

HOUSE BILL No. 4327

February 19, 1991, Introduced by Reps. Griffin, Niederstadt and O'Neill and referred to the Committee on Judiciary.

A bill to amend sections 2528, 2529, 2530a, 8371, and 8381 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," sections 2528, 2529, and 8371 as amended by Act No. 310 of the Public Acts of 1988 and section 2530a as amended by Act No. 278 of the Public Acts of 1984, being sections 600.2528, 600.2529, 600.2530a, 600.8371, and 600.8381 of the Michigan Compiled Laws; and to add sections 2530b and 2530c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2528, 2529, 2530a, 8371, and 8381 of
2 Act No. 236 of the Public Acts of 1961, sections 2528, 2529, and
3 8371 as amended by Act No. 310 of the Public Acts of 1988 and
4 section 2530a as amended by Act No. 278 of the Public Acts of
5 1984, being sections 600.2528, 600.2529, 600.2530a, 600.8371, and

1 600.8381 of the Michigan Compiled Laws, are amended and sections
2 2530b and 2530c are added to read as follows:

3 Sec. 2528. (1) In the circuit court in a county having a
4 population of less than 100,000, the following fees shall be paid
5 to the clerk of the court:

6 (a) Before ~~any~~ A civil action is commenced in ~~any~~ THE
7 circuit court, or before the filing of ~~any~~ AN application for
8 superintending control or for an extraordinary writ, except the
9 writ of habeas corpus, the moving party shall pay the sum of
10 ~~\$42.00~~ \$62.00. The clerk shall transmit, at the end of each
11 month, for each ~~\$42.00~~ \$62.00 collected within the month,
12 \$18.75 to the executive secretary of the STATE OF MICHIGAN
13 judges' retirement system for remittal pursuant to section 2530a;
14 \$5.00 to the secretary of the MICHIGAN legislative retirement
15 system for deposit with the state treasurer in the retirement
16 fund created by THE MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT,
17 Act No. 261 of the Public Acts of 1957, as amended, being sec-
18 tions 38.1001 to 38.1060 of the Michigan Compiled Laws; \$5.25 to
19 the state treasurer for deposit in the general fund; \$20.00 TO
20 THE STATE TREASURER FOR DEPOSIT IN THE DUE PROCESS COSTS FUND
21 CREATED BY SECTION 2530B; \$2.00 to the state treasurer to be
22 credited to the community dispute resolution fund created by the
23 community dispute resolution act, ACT NO. 260 OF THE PUBLIC ACTS
24 OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF THE MICHIGAN
25 COMPILED LAWS; and the balance of the filing fee to the county
26 treasurer.

1 (b) Before the filing and entering of ~~any~~ A transcript,
2 claim of appeal, or motion for leave to appeal from the district
3 court, the sum of \$5.00.

4 (c) For each trial before a court of record, with or without
5 a jury, the plaintiff shall pay the sum of \$10.00. The clerk
6 shall pay \$5.00 of each trial fee to the state treasurer, to
7 apply to the credit of the general fund, and \$5.00 of each trial
8 fee into the county treasury, to apply to the credit of the gen-
9 eral fund.

10 (d) Before the entry of ~~any~~ A final judgment by default in
11 pleading in an action without a jury or by consent without trial,
12 or the entry of a judgment against a garnishee defendant upon a
13 district court transcript, or upon the entry of a judgment on an
14 award from ~~any~~ A board or referee upon whose award the law per-
15 mits the entry of judgment, and in all other cases finally dis-
16 posed of by court order except those described in subdivision
17 (e), the sum of \$10.00. The clerk shall pay \$5.00 of each judg-
18 ment fee to the state treasurer, to apply to the credit of the
19 general fund.

20 (e) Before the entry of ~~any~~ A final judgment in an action
21 ~~wherein~~ IN WHICH trial has been had, or ~~where~~ IN WHICH a jury
22 is called to render a verdict upon default in pleading, the sum
23 of \$10.00. The clerk shall pay \$5.00 of each judgment fee to the
24 state treasurer, to apply to the credit of the general fund.

25 (f) Beginning July 1, 1983, in addition to the judgment fee
26 provided in subdivision (d) or (e), before entry of a final
27 judgment in an action for divorce or separate maintenance ~~where~~

1 IN WHICH minor children are involved, or the entry of a final
2 judgment in a child custody dispute submitted to the circuit
3 court as an original action, 1 of the following sums, which shall
4 be deposited by the county treasurer as provided in section
5 2530:

6 (i) If the matter was contested or uncontested and was not
7 submitted to domestic relations mediation or investigation by the
8 office of the friend of the court, \$30.00.

9 (ii) If the matter was contested or uncontested and was sub-
10 mitted to domestic relations mediation, \$50.00.

11 (iii) If the matter was contested or uncontested and the
12 office of the friend of the court conducted an investigation and
13 made a recommendation to the court, \$70.00.

14 (g) If causes of action are consolidated or tried simulta-
15 neously and separate judgments rendered, the sum of \$10.00 on the
16 entry of each judgment. The clerk shall pay \$5.00 of each judg-
17 ment fee to the state treasurer, to apply to the credit of the
18 general fund.

19 (h) For ~~any and all~~ services relative to the receipt,
20 safekeeping, or ~~putting out~~ EXPENDING of money, or the purchas-
21 ing, taking, or transferring of ~~any security therefor,~~ or the
22 collecting of interest ~~thereon~~ ON A SECURITY, under the direc-
23 tion of the court, not specifically provided for in this section,
24 the clerk shall receive ~~such~~ THE allowance and compensation
25 ~~, and~~ from ~~such of~~ the parties as the court may consider just
26 and shall direct ~~, by an~~ COURT order, ~~for that purpose,~~
27 after notice to the parties to be charged.

1 (i) Upon appeal to the supreme court, the sum of \$10.00.

