



HOUSE BILL No. 4873

June 17, 1993, Introduced by Reps. Griffin, Ciaramitaro, Dolan, Brown, Gubow, Gire, Points, Freeman, Baade and DeMars and referred to the Committee on Appropriations.

A bill to amend sections 880, 2528, 2529, 5756, and 8381 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 880 as added and section 8381 as amended by Act No. 233 of the Public Acts of 1992 and sections 2528, 2529, and 5756 as amended by Act No. 292 of the Public Acts of 1992, being sections 600.880, 600.2528, 600.2529, 600.5756, and 600.8381 of the Michigan Compiled Laws; and to add section 2530b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 880, 2528, 2529, 5756, and 8381 of Act
2 No. 236 of the Public Acts of 1961, section 880 as added and sec-
3 tion 8381 as amended by Act No. 233 of the Public Acts of 1992
4 and sections 2528, 2529, and 5756 as amended by Act No. 292 of
5 the Public Acts of 1992, being sections 600.880, 600.2528,

1 600.2529, 600.5756, and 600.8381 of the Michigan Compiled Laws,
2 are amended and section 2530b is added to read as follows:

3 Sec. 880. (1) Except as provided in subsection (2), at the
4 time of filing a petition in the probate court for 1 of the fol-
5 lowing matters, the moving party shall pay a ~~-\$15.00-~~ \$30.00
6 filing fee to the probate court registrar:

7 (a) Administration of a small estate, whether testate or
8 intestate, if the value of the property involved exceeds
9 \$5,000.00.

10 (b) Supervised or independent probate of either a testate or
11 intestate estate.

12 (c) Supervision in an independent probate proceeding if the
13 petition is filed by a person other than the independent personal
14 representative of the estate to which the proceeding relates.

15 (d) Administration of the estate of a person dying
16 intestate.

17 (e) Admission of a will to probate, whether the decedent is
18 a resident of this state or a nonresident.

19 (f) Local administration of the estate of a nonresident
20 decedent by a foreign fiduciary.

21 (g) Appointment of a conservator or other protective order.

22 (h) Appointment or removal of a trustee.

23 (i) Construction of a trust or a declaration of rights under
24 a trust.

25 (j) Appointment of a temporary fiduciary other than a
26 guardian.

1 (k) Determination of heirs.

2 (l) Commencing a matter over which the probate court has
3 exclusive jurisdiction or is granted concurrent jurisdiction pur-
4 suant to section 22 of the Revised Probate Code, Act No. 642 of
5 the Public Acts of 1978, being section 700.22 of the Michigan
6 Compiled Laws, if that matter is ancillary to the settlement of
7 an estate of a decedent, ward, protected person, or trust.

8 (m) The change of name of an adult.

9 (n) Adoption.

10 (2) A moving party is not required to pay a fee under this
11 section if the moving party is the attorney general, department
12 of treasury, department of social services, state public adminis-
13 trator, or administrator of veterans affairs of the United States
14 veterans administration.

15 (3) The probate court registrar, on or before the fifth day
16 of the month following the month in which fees are collected
17 under this section, shall pay to the county treasurer all of
18 those fees received during the preceding month. The county trea-
19 surer, within 15 days after the receipt of the fees, shall trans-
20 mit 1/2 OF THE FEES COLLECTED TO THE STATE TREASURER FOR DEPOSIT
21 IN THE LEGAL AID SOCIETIES FUND CREATED BY SECTION 2530B AND THE
22 BALANCE OF the fees COLLECTED to the executive secretary of the
23 Michigan judges retirement system created by the judges retire-
24 ment act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992, BEING
25 SECTIONS 38.2101 TO 38.2608 OF THE MICHIGAN COMPILED LAWS.

26 (4) The county treasurer shall abide by the established
27 rules and regulations governing accounting procedures for

1 counties when transmitting money under this subsection. The
 2 county ~~clerk~~ TREASURER shall prepare and submit a court filing
 3 fee report to the executive secretary of the Michigan judges
 4 retirement system created by the judges retirement act of 1992,
 5 ACT NO. 234 OF THE PUBLIC ACTS OF 1992, at the same time the
 6 county ~~clerk~~ TREASURER transmits the PORTION OF THE fees col-
 7 lected under this section.

