



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

RONALD M. GEORGE
Chief Justice of California
Chair of the Judicial Council

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

May 24, 2005

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Gregory P. Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

RE: County Law Library Task Force Report

Dear Ms. Boyer-Vine, Mr. Schmidt and Mr. Wilson:

Attached is the report of the County Law Library Task Force prepared pursuant to Government Code section 70394.

Assembly Bill 1095 (Corbett), Stats. 2003, Ch. 394, created the County Law Library Task Force and charged it with accomplishing the following duties: (1) review the state of existing county law libraries, (2) examine existing standards for county law library operations, (3) document the funding mechanisms currently available for the maintenance and operation of county law library

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facilities and (4) recommend funding sources and financing mechanisms for support of county law library operations and facility maintenance.

The County Law Library Task Force consisted of representatives from the judicial branch, the California State Association of Counties, and the Council of California County Law Librarians and the report produced was consensus-driven. The task force proposed a new small claims fee and three savings options, including joint-purchasing arrangements, multijurisdictional program options, and creative partnerships with self-help centers. The final report elaborates on these recommendations and also covers the history and evolution of county law libraries, key challenges and concerns of county law librarians and library patrons, an analysis of county law library funding mechanisms and further study needed for county law libraries in the future.

If you have any questions related to this report, please contact Daniel A. Pone, Senior Attorney, Administrative Office of the Courts (AOC), Office of Governmental Affairs at 916-323-3121.

Sincerely,

William C. Vickrey
Administrative Director of the Courts

Attachment

cc: Mr. Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Mr. Gene Wong, Chief Counsel, Senate Judiciary Committee
Mr. Ronald G. Overholt, Chief Deputy Director, AOC
Ms. Kathleen Howard, Director, Office of Governmental Affairs
Mr. Gary Kitajo, Judicial Administration Librarian, AOC



County Law Library Task Force Report

REPORT TO THE JUDICIAL COUNCIL
AND THE CALIFORNIA LEGISLATURE
MAY 2005

COUNTY LAW LIBRARY TASK FORCE REPORT

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Executive Summary

On September 16, 2003, Governor Gray Davis signed Assembly Bill 1095, marking the first successful legislative effort to study and address the fiscal and structural health of California's county law libraries. During the last 50 years, the majority of legislation pertaining to county law libraries was limited to securing authorization to increase the law library filing fee, an approach that would potentially provide short-term relief but ultimately not remedy the continuing financial woes of county law libraries statewide.

AB 1095, authored by Assembly Member Ellen Corbett, increased the scope of examining law libraries to focus on their condition on both an individual and a statewide level. The bill recognized that the ability of county law libraries to be fiscally healthy and provide current, essential publications and services is linked to the "quality of justice dispensed to citizens of California."¹ To address these issues, the bill charged the Judicial Council with creating the County Law Library Task Force. The bill indicated that the task force membership would consist of nine representatives appointed by three entities: the judicial branch, the California State Association of Counties (CSAC), and the Council of California County Law Librarians (CCCLL).²

These appointed members of the County Law Library Task Force were charged with accomplishing the following duties: (1) review the state of existing county law libraries, (2) examine existing standards for county law library operations, (3) document the funding mechanisms currently available for the maintenance and operation of county law library facilities, and (4) recommend funding sources and financing mechanisms for support of county law library operations and facility maintenance.³ The chair of the County Law Library Task Force divided the membership into three subcommittees that were then each assigned one of the first three numbered tasks above.⁴

The subcommittees convened and the task force began to discuss their findings in terms of recommendations for law libraries. The task force was consensus-driven and it proposed a new small claims fee and three savings options, including joint-purchasing arrangements, multijurisdictional program options, and creative partnerships with self-help centers. This final report will elaborate on these recommendations and also cover the history and evolution of county law libraries, key challenges and concerns of county law librarians and library patrons, an analysis of county law library funding mechanisms, and further study needed for county law libraries in the future. Assessing this range of information assisted the task force in focusing on the "bigger picture," specifically in envisioning the form that county law libraries could adopt to best serve Californians in years to come. The state faces a significant challenge in funding county law libraries in 58 counties of varying size, location and resources. Therefore, an equally multifaceted approach and solution is necessary.

The task force offers this report as a catalyst for future examinations of California's county law libraries. As will be discussed, county law libraries are increasingly used by self-represented litigants and other nonattorneys and play an important role in providing Californians with resources for their legal affairs and in ensuring their access to justice.

County Law Library Statutory Scheme

The statutory structure of county law libraries is located in Business and Professions Code sections 6300 to 6364. The original statute was crafted in 1891. The statutes outline the main funding mechanism of county law libraries, facility and staff support, and access for law library patrons. Also, they delineate the manner in which the county board of supervisors interacts with the law library trustees. Lastly, they cover the creation, membership and responsibilities of a board of law library trustees.

County Law Library Patrons

The statute provides that “a law library established under this chapter shall be free to the judiciary, to state and county officials, to members of the State Bar, and to all residents of the county, for the examination of books and other publications at the library or its branches.”⁵ However, the board may levy fines and charges for violation of the rules of the county law library or to cover special services such as photocopying or a messenger service. With the exception of county officials and members of the judiciary, the board may require law library users to pay “such security, as it may provide to insure the safekeeping and prompt return”⁶ of county law library materials. The code specifies that “the board of law library trustees may require persons other than members of the judiciary, county officials, and members of the bar resident in the county, to pay such dues as the board may fix for the privilege of removing books and other publications from the library.”⁷ In addition, “with the approval of the board of supervisors, the board of law library trustees may charge individual members of the bar resident in the county fees for the removal of books and other publications from the library”⁸ and “these fees shall not exceed the cost of providing the service.”⁹

Funding

The principal source of funding for county law libraries is a dedicated portion of the civil filing fees. Business and Professions Code section 6321 provides that county law libraries will receive “on the commencement in, or the removal to, the superior court of any county in this state, of any civil action proceeding, or appeal . . . the party instituting such proceeding, or filing the first papers, the sum of one dollar (\$1) as costs, in addition to the fees fixed by law.” As of January 1, 1995, the board of supervisors may increase those costs by no greater than \$3 increments in any year.