2 (J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, UPON THE
3 FILING OF A MOTION, THE SUM OF \$20.00. BEGINNING JANUARY 1,
4 1992, AT THE END OF EACH MONTH THE CLERK SHALL TRANSMIT \$10.00
5 FROM EACH FEE COLLECTED UNDER THIS SUBDIVISION TO THE EXECUTIVE
6 SECRETARY OF THE STATE OF MICHIGAN JUDGES' RETIREMENT SYSTEM FOR
7 REMITTAL PURSUANT TO SECTION 2530A, AND \$10.00 FROM EACH FEE COL-
8 LECTED TO THE STATE TREASURER FOR DEPOSIT IN THE LEGAL AID SOCIE-
9 TIES FUND CREATED BY SECTION 2530C.

10 (2) The sum or sums paid under this section shall be held to
11 be in full for all clerk, entry, and judgment fees in any action
12 from the commencement of the action to and including the issuance
13 and return of the execution or other final process, and are tax-
14 able as costs.

15 (3) In counties where the county clerk receives the fees of
16 his or her office, all or in part, instead of a salary, all or in
17 part, the clerk shall pay over to the county treasurer the sum of
18 \$5.00 on each civil action that is commenced in the circuit
19 court.

20 (4) In counties where the county clerk is paid a salary
21 instead of fees collected by the county clerk, pursuant to this
22 chapter, all fees shall be paid over to the county treasurer as
23 required by law, except as otherwise provided in this section.

24 (5) The court may order any of the fees prescribed in this
25 section waived or suspended until the conclusion of the litiga-
26 tion, upon a showing by affidavit of indigency or inability to
27 pay.

1 (6) After January 1, 1993 the filing fee shall be ~~\$40.00~~
2 \$60.00 and the state treasurer shall not credit \$2.00 to the com-
3 munity dispute resolution fund CREATED BY ACT NO. 260 OF THE
4 PUBLIC ACTS OF 1988.

5 Sec. 2529. (1) In the circuit court in a county having a
6 population of 100,000 or more, the following fees shall be paid
7 to the clerk of the court:

8 (a) Before a civil action is commenced, or before the filing
9 of an application for superintending control or for an extraordi-
10 nary writ, except the writ of habeas corpus, the moving party
11 shall pay the sum of ~~\$42.00~~ \$62.00. The clerk at the end of
12 each month shall transmit for each ~~\$42.00~~ \$62.00 collected
13 within the month, \$18.75 to the executive secretary of the STATE
14 OF MICHIGAN judges' retirement system for remittal pursuant to
15 section 2530a; \$5.00 to the secretary of the MICHIGAN legislative
16 retirement system for deposit with the state treasurer in the
17 retirement fund created by THE MICHIGAN LEGISLATIVE RETIREMENT
18 SYSTEM ACT, Act No. 261 of the Public Acts of 1957, as amended,
19 being sections 38.1001 to 38.1060 of the Michigan Compiled Laws;
20 \$5.25 to the state treasurer for deposit in the general fund;
21 \$20.00 TO THE STATE TREASURER FOR DEPOSIT IN THE DUE PROCESS
22 COSTS FUND CREATED BY SECTION 2530B; \$2.00 to the state treasurer
23 to be credited to the community dispute resolution fund created
24 by the community dispute resolution act, ACT NO. 260 OF THE
25 PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF THE
26 MICHIGAN COMPILED LAWS; and the balance of the filing fee to the
27 county treasurer.

1 (b) Before the filing and entering of a transcript, claim of
2 appeal, or motion for leave to appeal from the district court or
3 a municipal court, the sum of \$5.00.

4 (c) For each trial without a jury, the plaintiff shall pay
5 the sum of \$15.00. ~~Where~~ IF a trial by jury is demanded, the
6 party making the demand at the time shall pay the sum of \$30.00.
7 Failure to pay the fee within the time provided in the court
8 rules constitutes a waiver of the right to a jury trial. The sum
9 shall be taxed in favor of the party paying the fee, in case the
10 party recovers a judgment for costs.

11 (d) Before entry of a final judgment by default in pleading
12 in an action without a jury or by consent without trial, or the
13 entry of a judgment against a garnishee defendant upon a district
14 or municipal court transcript, or the entry of a judgment on an
15 award from a board or referee upon whose award the law permits
16 the entry of judgment, the sum of \$10.00.

17 (e) Before entry of a final judgment in an action ~~where~~ IN
18 WHICH trial has been had, or ~~where~~ IN WHICH a jury is called to
19 render a verdict upon default in pleading, the sum of \$10.00.

20 (f) In addition to the judgment fee provided in subdivision
21 (d) or (e), before entry of a final judgment in an action for
22 divorce or separate maintenance ~~where~~ IN WHICH minor children
23 are involved, or the entry of a final judgment in a child custody
24 dispute submitted to the circuit court as an original action, 1
25 of the following sums, which shall be deposited by the county
26 treasurer as provided in section 2530:

1 (i) If the matter was contested or uncontested and was not
2 submitted to domestic relations mediation or investigation by the
3 friend of the court, \$30.00.

4 (ii) If the matter was contested or uncontested and was sub-
5 mitted to domestic relations mediation, \$50.00.

6 (iii) If the matter was contested or uncontested and the
7 office of the friend of the court conducted an investigation and
8 made a recommendation to the court, \$70.00.

9 (g) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
10 UPON the filing of a motion, the sum of ~~\$10.00~~ \$20.00.
11 BEGINNING JANUARY 1, 1992, AT THE END OF EACH MONTH THE CLERK
12 SHALL TRANSMIT \$10.00 FROM EACH FEE COLLECTED UNDER THIS SUBDIVI-
13 SION TO THE EXECUTIVE SECRETARY OF THE STATE OF MICHIGAN JUDGES'
14 RETIREMENT SYSTEM FOR REMITTAL PURSUANT TO SECTION 2530A, AND THE
15 BALANCE OF THE FEE TO THE COUNTY TREASURER.

16 (h) If causes of action are consolidated or tried simulta-
17 neously and separate judgments rendered, the sum of \$10.00 on the
18 entry of each judgment.

