



Substitute Senate Bill No. 428

Public Act No. 16-26

AN ACT CONCERNING FUNDING OF LEGAL SERVICES FOR THE POOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 51-81d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) The Superior Court, in accordance with rules established by the judges of the Superior Court, may (1) establish a Client Security Fund to (A) reimburse claims for losses caused by the dishonest conduct of attorneys admitted to the practice of law in this state and incurred in the course of an attorney-client relationship, [and] (B) provide for crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, and (C) make grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor, and (2) assess any person admitted as an attorney by the Superior Court, in accordance with section 51-80, an annual fee to be deposited in the Client Security Fund for the purposes described in this subsection. Such crisis intervention and referral assistance (i) shall be provided with the

Substitute Senate Bill No. 428

assistance of an advisory committee, to be appointed by the Chief Court Administrator, that includes one or more behavioral health professionals, and (ii) shall not be deemed to constitute the practice of medicine or mental health care.

(b) All fees assessed pursuant to subsection (a) of this section and collected by the Superior Court in accordance with rules established by the judges of the Superior Court may be recorded with the State Comptroller and deposited with the State Treasurer, who shall credit such payments to the Client Security Fund. The State Treasurer shall maintain the Client Security Fund separate and apart from all other moneys, funds and accounts and shall credit any interest earned from the Client Security Fund to the fund. The Client Security Fund shall be maintained by the State Treasurer in trust for the sole and exclusive purposes and uses designated in this section. The moneys in the Client Security Fund are not tax revenues and may not be transferred or credited to the General Fund or any other fund or account except as expressly directed by the committee established to administer the fund and in accordance with rules established by the judges of the Superior Court.

(c) The Client Security Fund shall be used to satisfy the claims approved in accordance with procedures established pursuant to rules of the Superior Court, to provide funding for crisis intervention and referral assistance provided pursuant to this section, to make grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor, and to pay the reasonable costs of administration of the fund. Only moneys deposited in the Client Security Fund on or after October 1, 2016, may be used to make any such grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c.

Substitute Senate Bill No. 428

(d) No such fee shall be assessed to any attorney described in subsection (g) of section 51-81b, except that any attorney who does not engage in the practice of law as an occupation and receives less than [four hundred fifty] one thousand dollars in legal fees or other compensation for services involving the practice of law during the calendar year shall be obligated to pay one-half of such fee.

(e) The Commissioner of Revenue Services shall notify the Chief Court Administrator or his designee of the failure of any person to pay any fee assessed in accordance with subsection (a) of this section.

(f) All information given or received in connection with crisis intervention and referral assistance provided pursuant to this section, including the identity of any attorney seeking or receiving such crisis intervention and referral assistance, shall be confidential and shall not be disclosed to any third person other than a person to whom disclosure is reasonably necessary for the accomplishment of the purposes of such crisis intervention and referral assistance, and shall not be disclosed in any civil or criminal case or proceeding or in any legal or administrative proceeding, unless the attorney seeking or obtaining such crisis intervention and referral assistance waives such privilege or unless disclosure is otherwise required by law. Except as otherwise provided in this subsection, no attorney who provides crisis intervention and referral assistance pursuant to this section shall disclose any information given or received in connection with such crisis intervention and referral assistance unless such disclosure is required by the rules governing communications between attorney and client. Unless the privilege under this subsection has been waived or unless disclosure is otherwise required by law, no person in any civil or criminal case or proceeding or in any legal or administrative proceeding may request or require any information given or received in connection with the crisis intervention and referral assistance provided pursuant to this section.

Substitute Senate Bill No. 428

Sec. 2. Section 52-258 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

The jury fee in civil actions shall be [four hundred twenty-five] four hundred forty dollars to be paid at the time the case is claimed for the jury by the party at whose request the case is placed upon the jury docket. The jury fee shall be taxed in favor of the party paying the jury fee in the bill of costs in the action, if final judgment thereon is rendered in such party's favor.