In addition to this allotted portion of the civil filing fee, the county law library receives financial support in the form of quarters and some basic services from the county. Under Business and Professions Code section 6361, “The board of supervisors of the county in

which the law library is established shall provide sufficient quarters for the use of the library upon request of the board of law library trustees.” The board of supervisors need not provide quarters if the law library trustees determine that it has sufficient and surplus funds. Provisions for the quarters may include “suitable furniture, window shades, floor coverings, lighting, heat, and telephone and janitor service.”¹⁰

The treasurer of the county holds all money collected for the county law library in a trust fund or trust account. In addition, the board of supervisors may set apart a maximum of \$1,200 in any one fiscal year to go into the trust fund. The money is disbursed by the board of law library trustees. Each board must submit an annual report for the preceding fiscal year to the board of supervisors by August 15 of each year. This report includes the condition of the trust fund, as well as full statements of all property, periodicals, publications and money received.

Board of Law Library Trustees

In each county, a board of law library trustees governs the county law library. The following sections outline the membership and responsibilities of the law library trustees.

Membership. The membership of the law library trustee board is dependent on the number of superior court judges in each county. If no more than three judges are on the bench in a county, then each of those three judges is ex officio a trustee. In counties with more than three superior court judges, all judges elect four or five from their group to serve as law library trustees. Regardless of the manner in which judges become law library trustees, any judge, whether ex officio or elected, may designate a member of the State Bar or a citizen of the county to act for the judge as trustee.

The chair of the board of supervisors is also ex officio a law library trustee. Similarly, at the request of the chair, the board may appoint another member of the board of supervisors, a member of the State Bar, or a citizen of the county as a replacement. The board of supervisors appoints as many additional trustees as is necessary to create a board of either six or seven members. There is a maximum of two residents of the county who can serve as law library trustees who are not also a judge, member of the State Bar or member of the board of supervisors.

Law library trustees appointed by the board of supervisors serve one-year terms. These appointees serve until the first meeting of the board of supervisors in the succeeding January. In addition, there are county-specific exceptions to law library trustee term limits in San Diego and Los Angeles Counties. In all counties, the office of law library trustee is an honorary position without salary or other compensation.

Responsibilities. Each board of law library trustees establishes and maintains a county law library and may lease or construct quarters. The board may also establish and maintain branches of the county law library. If the board elects to erect a library building

for the county law library, “it may borrow money for that purpose and repay the loan from its future income.”¹¹ For the county law library or its branches, the board may purchase books, publications and other personal property. Each board also controls the appointment, salary and removal of any employee.

The Changing Nature of County Law Libraries

Many of the challenges facing today’s county law libraries can be found in their origin and history. The struggle to increase filing fees for county law libraries persists today. However, extra demands from new patrons requesting different services also puts pressure on county law libraries of a statutorily older era.

To approach solving the complex predicament of today’s county law libraries, it is valuable to understand their changing nature, services and patrons over the last century.

Origin and Development of Law County Libraries

The origin of county law libraries can be credited to William B. Olds of San Francisco. Olds was an attorney who attempted to found a law library in 1853. The library was essentially a law book collection purchased for \$20,000 that was housed in City Hall. While it would be open for general use, Olds hoped that the San Francisco Bar Association members would voluntarily offer financial support for his investment. When he was unable to garner enough support, he offered it to the State of California. In 1856, three years after Olds’ attempt to establish a law library began, the collection was purchased and delivered to the California State Library.

Almost 10 years later, in 1865, San Francisco bar leadership established the San Francisco County Law Library Association to provide a law library for bar members. In a few years, the library accumulated many volumes, but ultimately found that private funds and membership dues would be insufficient to maintain and update the collection, let alone hire a librarian. This need for financial backing, combined with a growing group of patrons, led to a petition to the Legislature to create a public law library.

In March 1870, the Legislature enacted the San Francisco Law Library Act, which mandated that a fixed share of civil filing fees be allocated to fund a county law library.¹² In addition, the act required the City and County of San Francisco to provide facilities, resources and services with monies from the General Fund. Lastly, it mandated that members of the California bar as well as citizens of San Francisco would have full access to the county law libraries for a monthly fee. With this act, California became the first western state to fund a public county law library with a portion of civil filing fees.¹³

Four years later the San Jose Law Library was established by a statute similar to the legislation that created the San Francisco Law Library. Meanwhile, Los Angeles

attorneys were experiencing the same difficulties that San Francisco faced before the San Francisco Law Library Act passed. In the 1880s, Los Angeles Assemblyman John R. Mathews decided to introduce a bill that would go beyond legislation affecting only one regional jurisdiction. He proposed a statewide plan that would allow, but not require, the creation of law libraries in every county. They would follow the same financial funding scheme and draw from civil filing fees. The bill became law in March 1891, a little more than 20 years after the San Francisco county law library was established.¹⁴

Although the creation of a public county law library was at the discretion of the county, within one year of the passage of the bill 25 public county law libraries had been established in California. In 1907, the Legislature codified county law library statutes, adding only the ability of the county's board of supervisors to discontinue a county law library and its services.¹⁵ While the statutes were first put in the Political Code, they were recodified into the Business and Professions Code in 1941.

In the 40-year period from 1907 to 1947, amendments were made to permit the creation of county law library branches and alter the manner in which board members were appointed. Amendments relating to income included allowing the collection of fees in municipal courts, permitting additional income from the board of supervisors, and allowing the purchase of property for the county law library with trust fund monies.

However, it was only in June 1947 that the maximum law library portion of the civil filing fee allotted to county law libraries increased from \$1 to \$2. Within 15 years, fees increased by \$1 increments twice, and by 1968 the fees were increased to a \$5 maximum. In 1972, the statutes dictating law library fee increases became more complex, with counties with a population of more than 4 million people restricted to a \$5 fee, while the remaining counties were allowed a maximum fee of \$7. Los Angeles County, with a population of more than 4 million, continues to be restricted to a lower fee amount.¹⁶ In 1980, the filing fee maximum was set at \$12. Ten years later, legislation to raise the maximum fee to \$20 was successful. In addition, provisions were established to allow for increases to the \$20 maximum fee in \$3 increments, beginning in 1995. Today, county law library fees vary from county to county.¹⁷

Evolution of County Law Library Materials, Technology and Staffing

County law libraries have changed dramatically over the past 30 years, and the needs of county law libraries and their patrons have changed as well. During this time, the larger county law libraries have evolved from the traditional world of card catalogs and books to facilities that offer their users a range of technologies and media. This began in the early 1970s with Westlaw and, later, expanded with LexisNexis, automated catalogs and circulation systems. These technological advances have allowed for the addition of many materials in nonbook formats such as microfilm and microfiche, sound and audio/video recordings, CD-ROMs, and a proliferation of online resources.