19 (i) For services relative to the receipt, safekeeping, or
20 ~~putting out~~ EXPENDING of money, or the purchasing, taking, or
21 transferring of a security, or the collecting of interest on a
22 security, under the direction of the court, not specifically pro-
23 vided in this section, the clerk shall receive the allowance and
24 compensation ~~—~~ from the parties as the court may consider just
25 and shall direct by ~~an~~ COURT order, after notice to the parties
26 to be charged.

(j) Upon appeal to the supreme court, the sum of \$20.00.

(2) The sums paid as provided in this section shall be held to be in full for all clerk, entry, and judgment fees in an action from the commencement of the action to and including the issuance and return of the execution or other final process, and are taxable as costs.

(3) Except as otherwise provided in this section, the fees shall be paid over to the county treasurer as required by law.

(4) The court may order any of the fees prescribed in this section waived or suspended until the conclusion of the litigation, upon a showing by affidavit of indigency or inability to pay.

(5) After January 1, 1993 the filing fee shall be ~~\$40.00~~ \$60.00 and the state treasurer shall not credit \$2.00 to the community dispute resolution fund CREATED BY ACT NO. 260 OF THE PUBLIC ACTS OF 1988.

Sec. 2530a. Revenue received by the executive secretary of the STATE OF MICHIGAN judges' retirement system during any fiscal year pursuant to sections 2528(1)(a) AND (J), 2529(1)(a) AND (G), 5756(3), 8371(2), and ~~8420(1)~~ 8420(2) shall ~~first~~ be remitted to the state treasurer, for deposit in the annuity reserve fund created by THE JUDGES' RETIREMENT ACT, Act No. 198 of the Public Acts of 1951, being sections 38.801 to ~~38.831~~ 38.833 of the Michigan Compiled Laws. ~~, in the amount needed in addition to other publicly financed contributions to sustain the required level of publicly financed contributions, as determined by the most recent actuarial valuation available at the beginning of the~~

~~1 applicable fiscal year, and shall then be remitted to the extent
2 of any residual balance to the state treasurer for expenditure
3 for state financed trial courts. The amount to be remitted to
4 the judges' retirement system between January 1, 1983, and
5 September 30, 1983, shall be based upon the total of state paid
6 salaries of members of the judges' retirement system for that
7 9-month period.~~

8 SEC. 2530B. (1) THE DUE PROCESS COSTS FUND IS CREATED IN
9 THE STATE TREASURY.

10 (2) THE STATE TREASURER SHALL CREDIT THE DUE PROCESS COSTS
11 FUND WITH DEPOSITS OF PROCEEDS FROM THE COLLECTION OF REVENUE
12 FROM COURT FEES AS PROVIDED FOR IN SECTIONS 2528(1)(A),
13 2529(1)(A), AND 8371(2) AND ALL INCOME FROM INVESTMENT CREDITED
14 TO THE FUND BY THE STATE TREASURER. THE STATE TREASURER MAY
15 INVEST MONEY CONTAINED IN THE DUE PROCESS COSTS FUND IN ANY
16 MANNER AUTHORIZED BY LAW FOR THE INVESTMENT OF STATE MONEY.
17 HOWEVER, AN INVESTMENT SHALL NOT INTERFERE WITH ANY APPORTION-
18 MENT, ALLOCATION, OR PAYMENT OF MONEY AS REQUIRED BY THIS
19 SECTION. THE STATE TREASURER SHALL CREDIT TO THE FUND ALL INCOME
20 EARNED AS A RESULT OF AN INVESTMENT.

21 (3) THE STATE COURT ADMINISTRATOR, AT THE DIRECTION OF THE
22 SUPREME COURT AND UPON CONFIRMATION OF THE AMOUNT BY THE STATE
23 TREASURER, SHALL DISTRIBUTE FROM THE DUE PROCESS COSTS FUND THE
24 TOTAL AMOUNT AVAILABLE IN A FISCAL YEAR TO EACH COURT OF THIS
25 STATE AS PROVIDED IN THIS SECTION. EACH JUDICIAL CIRCUIT,
26 RECORDER'S COURT, JUDICIAL DISTRICT, AND PROBATE COURT OF THIS
27 STATE SHALL REPORT TO THE STATE COURT ADMINISTRATOR, PURSUANT TO

1 AN ADMINISTRATIVE ORDER PROMULGATED BY THE SUPREME COURT,
2 EXPENDITURES INCURRED DURING THE IMMEDIATELY PRECEDING FISCAL
3 YEAR FOR THE FOLLOWING:

4 (A) FEES AND REIMBURSEMENT COSTS PAID TO JURORS.

5 (B) FEES PAID PER PAGE OF TRANSCRIPT, NOT INCLUDING SALARIES
6 OR EXPENSES OF COURT REPORTERS.

7 (C) FEES PAID TO ATTORNEYS FOR REPRESENTING INDIGENT
8 DEFENDANTS.

9 (D) SALARIES AND EXPENSES PAID TO A JUDGE TEMPORARILY
10 ASSIGNED TO SIT IN A COURT OTHER THAN THE COURT TO WHICH THE
11 JUDGE WAS ELECTED OR APPOINTED.

12 (4) THE STATE COURT ADMINISTRATOR, AFTER REIMBURSEMENT OF
13 COSTS AS PROVIDED IN THIS SUBSECTION, SHALL DISTRIBUTE THE BAL-
14 ANCE OF THE DUE PROCESS COSTS FUND ANNUALLY TO EACH JUDICIAL CIR-
15 CUIT, RECORDER'S COURT, JUDICIAL DISTRICT, AND PROBATE COURT THAT
16 INCURS AND, AS REQUIRED BY ADMINISTRATIVE ORDER OF THE SUPREME
17 COURT, REPORTS THE EXPENDITURE OF FUNDS FOR ANY OF THE PURPOSES
18 DESCRIBED IN SUBSECTION (3) IN AN AMOUNT DETERMINED BY MULTIPLY-
19 ING THE AMOUNT AVAILABLE FOR DISTRIBUTION BY A FRACTION, THE
20 NUMERATOR OF WHICH IS THE TOTAL EXPENDITURES BY THAT COURT FOR
21 THE COSTS DESCRIBED IN SUBSECTION (3) IN THE PRIOR FISCAL YEAR AS
22 CERTIFIED BY THE STATE COURT ADMINISTRATOR AND THE DENOMINATOR OF
23 WHICH IS THE TOTAL EXPENDITURES BY ALL JUDICIAL CIRCUIT,
24 RECORDER'S, JUDICIAL DISTRICT, AND PROBATE COURTS IN THIS STATE
25 FOR THE COSTS DESCRIBED IN SUBSECTION (3) IN THE PRIOR FISCAL
26 YEAR. THE STATE COURT ADMINISTRATIVE OFFICE SHALL BE REIMBURSED