Sec. 3. Section 52-259 of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) There shall be paid to the clerks for entering each appeal or writ of error to the Supreme Court, or entering each appeal to the Appellate Court, as the case may be, two hundred fifty dollars, and for each civil cause in the Superior Court, [three hundred fifty] three hundred sixty dollars, except (1) [two hundred twenty-five] two hundred thirty dollars for entering each case in the Superior Court in which the sole claim for relief is damages and the amount, legal interest or property in demand is less than two thousand five hundred dollars; (2) one hundred seventy-five dollars for summary process and landlord and tenant actions; and (3) there shall be no entry fee for making an application to the Superior Court for relief under section 46b-15 or 46b-16a, or for making an application to modify or extend an order issued pursuant to section 46b-15 or 46b-16a. If the amount, legal interest or property in demand by the plaintiff is alleged to be less than two thousand five hundred dollars, a new entry fee of seventy-five dollars shall be charged if the plaintiff amends his or her complaint to state that such demand is not less than two thousand five hundred dollars.

(b) The fee for the entry of a small claims case and for filing a counterclaim in a small claims case shall be [ninety] ninety-five dollars.

Substitute Senate Bill No. 428

If a motion is filed to transfer a small claims case to the regular docket, the moving party shall pay a fee of one hundred twenty-five dollars.

(c) There shall be paid to the clerk of the Superior Court by any party who requests that a matter be designated as a complex litigation case the sum of [~~three hundred twenty-five~~] three hundred thirty-five dollars, to be paid at the time the request is filed.

(d) There shall be paid to the clerk of the Superior Court by any party who requests a finding of fact by a judge of such court to be used on appeal the sum of twenty-five dollars, to be paid at the time the request is filed.

(e) There shall be paid to the clerk of the Superior Court a fee of seventy-five dollars for a petition for certification to the Supreme Court and Appellate Court.

(f) There shall be paid to the clerk of the Superior Court for receiving and filing an assessment of damages by appraisers of land taken for public use or the appointment of a commissioner of the Superior Court, two dollars; for recording the commission and oath of a notary public or certifying under seal to the official character of any magistrate, ten dollars; for issuing a certificate that an attorney is in good standing, ten dollars; for certifying under seal, two dollars; for exemplifying, twenty dollars; for making all necessary records and certificates of naturalization, the fees allowed under the provisions of the United States statutes for such services; and for making copies, one dollar per page. Any fee set forth in this subsection shall be payable in accordance with subsection (m) of this section.

(g) There shall be paid to the clerk of the Superior Court for a copy of a judgment file a fee of twenty-five dollars, inclusive of the fees for certification and copying, for a certified copy and a fee of fifteen dollars, inclusive of the fee for copying, for a copy which is not

Substitute Senate Bill No. 428

certified; and for a copy of a certificate of judgment in a foreclosure action, as provided by the rules of practice and procedure, twenty-five dollars, inclusive of the fees for certification and copying. Any fee set forth in this subsection shall be payable in accordance with subsection (m) of this section.

(h) There shall be paid to the clerk of the Superior Court a fee of [one hundred seventy-five] one hundred eighty dollars at the time any application for a prejudgment remedy is filed.

(i) There shall be paid to the clerk of the Superior Court a fee of [six hundred] six hundred twenty dollars at the time any motion to be admitted as attorney pro hac vice is filed.

(j) There shall be paid to the clerk of the Superior Court a fee of [two hundred] two hundred five dollars at the time any counterclaim, cross complaint, apportionment complaint or third party complaint is filed.

(k) There shall be paid to the clerk of the Superior Court a fee of three hundred fifty dollars at the time any application for a dissolution of lien upon the substitution of a bond with surety is filed pursuant to subsection (a) of section 49-37, subsection (b) of section 49-55a, subsection (a) of section 49-61, subsection (a) of section 49-92b or subsection (b) of section 49-92h.

(l) A fee of twenty dollars for any check issued to the court in payment of any fee which is returned as uncollectible by the bank on which it is drawn may be imposed.

(m) Any recording or copying performed under subsection (f) or (g) of this section may be done by photograph, microfilm, as defined in section 51-36, computerized image or other process which accurately reproduces or forms a durable medium for so reproducing the original. The fees required under subsections (f) and (g) of this section for recording and copying shall be payable regardless of the method

Substitute Senate Bill No. 428

by which the recording and copying is done.

