Detainer) Filing or Answer	320.00
Eviction (Unlawful Detainer) Expungement	320.00

Writ for Recovery (Restitution)	55.00
Rent Escrow Actions	75.00
CONCILIATION COURT ROOM 170 RAMSEY COUNTY COURTHOUSE - (651) 266-8230	
Conciliation Court, filing and Counterclaim	75.00
Conciliation Court Appeal Jury Trial	420.00 *
Conciliation Court Appeal Court Trial	320.00 *
Conciliation Court Reopening Fee	50.00
Subpoenas	16.00
Writs, Execution	55.00
Searches	
Judgment: Certificate of Existence/Non-Existence of Docketed Judgments per name	5.00
Name: Certificate of Existence/Non-Existence of case filed per name	10.00
Contact the Examiner of Titles Office directly at (651) 266-2886 for a current schedule of fees.	
*Includes Law Library fee for plaintiff; for each additional defendant add \$10.00	
# Late fee of \$5.00 will apply if the fee is not paid within 5 days of transmission date	
Questions? Call (651) 266-8253 Civil Division - Room 600 Ramsey County Courthouse, 15 West Kellogg Boulevard, Saint Paul, Minnesota 55102	

North Carolina

Criminal Court Costs – G.S. 7A-304

Criminal Court Costs	Amount
District Court	
General Court of Justice Fees	95.50
Facilities Fee	12.00
Phone Systems Fee	3.00
Law Enforcement Officer Retirement/Insurance	7.50
LEO Training and Certification Fee	2.00
Total District Court	120.00
Fee for conviction of any Chapter 20 Offense	5.00
Fee for each arrest or service of criminal process, including citations and subpoenas	5.00
Superior Court	
General Court of Justice Fee	102.50
Facilities fee	30.00
Phone Systems Fee	3.00
Law Enforcement Officer Retirement/Insurance	7.50
LEO Training and Certification Fee	2.00
Total Superior Court	145.00
Fee for conviction of any Chapter 20 Offense	5.00
Fee for each arrest or service of criminal process, including citations and subpoenas	5.00

Other Criminal Fees	Amount
Appointment of Counsel Fees	50.00
Civil Revocation Fee	100.00
Community Service Fee	225.00
Continuous Alcohol Monitoring Fee	Up to 1000
Criminal Record Check Fee	25
Dispute Resolution Fee	60 per mediation
Expunction Fee (G.S 15A-145)	125.00
Expunction Fee (G.S. 15A-145.2)	65.00
Failure to Appear Fee	200.00
Failure to Comply Fee	25.00
House Arrest Electronic Monitoring Fee	90.00
Installments Payments Fee	20.00
Jail Fees (pre-conviction)	\$5 per 24 hours
Jail Fee (split sentence served in local facility)	\$40.00 per day
Limited Driving Privilege Fee (G.S 20-20.2)	CVD Cost 100.00
Limited Driving Privilege Fee (other than G.S 20-20.2)	100.00
Satellite Monitoring Fee for Sex Offenders	90.00
SBI Lab Fee	600.00
Local Government Lab Fee	600.00

Adult Front Seat Belt Violations and Motorcycle/Moped Helmet Violations	25.20 plus costs
Adult Rear Seat Belt Violations	No costs/only fine
Supervision Fee	30.00 per month
Worthless Check Program Fee	60.00

There are cost and fee charts for estates, special proceedings and miscellaneous proceedings that are posted on the web site of the Administrative Office of Courts with the criminal and civil cost and fees charts on which the above tables are based.

NORTH CAROLINA COURT COSTS AND FEES CHART (CIVIL)

The costs listed in this chart are effective **October 1, 2010**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type. Changes to costs and fees enacted during the 2010 legislative short session are shaded and shown in **blue**. The relevant legislation enacting each new or amended cost item is cited in brackets. Line items citing only a bill section (e.g., “[§ 15.5.(a)]”) refer to S.L. 2010-31.

CIVIL COURT COSTS

G.S. 7A-305, unless otherwise specified	AMOUNT
MAGISTRATES’ COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ¹⁶)	
General Court of Justice Fee.	55.00
Facilities Fee.	12.00
Phone Systems Fee.	4.00 ¹⁷
MAGISTRATE TOTAL	71.00
Plus \$15.00 service fee for each item of civil process served by the sheriff.	
G.S. 7A-311(a) (1).	+15.00
DISTRICT COURT. G.S. 7A-305. (except cases under Chapter 50B or 50C ¹⁶)	
General Court of Justice Fee. [§ 15.5.(b).]	80.00
Facilities Fee.	16.00
Phone systems Fee.	4.00 ¹⁷
DISTRICT COURT TOTAL	100.00
Plus \$15.00 service fee for each item of civil process served by the sheriff.	
G.S. 7A-311(a)(1).	+15.00
SUPERIOR COURT. G.S. 7A-305.	
General Court of Justice Fee. [§ 15.5.(b).]	125.00
Facilities Fee.	16.00
Phone systems Fee.	4.00 ¹⁷
SUPERIOR COURT TOTAL	145.00
Plus Business Court Fee, upon assignment.	+1,000.00
Plus \$15.00 service fee for each item of civil process served by the sheriff.	
G.S. 7A-311(a)(1).	+15.00

¹⁶ No costs may be assessed for the filing, issuance, registration or service of a protective order or a petition for a protective order or witness subpoena under Chapter 50B (Domestic Violence) or 50C (civil no-contact). However: _ Civil district court costs should be assessed for a petition for a workplace civil no-contact order filed under Article 23 of Chapter 95; and District court costs must be assessed for amendments and counterclaims to actions filed under Chapter 50B, unless the subsequent claim also arises under that chapter. For example, if an amended complaint or counterclaim is filed in an existing 50B action, and the new filing makes a claim for equitable distribution, divorce, and custody, the party filing the amendment or counterclaim is assessed the civil filing fees (including the fee for divorce, if applicable). The filing fees are assessed only once, so only the first party to assert a non-50B claim must pay civil filing fees.

¹⁷ The phone systems fee increased from \$3.00 to \$4.00, effective July 1, 2010. S.L. 2009-451, § 15.20.(d).

NORTH CAROLINA COURT COSTS AND FEES CHART (ESTATES)

The costs listed in this chart are effective **September 1, 2009**, and apply to all costs assessed or collected on or after that date, unless otherwise noted for a specific cost item or case type.

ESTATES COSTS AND FEES – G.S. 7A-307

Changes Enacted during the 2009 Legislative Session • Increases to existing costs fees and new fees are shaded and shown in red. The relevant section of S.L. 2009-451 enacting the new or increased fee is shown in brackets beside the fee description.

ESTATES COSTS AMOUNT**ESTATES. G.S. 7A-307(a).¹⁷**

• General Court of Justice fee (includes the State Bar share of \$2.05).	[§15.20.(h)] 75.00
• Facilities fee.	10.00
• Phone systems fee.	[§15.20.(h)] 3.00
• ESTATES TOTAL	88.00
(+% of gross estate, below)	
• Separate GCJ fee based on value of the gross estate (at inventory and each accounting). Minimum fee per filing: \$15.00. Maximum cumulative fee: \$6,000.00. +0.40/100.00 of gross estate ¹⁸	

TRUST UNDER WILL – ESTABLISHMENT.¹⁹

• General Court of Justice.	[§15.20.(h)] 75.00
• Facilities fee.	10.00
• Phone systems fee.	[§15.20.(h)] 3.00
• TRUST UNDER WILL – ESTABLISHMENT TOTAL	88.00

TRUST UNDER WILL – ANNUAL ACCOUNTINGS/RECEIPT OF NEW PERSONAL PROPERTY ASSETS.²⁰

G.S. §7A-307(a)(2a). Minimum fee: \$20.00. Maximum fee: \$6,000.00. 20.00 per accounting

or

0.40/100.00 of gross value of assets (if new personal

¹⁷ The estate fees set forth here apply at the filing of the inventory, if not previously collected. Other fees apply at the filing of accountings. **Do not** assess estate costs for payments to the clerk of debts owed the decedent pursuant to G.S. 28A-25-6.