Many smaller county law libraries have experienced even greater change.¹⁸ Thirty years ago, these libraries might have been maintained by a judge's secretary or other court staff member. Currently, full-time librarians operate many of these growing libraries, and many rely heavily on computers. In some cases, these libraries have struggled to keep pace with the fast growth of their communities, which were once rural or nonurban.

Today, county law librarians have very different backgrounds and qualifications than their predecessors. Some law librarians have both a law and a graduate library degree. Others have legal practice experience. Many law librarians participate in outreach programs such as the online reference service "Asknow," as well as help expand public access to legal information through library Web pages. As a profession, law librarians play a vital role in the extended legal community of lawyers, paralegals, legal document assistants, unlawful detainer assistants, students, self-represented litigants, and the ever-growing number of nonattorneys researching legal matters that pertain to their own personal and business lives. In all, county law libraries and their patrons reflect many of the social changes that have affected the entire nation over the past 30 years.

Changing Patterns of County Law Library Use

The services and users have changed significantly in the lifetime of county law libraries. Originally, law libraries served the judiciary, legal community, and members of the bar. Now there is a growing contingent of law library users who are self-represented litigants and nonattorneys. In the Los Angeles County Law Library, 45 percent of the patrons are self-represented litigants or nonattorneys.¹⁹ In both the Alameda and San Francisco County law libraries, at least half of the users are nonattorneys.²⁰

It is important to note that not all of these nonattorney users are self-represented litigants. While many of them are using the library to prepare for court appearances, a significant number of patrons are utilizing the county law library for other purposes. Californians from all backgrounds use their county law library to assist them with a variety of purposes, such as researching federal law, drafting their own contracts and wills, organizing businesses, managing rental property and even completing academic assignments.²¹ In addition, many library patrons, both attorneys and nonattorneys, use the county law libraries to prepare for criminal trials and appeals.

With an increase in nonattorney users, county law libraries are being relied on to perform a multitude of different services. When those using county law libraries were predominately attorneys, the role of law librarians involved maintenance of the library and general assistance to its users. Now, county law librarians are often asked to be a resource for legal matters by self-represented litigants and nonattorneys. In many counties, county law libraries and their librarians often become the last and *only* option to obtain legal information for litigants who plan to represent themselves in court as well as for other nonattorneys who need to research various legal issues.

As evident in the history of California law libraries, private donations in years gone by were barely sufficient to operate law libraries for a population of bar members. Today, the challenges facing county law libraries are exacerbated by other factors such as the declining revenue source, inflation, and the rising costs of legal publications, subscriptions, and online databases. The effect of inflation only started to be addressed legislatively in 1983, when law libraries realized the limited buying power of the maximum law library portion of the civil filing fee.²² The rising costs of legal publications and subscriptions prevent many law libraries, which are already working with a declining income, from updating and adding to their collections. Online legal databases can be expensive and require state-of-the-art computer terminals and Internet access, among other resources.

County Law Libraries at Their Century Mark

In 1991, California public county law libraries celebrated their centennial. In looking back at the life span of county law libraries, one observation is especially evident: The county law libraries existent at that century mark were very different institutions than county law libraries at their inception or, indeed, even from county law libraries today. In a 2001 study, Anne Marie Gold found that more than 9 out of 10 county law libraries get at least 70 percent of their income from civil filing fees, and over half of all law libraries receive at least 95 percent of their income from these fees.²³ The Gold study also finds that while almost all county law libraries augmented their filing fee at least once in the last five years, 60 percent of county law libraries have had their overall filing fee income decrease in the same time period.²⁴ Legislation regarding county law libraries over the last 50 years has predominately focused on ways to increase income through civil filing fees. Yet, 7 out of 10 of those libraries experienced a 10 percent decrease in their revenue from filing fees, while an additional 2 out of 10 libraries had a 25 percent decrease in their filing fee income.²⁵

In the last century, county law libraries have seen major changes in their users, their facilities and the price and formats of legal publications. The evolution of the libraries also has been influenced by the increase of self-represented litigants and other nonattorneys, as well as by the increased use of alternative dispute resolution services. The result of these factors is rising costs and declining revenues in an institution whose resources are increasingly in demand and whose funding mechanism is inadequate.

The Funding Mechanism of County Law Libraries

As previously mentioned, the statutes governing the funding of county law libraries allocate a portion of the county's civil filing fee to the county's law library trust fund. In 2004, the average law library portion of the civil filing fee statewide was \$23.20.²⁶ Since the law library portion of the fee was established at \$1 in 1891, there have been numerous requests for legislation to increase the law library portion of the civil filing fee.

Beginning in 1995, the statutes allowed county law libraries to request each year and add, at the approval of the board of supervisors, a maximum of \$3 to their portion of the civil filing fee. The libraries are financed primarily through this funding mechanism, so it may not be surprising that 90 percent of county law libraries receive 70 percent of their income from the filing fee portion.²⁷ While not all civil filings are declining, those filings whose fees include the portion dedicated to the law libraries continue to produce less revenue for county law libraries.²⁸

The County Law Library Task Force identified five current sources of funding for county law libraries: (1) filing fees, (2) county general fund support, (3) county facilities and services, (4) grants and (5) miscellaneous income.

Civil Filing Fees

Task force members recognized that, in general, filing fees are not adequate to meet the needs of most county law libraries. They noted that while filing fees account for most of the total county law library revenues, the cost of quarters and related services (utilities, janitorial, security), which many counties provide, significantly widens the gap between filing fee income and total library expense of many county law libraries. Currently, county law library filing fees range from \$4 to \$44.²⁹ Task force members note that the broad range of filing fees is being discussed in the context of the Uniform Civil Fee (UCF) proposal.³⁰ Presently, there is not sufficient information explaining the decline of civil filing fees.