1 ANNUALLY FROM THE DUE PROCESS COSTS FUND FOR ALL COSTS ASSOCIATED
2 WITH THE ADMINISTRATION OF THIS SECTION.

3 SEC. 2530C. (1) THE LEGAL AID SOCIETIES FUND IS CREATED IN
4 THE STATE TREASURY. THE LEGAL AID SOCIETIES FUND IS FOR THE
5 CHARITABLE PUBLIC PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO
6 LEGAL AID SOCIETIES THAT PROVIDE CIVIL LEGAL ASSISTANCE TO
7 INDIGENTS.

8 (2) THE STATE TREASURER SHALL CREDIT THE LEGAL AID SOCIETIES
9 FUND WITH DEPOSITS OF PROCEEDS FROM THE COLLECTION OF REVENUE
10 FROM COURT FEES AS PROVIDED FOR IN SECTIONS 2528(1)(J) AND 8381
11 AND SECTION 32 OF THE PROBATE JUDGES RETIREMENT ACT, ACT NO. 165
12 OF THE PUBLIC ACTS OF 1954, BEING SECTION 38.932 OF THE MICHIGAN
13 COMPILED LAWS, AND ALL GIFTS, BEQUESTS, DONATIONS, CONTRIBUTIONS,
14 AND INCOME FROM INVESTMENT CREDITED TO THE FUND BY THE STATE
15 TREASURER. THE STATE TREASURER MAY INVEST MONEY CONTAINED IN THE
16 LEGAL AID SOCIETIES FUND IN ANY MANNER AUTHORIZED BY LAW FOR THE
17 INVESTMENT OF STATE MONEY. HOWEVER, AN INVESTMENT SHALL NOT
18 INTERFERE WITH ANY APPORTIONMENT, ALLOCATION, OR PAYMENT OF MONEY
19 AS REQUIRED BY THIS SECTION. THE STATE TREASURER SHALL CREDIT TO
20 THE FUND ALL INCOME EARNED AS A RESULT OF AN INVESTMENT.

21 (3) THE STATE TREASURER SHALL ADMINISTER THE PAYMENT OF
22 MONEY OUT OF THE LEGAL AID SOCIETIES FUND AS PROVIDED IN THIS
23 SECTION. THE STATE TREASURER SHALL DISTRIBUTE FROM THE LEGAL AID
24 SOCIETIES FUND THE TOTAL AMOUNT AVAILABLE IN A FISCAL YEAR TO
25 EACH ELIGIBLE LEGAL AID SOCIETY. THE FUNDS SHALL BE DISTRIBUTED
26 ACCORDING TO THE SCHEDULE, ELIGIBILITY CRITERIA, AND FUND
27 DISTRIBUTION CRITERIA SET FORTH IN THIS SECTION.

1 (4) A LEGAL AID SOCIETY THAT OPERATES WITHIN THIS STATE MAY
2 APPLY FOR FINANCIAL ASSISTANCE FROM THE LEGAL AID SOCIETIES FUND
3 FOR THE FUNDING OF THE SOCIETY DURING THE CALENDAR YEAR FOLLOWING
4 THE CALENDAR YEAR IN WHICH APPLICATION IS MADE. A LEGAL AID
5 SOCIETY SHALL APPLY FOR FINANCIAL ASSISTANCE UNDER THIS SUBSEC-
6 TION NOT LATER THAN NOVEMBER 1 OF THE CALENDAR YEAR IMMEDIATELY
7 BEFORE THE CALENDAR YEAR FOR WHICH FINANCIAL ASSISTANCE IS
8 DESIRED. THE APPLICATION SHALL INCLUDE ALL OF THE FOLLOWING:

9 (A) EVIDENCE THAT THE APPLICANT IS INCORPORATED IN THIS
10 STATE AS A NONPROFIT CORPORATION.

11 (B) A LIST OF THE TRUSTEES OF THE NONPROFIT CORPORATION, AND
12 A LIST OF THE TRUSTEES OF THE APPLICANT, IF DIFFERENT.

13 (C) THE PROPOSED BUDGET OF THE APPLICANT FOR THE FUNDS FOR
14 THE CALENDAR YEAR FOR WHICH FINANCIAL ASSISTANCE IS DESIRED.

15 (D) A SUMMARY OF THE SERVICES TO BE OFFERED BY THE APPLICANT
16 IN THE CALENDAR YEAR FOR WHICH FINANCIAL ASSISTANCE IS DESIRED.

17 (E) A SPECIFIC DESCRIPTION OF THE TERRITORY SERVED BY THE
18 APPLICANT.

19 (F) AN ESTIMATE OF THE NUMBER OF INDIGENTS TO BE SERVED BY
20 THE APPLICANT DURING THE CALENDAR YEAR FOR WHICH FINANCIAL
21 ASSISTANCE IS DESIRED.

22 (G) EVIDENCE THAT THE APPLICANT RECEIVES OR HAS RECEIVED
23 FUNDING UNDER THE LEGAL SERVICES CORPORATION ACT, TITLE X OF
24 PUBLIC LAW 88-452, 42 U.S.C. 2996 TO 2996I, OR IS OTHERWISE CON-
25 sidered A LEGAL AID SOCIETY UNDER SUBSECTION (15)(D).

26 (H) A GENERAL DESCRIPTION OF ADDITIONAL SOURCES OF FUNDS
27 AVAILABLE TO THE APPLICANT.