8 ~~(4) The county clerk shall prepare and submit a court~~
 9 ~~filing fee report to the executive secretary of the Michigan~~
 10 ~~judges retirement system created by the judges retirement act of~~
 11 ~~1992 at the same time the county clerk transmits the portion of~~
 12 ~~the fees collected under this section.~~

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

16 (a) Before a civil action is commenced in the circuit court,
 17 or before the filing of an application for superintending control
 18 or for an extraordinary writ, except the writ of habeas corpus,
 19 the moving party shall pay the sum of \$42.00. The clerk shall
 20 transmit, at the end of each month, for each \$42.00 collected
 21 within the month, \$18.75 to the executive secretary of the
 22 Michigan judges retirement system created by the judges retire-
 23 ment act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992, BEING
 24 SECTIONS 38.2101 TO 38.2608 OF THE MICHIGAN COMPILED LAWS; \$5.00
 25 to the secretary of the Michigan legislative retirement system
 26 for deposit with the state treasurer in the retirement fund
 27 created by the Michigan legislative retirement system act, Act

1 No. 261 of the Public Acts of 1957, as amended, being sections
2 38.1001 to 38.1060 of the Michigan Compiled Laws; \$5.25 to the
3 state treasurer for deposit in the general fund; \$2.00 to the
4 state treasurer to be credited to the community dispute resolu-
5 tion fund created by the community dispute resolution act, Act
6 No. 260 of the Public Acts of 1988, being sections 691.1551 to
7 691.1564 of the Michigan Compiled Laws; and the balance of the
8 filing fee to the county treasurer.

9 (b) Before the filing and entering of a transcript, claim of
10 appeal, or motion for leave to appeal from the district court,
11 the sum of \$5.00.

12 (c) For each trial before a court of record, with or without
13 a jury, the plaintiff shall pay the sum of \$10.00. The clerk
14 shall pay \$5.00 of each trial fee to the state treasurer, to
15 apply to the credit of the general fund, and \$5.00 of each trial
16 fee into the county treasury, to apply to the credit of the gen-
17 eral fund.

18 (d) Before the entry of a final judgment by default in
19 pleading, in an action without a jury or by consent without trial,
20 or the entry of a judgment against a garnishee defendant upon a
21 district court transcript, or upon the entry of a judgment on an
22 award from a board or referee upon whose award the law permits
23 the entry of judgment, and in all other cases finally disposed of
24 by court order except those described in subdivision (e), the sum
25 of \$10.00. The clerk shall pay \$5.00 of each judgment fee to the
26 state treasurer, to apply to the credit of the general fund.

1 (e) Before the entry of a final judgment in an action in
2 which trial has been had, or in which a jury is called to render
3 a verdict upon default in pleading, the sum of \$10.00. The clerk
4 shall pay \$5.00 of each judgment fee to the state treasurer, to
5 apply to the credit of the general fund.

6 (f) Beginning July 1, 1983, in addition to the judgment fee
7 provided in subdivision (d) or (e), before entry of a final judg-
8 ment in an action for divorce or separate maintenance in which
9 minor children are involved, or the entry of a final judgment in
10 a child custody dispute submitted to the circuit court as an
11 original action, 1 of the following sums, which shall be depos-
12 ited by the county treasurer as provided in section 2530:

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

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

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

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

26 (h) For services under the direction of the court that are
27 not specifically provided for in this section relative to the

1 receipt, safekeeping, or expending of money, or the purchasing,
2 taking, or transferring of or collecting of interest on a securi-
3 ty, the clerk shall receive the allowance and compensation from
4 the parties as the court may consider just and shall direct by
5 court order, after notice to the parties to be charged.

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

7 (J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, UPON THE
8 FILING OF A MOTION, THE SUM OF \$20.00. AT THE END OF EACH MONTH
9 THE CLERK SHALL TRANSMIT \$10.00 FROM EACH FEE COLLECTED UNDER
10 THIS SUBDIVISION TO THE STATE TREASURER FOR DEPOSIT IN THE LEGAL
11 AID SOCIETIES FUND CREATED BY SECTION 2530B.

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

17 (3) In counties where the county clerk receives the fees of
18 his or her office, all or in part, instead of a salary, all or in
19 part, the clerk shall pay over to the county treasurer the sum of
20 \$5.00 on each civil action that is commenced in the circuit
21 court.

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

26 (5) The court may order any of the fees prescribed in this
27 section waived or suspended until the conclusion of the

1 litigation, upon a showing by affidavit of indigency or inability
2 to pay.