¹⁸ "Gross estate" is the value of all personal property when received, plus the proceeds of any sale of realty coming into the hands of the fiduciary. Gross estate does not include fair market value of realty not sold. The fee is to be computed from the inventory and paid when the inventory is filed, except for collection of personal property by affidavit, below. Additional amounts will be due upon filing of an accounting.

¹⁹ When a trust is established under a will, the basic estates costs are assessed twice: once for establishment of the decedent's estate file for probate of the will, and once for establishment of the trust file. The initial costs shown are to be assessed only once in the trust file; thereafter, costs for the trust are assessed only at the filing of accountings for new personal property received by the trust.

²⁰ The gross-value percentage "shall be assessed only on newly contributed or acquired assets, all interest or other income that accrues or is earned on or with respect to any existing or newly contributed or acquired assets, and realized gains on the sale of any and all trust assets. Newly contributed or acquired assets do not include assets acquired by the sale, transfer, exchange, or otherwise of the amount of trust property on which fees were previously assessed." G.S. 7A-307(a)(2a). This fee is **not** to be assessed on assets for which the gross-value fee was assessed in administration of the original decedent's estate proceeding. If no new assets were acquired by the trust, the minimum fee of \$20.00 must be assessed for the filing of the accounting.

PROBATE OF A WILL WITHOUT QUALIFICATION OF PERSONAL REPRESENTATIVE. G.S. 7A-307(a)(3).

• General Court of Justice (no State Bar share).	20.00
• Facilities fee.	10.00
• PROBATE WITHOUT QUALIFICATION TOTAL	30.00

QUALIFICATION OF LIMITED PERSONAL REPRESENTATIVE. G.S. 7A-307(a)(2d) & G.S. 28A-29-1.²¹

• Petition fee. S.L. 2009-444 (Senate Bill 606), effective October 1, 2009.	20.00
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COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT. G.S. 7A-307(b).²²

• General Court of Justice (includes the State Bar share of \$2.05)	[§15.20.(h)] 75.00 ²³
• Facilities fee	10.00
• Phone systems fee	[§15.20.(h)] 3.00
• COLLECTION BY AFFIDAVIT TOTAL	88.00

Separate GCJ fee based on value of the gross estate. Minimum fee per filing: \$15.00. Maximum fee: \$6,000.00. Note: Assessed on the AOC-E-203, "TOTAL PART I." +0.40/100.00 of gross estate²⁴

OTHER ESTATE FEES

G.S. 7A-307(b1), unless otherwise noted.	AMOUNT
Service fee for civil process served by the Sheriff. G.S. 7A-307(c).	15.00
Filing and indexing a will without probate.	First page 1.00 Each additional page or fraction thereof 0.25
Additional fiduciary letters (per letter over 5).	1.00
Safe deposit box inventory (per box, per day).	15.00
Taking a deposition.	10.00
Docketing and Indexing a will probated in another county in the State.	First page 6.00 Each additional page or fraction thereof 0.25
Hearing petition for year's allowance.	8.00

²¹ Assess the \$20.00 fee upon filing of the petition to serve as a limited personal representative under Chapter 28A, Article 29. This is the only fee assessed for such petitions; do not assess the GCJ fee, phone system fee, facilities fee, etc. The fee is effective October 1, 2009, and applies to estates of persons dying on or after that date.

²² Note that S.L. 2009-175 (House Bill 203) increased the threshold amount for small-estate administration under G.S. 28A-25-1 to \$20,000 (from \$10,000), and \$30,000 for a surviving spouse who is the sole heir (from \$20,000). This increased threshold is **effective October 1, 2009**, and applicable to estates of persons dying on or after that date.

²³ G.S. 7A-307(b) requires that, for collection of personal property by affidavit, "the facilities fee and thirty dollars (\$30.00) of the [GCJ fee] shall be paid at the time of filing the qualifying affidavit." The phone systems fee, the remainder of the GCJ fee, and the percentage of the gross estate are assessed at the filing of the final affidavit of collection.

²⁴ For collection of personal property by affidavit, "Gross Estate" is the value of all personal property received by the affiant. The fee is assessed based on the final affidavit of collection. See AOC-E-203 (Affidavit of Collection of Personal Property of Decedent), Side Two, "TOTAL PART I."

Utah

Filing Fees

[Utah Code Annotated 78A-2-301\[1\]](#)

(Civil Fees of Court Records)

Type of Filing, Action, or Service	Subsection	Fee
Original complaint not otherwise governed by another subsection	(1)(a)	360
Civil Complaint or Interpleader		
\$2,000 or less	(1)(b)(i)	75
Greater than \$2,000 and less than \$10,000	(1)(b)(ii)	185
\$10,000 or more	(1)(b)(iii)	360
Divorce or Separate Maintenance	(1)(b)(iv)	310
Small Claims		
\$2,000 or less	(1)(c)(i)	60
Greater than \$2,000 and less than \$7,500		100
Greater than \$7,500 and less than \$10,000		185
Counterclaim, Cross Claim, Third Party Claim, Complaint in Intervention		
\$2,000 or less	(1)(d)(i)	55
Greater than \$2,000 and less than \$10,000	(1)(d)(ii)	150
\$10,000 or more or the party seeks relief other than monetary damages	(1)(d)(iii)	155
Divorce or separate maintenance	(1)(d)(iv)	115
Small Claims Counter Affidavit		
\$2,000 or less	(1)(e)(i)	50
Greater than \$2,000 and less than \$7,500		70
Greater than \$7,500 and less than \$10,000		120
Deposit Funds		
\$2000 or less	(1)(f)	75
Greater than \$2,000 and less than \$10,000	(1)(f)	185
\$10,000 or greater	(1)(f)	360

Trial de novo	(1)(g)(i)	225
Note: An additional \$10 fee is payable to the justice court at the time the small claims notice of appeal is filed. (§78A-8-105(4))		
Appeal of a municipal administrative determination under §10-3-703.7	(1)(g)(ii)	65
Appeal, Interlocutory Appeal, or Certiorari	(1)(h)	225
Expungement	(1)(i)(i)	135
Judgment of other state	(1)(k)	35
Probate or custody document of other state	(1)(l)	35
Abstract or transcript of judgment or order of Tax Commission	(1)(m)(i)	30
Abstract or transcript of judgment or order of Utah agencies or courts	(1)(m)(ii)	50
Judgment by confession	(1)(n)	35
Award of arbitration to be confirmed, modified, or vacated	(1)(o)	35
Petition or counter petition to modify divorce decree	(1)(p)	100
Accountings		
Estate valued at \$50,000 or less	(1)(q)(i)	15
Estate valued at \$75,000 or less, but more than \$50,000	(1)(q)(ii)	30
Estate valued at \$112,000 or less, but more than \$75,000	(1)(q)(iii)	50
Estate valued at \$168,000 or less, but more than \$112,000	(1)(q)(iv)	90
Estate valued at more than \$168,000	(1)(q)(v)	175
Demand for jury in civil case	(1)(r)	250
Notice of deposition in action pending in other state	(1)(s)	35
Documents for judicial approval, not part of pending action	(1)(t)	35
Petition to open sealed record	(1)(u)	35
Writ of replevin, attachment, execution, or garnishment	(1)(v)	50
Authorization of minor to marry	(1)(w)	5
Emancipation of a minor		50
Certificate issued under §26-2-25	(1)(x)	8
Certified copy		
Per document	(1)(y)	4
Per page	(1)(y)	0.5