1 (I) THE AMOUNT OF THE APPLICANT'S TOTAL BUDGET FOR THE
2 CALENDAR YEAR IN WHICH THE APPLICATION IS FILED AND THE AMOUNT
3 THAT THE APPLICANT WILL EXPEND IN THAT CALENDAR YEAR FOR LEGAL
4 SERVICES IN EACH OF THE COUNTIES THE APPLICANT SERVES.

5 (J) A SPECIFIC DESCRIPTION OF ANY SERVICES, PROGRAMS, TRAIN-
6 ING, OR LEGAL TECHNICAL ASSISTANCE TO BE DELIVERED BY PRIVATE
7 ATTORNEYS OR THROUGH PROGRAMS USING PRIVATE ATTORNEYS INCLUDING,
8 BUT NOT LIMITED TO, REDUCED FEE PLANS, JUDICARE PANELS, AND ORGA-
9 NIZED PRO BONO PROGRAMS. THE DESCRIPTION SHALL INCLUDE A
10 DETAILED LIST OF THE CONDITIONS, IF ANY, PURSUANT TO WHICH COM-
11 PENSATION WILL BE PROVIDED TO PRIVATE ATTORNEYS FOR PROVIDING THE
12 SERVICES, PROGRAMS, TRAINING, OR LEGAL TECHNICAL ASSISTANCE.

13 (K) ANY OTHER INFORMATION THE STATE TREASURER CONSIDERS
14 NECESSARY.

15 (5) THE STATE TREASURER SHALL DETERMINE WHETHER AN APPLICANT
16 FOR FINANCIAL ASSISTANCE UNDER SUBSECTION (4) IS AN ELIGIBLE
17 LEGAL AID SOCIETY. ON OR BEFORE DECEMBER 15 OF THE CALENDAR YEAR
18 IN WHICH AN APPLICATION IS FILED, THE STATE TREASURER SHALL
19 NOTIFY THE APPLICANT, IN WRITING, WHETHER THE APPLICANT IS ELIGI-
20 BLE FOR FINANCIAL ASSISTANCE UNDER THIS SECTION. IF THE LEGAL
21 AID SOCIETY IS ELIGIBLE, THE STATE TREASURER SHALL ESTIMATE THE
22 AMOUNT THAT WILL BE AVAILABLE FOR THAT APPLICANT FOR EACH 6-MONTH
23 DISTRIBUTION PERIOD, AS DETERMINED UNDER SUBSECTION (6).

24 (6) THE STATE TREASURER SHALL ALLOCATE MONEY CONTAINED IN
25 THE LEGAL AID SOCIETIES FUND TWICE EACH YEAR FOR DISTRIBUTION TO
26 ELIGIBLE LEGAL AID SOCIETIES THAT FILED AN APPLICATION IN THE
27 PREVIOUS CALENDAR YEAR. THE STATE TREASURER SHALL ALLOCATE ALL

1 MONEY IN THE FUND ON JANUARY 1 OF A CALENDAR YEAR TO ELIGIBLE
2 LEGAL AID SOCIETIES AND SHALL DISTRIBUTE THE MONEY TO THE ELIGI-
3 BLE LEGAL AID SOCIETY ON OR BEFORE JANUARY 15 OF THAT CALENDAR
4 YEAR. THE STATE TREASURER SHALL ALLOCATE ALL MONEY IN THE FUND
5 ON JULY 1 OF A CALENDAR YEAR TO ELIGIBLE LEGAL AID SOCIETIES AND
6 SHALL DISTRIBUTE THE MONEY TO ELIGIBLE LEGAL AID SOCIETIES ON OR
7 BEFORE JULY 15 OF THAT CALENDAR YEAR. FOR EACH JANUARY 1 AND
8 JULY 1 ALLOCATION OF MONEY UNDER THIS SUBSECTION, THE STATE TREA-
9 SURER, SUBJECT TO SUBSECTION (7), SHALL APPORTION ALL MONEY IN.
10 THE LEGAL AID SOCIETIES FUND ON THOSE DATES AS FOLLOWS:

11 (A) TEN PERCENT OF THE MONEY IN THE LEGAL AID SOCIETIES FUND
12 SHALL BE DISTRIBUTED TO ELIGIBLE LEGAL AID SOCIETIES THAT PROVIDE
13 SERVICES ON A STATEWIDE BASIS, INCLUDING, BUT NOT LIMITED TO,
14 SUPPORT AND TRAINING FOR LOCAL LEGAL AID SOCIETIES AND GENERAL
15 SERVICES ON A STATEWIDE BASIS FOR POPULATIONS WITH SPECIAL LEGAL
16 NEEDS.

17 (B) THE REMAINING 90% OF THE MONEY IN THE LEGAL AID SOCIE-
18 TIES FUND SHALL BE APPORTIONED AMONG THE COUNTIES THAT ARE SERVED
19 BY ELIGIBLE LEGAL AID SOCIETIES SO THAT EACH SUCH COUNTY IS
20 APPORTIONED A PORTION OF THE MONEY BASED UPON THE RATIO OF THE
21 NUMBER OF INDIGENTS WHO RESIDE IN THAT COUNTY TO THE TOTAL NUMBER
22 OF INDIGENTS WHO RESIDE IN ALL COUNTIES OF THIS STATE THAT ARE
23 SERVED BY ELIGIBLE LEGAL AID SOCIETIES. SUBJECT TO SUBSECTION
24 (7), THE MONEY APPORTIONED TO A COUNTY UNDER THIS SUBSECTION
25 SHALL BE DISTRIBUTED TO THE ELIGIBLE LEGAL AID SOCIETY THAT
26 SERVES THE COUNTY. FOR PURPOSES OF THIS SUBSECTION, THE SOURCE
27 OF DATA IDENTIFYING THE NUMBER OF INDIGENT PERSONS WHO RESIDE IN

1 A COUNTY IS THE MOST RECENT DECENNIAL CENSUS FIGURES FROM THE
2 UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS.