3 (6) After January 1, 1996 the filing fee shall be \$40.00 and
4 the state treasurer shall not credit \$2.00 to the community dis-
5 pute resolution fund created by Act No. 260 of the Public Acts of
6 1988.

7 (7) The clerk of the circuit court shall prepare and submit
8 a court filing fee report to the executive secretary of the
9 Michigan judges retirement system created by the judges retire-
10 ment act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992, at the
11 same time the clerk of the circuit court transmits the portion of
12 the fees collected under this section to the executive
13 secretary.

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

17 (a) Before a civil action is commenced, or before the filing
18 of an application for superintending control or for an extraordi-
19 nary writ, except the writ of habeas corpus, the moving party
20 shall pay the sum of \$42.00. The clerk at the end of each month
21 shall transmit for each \$42.00 collected within the month, \$18.75
22 to the executive secretary of the Michigan judges retirement
23 system created by the judges retirement act of 1992, ACT NO. 234
24 OF THE PUBLIC ACTS OF 1992, BEING SECTIONS 38.2101 TO 38.2608 OF
25 THE MICHIGAN COMPILED LAWS; \$5.00 to the secretary of the
26 Michigan legislative retirement system for deposit with the state
27 treasurer in the retirement fund created by the Michigan

1 legislative retirement system act, Act No. 261 of the Public Acts
2 of 1957, as amended, being sections 38.1001 to 38.1060 of the
3 Michigan Compiled Laws; \$5.25 to the state treasurer for deposit
4 in the general fund; \$2.00 to the state treasurer to be credited
5 to the community dispute resolution fund created by the community
6 dispute resolution act, Act No. 260 of the Public Acts of 1988,
7 being sections 691.1551 to 691.1564 of the Michigan Compiled
8 Laws; and the balance of the filing fee to the county treasurer.

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

12 (c) For each trial without a jury, the plaintiff shall pay
13 the sum of \$15.00. If a trial by jury is demanded, the party
14 making the demand at the time shall pay the sum of \$30.00.
15 Failure to pay the fee within the time provided in the court
16 rules constitutes a waiver of the right to a jury trial. The sum
17 shall be taxed in favor of the party paying the fee, in case the
18 party recovers a judgment for costs.

19 (d) Before entry of a final judgment by default in pleading
20 in an action without a jury or by consent without trial, or the
21 entry of a judgment against a garnishee defendant upon a district
22 or municipal court transcript, or the entry of a judgment on an
23 award from a board or referee upon whose award the law permits
24 the entry of judgment, the sum of \$10.00.

25 (e) Before entry of a final judgment in an action in which
26 trial has been had, or in which a jury is called to render a
27 verdict upon default in pleading, the sum of \$10.00.

1 (f) In addition to the judgment fee provided in subdivision
2 (d) or (e), before entry of a final judgment in an action for
3 divorce or separate maintenance in which minor children are
4 involved, or the entry of a final judgment in a child custody
5 dispute submitted to the circuit court as an original action, 1
6 of the following sums, which shall be deposited by the county
7 treasurer as provided in section 2530:

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

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

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

16 (g) ~~Upon~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
17 UPON the filing of a motion, the sum of ~~-\$10.00-~~ \$20.00. AT THE
18 END OF EACH MONTH, THE CLERK SHALL TRANSMIT \$10.00 FROM EACH FEE
19 COLLECTED UNDER THIS SUBDIVISION TO THE STATE TREASURER FOR
20 DEPOSIT IN THE LEGAL AID SOCIETIES FUND CREATED BY SECTION 2530B.

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

24 (i) For services under the direction of the court that are
25 not specifically provided for in this section relative to the
26 receipt, safekeeping, or expending of money, or the purchasing,
27 taking, or transferring of a security, or the collecting of

1 interest on a security, the clerk shall receive the allowance and
2 compensation from the parties as the court may consider just and
3 shall direct by court order, after notice to the parties to be
4 charged.

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

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

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

13 (4) The court may order any of the fees prescribed in this
14 section waived or suspended until the conclusion of the litiga-
15 tion, upon a showing by affidavit of indigency or inability to
16 pay.

17 (5) After January 1, 1996 the filing fee shall be \$40.00 and
18 the state treasurer shall not credit \$2.00 to the community dis-
19 pute resolution fund created by Act No. 260 of the Public Acts of
20 1988.