County General Fund Support

On a statewide level, county general fund support for law libraries continues to vary from county to county and from year to year. In the 2001–2002 fiscal year, the boards of supervisors of nine surveyed counties contributed a total of \$600,000 of additional funding.³¹ Of that sum, the San Francisco County Law Library received \$471,000 from the San Francisco Board of Supervisors.³² In three of those nine counties, county general fund support has since been withdrawn, which contributed to the closure of the Plumas County Law Library in 2004.³³ Statewide, increasing pressure on limited county resources has made it unlikely that counties can be expected to be a stable source of additional funding in the future.

County Facilities and Services

As noted above, there are variations in county-provided library facilities statewide. While some counties provide quarters and services, other counties provide little to none of these resources. For many county law libraries, estimates of the value of county-provided resources equal 20 to 25 percent of filing fee revenues, which is approximately \$6.5 million.³⁴ In view of the statewide trend in declining revenues from civil filing fees, it would be challenging for many county law libraries to provide their own quarters. However, considering the ongoing budget crisis, counties are experiencing difficulties in providing sufficient quarters for their county law libraries. Currently, there is tension in

many counties between county law library boards and boards of supervisors over not only the funding for facilities but also interpretations of the underlying statutes and their implementation.

Grants

While most county law libraries receive no funding from grants, some libraries have benefited from this type of funding. For example, a few county law libraries received technology grants for public Internet terminals. However, even for those county law libraries, grants do not constitute an appreciable portion of the overall funding of library operations. In general, grants are designated for specific projects and are usually a minimal source of income that cannot be used to fund operations.

Miscellaneous Income

With their continual decrease in filing fee revenue, most county law libraries have been forced to explore miscellaneous revenue sources. The income from these funding sources varies greatly from county to county. Typical sources include gaining interest on trust funds and charging county law library patrons for using copying machines or conference rooms. Other county law libraries have used revenue sources such as borrowing fees or even rental of roof space for cell phone antennas. Some libraries engage in fundraising, establish “friends” groups or create foundations to raise money. Still, regardless of the creativity in or success of implementing these miscellaneous funding strategies, the income from these alternative revenue sources is minimal and insufficient to bridge the gap between decreasing filing fee income and increasing expenses. The task force also noted that “a reliance on miscellaneous income would tend to divert the law library from its primary task of providing library services.”³⁵

Future Funding of County Law Libraries

County law libraries can no longer afford to depend primarily on the current funding mechanism. The task force agreed that it is inadequate and recognized the need to identify better supplemental funding mechanisms for the future. A number of funding options, both traditional and nontraditional, were discussed by the task force, resulting in one new funding option and three saving options that the group could recommend with consensus. Other funding and saving options considered by the task force are listed in the appendix. The task force expressed frustration with its inability to identify additional specific funding options. The scarcity of feasible solutions to the current funding mechanism for law libraries refocused the task force on investigating savings options that would help alleviate some of the financial problems that result from the current statutory scheme. The following section addresses this approach.

Recommendations for County Law Libraries

California has perhaps the most extensive county law library system in the country. At one end of the spectrum is the Los Angeles County Law Library, which serves a populace of nearly 10 million, and at the other end is the Alpine County Law Library, which serves a population of just over 1,200 people. This system has a multitude of challenges, but the County Law Library Task Force believes it is a critical asset for the public that must be strengthened and enhanced.

One of the charges to the County Law Library Task Force was “to recommend funding sources and financing mechanisms for support of county law library operations and facility maintenance.”³⁶ The task force identified small claims as a potential source for supplemental county law library funding. In addition to this funding recommendation, the task force also focused on a number of cost savings measures and alternative program options that can help maximize resources. They are: (1) joint-purchasing arrangements, (2) regional program options and (3) creative partnerships with self-help programs.

The following sections explain the new small claims fee and three savings options recommended by the task force. They are all ways to better utilize revenues, despite possible fluctuations in filing fee income. Ultimately, these recommendations could apply systemically to current as well as future county law libraries.

Small Claims Court Fees

The task force observed that many law library patrons are small claims litigants, who often rely heavily on county law libraries for support. Historically, no portion of the small claims filing fees has been dedicated to county law libraries. Therefore, the task force recommends increasing the small claims filing fee by \$1 for every \$1,000 in dispute. This fee will be used exclusively as a source of funding for county law libraries.

Joint-Purchasing

County law libraries experience a significant challenge in maintaining a current and comprehensive law library collection, while legal books, publications, periodicals, and online legal databases continue to increase yearly in price. For example, the price of serials³⁷ and periodicals has increased more than 150 percent between 1998 and 2003.³⁸ It is not only the price of legal materials that can be burdensome to law libraries, but also the costs of paper, ink cartridges and other items that are necessary to daily operations. According to a 2001 survey, two of the most heavily used services are copiers and typewriters.³⁹ Use of these services requires many supplies, and thus increases costs to the law library.

The County Law Library Task Force recommends joint-purchasing as a means to provide potential savings for county law libraries. On behalf of several judicial branch entities, the Administrative Office of the Courts (AOC) issued an open invitation to vendors to submit volume-purchasing proposals for various products and services. Currently, the

AOC has arrangements with Office Depot, Corporate Express, ADP, FedEx, and the General Binding Company. These companies provide recycled paper, office supplies, payroll services, shipping and binding services, respectively. In addition, the AOC is currently soliciting companies for joint-purchasing contracts for toner, copy machines and legal materials. To date, the list of approved accounts includes the trial courts, appellate courts, the AOC, and the Habeas Corpus Resource Center. The AOC has confirmed that county law libraries are eligible to participate in existing joint-purchasing agreements and would also be eligible to take part in future contracts.

If county law libraries elect to utilize joint-purchasing, no library would be obligated to participate. Under the AOC's joint-purchasing process, involvement is voluntary, and the libraries would be free to purchase from another vendor, especially if they were able to secure more favorable prices on their own. Participating entities manage their own accounts, and are able to separately negotiate for and purchase supplies at special rates. Current savings from the rates being negotiated by the AOC are approximately 30 percent of current retail prices.⁴⁰

The AOC is currently investigating joint-purchasing options for legal publications and subscriptions. Task force members have stated that law libraries would be very interested in access to discounted print and digital law materials, and the task force believes that county law libraries should bargain as a group for a judicial branch rate with companies such as Thomson-West and LexisNexis. Again, county law libraries would be able to pursue purchasing contracts individually if it is a more advantageous or preferable option. As county law libraries differ greatly in their resources, joint-purchasing is recommended as an opportunity for securing savings locally, rather than as a statewide prescription and requirement.

