
By: Delegates Rosenberg, Montague, Grosfeld, Turner, Menes, Genn, and Hecht

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Court Fees - Maryland Legal Services Corporation Funding**

3 FOR the purpose of requiring the district and circuit courts to assess and collect a certain
4 surcharge in addition to certain civil court fees collected; requiring the proceeds of
5 the surcharges collected to be distributed to the Maryland Legal Services
6 Corporation for use in accordance with the Maryland Legal Services Corporation
7 Act; providing for the effective date of this Act; and generally relating to the
8 assessment and collection of certain civil court surcharges.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 7-202 and 7-301(c)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

14 Preamble

15 WHEREAS, There is a need to provide equal access to the system of justice for
16 individuals who seek redress of grievances; and

17 WHEREAS, Assuring equal access to justice for all our citizens is a fundamental
18 responsibility of government and is essential to maintain respect for law and public
19 institutions; and

20 WHEREAS, There is a need to continue and expand legal assistance in civil matters
21 to those who would otherwise be unable to afford adequate legal counsel; and

22 WHEREAS, The funding of legal assistance programs for those who are unable to
23 afford legal counsel will serve the ends of justice and the general welfare of all Maryland
24 citizens; and

25 WHEREAS, Maryland's legal services programs are currently able to provide
26 assistance to income-eligible persons in less than twenty-five percent of the civil legal
27 matters where such services are needed; and

28 WHEREAS, Federal funding for civil legal services in Maryland has declined by at
29 least thirty-two percent, or approximately \$1,300,000, in 1996 and faces possible complete
30 elimination this year for a total loss of approximately \$4,300,000; and

1 WHEREAS, The annual level of funding received by the Maryland Legal Services
2 Corporation from the interest on the lawyer trust account program to help fund civil legal
3 services in our State has declined by nearly forty percent, or approximately \$1,800,000,
4 since 1992 while state general revenue funding for general civil legal assistance to the
5 poor of approximately \$560,000 annually has been eliminated; and

6 WHEREAS, As a result of current circumstances in our State the need for civil
7 legal assistance by Maryland's low-income population is increasing even as the resources
8 for such services are declining; and

9 WHEREAS, Fifteen other states in the United States have established filing fee
10 surcharges in civil matters before state courts to be allocated to the provision of legal
11 assistance for low-income persons in civil matters; and

12 WHEREAS, As a result of the current crisis which our State faces in assuring the
13 provision of legal assistance to our citizens, in 1995 the Maryland State Bar Association
14 established the Maryland Coalition on Civil Justice, which is a Statewide task force
15 directed to undertake a comprehensive review of the system, services, delivery, priorities,
16 review, and funding of legal services in Maryland; and

17 WHEREAS, The Maryland Coalition of Civil Justice urges the establishment of a
18 filing fee surcharge on civil cases in our circuit and district courts to help fund legal
19 assistance in our State; now, therefore,

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Courts and Judicial Proceedings**

23 7-202.

24 (a) (1) The State Court Administrator shall determine the amount of all court
25 costs and charges for the circuit courts of the counties with the approval of the Board of
26 Public Works. The fees and charges shall be uniform throughout the State.

27 (2) The Comptroller of the State shall require clerks of court to collect all
28 fees required to be collected by law.

29 (b) The clerk may not charge the State, any county, municipality, or Baltimore
30 City any fee provided by this subtitle, unless the State, county, municipality, or Baltimore
31 City first gives its consent.

32 (c) The clerk is entitled to a reasonable fee for performing any other service that
33 is not enumerated in this subtitle or in §§ 3-601 through 3-603 of the Real Property
34 Article of the Code.

35 (d) THE STATE COURT ADMINISTRATOR, AS PART OF THE ADMINISTRATOR'S
36 DETERMINATION OF THE AMOUNT OF COURT COSTS AND CHARGES IN CIVIL CASES,
37 SHALL ASSESS A SURCHARGE THAT IS DEPOSITED INTO A NONLAPSING FUND TO BE
38 DEDICATED TO THE MARYLAND LEGAL SERVICES CORPORATION FOR CIVIL LEGAL
39 SERVICES TO INDIGENTS AS PROVIDED BY ARTICLE 10, §§ 45A THROUGH 45-O OF THE
40 CODE.

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1 (E) If a party in a proceeding feels aggrieved by any fee permitted under this
2 subtitle or by §§ 3-601 through 3-603 of the Real Property Article of the Code, the party
3 may request a judge of that circuit court to determine the reasonableness of the fee.

4 7-301.

5 (c) (1) The filing fees and costs in a civil case are those prescribed by law
6 subject to modification by law, rule, or administrative regulation.

7 (2) THE DISTRICT COURT SHALL ASSESS A SURCHARGE THAT IS
8 DEPOSITED INTO A NONLAPSING FUND TO BE DEDICATED TO THE MARYLAND
9 LEGAL SERVICES CORPORATION FOR CIVIL LEGAL SERVICES TO INDIGENTS AS
10 PROVIDED BY ARTICLE 10, §§ 45A THROUGH 45-O OF THE CODE.

11 [(2)] (3) The Court of Appeals may provide by rule for waiver of
12 prepayment of filing fees and other costs in cases of indigency.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 1996.