

Senate Finance Committee – Judiciary Fee Proposal

Presentation to House Judiciary Committee: May 1, 2015

- **Reflects components of judicial filing fee proposals originated by the Vermont Judiciary**
- **Raises \$744K General Fund revenues, plus \$14K in additional county revenues**
- **Additional General Fund revenues provides opportunity to mitigate multiple budget reductions to Vermont Judiciary and provide funding opportunities re judicial vacancies**
- **Components:**
 - **Probate filing fee increases and new fee: \$440K**
 - Reflects general consensus in probate bar community that Vermont fees are low relative to other states and administrative cost of services
 - Fee increases benchmarked to mid-range of New England states
 - New fee structure for trusts mirrors tiered structure that currently exists for estates, and increases progressivity of fees for both estates and trusts
 - Reflects recognition that higher-value trusts and estates often incur more workload (including motions)
 - New probate fee: filing fee for petition for license to sell personal property (parallel to current filing fee for petition for license to sell real property)
 - Includes increases to file wills for safekeeping; revenues go to counties (\$14K)
 - **All other non-probate filing fees: \$283K**
 - Reflects 10% increase to each filing fee (rounded to nearest upward \$5 increment)
 - Example: Superior/Supreme Court filing fee: increases from \$265 to \$295
 - 10% increase originally proposed by Vermont Judiciary to provide funding stream for acquisition and maintenance of new Case Management System
 - Last substantive fee increase was in 2010
 - Last year was Judiciary’s “Fee Year”
 - administrative surcharge was scheduled to sunset, rolled into base fee and rounded to nearest \$5; no substantive fee increases last year
 - New fee: civil petition for minor settlements (parallels probate petition for minor settlements)
 - **New mandatory *in forma pauperis* (IFP) \$10 copay: \$35K**
 - Reflects estimated current 3,500 pre- and post-judgment IFP requests for exemption from filing fee schedule
 - Imposes *de minimus* charge to reflect significant Judiciary workload associated with the judicial filings