Multijurisdictional Program Options

Statutorily, county law libraries neither fall completely in the jurisdiction of the county nor come under the judicial branch. Thus, when examining county law libraries on a statewide level, the ability to articulate the "typical" law library becomes exceedingly more difficult. These complexities challenge any attempt to generate standards that are appropriate for all county law libraries. However, organizing law libraries by size (usually corresponding with region) offers a productive start to establishing suitable standards.

Generally, county law libraries can be categorized into small, medium and large libraries, which often correspond with rural, suburban and urban regions. Each size and region has its unique challenges. For example, small county law libraries in rural counties are often geographically removed from librarians, personnel and extensive legal collections. Moreover, inadequate revenues from civil filing fees result in limited funding, which makes it impossible for many of these libraries to offer a full range of services to their customers. As a result, some county law library patrons must travel long distances to use

more fully staffed and equipped law libraries. Yet, larger urban and suburban county law libraries have their own challenges, too. They are often already overwhelmed with the increased demands from self-represented litigants and other nonattorneys, as well as with the decline of revenues that cover their library operations and services.

The task force therefore recommends a form of regional programs that utilizes joint ventures between county law libraries that would benefit from collaborating and sharing resources. Participation would be voluntary and strictly an option to county law libraries. This could include the idea of establishing regional law library centers that would serve less-populated counties. The task force also discussed creating uniform infrastructure for locating and referring legal materials for all county law libraries, but especially to service smaller, neighboring county law libraries. Ultimately, a multijurisdictional law library system could be a way to adapt to the regional habits and needs of county law library patrons, as well as more efficiently use limited law library funds.

Creative Partnerships with Self-Help Centers

Self-represented litigants and other nonattorneys represent half of the law library patrons in many counties, and they use the county law library for many purposes, not just preparing for civil litigation in state court. These patrons often request more than the location of legal references; they also ask for legal advice and guidance. Regardless of their qualifications, county law librarians are legally prohibited from giving legal advice. However, experienced law librarians are able to lawfully assist patrons by eliciting the information they need to direct them to the appropriate books, resources and referrals.

The County Law Library Task Force recognizes that there are some roles that county law libraries cannot legally or financially fill. The task force recommends establishing creative partnerships between self-help programs and county law libraries. Collaboration between these two entities might more effectively serve the changing population of county law library patrons. Although they are also unable to give legal advice, staff at self-help centers would be able to provide, translate and assist with forms and instructions; host workshops conducted by attorneys and court personnel; explain how to access the court system; and even direct customers to the resources of the county law library. A partnership of self-help centers and county law libraries could offer important tools and the services for self-represented litigants and other nonattorneys to handle their legal matters.

Looking to the Future

The County Law Library Task Force intends this report to be a catalyst for the future of California's county law libraries. The challenges facing county law libraries stem from many factors, such as the statutory scheme and the changing nature of county law libraries. Since the task force convened in March 2004, it has grappled with numerous challenges; nevertheless, it was able to identify a new funding option and three savings

options that may help alleviate some of the pressures on county law libraries. The task force unanimously agreed, however, that these recommended solutions must be regarded as supplemental to the fiscal health of county law libraries, not central to their successful operation.

In looking forward to more fiscally sound county law libraries that serve the needs of their various patrons, the task force recommends further study to:

- Identify and enact additional funding sources
- Assess the potential impact of a uniform civil filing fee on county law libraries
- Review and update Business and Professions Code sections 6300 to 6364
- Produce an updated needs assessment for county law libraries
- Explore the feasibility of qualifying county law libraries to participate in the State Bar’s dues check-off program
- Investigate collaborations of county law libraries and self-help centers

The task force has identified the items above as being fundamental to the future of county law libraries. Further study into these topics is the next step to create the effective changes necessary to provide Californians the legal resources and services that they need.

Endnotes

¹ Stats. 2003, ch. 394, § 1 (AB 1095, Corbett).

² See chart 1.1 in appendix for members.

³ Stats. 2003, ch. 394, § 2.

⁴ See chart 1.2 in appendix for subcommittee membership.

⁵ Bus. & Prof. Code, § 6360.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Bus. & Prof. Code, § 6361.

¹¹ *Id.*, § 6348.2.

¹² Stats. 1870, ch. 173.

¹³ Council of California Law Librarians, “History of California County Law Libraries: Early History,”

CCLL Trustees Manual 3 (Jan. 1997) p. I-1.

¹⁴ Stats. 1891, ch. 225.

¹⁵ However, in 2002, the provision to discontinue a law library was repealed. (Bus. & Prof. Code § 6365.)

¹⁶ In 1980, the filing fee maximum in Los Angeles County was \$5; in 1990, it was set at \$10. In 2005, the fee was \$18, and only a \$2 increase per year is permitted.

¹⁷ See appendix for County-by-County Law Library Fees.

¹⁸ See appendix for County Law Library Task Force Questionnaire.

¹⁹ L. Simmons, “Patrons Deplore Effects of Cuts in County Law Library’s Budget,” *Daily Journal* (Sept. 5, 2003).

²⁰ Michael Ginsborg, Law Librarian, San Francisco County Law Library, to Honorable Jerry Hill, Supervisor, San Mateo Board of Supervisors (March 7, 2002) p. 6.

²¹ Law library patrons use county law libraries for a variety of reasons, including, but not limited to, researching state and federal administrative law and regulations; researching federal law such as civil rights, immigration, environmental, and bankruptcy law; doing tax and estate planning; researching small claims, family law, and landlord-tenant matters; organizing new businesses and running existing businesses; and checking the California Building Code and other resources unique to law libraries.