Exemplified copy		
Per document	(1)(z)	6
Per page	(1)(z)	0.5

Transcript Fees

Utah Code Annotated 78A-2-408

(transcripts and copies – fees- establishment of Court Reporting Technology Account)

Record or Service	Fee
Initial Preparation; Certified copy to requester	\$3.50 per page
Subsequent certified copies	\$.50 per page plus \$2.00 for the certificate
Subsequent non-certified copies	\$.25 per page

Record Fees

Utah Code of Judicial Administration Rule 4-202.08

(fees for records, information and services)

Type of Record or Service	Subsection	Fee
Paper	(3)(A)	\$.25 per sheet
Microfiche	(3)(B)	\$1.00 per card
Audio tape	(3)(C)	\$10.00 per tape
Video tape	(3)(D)	\$15.00 per tape
Electronic copy of data records	(3)(E)	\$10.00 per disk
Electronic copy of stenographic notes	(3)(F)	\$25.00 per half day of testimony
Electronic copy of audio or video records	(3)(G)	\$10.00 per half day of testimony
Mailing		-4 Actual cost
Fax	(4)(b)	\$5.00 for 10 pages or less. Additional pages are \$.50 per page.
Personnel Time		-5 First 15 minutes free
clerical assistant	(5)(A)	\$15.00 per hour
technician	(5)(B)	\$22.00 per hour
senior clerical	(5)(C)	\$21.00 per hour
programmer/analyst	(5)(D)	\$32.00 per hour
manager	(5)(E)	\$37.00 per hour
consultant	(5)(F)	Actual cost

Public on-line services	(6)(A)	Set up: \$25.00
	(6)(B)	Subscription: \$30 per month and \$.10 per search over 200 searches.

Oregon

CIRCUIT COURT FEE SCHEDULE**Master****OREGON JUDICIAL DEPARTMENT****EFFECTIVE: MAY 1, 2010**

	Code	Total Fee
ADOPTION		
Petition, first appearance	ADP2	100.00
Objecting party, first appearance	ADP1	98.00
Trial or hearing fee	ADPX	41.00
Certificate, issuance fee	ADP0	1.00
APPEAL		
Child support: Appeal from administrative action (if paternity is issue, see PATERNITY):		
Appellant	APS1	197.00
Respondent	APS2	197.00
Additional party fee (except first named defendant)	APA6	150.00
Civil case, violation appeal from justice or municipal court:		
Appellant	APV1	197.00
Respondent	APV2	197.00
Additional party fee (except first named defendant)	APA6	150.00
License suspension for refusal or failure of breath test appeal:		
Appellant	APL1	197.00
ARBITRATION		
Court Arbitration:		
Filing notice of appeal and request for trial de novo (plus the trial fee)	ARB1	150.00
Oregon International Commercial Arbitration and Conciliation Act:		
Filing international arbitration award under ORS 36.522	ARI1	80.00
Appearance in opposition to international arbitration award filing under ORS 36.524	ARI2	80.00
Request to set aside an arbitral award	ARI3	99.00
Appearance in opposition to set aside request	ARI4	98.00
Uniform Arbitration Act:		
Petition seeking confirmation, vacation, modification, or correction of an award under ORS 36.615(1)(b):		
Petitioner	ARU1	99.00

Appearance in opposition	ARU2	98.00
Petition seeking court to compel arbitration under ORS 36.615(1)(a):		
Petitioner	ARC1	197.00
Respondent	ARC2	197.00
Additional party fee, claim over \$10,000 to \$49,999 (except first named defendant)	APA6	150.00
Deferred Arbitration:		
Amount paid to arbitrator on behalf of party and needing to be reimbursed to OJD	ARD1	actual amount
ASSIGNMENT		
Filing and making entry of assignment of judgment	ASG1	5.00
BENCH PROBATION		
Bench Probation Fee	BNAS	100.00
CERTIFICATE		
Supplying official certificate	CERT	5.00
CHANGE OF NAME/CHANGE OF SEX		
Applicant's first appearance	CHN1	158.00
Objecting party's first appearance fee	CHN2	158.00
Trial/hearing fee Name Change Cases	CHNX	41.00
CHECKS - RETURNED NSF		
Check returned for insufficient funds or account closed	CNSF	25.00
CIVIL FILINGS		
Plaintiff:		
Filing action, suit, proceeding ("default fee" under ORS 21.110 (6)(a))	CVL5	197.00
Second and each additional moving party filing action, suit, proceeding ("default fee")	CVLC	197.00
Additional Party Fee (except first named defendant)	APA6	150.00
Claim of \$10,000 or less	CVL3	137.00
Defendant:		
Filing or appearance ("default fee" under ORS 21.110 (6)(a))	CVL6	197.00
Second, and each additional responding party ("default fee")	CVLD	197.00
Claim of \$10,000 or less	CVL4	137.00
CIVIL ACTIONS FOR RECOVERY OF DAMAGES		
Plaintiff:		
Plaintiff filing action, suit, proceeding (over \$10,000 to \$49,999)	CVL1	197.00
Second and each additional moving party filing action (over \$10,000 to	CVLA	197.00

\$49,999)		
Additional Party Fee (over \$10,000 to \$49,999) (except first named defendant)	APA7	150.00
Each Plaintiff filing action, suit, proceeding \$50,000 to \$149,999	CVA1	335.00
Additional party fee when claim is \$50,000 to \$149,999 (except first named defendant)	APA2	288.00
Each Plaintiff filing action, suit, proceeding \$150,000 to \$499,999	CVA3	399.00
Additional party fee when claim is \$150,000 to \$499,999 (except first named defendant)	APA3	352.00
Each Plaintiff filing action, suit, proceeding \$500,000 to \$999,999	CVA5	463.00
Additional party fee when claim is \$500,000 to \$999,999 (except first named defendant)	APA4	416.00
Each Plaintiff filing action, suit, proceeding over \$1,000,000	CVA7	527.00
Additional party fee when claim is over \$1,000,000 (except first named defendant)	APA5	480.00

Defendant:

Defendant filing response to action, suit, proceeding from \$10,000 to \$49,999	CVL2	197.00
Second and each additional responding party filing action, suite, proceeding from \$10,000 to \$49,999	CVLB	197.00
Defendant filing response to action, suit, proceeding from \$50,000 to \$149,999	CVA2	335.00
Defendant filing response to action, suit, proceeding from \$150,000 to \$499,999	CVA4	399.00
Defendant filing response to action, suit, proceeding from \$500,000 to \$999,999	CVA6	463.00
Defendant filing response to action, suit, proceeding over \$1,000,000	CVA8	527.00

CIVIL ACTIONS -THIRD PARTY COMPLAINTS**Plaintiff:**

Plaintiff Filing Third-Party complaint \$10,000 or less	TPC1	137.00
Plaintiff Filing Third Party complaint over \$10,000 to \$49,999	TPC2	197.00
Plaintiff Filing Third-Party Complaint \$50,000 to \$149,999	TPC3	335.00
Plaintiff Filing Third-Party Complaint \$150,000 to \$499,999	TPC4	399.00
Plaintiff Filing Third-Party Complaint \$500,000 to \$999,999	TPC5	463.00
Plaintiff Filing Third-Party Complaint over \$1,000,000	TPC6	527.00

Defendant:

Defendant Filing Third-Party appearance \$10,000 or less	TPA1	137.00
Defendant Filing Third-Party appearance over \$10,000 to \$49,999	TPA2	197.00
Defendant Filing Third-Party Response \$50,000 to \$149,999	TPA3	335.00
Defendant Filing Third-Party Response \$150,000 to \$499,999	TPA4	399.00
Defendant Filing Third-Party Response \$500,000 to \$999,999	TPA5	463.00
Defendant Filing Third-Party Response over \$1,000,000	TPA6	527.00