21 (6) The clerk of the circuit court shall prepare and submit
22 a court filing fee report to the executive secretary of the
23 Michigan judges retirement system created by the judges retire-
24 ment act of 1992 at the same time the clerk of the circuit court
25 transmits the portion of the fees collected under this section to
26 the executive secretary.

1 SEC. 2530B. (1) THE LEGAL AID SOCIETIES FUND IS CREATED IN
2 THE STATE TREASURY. THE LEGAL AID SOCIETIES FUND IS FOR THE
3 CHARITABLE PUBLIC PURPOSE OF PROVIDING FINANCIAL ASSISTANCE TO
4 LEGAL AID SOCIETIES THAT PROVIDE CIVIL LEGAL ASSISTANCE TO
5 INDIGENTS. LEGAL AID SOCIETIES SHALL PROVIDE CIVIL LEGAL ASSIST-
6 ANCE TO INDIGENTS UNDER THIS SECTION IN COMPLIANCE WITH THE STAN-
7 DARDS DESCRIBED IN THE STANDARDS FOR PROVIDERS OF CIVIL LEGAL
8 SERVICES TO THE POOR FIRST APPROVED BY THE AMERICAN BAR ASSOCIA-
9 TION DELEGATES IN AUGUST, 1986.

10 (2) THE STATE TREASURER SHALL CREDIT THE LEGAL AID SOCIETIES
11 FUND WITH DEPOSITS OF PROCEEDS FROM THE COLLECTION OF REVENUE
12 FROM COURT FEES AS PROVIDED FOR IN SECTIONS 880, 2528, 2529, AND
13 8381 AND ALL GIFTS, BEQUESTS, DONATIONS, CONTRIBUTIONS, AND
14 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 REPORT ON THE REJECTION RATE OF CLIENTS SEEKING SERV-
18 ICES IN PERSON, AND THE REASONS THEREFORE.

19 (F) A SPECIFIC DESCRIPTION OF THE TERRITORY SERVED BY THE
20 APPLICANT.

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

24 (H) EVIDENCE THAT THE APPLICANT RECEIVES OR HAS RECEIVED
25 FUNDING UNDER THE LEGAL SERVICES CORPORATION ACT, TITLE X OF THE
26 ECONOMIC OPPORTUNITY ACT OF 1964, PUBLIC LAW 88-452, 42

1 U.S.C. 2996 TO 2996~~l~~, OR IS OTHERWISE CONSIDERED A LEGAL AID
2 SOCIETY UNDER SUBSECTION (15)(D).

3 (I) A GENERAL DESCRIPTION OF ADDITIONAL SOURCES OF FUNDS
4 AVAILABLE TO THE APPLICANT.

5 (J) THE AMOUNT OF THE APPLICANT'S TOTAL BUDGET FOR THE CAL-
6 ENDAR YEAR IN WHICH THE APPLICATION IS FILED AND THE AMOUNT THAT
7 THE APPLICANT WILL EXPEND IN THAT CALENDAR YEAR FOR LEGAL SERV-
8 ICES IN THE COUNTIES THE APPLICANT SERVES.

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

17 (L) ANY OTHER INFORMATION THE STATE TREASURER CONSIDERS
18 NECESSARY.

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

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

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

21 (B) THE REMAINING 90% OF THE MONEY IN THE LEGAL AID SOCIE-
22 TIES FUND SHALL BE APPORTIONED AMONG THE COUNTIES THAT ARE SERVED
23 BY ELIGIBLE LEGAL AID SOCIETIES SO THAT EACH SUCH COUNTY IS
24 APPORTIONED A PORTION OF THE MONEY BASED UPON THE RATIO OF THE
25 NUMBER OF INDIGENTS WHO RESIDE IN THAT COUNTY TO THE TOTAL NUMBER
26 OF INDIGENTS WHO RESIDE IN ALL COUNTIES OF THIS STATE THAT ARE
27 SERVED BY ELIGIBLE LEGAL AID SOCIETIES. SUBJECT TO SUBSECTION

1 (7), THE MONEY APPORTIONED TO A COUNTY UNDER THIS SUBSECTION
2 SHALL BE DISTRIBUTED TO THE ELIGIBLE LEGAL AID SOCIETY THAT
3 SERVES THE COUNTY. FOR PURPOSES OF THIS SUBSECTION, THE SOURCE
4 OF DATA IDENTIFYING THE NUMBER OF INDIGENT PERSONS WHO RESIDE IN
5 A COUNTY IS THE MOST RECENT DECENNIAL CENSUS FIGURES FROM THE
6 UNITED STATES DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS.