(n) The tax imposed under chapter 219 shall not be imposed upon any fee charged under the provisions of this section.

Sec. 4. Section 52-259c of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) There shall be paid to the clerk of the Superior Court upon the filing of any motion to open, set aside, modify or extend any civil judgment rendered in Superior Court a fee of seventy-five dollars for any housing matter, a fee of seventy-five dollars for any small claims matter, a fee of ~~[one hundred seventy-five]~~ one hundred eighty dollars for any post-judgment motion to modify any judgment in a family relations matter, as defined in section 46b-1, and a fee of ~~[one hundred twenty-five]~~ one hundred thirty dollars for any other matter, except no fee shall be paid upon the filing of any motion to open, set aside, modify or extend judgments in juvenile matters or orders issued pursuant to section 46b-15 or 46b-16a or upon the filing of any motion pursuant to subsection (b) of section 46b-63. Such fee may be waived by the court.

(b) Upon the filing of a motion to open or reargue a judgment in any civil appeal rendered by the Supreme Court or Appellate Court or to reconsider any other civil matter decided in either court, the party filing the motion shall pay a fee of ~~[one hundred twenty-five]~~ one hundred thirty dollars.

Sec. 5. Subdivision (1) of subsection (a) of section 52-356a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) (1) On application of a judgment creditor or a judgment creditor's attorney, stating that a judgment remains unsatisfied and the

Substitute Senate Bill No. 428

amount due thereon, and subject to the expiration of any stay of enforcement and expiration of any right of appeal, the clerk of the court in which the money judgment was rendered shall issue an execution pursuant to this section against the nonexempt personal property of the judgment debtor other than debts due from a banking institution or earnings. The application shall be accompanied by a fee of [one hundred] one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action. In the case of a consumer judgment, the application shall indicate whether, pursuant to an installment payment order under subsection (b) of section 52-356d, the court has entered a stay of execution and, if such a stay was entered, shall contain a statement of the judgment creditor or the judgment creditor's attorney as to the debtor's default on payments. In the case of a judgment arising out of services provided at a hospital, no application shall be made until the court has (A) issued an order for installment payments in accordance with section 52-356d, (B) made a finding that the debtor has defaulted on payments under the order, and (C) lifted the mandatory stay issued under section 52-356d. The court shall make a determination concerning noncompliance or default, and decide whether to modify the installment payment plan, continue the installment payment plan, or lift the stay. The execution shall be directed to any levying officer.

Sec. 6. Subsection (a) of section 52-361a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(a) If a judgment debtor fails to comply with an installment payment order, the judgment creditor may apply to the court for a wage execution. The application shall contain the judgment creditor's or the judgment creditor's attorney's statement setting forth the

Substitute Senate Bill No. 428

particulars of the installment payment order and of the judgment debtor's failure to comply. The application shall be accompanied by a fee of [one hundred] one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action.

Sec. 7. Subsection (b) of section 52-367a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) Execution may be granted pursuant to this section against any debts due from any financial institution to a judgment debtor which is not a natural person. If execution is desired against any such debt, the plaintiff requesting the execution shall make application to the clerk of the court. The application shall be accompanied by a fee of [one hundred] one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action. The clerk shall issue such execution containing a direction that the officer serving such execution shall make demand (1) upon the main office of any financial institution having its main office within the county of the serving officer, or (2) if such main office is not within the serving officer's county and such financial institution has one or more branch offices within such county, upon an employee of such a branch office, such employee and branch office having been designated by the financial institution in accordance with regulations adopted by the Banking Commissioner, in accordance with chapter 54, for the payment of any debt due to the judgment debtor, and, after having made such demand, shall serve a true and attested copy thereof, with the serving officer's actions thereon endorsed, with the financial institution officer upon whom such demand is made. The serving officer shall not serve more than one

Substitute Senate Bill No. 428

financial institution execution per judgment debtor at a time, including copies thereof. After service of an execution on one financial institution, the serving officer shall not serve the same execution or a copy thereof upon another financial institution until receiving confirmation from the preceding financial institution that the judgment debtor had insufficient funds at the preceding financial institution available for collection to satisfy the execution. If the serving officer does not receive within twenty-five days of the service of the demand a response from the financial institution that was served indicating whether or not the taxpayer has funds at the financial institution available for collection, the serving officer may assume that sufficient funds are not available for collection and may proceed to serve another financial institution in accordance with this subsection.