CIVIL FINES

Civil Fines imposed	CVFN	actual amount
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COPIES

Copies of Audiotape, Videotape, or any information provided on electronic media	CP	10.00 per medium
Certified copies of letters, files, testamentary, etc.	CP	5.00 plus .25/page
Copies of records, files, documents, court rules, etc	CP	.25 per page
FAX - sent outgoing or incoming as a courtesy convenience for parties, public, or counsel	CP	\$2 first page, plus \$1 ea additional page

COURT REPORTER FEE

Court Reporter Fees	RPFE	actual amount
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DOMESTIC RELATIONS CASES

		100%	50%
Annulment or Separation:			
Petitioner, moving party	DRA1	180.00	90.00
Respondent	DRA2	154.00	77.00
Custody or Support of Child Determination Under ORS 109.103:			
Petitioner, moving parent	DRC1	170.00	85.00
Respondent	DRC2	144.00	72.00
Motion to modify custody or child support determination	DRC3	0.00	0.00
Response to motion	DRC4	0.00	0.00
Dissolution:			
Petitioner, moving party	DRD1	181.00	90.50
Respondent	DRD2	154.00	77.00
Dissolution of Domestic Partnership:			
Petitioner, moving party	CVL1	197.00	98.50
Respondent	CVL2	197.00	98.50
Filiations petition under ORS 109.124 to 109.230:			
Petitioner, moving party	DRF1	170.00	85.00
Respondent	DRF2	144.00	72.00
Motion to modify filiations determination	DRF3	0.00	0.00
Response to motion	DRF4	0.00	0.00
Motion After Entry of Dissolution, Annulment, or Separation Judgment:			
Moving party modification motion after judgment entry	DRM1	53.00	26.50
Moving party modification motion one year or less after judgment entry	DRM5	50.00	25.00
Moving party motion other than modification	DRM3	50.00	25.00
Response to modification motion	DRM2	40.00	20.00
Response to Motion other than modification	DRM4	40.00	20.00
Motion to Enforce Parenting Time:			
Moving party motion	DRP1	53.00	26.50
Response to motion	DRP2	0.00	0.00

EMANCIPATION OF JUVENILE		
Application for emancipation	EMJ1	150.00
EXECUTION		
Issuing writ of execution	WRIT	18.00
EXEMPLIFICATION		
Per Exemplification	CP	10.00 plus .25/page
EX-PARTE ORDER OR JUDGMENT FEE		
Filing or submission of ex-parte order or judgment for judge's signature	EOJF	10.00
Filing or submission of ex-parte order or judgment for judge's signature - District Court	EOJ1	10.00
EXPUNCTION APPLICATION FILING FEE		
Filing application for expunction under 137.225 (1)	EXAP	250.00
Filing application for expunction under 137.225 (1) - District Court	EXA1	250.00
FED--RESIDENTIAL		
Plaintiff filing complaint (These fees and surcharges are non-refundable)	FED1	67.00
Defendant, demanding trial (These fees and surcharges are non-refundable)	FED2	110.00
Plaintiff's additional fees after defendant demands trial (These fees and surcharges are non-refundable)	FED3	63.00
Issuing notice of restitution	FED4	3.00
Issuing writ of execution of judgment	FED5	18.00
FIREARM PROCEEDINGS		
Petition from Firearm Possession or Purchase Denial	FIR1	197.00
Petition from Concealed Handgun License Denial	FIR2	197.00
FOREIGN JUDGMENT		
Filing copy of foreign judgment and affidavit under ORS 24.115 and 24.125	FJG1	41.00
Filing copy of foreign child custody determination under ORS 109.787 (UCCJEA)	FJG2	41.00
Filing copy of foreign guardianship or conservatorship under ORS 125.842 or ORS 125.845	FJG3	41.00
FORMS		
Forms Sales	FORM	Actual cost
GARNISHMENT		
Issuing writ of garnishment	GARN	18.00
HABEAS CORPUS		
Petition for writ of habeas corpus	HAB1	29.00
HEARING FEES		
Hearing Fees:		

3 hours or less	HRGV	45.00
More than 3 hours	HRGW	110.00

JUDGMENT

Filing and entering transcript of judgment	TRJ1	7.00
Making/issuing transcript of judgment	TRJ2	7.00
Transcript of judgment in District Court Cases	TRJ9	7.00
Preparing certified copy of satisfaction under ORS 18.225(5)	SAT1	6.00
Preparing clerks certificate of satisfaction after motion to court under ORS 18.235(10)	SAT2	5.00

JUDGMENT DEBTOR EXAM

Proceedings in court other than court of original judgment under ORS 18.265	JDE1	4.00
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MAILING COSTS

Actual Costs to mail documents, etc.	CP	Actual Cost
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MANDAMUS

Petition for writ of mandamus	MAN1	197.00
Answer or motion to dismiss	MAN2	197.00
Motion to intervene	MAN3	197.00

MARRIAGE

Marriage solemnized by judge	MRG1	25.00
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MOTIONS ON CIVIL PROCEEDINGS

Motion to dismiss, make more definite/certain, strike, or quash - Petition (ORCP 21)	MOD1	50.00
Motion to dismiss, make more definite/certain, strike, or quash - Response (ORCP 21)	MOD2	35.00
Motion to compel discovery - Petition (ORCP 46)	MCD1	50.00
Motion to compel discovery - Response (ORCP 46)	MCD2	35.00
Motion for summary judgment - Petition (ORCP 47)	MSJ1	50.00
Motion for summary judgment - Response (ORCP 47)	MSJ2	35.00
Motion for judgment notwithstanding the verdict or reconsideration - Petition (ORCP 63)	MJN1	50.00
Motion for judgment notwithstanding the verdict or reconsideration-Response (ORCP 63)	MJN2	35.00
Motion for new trial or reconsideration - Petition (ORCP 64)	MNT1	50.00
Motion for new trial or reconsideration - Response (ORCP 64)	MNT2	35.00
Motions to reconsider rulings on the Motions identified above - Petition	MOQ1	50.00
Motions to reconsider rulings on the Motions identified above - Response	MOQ2	35.00

PATERNITY			
		100%	50%
Petition to initiate filiations proceedings under ORS 109.125	PAT1	170.00	85.00
Answer to filiations petition under ORS 109.125	PAT2	144.00	72.00
POSTCONVICTION RELIEF			
Petition for post conviction relief under ORS 138.510 to 138.680	POST	29.00	
PROBATE			
Small Estates Act affidavit	PBSE	78.00	
Filing initial papers for appointment of personal representative, conservatorship, probate, or contest of wills (based on amount of estate):			
Not more than \$10,000	PBT1	78.00	
\$10,001 to \$25,000	PBT2	150.00	
\$25,001 to \$50,000	PBT3	253.00	
\$50,001 to \$100,000	PBT4	355.00	
\$100,001 to \$500,000	PBT5	457.00	
\$500,001 to \$1,000,000	PBT6	559.00	
\$1,000,001 and over	PBT7	662.00	
Difference Between Step 1 and Step 2	PBTA	72.00	
Difference Between Step 2 and Step 3	PBTB	103.00	
Difference Between Step 3 and Step 4	PBTC	102.00	
Difference Between Step 4 and Step 5	PBTD	102.00	
Difference Between Step 5 and Step 6	PBTE	102.00	
Difference Between Step 6 and Step 7	PBTF	103.00	
Filing annual or final accounting in a probate or conservatorship proceeding:			
Annual/Final Accounting less than \$500,000	PAC1	100.00	
Annual/Final Accounting \$500,001-\$999,999	PAC2	200.00	
Annual/Final Accounting over \$1,000,000	PAC3	300.00	
Guardianship, initial papers	PRG1	78.00	
Filing answer, motion, or objection	PBA2	73.00	
Summary determination request when PR disallows claim	PBA3	73.00	
Request for notice	PBA4	20.00	
Summary determination request when trustee disallows claim	PBN1	197.00	
Trustee petition to determine creditor claims	PBN2	197.00	
Will without petition for probate	PBW1	8.00	
Will, notice of destruction	PBW2	18.00	
Trial/hearing fee	PBTX	41.00	
PUBLICATIONS			