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- ²² Council of California Law Librarians, *supra*, fn. 13, p. I-8.
- ²³ Anne Marie Gold, “Final Report,” *Council of County Law Librarians—2001 Needs Assessment Study* 18, www.cccll.org/FinalReport.htm.
- ²⁴ *Ibid.*
- ²⁵ *Ibid.*
- ²⁶ Data compiled by the Administrative Office of the Courts, 2004.
- ²⁷ Gold, *supra*, fn. 23.
- ²⁸ Court Statistics Report (2004), www.courtinfo.ca.gov/reference/documents/csr2004.pdf. It should be noted that the task force was aware of the SB 940 working group on enhanced collections and applauded its efforts.
- ²⁹ See appendix for County-by-County Law Library Fees.
- ³⁰ See appendix for Uniform Civil Filing Fee Fact Sheet.
- ³¹ County Law Library Task Force Subcommittee #3 Report (May 10, 2004) 2, on file with the AOC, self-reported.
- ³² *Ibid.*
- ³³ *Ibid.*
- ³⁴ Task Force Subcommittee, *supra*, fn. 31, p. 3.
- ³⁵ *Ibid.*
- ³⁶ Stats. 2003, ch. 394, § 2.
- ³⁷ Serials include periodicals (academic and commercial), court reporters, citators, codes, digests, legal encyclopedias, newsletters, looseleaf services, and supplemented legal treatises.
- ³⁸ American Association of Law Libraries, Advisory Committee for the Price Index for Legal Publications, “Price Index for Legal Publications, 2d” (2003–2004).
- ³⁹ Gold, *supra*, fn. 23.
- ⁴⁰ County Law Library Task Force Minutes (Dec. 3, 2004), on file with the AOC.

Appendix

Chart 1.1

Judicial Branch Appointees
Hon. Michael T. Garcia, Superior Court of California, County of Sacramento— <i>Chair</i>
Hon. Sean P. Dowling, Superior Court of California, County of Nevada
Mr. Alan Slater, Superior Court of California, County of Orange
CCCLL Appointees
Ms. Annette Heath, Kern County Law Library
Ms. Cossette T. Sun, Bernard E. Witkin Alameda County Law Library
Mr. Richard T. Iamele, Los Angeles County Law Library
CSAC Appointees
Ms. Susan B. Anderson, County of Fresno
Ms. Mary McMillan, County Manager’s Office
Mr. Jeffrey L. Meyer, County of El Dorado / Mr. Jim Wiltshire, County of El Dorado
AOC Staff Support
Mr. Daniel Pone, Office of Governmental Affairs
Mr. Shaun Young, Office of Governmental Affairs
Ms. Debbra Garrett, Northern/Central Regional Office
Mr. Gary Kitajo, Executive Office Programs Division

Chart 1.2

Subcommittee 1	Subcommittee 2	Subcommittee 3
Ms. Annette Heath, Chair	Mr. Richard Iamele, Chair	Mr. Jeffrey Meyer, Chair ¹
Hon. Michael T. Garcia	Ms. Mary McMillan	Mr. Alan Slater
Ms. Cossette Sun	Ms. Susan Anderson	Hon. Sean P. Dowling

Alternative Funding Sources Considered by the Task Force

The task force considered these funding alternatives, which were ultimately not approved as viable options.²

- Assessment of a portion of court sanctions
- Assessment of a portion of traffic fines
- Secretary of State corporate filing fee surcharge
- Fictitious name filing fee surcharge
- Marriage license fee surcharge
- Recorded documents fee surcharge
- Vehicle registration surcharge
- Driver’s license surcharge
- Other DMV fee surcharges

¹ Mr. Jeffrey Meyer was later replaced by Mr. Jim Wiltshire.

² The task force did not examine funding mechanisms that would generate revenue from criminal litigation.

County-by-County Law Library Fees³

County	2004 Unlimited \$25,000+ <i>(italicized are from Daily Journal)</i>	2004 Limited \$10,000–\$25,000 <i>(italicized are from Daily Journal)</i>	2004 Limited \$5,000–\$10,000 <i>(italicized are from Daily Journal)</i>	Law Library Fee 2005
Alameda	311.50	314.40	164	31
Alpine	<i>234</i>	<i>241.50</i>	<i>129.30</i>	AOC: 4
Amador	283.50	286.50	139.30	20
Butte	292.50	302.50	152	29
Calaveras	289.50	282.50	145.30	26/21/18
Colusa	283.50	286.50	139.30	20/12/12
Contra Costa	302.50	300.50	155.30	29
Del Norte	284	286.50	139.30	20
El Dorado	291.50	289.50	142.30	26
Fresno	303	306	159	32/29/29
Glenn	284	287	140	20
Humboldt	290	293	145.80	40
Imperial	284	289	<i>142</i>	20
Inyo	284	287	140	20
Kern	303	306	159	21
Kings	283.50	285.50	139.30	23 or 25 (under review)
Lake	286.50	289.50	142.30	23/23/18
Lassen	283.50	286.50	139.30	25
Los Angeles	296.50	299.50	152.30	18
Madera	286.50	289.50	142.39	26
Marin	293	296	149	32
Mariposa	284	287	140	28/23.50
Mendocino	264.50	280.50	158.30	26
Merced	283.50	286.50	139.30	23
Modoc	283.50	286.50	129.30	20
Mono	283.50	286.50	139.30	20
Monterey	287	289.50	143	25.50/23/23

³ Chart compiled from information from Annette Heath, Kern County law librarian and the Council of California County Law Librarians' Web site: www.cccll.org/totalfees.htm.

County	\$25,000+	\$10,000–\$25,000	\$5,000–\$10,000	Law Library Fee
Napa	283.50	286.50	139.30	20
Nevada	283.50	286.50	139.30	23
Orange	294.50	292.50	145.30	29
Placer	294.50	297.50	150.30	29
Plumas	284	289	142	20
Riverside	325	325	151	26
Sacramento	314.50	312.50	165.30	44
San Benito	283.50	286.50	139.30	20
San Bernardino	306.50	306.50	159.30	23
San Diego	300.50	303.50	156.30	35
San Francisco	292.50	300.50	153.30/148.30	36
San Joaquin	293.50	296.50	149.30	23
San Luis Obispo	296.50	294.50	144	31
San Mateo	298	301	157.80	32.50
Santa Barbara	301	304	157	35
Santa Clara	299.50	302.50	155.30	26
Santa Cruz	264.50	267.50	145.30	29
Shasta	284	287	140	20
Sierra	259	262	140	20
Siskiyou	289.59	286.50	145.30	26
Solano	289.50	292.50	145.30	26
Sonoma	293	296	149	29
Stanislaus	288.50/283.20	291.50	144.30	18/16/10
Sutter	283.50	286.50	139.20	AOC: 7/7/3
Tehama	283.50	286.50	139.30	20
Trinity	283.50	286.50	139.30	20
Tulare	283.50	286.50	139.30	29
Tuolumne	284	287	140	20
Ventura	300	303	156	26
Yolo	289.50	294.50	155.30	29
Yuba	258.50	261.50	139.30	7

In August 2004, the Task Force dispatched a questionnaire to 18 selected county law libraries in an effort to ascertain their existing operational status. The libraries selected for inquiry, mostly located in rural areas, were those identified by the task force as having been assumed by a general public library; operating under the care of another public entity; existing in workstation form only; functioning unstaffed; or having been essentially closed. Fifteen of the institutions replied, and their responses are embodied or summarized in the following table. (The task force received no response from Colusa, Modoc, and Plumas Counties.)