Sec. 8. Subsection (b) of section 52-367b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

(b) If execution is desired against any such debt, the plaintiff requesting the execution shall make application to the clerk of the court. The application shall be accompanied by a fee of [one hundred] one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action. In a IV-D case, the request for execution shall be accompanied by an affidavit signed by the serving officer attesting to an overdue support amount of five hundred dollars or more which accrued after the entry of an initial family support judgment. If the papers are in order, the clerk shall issue such execution containing a direction that the officer serving such execution shall, within seven days from the receipt by the serving officer of such execution, make demand (1) upon the main office of any financial institution having its main office within the county of the serving officer, or (2) if such main

Substitute Senate Bill No. 428

office is not within the serving officer's county and such financial institution has one or more branch offices within such county, upon an employee of such a branch office, such employee and branch office having been designated by the financial institution in accordance with regulations adopted by the Banking Commissioner, in accordance with chapter 54, for payment of any such nonexempt debt due to the judgment debtor and, after having made such demand, shall serve a true and attested copy of the execution, together with the affidavit and exemption claim form prescribed by subsection (k) of this section, with the serving officer's actions endorsed thereon, with the financial institution officer upon whom such demand is made. The serving officer shall not serve more than one financial institution execution per judgment debtor at a time, including copies thereof. After service of an execution on one financial institution, the serving officer shall not serve the same execution or a copy thereof upon another financial institution until receiving confirmation from the preceding financial institution that the judgment debtor had insufficient funds at the preceding financial institution available for collection to satisfy the execution, provided any such additional service is made not later than forty-five days from the receipt by the serving officer of such execution. After service of an execution on a financial institution, the serving officer shall not subsequently serve the same execution or a copy thereof upon such financial institution if an electronic direct deposit from a readily identifiable source described in subsection (c) of this section was made to the judgment debtor's account during the look-back period, as described in subsection (c) of this section. If no such deposit was made, the serving officer may subsequently serve the same execution or a copy thereof upon such institution, provided such execution has not expired or otherwise become unenforceable.

Sec. 9. Section 51-5d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2016*):

Substitute Senate Bill No. 428

(a) The Chief Court Administrator, or a designee, on or before the last day of January, April, July and October in each year, shall certify the amount of revenue received as a result of any fee increase that took effect July 1, 2009, set forth in sections 52-258, 52-259, 52-259c and 52-361a, and transfer such amount to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor.

(b) The Chief Court Administrator, or a designee, on or before the last day of January, April, July and October in each year, shall (1) certify the amount of revenue received as a result of any fee increase that took effect July 1, 2012, set forth in (A) section 52-259, (B) section 52-259c, (C) subdivision (1) of subsection (a) of section 52-356a, (D) subsection (a) of section 52-361a, (E) subsection (b) of section 52-367a, and (F) subsection (b) of section 52-367b, and (2) transfer (A) seventy per cent of such amount prior to July 1, 2014, and ninety-five per cent of such amount on or after July 1, 2014, to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor, and (B) thirty per cent of such amount prior to July 1, 2014, and five per cent of such amount on or after July 1, 2014, to the Judicial Data Processing Revolving Fund established in section 51-5b, for the purpose of maintaining and improving any informational data processing system operated by the Judicial Department, subject to the transfer requirements of subsection (c) of section 51-5b.

(c) The Chief Court Administrator, or a designee, on or before the last day of January, April, July and October in each year, shall certify the amount of revenue received as a result of any fee increase that took effect July 1, 2016, set forth in sections 52-258, as amended by this act, 52-259, as amended by this act, 52-259c, as amended by this act, 52-

Substitute Senate Bill No. 428

356a, as amended by this act, 52-361a, as amended by this act, 52-367a, as amended by this act, and 52-367b, as amended by this act, and transfer such amount to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to section 51-81c, for the purpose of funding the delivery of legal services to the poor.