Publications	PUBS	actual cost
REAL PROPERTY		
Division of property under ORS 105.215	CVP1	197.00
RECORDS		
Redaction of personal information	PYFE	\$25 per case, plus \$1 per page
SETTLEMENT CONFERENCE PARTY FEE		
Settlement Conference before a judge when proceeding is subject to a fee under 21.110, 21.114 or 21.310	SCPF	50.00
SEX OFFENDER REPORTING,		
Petition to terminate juvenile sex offender reporting under ORS 181.607 or 181.608	SXJ1	300.00
Petition to terminate adult sex offender reporting under ORS 181.600	SXA1	197.00
SMALL CLAIMS (See also TRANSFER)		
When Plaintiff's claim is \$1,500 or less:		
Plaintiff, filing claim	SCM1	46.50
Defendant, denying claim and demanding hearing	SCM2	74.50
Plaintiff, filing formal complaint after defendant demands jury trial	SCM3	91.50
Defendant, denying claim and claiming right to jury trial (plus \$150 Trial Fee)	SCM4	137.00
When Plaintiff's claim is more than \$1,500:		
Plaintiff, filing claim	SCM5	86.50
Defendant, denying claim and demanding hearing	SCM6	143.50
Plaintiff, filing formal complaint after defendant demands jury trial	SCM7	51.50
Defendant, denying claim and claiming right to jury trial (plus \$150 Trial Fee)	SCM8	137.00
STALKING PROTECTIVE ORDER ISSUED BY COURT		
Petitioner filing action damages claimed \$10,000 or less	STK1	137.00
Defendant filing response damages claimed \$10,000 or less	STK2	137.00
Petitioner filing action damages claimed more than \$10,000	STK3	197.00
Defendant filing response damages claimed more than \$10,000	STK4	197.00
SUPPORT (See also APPEAL or DOMESTIC RELATIONS CASES)		
Petition for support under ORS 108.110	SUP1	6.00
Minor filing petition for support under ORS 109.100	SUP2	6.00
Objection to registration or enforcement of foreign support order before order is confirmed (UIFSA)	SPF5	197.00
Challenge to DCS garnishment to enforce foreign child support judgment under ORS 18.718	SPF6	197.00
TRANSCRIPT ON APPEAL		
Transcript on Appeal	TRAP	Actual Amount

TRANSFER**From justice court to circuit court:**

Defendant, transfer for excessive counterclaim when claim \$10,000 or less	TFJ1	137.00
Defendant, transfer for excessive counterclaim when claim more than \$10,000	TFJ2	197.00

From small claims to circuit court when plaintiff's claim is \$1,500 or less

Defendant, motion requesting transfer when claim \$10,000 or less (includes a \$12 transfer fee)	TFS2	74.50
Plaintiff, reply to counterclaim when claim \$10,000 or less	TFS1	90.50
Defendant, motion requesting transfer when claim more than \$10,000 (includes a \$12 transfer fee)	TFS4	65.50
Plaintiff, reply to counterclaim when claim more than \$10,000	TFS3	110.50

From small claims to circuit court when plaintiff's claim is more than \$1,500

Defendant, motion requesting transfer when claim \$10,000 or less (includes a \$12 Transfer Fee)	TFM2	5.50
Plaintiff, reply to counterclaim when claim \$10,000 or less	TFM1	50.50
Defendant, motion requesting transfer when claim more than \$10,000 (includes a \$12 transfer fee)	TFM4	63.50
Plaintiff, reply to counterclaim when claim more than \$10,000	TFM3	110.50

TRIAL FEES

Non-Jury Trial (per day)	TRLX	110.00
6 person jury trial (per day)	TRLY	150.00
12 person jury trial (per day)	TRLZ	225.00

TRUST MODIFICATION AGREEMENT/MEMORANDUM OF AGREEMENT

Filing agreement or memorandum	TRM1	134.00
Filing objections under ORS 130.045 (6)	TRM2	91.50

DIVERSION AGREEMENTS**DUII Diversion - \$458.00**

136.00 - OPTS
 100.00 - DICO
 100.00 - DPAS
 25.00 - INDF
97.00 - UNAS
 458.00

Marijuana Diversion - \$333.00

123.00 - OPTS
 100.00 - DPAS
110.00 - DICO
 333.00

Appendix B:

Conference of State Court Administrators

(Excerpt)

Standards Relating to Court Costs:

Fees, Miscellaneous Charges and Surcharges

INTRODUCTION

STANDARDS RELATING TO COURT COSTS: FEES, MISCELLANEOUS CHARGES AND SURCHARGES

The Committee to Examine Filing Fees, Costs and Surcharges was established during the Annual Meeting of COSCA in 1983. Its first meeting was held in December of 1983 under the chairmanship of the Honorable Maurice Sponzo, then Chief Court Administrator of Connecticut.

Two basic tasks were undertaken; to collect and analyze present national practices of courts in relation to the costs attaching to the utilization of courts and, if possible, to propose standards that could be adopted on a national basis relating to these costs.

In order to accomplish the first task and to assist them in the second, the Committee developed a questionnaire designed to ascertain national practices in the collections of fees, miscellaneous charges, and surcharges. Definitions for various specific terms were agreed upon. The Committee did not recognize at the time that the definitions most needed were for those rudimentary terms that are often used interchangeably and without specificity as to meaning.

It became apparent that the words "costs", "fees", and "surcharges" were undefined, defined but used inconsistently, or used interchangeably. The monetary charge for a case related service was frequently called a "cost" in one state and a "fee" in another. In early meetings the Committee spent much of its time "talking" to later discover there had been little communication. The definitional problem was emphasized by the responses obtained from the first circulation of the national survey designed to capture information relating to the practices of the courts about court costs. The need to develop a preciseness in the use of the words "fees", "costs" and "surcharges" became the first order of business.

Regretfully the Committee lost its original chairman to retirement in September of 1984 while the Committee was still making an effort to analyze the results of the first survey instrument.

Recognizing the need for definition, an extensive review of case law and of definitions contained in the literature was undertaken to seek working definitions. The review was helpful in identifying some of the commonalities, distinctions, and trends in defining the terms; but the search was futile in locating existing definitions which clearly identified each of the types of monetary charges associated with a case. This review alerted the Committee to a need to adopt a less frequently used phrase, "miscellaneous charges", and a definition that would clearly distinguish it from other types of costs associated with case processing.

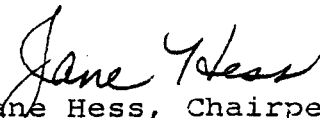
The most frequent terminology problem encountered was the use of the word "costs" to describe many different assessments. That is, a "cost" may be in the form of a fee, a miscellaneous charge or a surcharge. The "costs" in a case may be a combination of all or some of the other three. There has been no attempt to define the word costs except to allow it the broader generic meaning to encompass any "cost" attached to a case. The Committee believes the recommended definitions for "fees", "miscellaneous charges", and "surcharges" provide the distinctions necessary to discuss these standards in a uniform manner at a national level.

Having formulated working definitions for these basic terms, all the tables for each state compiled from the survey were returned to the COSCA membership asking them to apply the definitions and return their state's data tables with any changes that were affected.