3 (7) IF THE STATE TREASURER, IN ALLOCATING MONEY UNDER SUB-
4 SECTION (6)(A), DETERMINES THAT STATEWIDE SERVICES ARE PROVIDED
5 BY MORE THAN 1 ELIGIBLE LEGAL AID SOCIETY, OR, IN ALLOCATING
6 MONEY UNDER SUBSECTION (6)(B), DETERMINES THAT A COUNTY THAT HAS
7 BEEN APPORTIONED MONEY UNDER SUBSECTION (6)(B) IS SERVED BY MORE
8 THAN 1 ELIGIBLE LEGAL AID SOCIETY, THE STATE TREASURER SHALL
9 ALLOCATE THE MONEY THAT HAS BEEN APPORTIONED TO THE STATEWIDE
10 FUND UNDER SUBSECTION (6)(A) OR TO THAT COUNTY UNDER SUBSECTION
11 (6)(B) AMONG ALL ELIGIBLE LEGAL AID SOCIETIES THAT SERVE THAT
12 AREA ON A PRO RATA BASIS, SO THAT EACH SUCH ELIGIBLE LEGAL AID
13 SOCIETY IS ALLOCATED A PORTION BASED UPON THE AMOUNT OF ITS TOTAL
14 BUDGET EXPENDED IN THE CALENDAR YEAR IN WHICH THE APPLICATION WAS
15 FILED FOR FREE LEGAL SERVICES TO INDIGENT CLIENTS IN CIVIL CASES
16 IN THAT AREA DIVIDED BY THE AMOUNT OF FUNDS EXPENDED FOR SUCH
17 SERVICES BY ALL SUCH ELIGIBLE LEGAL AID SOCIETIES.

18 (8) A LEGAL AID SOCIETY THAT RECEIVES FINANCIAL ASSISTANCE
19 UNDER THIS SECTION SHALL USE THE FINANCIAL ASSISTANCE FOR 1 OR
20 MORE OF THE FOLLOWING PURPOSES:

21 (A) TO DEFRAY THE COSTS OF PROVIDING LEGAL SERVICES TO
22 INDIGENTS.

23 (B) TO PROVIDE LEGAL TRAINING AND LEGAL TECHNICAL ASSISTANCE
24 TO OTHER ELIGIBLE LEGAL AID SOCIETIES.

25 (C) IF THE LEGAL AID SOCIETY HAS ENTERED INTO AN AGREEMENT
26 WITH A LOCAL BAR ASSOCIATION, A PRIVATE ATTORNEY, OR A GROUP OF
27 PRIVATE ATTORNEYS PURSUANT TO SUBSECTION (14) AND PURSUANT TO THE

1 DESCRIPTION AND LIST OF CONDITIONS SET FORTH IN THE LEGAL AID
2 SOCIETY'S APPLICATION UNDER SUBSECTION (4)(J), TO PROVIDE FUNDS
3 FOR THE SERVICES, PROGRAMS, TRAINING, AND LEGAL TECHNICAL ASSIST-
4 ANCE PROVIDED BY THE LOCAL BAR ASSOCIATION, PRIVATE ATTORNEY, OR
5 GROUP OF PRIVATE ATTORNEYS.

6 (9) A LEGAL AID SOCIETY SHALL NOT USE FINANCIAL ASSISTANCE
7 RECEIVED UNDER THIS SECTION TO PROVIDE LEGAL SERVICES IN RELATION
8 TO ANY CRIMINAL CASE OR PROCEEDING OR IN RELATION TO THE PROVI-
9 SION OF LEGAL ASSISTANCE IN ANY FEE-GENERATING CASE.

10 (10) A LEGAL AID SOCIETY SHALL USE MONEY RECEIVED FROM THE
11 LEGAL AID SOCIETIES FUND UNDER THIS SECTION ONLY FOR CIVIL LEGAL
12 ASSISTANCE THAT IS PERMISSIBLE UNDER THE LEGAL SERVICES CORPORA-
13 TION ACT, TITLE X OF PUBLIC LAW 88-452, 42 U.S.C. 2996 TO 2996I,
14 AND RELATED REGULATIONS.

15 (11) IN PROVIDING LEGAL ASSISTANCE TO INDIGENTS, EACH LEGAL
16 AID SOCIETY THAT RECEIVES FINANCIAL ASSISTANCE UNDER THIS SECTION
17 SHALL ENSURE ALL OF THE FOLLOWING:

18 (A) THE MAINTENANCE OF QUALITY SERVICE AND PROFESSIONAL
19 STANDARDS.

20 (B) THAT NO PERSON SHALL INTERFERE WITH ANY ATTORNEY FUNDED
21 IN WHOLE OR IN PART BY THIS SECTION IN CARRYING OUT HIS OR HER
22 PROFESSIONAL RESPONSIBILITY TO HIS OR HER CLIENT AS ESTABLISHED
23 BY THE RULES OF PROFESSIONAL RESPONSIBILITY.

24 (C) THE EXPENDITURE OF THE FINANCIAL ASSISTANCE RECEIVED
25 PURSUANT TO THIS SECTION ONLY IN ACCORDANCE WITH THIS ACT.

26 (D) THE PRESERVATION OF CLIENT CONFIDENTIALITY.

1 (12) A LEGAL AID SOCIETY THAT RECEIVES FINANCIAL ASSISTANCE
2 UNDER THIS SECTION SHALL FILE AN ANNUAL REPORT WITH THE STATE
3 TREASURER DETAILING THE NUMBER AND TYPES OF CASES HANDLED, AND
4 THE AMOUNT AND TYPES OF LEGAL TRAINING AND LEGAL TECHNICAL
5 ASSISTANCE PROVIDED, BY MEANS OF THAT FINANCIAL ASSISTANCE. THE
6 INFORMATION CONTAINED IN THE REPORT SHALL NOT IDENTIFY OR ENABLE
7 THE IDENTIFICATION OF ANY PERSON SERVED BY THE LEGAL AID SOCIETY
8 OR IN ANY OTHER WAY BREACH CLIENT CONFIDENTIALITY.

