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for the latest Fee Schedule.

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## FACT SHEET

November 2005

# Uniform Civil Fee Structure

The complexity and lack of statewide consistency of filing fees led the Judicial Council's Court Fees Working Group to recommend a uniform civil fee structure. The subsequently enacted Uniform Civil Fees and Standard Fee Schedule Act of 2005 was approved by the Legislature and the Governor, with the new structure set to go into effect on January 1, 2006. The new fee structure will streamline and simplify the civil fees by rolling the current varied surcharges and add-on fees into one filing fee. For most fees, the same amounts will be charged for the same services across all 58 counties.

### New Fee Structure

The following actions are part of the new structure:

#### First paper filings

- Establishes statewide, uniform first paper and first responsive paper fees at three graduated levels:
  - Limited civil fee (less than or equal to \$10,000) \$180
  - Limited civil fee (greater than \$10,000 and not exceeding \$25,000) \$300
  - Unlimited civil and family law fee \$320

Note: In three counties, Riverside, San Bernardino, and San Francisco, the first paper filing fees will be slightly higher because of local courthouse construction surcharges.

- Consolidates the court security fee, \$25 court reporter fee, amended and cross-complaint fee, and Assembly Bill 3000 (Stats. 2002, ch. 1124) 10 percent surcharge as they relate to first paper filing and response fees.
- Includes distributions of \$20, \$25, and \$35 for facilities in the consolidated filing fee.
- Establishes a new Equal Access Fund distribution of \$4.80 per filing fee.
- Consolidates fees for children's waiting rooms, dispute resolution, judges' retirement, and law libraries into the first paper fee and distributes them at the current levels.
- Establishes a moratorium on fee changes so that the uniform civil fee amounts will stay in effect through December 31, 2007, except for possible changes by the

Legislature to implement recommendations of the Task Force on County Law Libraries or revise the graduated filing fees for probate petitions.

- Establishes a set-aside for increases in dispute resolution, law library, and children's waiting rooms during the fee-change moratorium that ends December 31, 2007.

**Probate**

- Establishes a statewide, uniform consolidated probate filing fee with the lowest level (for estates valued at \$250,000 or less) at the same level as the unlimited civil filing fee, with each additional level preserving the existing variance in graduated fees.
- Establishes a fee for petitions for appointment of guardian of the person and responses at \$180.
- Establishes a fee for second or later-filed petitions, petitions concerning internal affairs of trusts, and appointment of guardians and conservators (for persons and estates) at \$320.

**Small claims**

- In recognition of the court resources required for these filings and the potential funding shortfall in the budget year, increases filing fees from \$22 and \$66 (frequent filers) to the graduated fee structure below:
  - Less than or equal to \$1,500 \$ 30
  - Greater than \$1,500, but less than or equal to \$5,000 \$ 50
  - Greater than \$5,000, but less than or equal to \$7,500 \$ 75
  - If more than 12 claims have been filed in the previous 12 months \$100
- The following amounts will be distributed from each small claims filing fee to fund Small Claims Advisory services:
  - Less than or equal to \$1,500 \$ 6
  - Greater than \$1,500; less than or equal to \$5,000 \$ 8
  - Greater than \$5,000, but less than or equal to \$7,500 \$ 10
  - If more than 12 claims have been filed in the previous 12 months \$ 14
- Eliminates the 10 percent surcharge and includes the anticipated surcharge revenue in the consolidated fee level.

**Changes to other fees**

- Establishes statewide, uniform fees for the following, eliminating the AB 3000 10 percent surcharge and increasing the motion and summary judgment motion fees:
  - Complex filing fee (consolidation of 10 percent surcharge only) \$550

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- Motion fee (previously \$36.30 with 10 percent surcharge) \$ 40
- Summary judgment motion (previously \$165 with 10 percent surcharge) \$200
- For miscellaneous fee categories, fees for similar types of services are grouped together and a uniform fee is set at an appropriate level for each group.
- New fees are established for handling funds in trust, appearance by teleconferencing, filing a stipulation and order (without a hearing), processing partial payments, and other services (with Judicial Council approval) for which a fee is not otherwise provided.

### Benefits of Uniform Civil Fee Structure

The uniform fee structure offers numerous benefits and will:

- *Streamline and simplify the civil fee structure.* The current variety of surcharges and add-on fees are consolidated into one filing fee.
- *Create uniformity.* The same fee will be charged for a given service in all 58 counties, with an exception to accommodate the local courthouse construction surcharges in three counties.
- *Maintain access.* Average fees are modestly increased, and the ability to ensure access to justice for all Californians is maintained.
- *Enhance equal access.* The new structure provides additional funding for equal access programs.
- *Ensure fairness.* Reasonable differentials based on different case types remain in the fees.
- *Ensure accuracy and accountability.* The implementation of a single, statewide civil fee structure will increase accuracy in the collection and distribution of fees and provide more detailed fee information for local courts, counties, and the state.
- *Offer predictability.* Courts and attorneys will know what the fees are and that fees will remain unchanged through the end of 2007.
- *Stabilize funding.* The uniform civil fee structure:
  - Removes sunset dates;
  - Increases filing fees to restore revenues to the level of the 2003 Budget Act; and
  - Preserves the current revenue level for noncourt recipients of fees (e.g., counties, law libraries).
- *Create and support the infrastructure.* To the extent feasible, funding will be provided to support facility and technology improvements in the trial courts.

NOTE: A complete Fee Schedule with the new and existing fees will be posted at this site at a later date.