Not surprisingly the basic concepts advocated in these standards are nothing more than a restatement of basic constitutional rights and powers. The standards promulgated by this Committee represent what the Committee believes should exist in an "ideal" judicial system. They should allow the judicial branch of government to perform its primary function to adjudicate disputes openly and without regard to any measure of social status. The standards are offered with an understanding of the historical, political, and budgetary realities facing courts and legislative bodies and are intended to be used as a model when states consider changes in their fees' systems. The survey data indicate that some states are in substantial compliance with these standards while others may wish to undertake a self-examination to determine if any of the proposed standards would be beneficial to their judicial system.

Practically, any state undertaking the adoption of these standards is not likely to change current practice overnight. However, judiciaries should discourage the addition of more surcharges than already exist. They should support legislative review of those surcharges in existence and encourage their legislatures to enact sunset clauses or repeal them outright. Working with legislators to enable them to understand the insidious nature of surcharges and the deprivation of the legislator's own power of review is probably a more effective approach than challenging the statutes and holding them unconstitutional.

If nothing is accomplished by these standards other than the adoption by professionals in the judiciary of the terms defined, a great deal of good will have evolved from the work of this Committee. Meaningful communication can occur. Elimination from the day-to-day professional vocabulary of the word "costs" when one of the more specific terms is intended, would in itself make this Committee's efforts worthwhile.


Jane Hess, Chairperson

Standards adopted by the Conference August 7, 1986.

STANDARDS PROPOSED FOR COURT COSTS:
FILING FEES, SURCHARGES AND MISCELLANEOUS FEES
WITH COMMITTEE COMMENTARY

1.0 UNIFORM DEFINITIONS

- 1.1 Fees - Amounts charged for the performance of a particular court service which are disbursed to a governmental entity. These fees are specified by an authority at a fixed amount.**

COMMENTARY

"Fees" are the amounts charged for services performed by the court. A fixed amount is charged for the service and the recipient of the revenue is a governmental entity. Examples of "fees" are: access to the court or filing fee, motion fee, answer fee, certificate fee, and jury fee. These fees pass through the courts' registries and ultimately are deposited to the funding source(s) of the court, either state or county general revenue funds, with the intent of offsetting in part the expense of the benefit or service provided by the court.

- 1.2 Miscellaneous Charges - Amounts assessed that ultimately compensate individuals or non-court entities for services relating to the process of litigation. These amounts often vary from case to case based on the services provided.**

COMMENTARY

"Miscellaneous charges" are the amounts assessed for services provided by individuals or entities other than the court. For example, a sheriff's fees and mileage for service of process may be paid to a county or directly to the sheriff. Most often the recipient of revenues from miscellaneous charges is the individual performing the service. The amount of the charge or the rate per unit of service may or may not be established by statute or court rule. The per page rate for a transcript may be set by statute; the number of pages prepared depends upon the length of the hearing to be transcribed. Typical miscellaneous charges not established by statute or court rule might be professional fees, i.e., attorneys or psychiatrists. Other examples of "miscellaneous charges" are expenses for sequestration of jurors, extradition expenses, deposition expenses, professional witness expenses, and juror and witness mileage expenses.

- 1.3 Surcharges - Amounts added to fines, fees, or court costs that are used for designated purposes.

COMMENTARY

"Surcharges" are certain add-on charges with the revenues generated earmarked for specific purposes. Presently these funds are most often passed through the courts' registries and disbursed directly into an account that may be expended only for the purpose that has been earmarked either at the state or local level. Later recommendations contained in this report call for an end to this practice, but a definition is necessary for understanding throughout the report. Although "surcharge" is the most appropriate label, in some states these charges are deductions from flat filing fees. Examples of surcharges are law library funds, domestic violence shelter funds, retirement funds for judges, state police and sheriffs, funds for indigent defense, law enforcement halls of fame funds, specific funds for departments of transportation, funds identified for departments of health and social services, victims of crime funds, and innumerable training funds for law enforcement, prosecutors and others, and funds for buildings and facilities.

- 1.4 Court Costs - Amounts assessed against a party or parties in litigation. Such amounts are determined on a case by case basis and vary in relation to the activities involved in the course of litigation. Court costs include fees, miscellaneous charges and surcharges.

COMMENTARY

"Court costs" are the total taxable assessments in a case. Within a given case, a mathematical equation may be used to express "court costs". The equation is: Fees + Miscellaneous Charges + Surcharges = Court Costs.

2.0 ESTABLISHING FEES AND MISCELLANEOUS CHARGES

- 2.1 Fees and miscellaneous charges should be set by the legislature of each state with recommendations provided by the appropriate judicial body.

COMMENTARY

Fees and miscellaneous charges represent types of user taxes assessed against litigants on the basis that they derive a private benefit from the litigation.¹ While the "private benefit" argument has numerous opponents, the prevailing attitude appears to be that fees and miscellaneous charges represent legitimate assessments to offset in part the expenses associated with the increased governmental activities required to provide a forum for the disposition of a private dispute.²

It is the prerogative of the legislative branch of government to appropriate and to tax. Although some states assign responsibility for setting court fees and miscellaneous charges with the states' highest court, the appropriateness of the judicial branch setting court fees and miscellaneous charges is questionable on the basis that this delegation of authority usurps a fundamental legislative responsibility. For the judiciary to enter this arena of public policy creates the risk of developing conflicting or inconsistent public revenue policies. Further, the legislative hearing process provides the opportunity for essential public comment on questions relating to changes in fee schedules or miscellaneous charges.

It should be recognized, however, that policy considerations such as types of fee structures and public access are matters of concern to the judiciary. As such, it is recommended that any legislative review of fees and miscellaneous charges involve the judicial branch as an integral part of the process of revision. Because the legislature may be primarily concerned with public funding policies, the judiciary must assume the responsibility for protecting the public's access to the courts.

Fees and miscellaneous charges should be consistent within a state. Allowing court fees to be established by local governing bodies or by local judges risks the formulation of inconsistent practices among courts of similar jurisdictions. Litigants should receive consistent treatment and practice among the courts throughout a state. The amount of fees and miscellaneous charges should be established on a rational basis throughout a state and should not be more or less costly for a litigant simply as a result of venue and jurisdiction.³

2.2 Fees and miscellaneous charges should not preclude access to the courts.

COMMENTARY

Fees should be established on a rational basis in consideration of the economic level of a state. Recommendations by the judiciary and action by the legislature should incorporate these considerations.

The competing interests of the need for governmental revenues must be carefully counterbalanced with the public's access to the courts. By increasing the financial burden of using the courts, excessive fees or miscellaneous charges tend to exclude citizens who have neither the monetary resources available to the wealthy nor the governmental subsidies and legislative enactments providing waiver of fees for the poor. Excessive fees and miscellaneous charges can effectively deny this middle economic income group such fundamental rights as the

right to a trial by a jury of one's peers and the right of equal access to the court system.

The notion that a fee schedule which is intentionally burdensome may be desirable because of a deterrent value in preventing the filing of frivolous suits is rejected. The issue of whether or not a lawsuit is frivolous is a matter which can only be determined by a court after a lawsuit is filed, at which time costs and sanctions may be imposed if the lawsuit is dismissed as frivolous.

2.3 Fees and miscellaneous charges should be waived for indigent litigants.

COMMENTARY

Access to the courts is a fundamental right. In Boddie v. Connecticut, the United States Supreme Court held unconstitutional a state statute requiring payment of fees before a divorce action could be commenced. In this case, the Court found that barring access of indigent persons through the imposition of a filing fee was inconsistent with the obligations imposed under the due process clause of the Fourteenth Amendment.⁴ Providing equal access to the courts is a fundamental objective of the judicial system. Some mechanism must exist whether by statute, court rule or case law that allows the waiver of fees for indigent persons.