COUNTY	CEO / ACTING PARTY	LIBRARY LOCATION?	WHO IS RESPONSIBLE PARTY?	ACCESSIBILITY TO NON-ATTYS?	RESTRICTIONS ON NON-ATTYS?	IS COLLECTION CURRENT?	INTERNET FOR RESEARCH?	STAFF ASSISTANCE AVAILABILITY?	STAFF EXPERIENCE?	SPECIAL DOCUMENTS IN COLLECTION?	ADDITIONAL COMMENTS?
Alpine	Lisa Cobourn (But respondent was Vanessa. Lisa will respond more fully.)	Was a computer in hallway of courthouse, but now that's gone.	[fuller answer to follow]	[fuller answer to follow]	[fuller answer to follow]	[fuller answer to follow]	Formerly had Westlaw. We no longer do.	[fuller answer to follow]	[fuller answer to follow]	[fuller answer to follow]	
Amador	Evie Ghormley, acting CEO (Rachelle Agatha, former CEO now gone.)	In local county library.	Law Library Board of Trustees	Yes	Open Mon-Thu 9:30-8:30; Fri-Sat 9:00-5:00; Closed Sundays	Yes	Yes	No	N/A	No	
Del Norte	Sandra Linderman	Courthouse, 450 H St., Crescent City	Law Library Board of Trustees	Yes	They must obtain a key.	Yes	No	No	N/A	No	None

Glenn	Tina Burkhart	In the Courthouse/Recorders Office	Board of Trustees	Yes	8:00-5:00 M-F, open to the public	Yes	Yes	Yes—limited	None	No	All of the county's law library materials are online. We also have a self-help center that provides experienced assistance with research, workshops, and online access to legal research.
Humboldt	Dwight Clark	812 4th St., Eureka, 95501	Law Library Board of Trustees, President James Steinberg, 101 4th St., Eureka, 95501	Yes	Same as attorneys: must obtain a key if a volunteer is not on duty	Varies	Yes	Yes, when volunteer on duty	Retired Law Librarian	Unknown	Ask Ms. Steinberg

Inyo	Nancy Moxley	County Library in Bishop, CA, and County Law Library in Independence, CA (county seat)	County library personnel	Yes	None (same as regular library access)	No, currently due to budget constraints	No	N/A	N/A	No	None
Lassen	Rosemari Reed	Archives/Computer Server on 3rd floor of courthouse; Public access in Self-help Center, court's Access to Justice Center.	Law Library Board of Trustees	Yes	Open during court's Access to Justice Center's regular office hours	Yes	Yes	Basic instruction on how to use computer, no research instruction	Unknown	Archives contain historical documents in locked room	None

Mariposa	Cynthia Busse	The County Law Library occupies a small room on the second floor of the Mariposa County Courthouse	Law Library Board of Trustees	<p>The Law Library is open to non-attorney patrons Monday through Friday, 8:30 a.m. to 4:00 p.m., on a sign-in basis. There are times, however, during the week when the Law Library is used for Juvenile Court and is not available. Also, Jury panels use the Law Library for deliberations during jury trials. The Law Library is used minimally by non-attorney patrons and I am not aware of any problems caused by these limitations. Local attorneys are issued a key to the Law Library and basically have unrestricted access with the above exceptions. Again, this has not presented a problem. Law Library is used minimally by non-attorney patrons and I am not aware of any problems caused by these limitations. Local attorneys are issued a key to the Law Library and basically have unrestricted access with the above exceptions. Again, this has not presented a problem.</p>	<p>Non-attorney patrons must first check in with the Clerk's Office to see if the Law Library is available. If it is, the sign-in sheet is given to them. The sign-in sheet requires the date, their name, address and telephone number. After non-attorney patrons have signed in, they are given the key and permission to use the Law Library. When they leave the Law Library, they are to lock the room and return the key. We do have security concerns with the Law Library. On occasion we do experience missing material.</p>	<p>The vast majority of the legal material is current. The Board of Trustees recently removed outdated material which will be replaced once needs are determined. Input from local attorneys, including the Family Law Facilitators and Civil Self Help Facilitator, has been requested and will be used to make this determination.</p>	No	No, the Law Library is self-serve	N/A	All significant historical documents and books have been removed by the County in the last several years and placed in County Archives.	The County has an extra help position that is used to update the Law Library materials.
Mono	Bob Dennis	Both in Mammoth Lakes and in Bridgeport	Trustees	Yes. Online legal research available	Mon-Fri 10:00-7:00; Sat 9:00-5:30; Sunday Closed	Online availability	Yes	Yes	?	?	

