

State budget makes justice more expensive to pursue

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SANTA CRUZ — Like everything else, the cost of seeking justice is on the rise.

On Monday, because of a state mandate, fees for filing a wide range of Superior Court motions increased to \$182, the largest single fee increase in recent memory.

"We're receiving complaints," Superior Court Administrator Christine Patton said. "There has been grumbling in general. We had a lot of people come in on Friday and file, especially (divorce) petitions and responses. People were trying to get in before the new fees hit."

Superior Court clerks reported Monday that the number of new filings were down from past weeks. The office, often busy all day with attorneys and clerks waiting in line to file legal papers with the court, was unusually quiet.

"I don't see much difference between this and a tax increase," Santa Cruz attorney

Tim Morgan said. He called the increases "steep."

The following fees increased to \$182:

- Civil complaints, probate, guardianship, and conservatorship filings, up from \$131;

- Divorce petitions, up from \$157;

- Responses to civil complaints filed by multiple defendants used to cost \$68. Now, each defendant named in a case must pay \$182.

Fees for motions for summary judgment increased from \$14 to \$100.

Court-reporter fees have increased from \$165 per day to \$100 per half-day, and will be assessed beginning with the second day of a trial. Under the old system, court reporter fees were not assessed until the sixth day of a trial.

"That's unfortunate," said Donna Becker, a Santa Cruz attorney. "My practice involves domestic relations. It's going to pre-

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sent a hardship to have the fees increase so much."

In rare cases, the fees can be waived if those who file can prove they are indigent.

The fees were increased because of legislation signed recently by Gov. Pete Wilson. The bill, AB1344, a companion to the state budget, authorized a new method of funding local courts. The old funding law limited filing increases to every two years, and tied them to the Consumer Price Index.

But Wilson, reasoning the new increases would not raise enough money, used his line-item veto to trim the courts' budget by \$205 million.

Local courts are not realizing any benefit from the increased charges, according to Patton, who said Monday that most of the funds being collected are sent to the state.

Twenty dollars from each filing is deducted to help pay for the lo-

cal law library, \$3 goes to a judges' pension fund, \$3 helps pay for a dispute resolution program, and \$3 goes toward an automation program for the courts.

Eliminated from the fee collection was a \$22 assessment on each divorce petition to pay for a state-mandated child-custody mediation program.

"In effect, it has taken away our existing fees, plus the new fees go to the state in a trust fund," Patton said. "Right now, we don't get anything back."

Local government associations are lobbying the governor and legislators, in hopes that a new law could restore eliminated funds and return those collected to the local courts, she said.

The money being collected is currently being kept in a trust fund. "We're hoping they will restore at least a portion of the \$205 million," Patton said. "Starting (Monday), on a monthly basis, ev-

ery county is sending those fees to the state. It's going to take a couple of months to look and see how much they are actually getting, and hope they can base some solution on that and give some of the money back to the different counties."

"They don't want us to go to court any more," said Santa Cruz attorney Justin Lighty, when informed of the increased costs.

The increase "seems like a lot of money," he said.

He conceded that governments, the courts included, were "scraping by" these days. But ultimately, he said, legal costs incurred by businesses are passed on to consumers.

Morgan said the new rules on the use and payment of court reporters would mean "hundreds of dollars" in increased court costs.

"I don't think it's going to discourage litigation, but it's certainly going to make it more expensive," he said.