2.4 Fees and miscellaneous charges should not be an alternate form of taxation.

COMMENTARY

In recent years many governmental bodies have experienced severe financial problems and have chosen to develop new and creative methods of producing revenue. Fees and miscellaneous charges have been viewed as a method to meet demands for new programs without diminishing general tax revenues. This problem, in some instances, has been further complicated by the passage of state constitutional taxation amendments requiring a popular vote on increased taxes or new forms of taxation. Fees and miscellaneous charges are frequently exempted from the constitutional taxation provisions and therefore lie as a means for the legislature to raise revenues within a state without being subject to a popular vote.

Because, in some instances, the judicial branch has been the beneficiary of revenue produced from increased fees, a conflict has been created. The reliance on revenue from increased funding from fees rather than through normal appropriation processes places the judiciary in the difficult position, on the one hand, of receiving the assistance necessary to provide essential judicial services and on the other, assuring the citizenry of access to the courts.

This standard recognizes the revenue generating capabilities of fees and miscellaneous charges but consistently oppose their use solely for any purpose other than a moderate offset of the cost of doing business.

2.5 Fees and miscellaneous charges should be reviewed periodically to determine if they should be adjusted.

COMMENTARY

Periodic review maintains a reasonable level of fees and miscellaneous charges which do not unduly restrict access to the courts but is reflective of the current economy.

A required review should permit sufficient time to evaluate the impact of previous revisions (if any); to allow the collection and analysis of cost of living and other economic data to determine actual and projected changes in these factors; to prepare a documented report and recommendation regarding the existing fee schedule; and to provide advance notice of rate increases to judicial offices, the practicing bar, and the public. Attention should be given to the reduction of fees and miscellaneous charges when improved procedures have resulted in certain economies. Annual reviews do not allow sufficient time to complete a thoughtful, deliberate process. Reviews occurring in a time span of every three to five years should allow collection of data and necessary consideration for the decision making process.

The importance of regular review cannot be overstated as it is this process that prevents the erosion of any rational base that ideally underlies the fee and miscellaneous charges structure and insures the durability of the system.⁵

2.6 Fees and miscellaneous charges should be simple and easy to understand with fee schedules based on fixed or flat rates.

COMMENTARY

A flat or fixed rate fee is one that consolidates all of the fees itemized for each of the different transactions involving court services into one fee. The flat or fixed fee may vary for different types of cases but should not vary between cases of the same type. There are substantial differences between case processing services provided for a small claims case, a municipal case, a criminal case or a civil case filed in the general trial jurisdiction. In contrast, an appellate fee providing access to the appellate process may not vary in amount by type of case if the court support service is basically the same for each case filed.

In the first half of this century, most courts used a "step" fee system which provided various fees for each activity undertaken in a case. In 1944 the Director of the Administrative Office of the U.S. Courts noted the importance of "simplicity" and "uniformity" to any schedule of fees.⁶ A major problem with a "step" fee system is that as the number of fees for different activities increases, calculation of the correct fees becomes more complex requiring substantial expenditures of effort from all concerned. For that reason a fixed or flat rate system is recommended.

Fees that are paid to the court to offset, in some fraction, the costs of processing by the court and that are based on a fixed or flat rate differ from miscellaneous charges that vary from case to case. Miscellaneous charges, however, can be simplified and therefore, easy to understand when the rate per unit is fixed (e.g., transcript page rate, mileage rate, juror per diem rate). Computation of the rate times the number of units is necessary, but these charges are easily communicated and justifiable if based on a reasonable rate.

Not so easily explained is the misdirected reliance on the courts' fees to generate revenue for governmental purposes. The number of individual fees, miscellaneous charges, and surcharges that are assessed court users has so burgeoned that the system is complex and confusing not only to the public but to attorneys and court personnel as well. A citizen who waives appearance and pleads guilty to a minor traffic violation does not understand how his fine may be as low as \$1 while his "court costs" may be \$50 or more. Attempts by a clerk to explain that these costs actually represent payment of a number of hidden surcharges does nothing to assuage the citizen's anger or his perception that he has been treated unfairly. Such costs become more difficult to administer as court personnel spend increased time maintaining complex accounting systems and providing explanations to irate citizens.

With use of a flat or fixed fee schedule, a fixed miscellaneous charge per unit, and elimination of surcharges, the personnel expense of maintaining complex accounting systems is decreased, the risk of clerical errors and omissions is lowered, and court personnel may direct their energies to more productive tasks in case management processing. Equally important is that adoption of these principles leads to a system that is easily understood by attorneys, court personnel, and the public. It leads itself to the periodic review process proposed in Standard 2.5 and to the standards for accounting and administration of court costs under Standard 5.

2.7 Fees and miscellaneous charges should be codified in one section of the statutes to facilitate access.

COMMENTARY

All schedules of court fees and miscellaneous charges should be set forth in a single location in the laws of the legislative body having appropriate authority. While each level of court may have its own applicable costs and fees statutes, these should be consistently and uniformly codified within a chapter or a section of the statutes setting out the entire structure of fees and charges in the courts. Establishing court fees or miscellaneous charges throughout the statutes without codifying into one section is confusing and inefficient. Often such statutory enactments go unnoted by clerks who may be isolated from legislative activity and ill equipped to search statutes for new or revised fees and charges. Administrative costs rise with a proliferation of court fee statutes spread over many volumes of law. Revenue for governmental entities is lost as a result of oversights or failure to keep abreast of legislative enactments.

3.0 PROHIBITING SURCHARGES AND LOCAL CHARGES

3.1 Surcharges should not be established.

COMMENTARY

The practice of earmarking funds for special purposes should be eliminated. Some surcharges are presently used for purposes related to the judiciary. Others are used for purposes that have no relationship to the operation of the judicial system. Neither are appropriate. If taxation is a prerogative of the legislative branch of government, the practice of earmarking funds escapes the priority setting process existing in most progressive governmental entities. Neither use should escape the appropriations' review process nor should the amount of a public good to be provided by such funds be necessarily limited to the amount of revenue generated by a surcharge for the purpose. If the purpose funded by a surcharge is for the greater public good it should be worthy for consideration of funding from a broader general revenue source through the normal appropriation process.

Some have argued, citing lower court decisions, that surcharges are unconstitutional because they are not related to the conduct of the case; others, that surcharges are, at best, illogical.

The benefit derived from the efficient administration of justice is not limited to those who utilize the system for litigation, but is enjoyed by all those who would suffer if there were no such system--the entire body politic. It makes no more sense to burden litigants with paying for judicial retirement than it would to install a turnstile at the door to the governor's office and to pay his salary with admission fees charged to those who seek his counsel. If no one were to utilize the court system in any given terms, the judges' salaries would still have to be paid, and the retirement system would still require funding.⁷

Examples from the COSCA National Survey on Court Costs indicate that there is a proliferation of surcharges in several states; some meritorious for public funding, others more reflective of interest groups that should seek private funding from persons of similar interests. Salaries of public officials, maintenance of public buildings, retirement funds of public officials, and other such public uses clearly should not have to rely on the generation of funds through a user tax placed on persons seeking their constitutional right of access to the courts. The citizen who exercises his right to vote is not charged for the exercise of that right. If crime victim compensation funds are in the public interest then surely those who find themselves using the courts should have no more obligation to contribute to such a fund than any citizen who could at any time become a victim of crime and have a need to utilize such funds. The same illogical premise exists in states that establish abuse centers by assessing a surcharge to those who apply for marriage licenses. Democratic forms of government are threatened by these insidious forms of taxation.

A concern of the judiciary must be for the appearance of impropriety that results when the burden of taxation for the support of "public good" is placed on users of the court system. Surcharges are vulnerable to being viewed with suspicion at best. Surcharges based on convictions present an even higher potential for conflict of interest claims.

Another concern is the complication and confusion created by a number of surcharges on the administration of monies handled by clerks of the court.