9 (13) THE STATE TREASURER SHALL MAKE AN ANNUAL REPORT TO THE
10 GOVERNOR, THE LEGISLATURE, AND THE SUPREME COURT ON THE DISTRIBUTION
11 AND USE OF THE LEGAL AID SOCIETIES FUND. THE INFORMATION
12 CONTAINED IN THE REPORT SHALL NOT IDENTIFY OR ENABLE THE IDENTIFICATION
13 OF ANY PERSON SERVED BY A LEGAL AID SOCIETY, OR IN ANY
14 WAY BREACH CLIENT CONFIDENTIALITY.

15 (14) A LEGAL AID SOCIETY MAY ENTER INTO AN AGREEMENT WITH A
16 LOCAL BAR ASSOCIATION, A PRIVATE ATTORNEY, OR A GROUP OF PRIVATE
17 ATTORNEYS PURSUANT TO WHICH THE BAR ASSOCIATION, PRIVATE ATTORNEY,
18 OR GROUP OF PRIVATE ATTORNEYS PROVIDE SERVICES, PROGRAMS,
19 TRAINING, OR LEGAL TECHNICAL ASSISTANCE FOR THE LEGAL AID SOCIETY
20 OR TO INDIGENT PERSONS.

21 (15) AS USED IN THIS SECTION:

22 (A) "ELIGIBLE LEGAL AID SOCIETY" MEANS A LEGAL AID SOCIETY
23 THAT HAS APPLIED FOR FINANCIAL ASSISTANCE UNDER THIS SECTION AND
24 HAS MET THE REQUIREMENTS UNDER THIS SECTION TO RECEIVE MONEY FROM
25 THE LEGAL AID SOCIETIES FUND.

26 (B) "FEE-GENERATING CASE" MEANS A CASE OR MATTER THAT, IF
27 UNDERTAKEN ON BEHALF OF AN INDIGENT BY AN ATTORNEY IN PRIVATE

1 PRACTICE, REASONABLY WOULD BE EXPECTED TO RESULT IN PAYMENT OF A
2 FEE FOR LEGAL SERVICES FROM AN AWARD TO A CLIENT, FROM PUBLIC
3 FUNDS, OR FROM THE OPPOSING PARTY. A CASE SHALL NOT BE CONSID-
4 ERED A FEE GENERATING CASE IF ADEQUATE REPRESENTATION IS UNAVAIL-
5 ABLE AND IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST CONCERNING
6 THE CASE:

7 (i) THE LEGAL AID SOCIETY THAT REPRESENTS AN INDIGENT IN THE
8 CASE HAS DETERMINED THAT FREE REFERRAL IS NOT POSSIBLE FOR ANY OF
9 THE FOLLOWING REASONS:

10 (A) THE CASE HAS BEEN REJECTED BY THE LOCAL LAWYER REFERRAL
11 SERVICE OR, IF THERE IS NO SUCH SERVICE, BY 2 ATTORNEYS IN PRI-
12 VATE PRACTICE WHO HAVE EXPERIENCE IN THE SUBJECT MATTER OF THE
13 CASE.

14 (B) NEITHER THE LOCAL LAWYER REFERRAL SERVICE, IF ONE
15 EXISTS, NOR AN ATTORNEY IN PRIVATE PRACTICE WILL CONSIDER THE
16 CASE WITHOUT PAYMENT OF A CONSULTATION FEE.

17 (C) THE CASE IS OF A TYPE THAT AN ATTORNEY IN PRIVATE PRAC-
18 TICE IN THE AREA ORDINARILY DOES NOT ACCEPT OR DOES NOT ACCEPT
19 WITHOUT PREPAYMENT OF A FEE.

20 (D) EMERGENCY CIRCUMSTANCES COMPEL IMMEDIATE ACTION BEFORE
21 REFERRAL CAN BE MADE, BUT THE CLIENT IS ADVISED THAT, IF APPRO-
22 PRIATE AND CONSISTENT WITH PROFESSIONAL RESPONSIBILITY, REFERRAL
23 WILL BE ATTEMPTED AT A LATER TIME.

24 (ii) RECOVERY OF DAMAGES IS NOT THE PRINCIPAL OBJECT OF THE
25 CASE AND A REQUEST FOR DAMAGES IS MERELY ANCILLARY TO AN ACTION
26 FOR EQUITABLE OR OTHER NONPECUNIARY RELIEF, OR INCLUSION OF A
27 COUNTERCLAIM REQUESTING DAMAGES IS NECESSARY FOR EFFECTIVE

1 DEFENSE OR BECAUSE OF APPLICABLE RULES GOVERNING JOINDER OF
2 COUNTERCLAIMS.

3 (iii) A COURT HAS APPOINTED A LEGAL AID SOCIETY OR ITS
4 EMPLOYEE TO REPRESENT THE INDIGENT IN THE CASE PURSUANT TO A
5 STATUTE OR A COURT RULE OR PRACTICE OF EQUAL APPLICABILITY TO ALL
6 ATTORNEYS IN THE JURISDICTION.

7 (iv) THE CASE INVOLVES THE RIGHT OF A CLAIM UNDER A PUBLICLY
8 SUPPORTED BENEFIT PROGRAM FOR WHICH ENTITLEMENT IS BASED ON
9 NEED.

10 (C) "INDIGENT" MEANS AN INDIVIDUAL WHOSE INCOME IS NOT
11 GREATER THAN 125% OF THE CURRENT POVERTY THRESHOLD ESTABLISHED BY
12 THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET. AN ORGANIZA-
13 TIONAL CLIENT OR GROUP OF CLIENTS IS CONSIDERED INDIGENT IF 1 OR
14 MORE OF THE FOLLOWING APPLY:

15 (i) THE CLIENT IS PRIMARILY COMPOSED OF PERSONS ELIGIBLE FOR
16 LEGAL ASSISTANCE UNDER THIS SECTION.

17 (ii) THE CLIENT HAS AS ITS PRIMARY PURPOSE THE FURTHERANCE
18 OF THE INTERESTS OF INDIGENT PERSONS.