San Benito	Alex Calvo	County Courthouse	Law Library Board of Trustees	Yes	Must check-out key from court staff during regular court hours	Yes	Yes	No	N/A	No	None
Sierra	Jan Hamilton	DA's office, courtroom, and Judge's chambers	DA for the most part. Judge/Clerks maintain reference materials (e.g. Witkin) in judge's chambers	Depends	Access limited by court's activity on any given day. Requests are infrequent, 2 times per year.	Yes	Yes	Yes, but only for basic computer operation; no access provided to pay sites like West	N/A	No	None
Sutter	Len LeTellier	Court provides electronic research resources to the public at its family law information center	Court IT staff support	Information Resource Center is accessible to the public 8:00–5:00 Monday to Friday	None	Yes	See #1	No	N/A	No	Only \$12,000/yr is collected in library fees—insufficient to staff and support a facility
Trinity	Donna Regnani	Next to Judges' chambers and courtroom	None – CEO and Court Secretary file updates	Yes	Open during court's regular office hours: 8:00-12:00 & 1:00-5:00	Yes/Varies	Yes	Often	Very Little	No	None

Tuolumne	Fran Jursco	Moving to 99B North Washington St, Sonora, CA 95370	Board of Trustees	Yes	Limited hours	Yes	Yes	Mela Turnes	None	No	Law library's income from filing maintains legal materials at a modest level. Due to loss of county funding in 04/05, Mela is paid by a limited term grant. Next year donations from Bar will be only source of funding. Absent 2 hours a day any additional revenue staffing will be available 3 days a week compared to current 20 hours a week.
Yuba	Steve Konishi	County library	County librarian and Board of trustees	Yes	None	Yes	Yes	Yes	Unknown	No	



ADMINISTRATIVE OFFICE
OF THE COURTS
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courtinfo.ca.gov

FACT SHEET

April 2005

Uniform Civil Fee Proposal

The complexity and lack of statewide consistency of filing fees led the Judicial Council's Court Fees Working Group to recommend a uniform civil fee structure. The new structure will streamline and vastly simplify the civil fees by rolling the current varied surcharges and add-on fees into one filing fee. The same fees will be charged for the same services across all 58 counties. These modest fee increases will ensure that access to justice for all Californians is maintained.

Proposed Fee Structure

The working group is proposing the following actions as part of the new structure:

First paper filings

- Establish statewide, uniform first paper and first responsive paper fees at three graduated levels:
 - Limited civil fee (less than or equal to \$10,000) \$180
 - Limited civil fee (greater than \$10,000 and less than \$25,000) \$300
 - Unlimited civil and family law fee \$320
- Consolidate the court security fee, \$25 court reporter fee, amended and cross-complaint fee, and AB 3000 (10 percent) surcharge as they relate to first paper filing and response fees. Revenue would be included in the new, consolidated fee.
- Establish facilities surcharges at \$20, \$25, and \$35 and include them in the consolidated filing fee.
- Establish a new distribution of \$2 for the Equal Access Fund.
- Consolidate fees for children's waiting rooms, dispute resolution, judges' retirement, and law libraries into the first paper fee and distribute them at the current levels.
- Establish a moratorium on fee changes—the uniform civil fee amounts would stay in effect through December 31, 2007, except for changes made by the Legislature related to county law library funding that may affect civil fees.
- Establish a set-aside for increases in dispute resolution, law library, children's waiting rooms, and judges' retirement fees during the proposed moratorium, ending December 31, 2007.

Uniform Civil Fee Proposal

Page 2 of 3

Probate

- Establish a statewide, uniform consolidated probate filing fee with the lowest level (estates valued at \$250,000 or less) at the same level as the unlimited civil filing fee with each additional level preserving the existing variance in graduated levels.
- Establish a fee for petition and response and appointment of guardians (for person only) at \$180.
- Establish a fee for second or later-filed petitions, petitions concerning internal affairs of trusts, and appointment of guardians and conservators (for person and estate[s]) at \$320.

Small Claims

- In recognition of the court resources required for these filings and the funding shortfall in the budget year, recommend increase from \$22 and \$66 (frequent filers) to graduated fee structure below:
 - Less than or equal to \$1,500 \$ 30
 - Greater than \$1,500, but less than or equal to \$5,000 \$ 50
 - If more than 12 claims have been filed in the previous 12 months \$ 75
- Eliminate the 10 percent surcharge and include the anticipated surcharge revenue in the consolidated fee level.
- The following amounts are distributed from the small claims fee to fund Small Claims Advisor services:
 - Less than or equal to \$1,500 \$ 6
 - Greater than \$1,500; less than or equal to \$5,000 \$ 8
 - If more than 12 claims have been filed in the previous 12 months \$ 14

Changes to Other Existing Fees

- Establish statewide, uniform fees for the following, eliminating the AB 3000 (10 percent) surcharge and increasing the motion and summary judgment motion fees:
 - Complex filing fee (consolidation of 10 percent surcharge only) \$ 550
 - Motion fee (previously \$36.30 with 10 percent surcharge) \$ 40
 - Summary judgment motion (previously \$165 with 10 percent surcharge) \$ 200

Miscellaneous Fees

- Establish uniform statewide miscellaneous-fee categories:
 - Group fees for similar types of services
 - Set a uniform fee for each group

Benefits of Uniform Civil Fee Structure

A uniform fee structure offers numerous benefits. It will:

- *Streamline and simplify the civil fee structure.* The current variety of surcharges and add-on fees will be consolidated into one filing fee.
- *Create uniformity.* The same fee will be charged for a given service in all 58 counties.
- *Address the funding shortfall.* The new fee structure will eliminate the current deficiency in the trial courts' budget.
- *Maintain access.* Average fees will be modestly increased, and the ability to ensure access to justice for all Californians will be maintained.
- *Equal access.* The new structure will provide additional funding for equal access programs.
- *Ensure fairness.* Reasonable differentials based on different case types will remain in the fees.
- *Ensure accuracy and accountability.* The implementation of a single, statewide civil fee schedule will increase accuracy in the collection and distribution of fees and provide more detailed fee information for local courts, counties, and the state.
- *Offer predictability.* Courts and attorneys will know what the fees are and that fees will not be changed through the end of 2007, with the possible exception of changes made within the uniform fee structure to increase funding for county law libraries.
- *Stabilize funding.* The proposed structure will:
 - Remove sunset dates;
 - Increase filing fees to restore revenues to the level of the 2003 Budget Act; and
 - Preserve the current revenue level for noncourt recipients of fees (i.e., counties, courts, law libraries, and children's waiting rooms).
- *Create and support the infrastructure.* To the extent feasible, funding will be provided to support facility and technology improvements in the trial courts.

Status Update

The uniform civil fee proposal will be pursued as part of the budget, with authorizing language included in a budget trailer bill. The Judicial Council will sponsor legislation to extend the part of the court security fee that will sunset on June 30, 2005. This "bridge" legislation will maintain existing filing fees and revenues at their current levels until the uniform civil fee is implemented.

Contact:

Ruben Gomez, Supervising Budget Analyst, Finance Division, ruben.gomez@jud.ca.gov