3.2 Fees and miscellaneous charges should not incorporate surcharges.

COMMENTARY

Fees and miscellaneous charges have been and are subject to the addition of hidden surcharges. Fees and miscellaneous charges should be reviewed with an objective eye to

identification of such hidden earmarked monies. States are cautioned against eliminating the statutory surcharge and increasing fees by corresponding amounts.

3.3 Optional local fees or miscellaneous charges should be prohibited.

COMMENTARY

Discretionary charges or local levy charges should be eliminated. These are probably no more than surcharges earmarked for local purposes. If the court is governed by state law, local fees should be prohibited from creating inconsistent costs in different locales. Superfluous charges which are not easily understood and accepted by the public erode confidence and should be eliminated.

4.0 COURT FUNDING AND PROCEEDS FROM FEES AND CHARGES

4.1 Neither courts nor specific court functions should be expected to operate from proceeds produced by fees and miscellaneous charges. Courts should receive adequate financial funding from governmental sources to enable them to fully carry out their constitutional mandates.

COMMENTARY

A judicial system should be funded at a level that assures consistency in quality, fairness, competency and effective disposition of its cases in every political subdivision of a state. If a court is established by state constitution and governed by laws passed by the state legislature, it is appropriate that a level of state funding be provided to fund such courts since local financing contributes to a fragmented court system where "services vary dramatically according to the locality's ability to pay".⁸

It is as illogical to expect the judiciary to be self-supporting as it would be to expect the executive or legislative branches of government to generate the necessary funds to be self-supporting. Since the power of taxation rests in areas other than the judiciary, it is necessary that courts be funded from general revenue at a level which allows them to fulfill their constitutional mandates.

Court fees are generally nominal in comparison to the actual cost of providing court services. Among the localities of a state, revenue from fees is generated in unequal amounts. When courts or specific court functions are expected to operate entirely from such fees, the quality of court services received depends upon a person's residence.⁹

Miscellaneous charges usually do not generate enough money to provide the required services without subsidies from other sources. Payment for a sheriff's service of process may offset the cost of gasoline and maintenance of the automobile he drives; however, the payment is not sufficient to provide the automobile in the first instance. A court reporter who produces a transcript and in return is paid a per page rate should not be expected to generate his entire income from this source. Both service of process and the production of transcripts are essential services to litigants for which a miscellaneous charge accrues. Neither charge should bar access to the court system.

- 4.2 The proceeds from any fee should not be earmarked for the benefit of any judge, court official, or other criminal justice official who may have direct or indirect control over cases filed or disposed in the judicial system.

COMMENTARY

The due process clause of the Fourteenth Amendment guarantees the right to a trial before a disinterested and impartial judicial officer.¹⁰ Consequently, any judicial officer who has control over the processing of cases may be disqualified for holding a pecuniary interest in fees payable by litigants.

For example, in Ward v. Monroeville, 409 U.S. 57, 93 S.Ct. 60 (1972), an ordinance authorized the Mayor, who also had wide executive powers, to preside as a judge over certain traffic offenses. A large portion of the Monroeville income was derived from fees, costs, fines, and forfeitures imposed by the Mayor in his traffic court. The Mayor convicted the petitioner of two offenses and fined him \$100. The petitioner appealed his conviction, arguing that because the Mayor was interested in securing revenue, the petitioner was denied his right to a fair and impartial trial. The Supreme Court of the United States agreed, setting out a standard for determining whether due process of law has been denied.

[Every procedure] which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear, and true between the state and the accused denies the latter due process of law.¹¹

The Court, applying the standard, concluded that a possible temptation "exist[s] when [a judicial officer's] responsibilities for village finances may make him partisan to maintain the high level of contribution from the . . . court".¹² Similarly, an

unconstitutional temptation may be created by the practice of earmarking revenue from costs and fees for the direct or indirect benefit of judicial officers that control the disposition of criminal cases.

Additionally, such earmarking impedes a fundamental purpose of court fees--that fees should give the appearance of being fair, equitable, and necessary.

- 4.3 All funds collected from fees should be deposited to the account of the governmental source providing the court's funding.

COMMENTARY

Since "fees" are payments for court services, it is logical to expect these funds to be paid into the coffers of the funding source to offset by some modicum the actual cost of the services.

5.0 ACCOUNTING AND ADMINISTRATION OF COURT COSTS

- 5.1 All courts of a state should utilize a uniform system of financial record keeping whereby records are maintained on all monies collected and disbursed.

COMMENTARY

Financial record keeping in the courts is becoming an increasingly difficult problem as the pressures of accountability, revenue generation, and local audit regulations are exerted upon a staff concerned with case processing. In some instances, the problems are complicated by differences between prescriptions of accounting principles and the requirements and procedures set out in state and local laws.

A uniform accounting and record keeping system should be developed within each state. The receipt and disbursement of monies within the court system are typically complex procedures involving numerous types of receipts and disbursements. Where there are elected court clerks, usually no qualification requirements requiring training or experience in financial accounting exists. Appointed clerks and administrators may have general court management skills but may not have specific training in accounting.

The advantages of a uniform record keeping system are: 1) judges and administrators can be assured that basic financial record keeping requirements are included, 2) newly elected and appointed clerks can be relieved of the time, effort, and expense required to evaluate the accounting system employed by their offices, 3) new statutory or administrative changes can be incorporated through standardized updates rather than having

each clerk make individualized adjustments in the accounting system, 4) the uniformity of record keeping systems and documentation decreases the time and expense associated with audits, and 5) uniform record keeping permits the preparation of uniform statewide judicial financial reports.

Courts at all levels should inspire public confidence through the adoption and utilization of accounting systems which meet generally accepted financial standards and applicable state and local laws. If the requirements of statutes or local laws conflict with public accounting principles, efforts should be made to bring about their repeal.

- 5.2 Courts should establish internal procedures and controls that cover adequately the collection, security, and disbursement of fees and miscellaneous charges within their responsibilities.**

COMMENTARY

Internal operating procedures should be developed by courts instructing personnel of the specific steps to be followed in all phases of fund receipt, accounting, cash management, fund security, and disbursement. All employees should be trained regarding these procedures and regularly supervised to assure compliance.

All employees with access to or responsibility for the handling of cash should be bonded in accordance with statutory or other applicable requirements. Where bonding requirements do not exist, management should determine the specific job classifications or positions which should be bonded and make bonding arrangements.

Security and cash management procedures should emphasize prompt deposit of court funds to minimize cash on hand.

- 5.3 Financial records should be subject to a timely independent audit at least biennially.**

COMMENTARY

Financial records should receive an independent audit at least once biennially. This audit should occur no later than one year from the close of the audit period. An independent audit requirement can be fulfilled by either a governmental body charged with auditing other agencies or a private CPA firm. Independent audits do not relieve the need for an internal audit function. Internal and external audit functions are complementary. Independent audits should address financial and compliance standards. Internal audits should address financial

and compliance standards and may address program compliance standards and performance.

Financial audits must be performed in accordance with generally accepted audit standards.

- 5.4 Clerical personnel of the courts should be trained in proper fiscal practices at regular intervals by a designated agency.

COMMENTARY

Adoption of a uniform system of financial record keeping by the courts (Standard 5.1), internal procedures and controls (Standard 5.2), and regular training sessions for clerical personnel of the courts assures that biennial audits required by Standard 5.3 can be performed at the most cost effective level. Uniformity of procedures allows auditors to perfect their audit techniques. Single codifications (Standard 2.7) allow schedules to be posted in clerks' offices for public information, included in procedural manuals for clerks, and to be the subject of court training seminars. In the absence of specific training, procedural descriptions, and public posting; inconsistent and incorrect practices may occur. The objective of uniform application of fees and miscellaneous charges is enhanced when schedules are codified in single locations and combined with training and procedural guidelines.