19 (iii) THE CLIENT PROVIDES INFORMATION SHOWING IT LACKS AND
20 HAS NO PRACTICAL MEANS OF OBTAINING FUNDS TO RETAIN PRIVATE
21 COUNSEL.

22 (D) "LEGAL AID SOCIETY" MEANS A NONPROFIT CORPORATION THAT
23 IS INCORPORATED AND OPERATING EXCLUSIVELY IN THIS STATE FOR THE
24 PRIMARY PURPOSE AND FUNCTION OF PROVIDING FREE CIVIL LEGAL SERV-
25 ICES TO INDIGENTS AND THAT IS RECEIVING OR HAS RECEIVED FUNDING
26 UNDER THE LEGAL SERVICES CORPORATION ACT, TITLE X OF PUBLIC LAW
27 88-452, 42 U.S.C. 2996 TO 2996I. A LEGAL AID SOCIETY, IN

1 ADDITION TO PROVIDING FREE CIVIL LEGAL SERVICES TO INDIGENTS, MAY ---
2 PROVIDE FREE LEGAL TRAINING OR FREE LEGAL TECHNICAL ASSISTANCE TO
3 OTHER LEGAL AID SOCIETIES IN THIS STATE. NOTWITHSTANDING ANY
4 PROVISION OF THIS SECTION TO THE CONTRARY, A LEGAL AID SOCIETY
5 INCLUDES THE LEGAL AID AND DEFENDER ASSOCIATION LOCATED IN WAYNE
6 COUNTY.

7 Sec. 8371. (1) Before a civil action is commenced in the
8 district court, the moving party shall pay to the clerk the sum
9 of ~~-\$32.00-~~ \$47.00 if the amount in controversy exceeds
10 \$3,000.00, the sum of ~~-\$22.00-~~ \$32.00 if the amount in contro-
11 versy exceeds \$600.00 but does not exceed \$3,000.00, or the sum
12 of ~~-\$12.00-~~ \$17.00 if the amount in controversy does not exceed
13 \$600.00.

14 (2) Of each filing fee collected within the month, at the
15 end of each month, the clerk shall transmit \$2.00 to the state
16 treasurer to be credited to the community dispute resolution fund
17 created by the community dispute resolution act, ACT NO. 260 OF
18 THE PUBLIC ACTS OF 1988, BEING SECTIONS 691.1551 TO 691.1564 OF
19 THE MICHIGAN COMPILED LAWS; ~~45% of the remaining filing fee~~ 30%
20 to the executive secretary of the JUDGES' retirement system for
21 remittal pursuant to section 2530a; ~~and the balance of each~~
22 ~~filing fee~~ 36% to the treasurer of the district control unit in
23 which the action was commenced; AND THE BALANCE TO THE STATE
24 TREASURER FOR DEPOSIT IN THE DUE PROCESS COSTS FUND CREATED BY
25 SECTION 2530B.

1 (3) The judge may order payment of any statutory fees waived
2 or suspended until the conclusion of the litigation, upon a
3 showing by affidavit of indigency or inability to pay.

4 (4) Neither the state nor a political subdivision of the
5 state shall be required to pay a filing fee in a civil infraction
6 action.

7 (5) Except for civil actions filed for relief under chapter
8 43, 57, or 84, if a civil action is filed for relief other than
9 money damages, the filing fee shall be equal to the filing fee in
10 actions for money damages in excess of \$3,000.00 as provided in
11 subsection (1).

12 (6) After January 1, 1993 the filing fee shall be ~~-\$30.00-~~
13 \$45.00 if the amount in controversy exceeds \$3,000.00, ~~-\$20.00-~~
14 \$30.00 if the amount in controversy exceeds \$600.00, and ~~-\$10.00-~~
15 \$15.00 if the amount does not exceed \$600.00, and the state trea-
16 surer shall not credit \$2.00 to the community dispute resolution
17 fund CREATED BY ACT NO. 260 OF THE PUBLIC ACTS OF 1988.

18 Sec. 8381. When fines and costs are assessed by a magis-
19 trate, a traffic bureau, or a judge of the district court, not
20 less than ~~-\$5.00-~~ \$7.00 shall be assessed as costs and collected
21 for each conviction or civil infraction determination and each
22 guilty plea or civil infraction admission except for parking
23 violations. Of the costs assessed and collected, for each con-
24 viction or civil infraction determination and each guilty plea or
25 civil infraction admission, ~~-\$5.00-~~ \$7.00 shall be paid to the
26 clerk of the district court who, on or before the fifteenth of
27 each month, shall transmit it to the state treasurer. ~~The~~

1 BEGINNING JANUARY 1, 1992, THE state treasurer shall deposit ~~6%~~
 2 4% of the costs collected to the legislative retirement fund cre-
 3 ated by THE MICHIGAN LEGISLATIVE RETIREMENT SYSTEM ACT, Act
 4 No. 261 of the Public Acts of 1957, as amended, being sections
 5 38.1001 to 38.1060 of the Michigan Compiled Laws; ~~9%~~ 7% of the
 6 costs collected to the EXECUTIVE SECRETARY OF THE STATE OF
 7 MICHIGAN judges' retirement ~~fund~~ SYSTEM created by THE JUDGES'
 8 RETIREMENT ACT, Act No. 198 of the Public Acts of 1951, as
 9 amended, BEING SECTIONS 38.801 TO 38.833 OF THE MICHIGAN COMPILED
 10 LAWS; 29% OF THE COSTS COLLECTED TO THE LEGAL AID SOCIETIES FUND
 11 CREATED BY SECTION 2530C; and shall deposit IN THE GENERAL FUND
 12 the balance of the costs collected. ~~in the general fund.~~

13 Section 2. This amendatory act shall take effect January 1,
 14 1992.

15 Section 3. This amendatory act shall not take effect unless
 16 all of the following bills of the 86th Legislature are enacted
 17 into law:

18 (a) Senate Bill No. _____ or House Bill No. 4326
 19 (request no. 01944'91).

20 (b) Senate Bill No. _____ or House Bill No. 4325
 21 (request no. 01945'91).