



**House  
Legislative  
Analysis  
Section**

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**INCREASE APPEALS FEES**

House Bill 5300 with committee amendment  
First Analysis (1-10-89)

Sponsor: Rep. Richard A. Young  
Committee: Judiciary

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***THE APPARENT PROBLEM:***

Filing fees for the court of appeals are set by statute, but traditionally are the same as those for the supreme court, which are set by court rule. The supreme court recently raised its fees; statutory amendments have been proposed to bring the court of appeals fees into uniformity with the supreme court's.

***THE CONTENT OF THE BILL:***

The bill would amend the Revised Judicature Act to increase filing fees for the court of appeals. The fee for an appeal as of right, an application for leave to appeal, or an original proceeding would be raised from \$100 to \$200. The fee for entry of a motion would be raised from \$25 to \$50. The bill would take effect April 1, 1990.

MCL 600.321

***FISCAL IMPLICATIONS:***

According to the court of appeals, the court collected \$509,600 in filing fees and \$94,750 in motion fees in the fiscal year ending September 30, 1989. The court expects a 20 percent increase in the number of filings this year; the current ratio of civil appeals to criminal appeals, which is about 50:50, is expected to be maintained. The court reports that about 95 percent of the criminal appeals involve indigent cases where fees are waived. (1-5-90)

***ARGUMENTS:***

***For:***

Mich. State Law Library

The fee increases proposed by the bill are modest considering administrative costs and the expenses presented by the recent increase in the size of the court, which under Public Act 279 of 1986 was enlarged from 18 to 24 judges. Further, the proposed increases would not affect the accessibility of justice: filing fees are only a small part of the costs of an appeal; filing fees are waived in criminal appeals brought by indigent defendants; and a successful appellant can recover fees if awarded costs. With enactment of the bill, filing fees for the court of appeals would once again be uniform with those of the supreme court.

***Against:***

Fees for the court of appeals were last raised in 1986. Many are unconvinced of the need to increase fees again so soon, particularly when the increases are as dramatic as those proposed by the bill.

***POSITIONS:***

The Michigan Court of Appeals supports the bill. (1-5-89)

The State Bar of Michigan has no position on the bill. (1-5-90)

H.B. 5300 (1-10-90)