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

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

25 (A) TO DEFRAY THE COSTS OF PROVIDING LEGAL SERVICES TO
26 INDIGENTS.

1 (B) TO PROVIDE LEGAL TRAINING AND LEGAL TECHNICAL ASSISTANCE
2 TO OTHER ELIGIBLE LEGAL AID SOCIETIES.

3 (C) IF THE LEGAL AID SOCIETY HAS ENTERED INTO AN AGREEMENT
4 WITH A LOCAL BAR ASSOCIATION, A PRIVATE ATTORNEY, OR A GROUP OF
5 PRIVATE ATTORNEYS PURSUANT TO SUBSECTION (14) AND PURSUANT TO THE
6 DESCRIPTION AND LIST OF CONDITIONS SET FORTH IN THE LEGAL AID
7 SOCIETY'S APPLICATION UNDER SUBSECTION (4)(K), TO PROVIDE FUNDS
8 FOR THE SERVICES, PROGRAMS, TRAINING, AND LEGAL TECHNICAL ASSIST-
9 ANCE PROVIDED BY THE LOCAL BAR ASSOCIATION, PRIVATE ATTORNEY, OR
10 GROUP OF PRIVATE ATTORNEYS.

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

15 (10) A LEGAL AID SOCIETY SHALL NOT USE MONEY RECEIVED FROM
16 THE LEGAL AID SOCIETIES FUND UNDER THIS SECTION FOR CASES THAT
17 ARE NOT PERMISSIBLE UNDER THE LEGAL SERVICES CORPORATION ACT,
18 TITLE X OF THE ECONOMIC OPPORTUNITY ACT OF 1964, PUBLIC LAW
19 88-452, 42 U.S.C. 2996 TO 2996I, AND RELATED REGULATIONS.

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

23 (A) THE MAINTENANCE OF QUALITY SERVICE AND PROFESSIONAL
24 STANDARDS.

25 (B) THAT NO PERSON SHALL INTERFERE WITH ANY ATTORNEY FUNDED
26 IN WHOLE OR IN PART BY THIS SECTION IN CARRYING OUT HIS OR HER

1 PROFESSIONAL RESPONSIBILITY TO HIS OR HER CLIENT AS ESTABLISHED
2 BY THE RULES OF PROFESSIONAL RESPONSIBILITY.

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

5 (D) THE PRESERVATION OF CLIENT CONFIDENTIALITY.

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

14 (13) THE STATE TREASURER SHALL MAKE AN ANNUAL REPORT TO THE
15 GOVERNOR, THE LEGISLATURE, AND THE SUPREME COURT ON THE DISTRIBU-
16 TION AND USE OF THE LEGAL AID SOCIETIES FUND. THE INFORMATION
17 CONTAINED IN THE REPORT SHALL NOT IDENTIFY OR ENABLE THE IDENTI-
18 FICATION OF ANY PERSON SERVED BY A LEGAL AID SOCIETY, OR IN ANY
19 WAY BREACH CLIENT CONFIDENTIALITY.

20 (14) A LEGAL AID SOCIETY MAY ENTER INTO AN AGREEMENT WITH A
21 LOCAL BAR ASSOCIATION, A PRIVATE ATTORNEY, OR A GROUP OF PRIVATE
22 ATTORNEYS PURSUANT TO WHICH THE BAR ASSOCIATION, PRIVATE ATTOR-
23 NEY, OR GROUP OF PRIVATE ATTORNEYS PROVIDE SERVICES, PROGRAMS,
24 TRAINING, OR LEGAL TECHNICAL ASSISTANCE FOR THE LEGAL AID SOCIETY
25 OR TO INDIGENT PERSONS.

26 (15) AS USED IN THIS SECTION:

1 (A) "ELIGIBLE LEGAL AID SOCIETY" MEANS A LEGAL AID SOCIETY
2 THAT HAS APPLIED FOR FINANCIAL ASSISTANCE UNDER THIS SECTION AND
3 HAS MET THE REQUIREMENTS UNDER THIS SECTION TO RECEIVE MONEY FROM
4 THE LEGAL AID SOCIETIES FUND.

5 (B) "FEE-GENERATING CASE" MEANS A CASE OR MATTER THAT, IF
6 UNDERTAKEN ON BEHALF OF AN INDIGENT BY AN ATTORNEY IN PRIVATE
7 PRACTICE, REASONABLY WOULD BE EXPECTED TO RESULT IN PAYMENT OF A
8 FEE FOR LEGAL SERVICES FROM AN AWARD TO A CLIENT, FROM PUBLIC
9 FUNDS, OR FROM THE OPPOSING PARTY. A CASE SHALL NOT BE CONSID-
10 ERÉD A FEE GENERATING CASE IF ADEQUATE REPRESENTATION IS UNAVAIL-
11 ABLE AND IF ANY OF THE FOLLOWING CIRCUMSTANCES EXIST CONCERNING
12 THE CASE:

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

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

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

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

26 (D) EMERGENCY CIRCUMSTANCES COMPEL IMMEDIATE ACTION BEFORE
27 REFERRAL CAN BE MADE, BUT THE CLIENT IS ADVISED THAT, IF

1 APPROPRIATE AND CONSISTENT WITH PROFESSIONAL RESPONSIBILITY,
2 REFERRAL WILL BE ATTEMPTED AT A LATER TIME.

3 (ii) RECOVERY OF DAMAGES IS NOT THE PRINCIPAL OBJECT OF THE
4 CASE AND A REQUEST FOR DAMAGES IS MERELY ANCILLARY TO AN ACTION
5 FOR EQUITABLE OR OTHER NONPECUNIARY RELIEF, OR INCLUSION OF A
6 COUNTERCLAIM REQUESTING DAMAGES IS NECESSARY FOR EFFECTIVE
7 DEFENSE OR BECAUSE OF APPLICABLE RULES GOVERNING JOINDER OF
8 COUNTERCLAIMS.

9 (iii) A COURT HAS APPOINTED A LEGAL AID SOCIETY OR ITS
10 EMPLOYEE TO REPRESENT THE INDIGENT IN THE CASE PURSUANT TO A
11 STATUTE OR A COURT RULE OR PRACTICE OF EQUAL APPLICABILITY TO ALL
12 ATTORNEYS IN THE JURISDICTION.

13 (iv) THE CASE INVOLVES THE RIGHT OF A CLAIM UNDER A PUBLICLY
14 SUPPORTED BENEFIT PROGRAM FOR WHICH ENTITLEMENT IS BASED ON
15 NEED.

16 (c) "INDIGENT" MEANS AN INDIVIDUAL WHOSE INCOME IS NOT
17 GREATER THAN 125% OF THE CURRENT OFFICIAL POVERTY LINE ESTAB-
18 LISHED IN THE POVERTY GUIDELINES ISSUED BY THE SECRETARY OF
19 HEALTH AND HUMAN SERVICES UNDER AUTHORITY OF SECTION 673(2) OF
20 THE COMMUNITY SERVICES BLOCK GRANT ACT, SUBTITLE B OF TITLE VI OF
21 THE OMNIBUS BUDGET RECONCILIATION ACT OF 1981, PUBLIC LAW 97-35,
22 42 U.S.C. 9902. AN ORGANIZATIONAL CLIENT OR GROUP OF CLIENTS IS
23 CONSIDERED INDIGENT IF 1 OR MORE OF THE FOLLOWING APPLY:

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

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

1 (iii) THE CLIENT PROVIDES INFORMATION SHOWING IT LACKS AND
2 HAS NO PRACTICAL MEANS OF OBTAINING FUNDS TO RETAIN PRIVATE
3 COUNSEL.

4 (D) "LEGAL AID SOCIETY" MEANS A NONPROFIT CORPORATION THAT
5 IS INCORPORATED AND OPERATING EXCLUSIVELY IN THIS STATE FOR THE
6 PRIMARY PURPOSE AND FUNCTION OF PROVIDING FREE CIVIL LEGAL SERV-
7 ICES TO INDIGENTS AND THAT IS RECEIVING OR HAS RECEIVED FUNDING
8 UNDER THE LEGAL SERVICES CORPORATION ACT, TITLE X OF THE ECONOMIC
9 OPPORTUNITY ACT OF 1964, PUBLIC LAW 88-452, 42 U.S.C. 2996 TO
10 2996~~1~~. A LEGAL AID SOCIETY, IN ADDITION TO PROVIDING FREE CIVIL
11 LEGAL SERVICES TO INDIGENTS, MAY PROVIDE FREE LEGAL TRAINING OR
12 FREE LEGAL TECHNICAL ASSISTANCE TO OTHER LEGAL AID SOCIETIES IN
13 THIS STATE. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
14 CONTRARY, A LEGAL AID SOCIETY INCLUDES THE LEGAL AID AND DEFENDER
15 ASSOCIATION LOCATED IN WAYNE COUNTY.

16 Sec. 5756. (1) If the complaint is for the recovery of pos-
17 session of premises only, the fee for filing a proceeding under
18 this chapter is ~~-\$22.00-~~ \$32.00.

19 (2) If a claim for a money judgment is joined with a claim
20 for the recovery of possession of premises, the plaintiff shall
21 pay a supplemental filing fee in the same amount as established
22 by law for the filing of a claim for a money judgment in the same
23 court.

24 (3) Of each filing fee and supplemental filing fee collected
25 under this section, at the end of each month, the clerk of the
26 district court shall transmit \$2.00 to the state treasurer to be
27 credited to the community dispute resolution fund created by the

1 community dispute resolution act, Act No. 260 of the Public Acts
2 of 1988, being sections 691.1551 to 691.1564 of the Michigan
3 Compiled Laws; 45% of the remaining filing fee and supplemental
4 filing fee to the executive secretary of the Michigan judges
5 retirement system created by the judges retirement act of 1992,
6 ACT NO. 234 OF THE PUBLIC ACTS OF 1992, BEING SECTIONS 38.2101 TO
7 38.2608 OF THE MICHIGAN COMPILED LAWS; and the balance to the
8 treasurer of the district control unit in which the action was
9 commenced.

10 (4) After January 1, 1996 the filing fee is ~~-\$20.00-~~ \$30.00
11 and the state treasurer shall not credit \$2.00 to the community
12 dispute resolution fund as provided in subsection (3).

13 (5) The clerk of the district court shall prepare and submit
14 a court filing fee report to the executive secretary of the
15 Michigan judges retirement system created by the judges retire-
16 ment act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992, at the
17 same time the clerk of the district court transmits the portion
18 of the fees collected under this section to the executive
19 secretary.

20 Sec. 8381. (1) When fines and costs are assessed by a mag-
21 istrate, a traffic bureau, or a judge of the district court, not
22 less than ~~-\$5.00-~~ \$7.60 shall be assessed as costs and collected
23 for each conviction or civil infraction determination and each
24 guilty plea or civil infraction admission except for parking
25 violations. Of the costs assessed and collected, for each con-
26 viction or civil infraction determination and each guilty plea or
27 civil infraction admission, ~~-\$5.00-~~ \$7.60 shall be paid to the

1 clerk of the district court. The clerk of the district court, on
2 or before the fifteenth day of the month in which costs are col-
3 lected under this section, shall transmit ~~6%~~ 3.95% of the costs
4 collected to the state treasurer for deposit in the legislative
5 retirement fund created by the Michigan legislative retirement
6 system act, Act No. 261 of the Public Acts of 1957, as amended,
7 being sections 38.1001 to 38.1060 of the Michigan Compiled Laws;
8 ~~9%~~ 1.37% of the costs collected to the executive secretary of
9 the Michigan judges retirement system created by the judges
10 retirement act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992,
11 BEING SECTIONS 38.2101 TO 38.2608 OF THE MICHIGAN COMPILED LAWS;
12 38.76% OF THE COSTS COLLECTED TO THE STATE TREASURER FOR DEPOSIT
13 IN THE LEGAL AID SOCIETIES FUND CREATED BY SECTION 2530B; and the
14 balance of the costs collected to the state treasurer for deposit
15 in the general fund.

16 (2) The clerk of the district court shall prepare and submit
17 a court filing fee report to the executive secretary of the
18 Michigan judges retirement system created by the judges retire-
19 ment act of 1992, ACT NO. 234 OF THE PUBLIC ACTS OF 1992, at the
20 same time the clerk of the district court transmits the portion
21 of the costs collected under this section to the executive
22 secretary.

23 Section 2. This amendatory act shall take effect October 1,
24 1993.