

# Legislative Analysis



## TRANSCRIPT FEE INCREASES FOR COURT OF APPEALS AND OTHER COURTS

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**House Bill 4501 (Substitute H-1)**  
**Sponsor: Rep. George Cushingberry, Jr.**  
**Committee: Appropriations**

**Complete to 7-17-07**

### **A SUMMARY OF HOUSE BILL 4501 AS REPORTED BY COMMITTEE 6-21-07:**

The bill would amend Sections 321 and 2543 of the Revised Judicature Act of 1961 (MCL 600.101 to 600.9947). Under current law, the Court of Appeals motion fees and immediate consideration or expedite appeal fees will be reduced on October 1, 2007. Under this bill, the Court of Appeals appeal fees, motion fees, and copy fees would be permanently increased from current year charges. Transcript fees paid to court reporters and recorders in circuit, district, and probate courts would also be increased with an inflationary mechanism established for future year increases.

### **BACKGROUND INFORMATION:**

#### Court of Appeals Fees (Section 600.321)

Court of Appeals fees are used to help fund the operations of the Michigan Court of Appeals. These fees have been increased periodically as court costs have risen (see chart on page 2). The fee for an appeal as of right or for an original proceeding was increased to \$375 in 2003. This bill would increase this fee to \$415.

The Court of Appeals motion fees were increased in 2003 from \$75 to \$100 and the fees for immediate consideration and expedited motions were increased from \$150 to \$200. Both fee increases were scheduled to expire on October 1, 2005. However, the sunset on these fee increases was subsequently extended until October 1, 2007 by Public Act 151 of 2005. House Bill 4501 would raise the motion fee to \$110 and the fees for immediate consideration and expedited motions to \$225. The bill would also eliminate the sunset on these motion fee increases and establish the fee increases permanently.

A new \$25 appeal fee would be created for filing with the Supreme Court an application for leave to appeal a Court of Appeals decision. This fee would be paid to the clerk of the Court of Appeals.

Under this bill, the costs for certified copies of entries or papers would be increased from the current charge of \$.50 per page to \$1.50 per page. The cost of uncertified copies of opinions would be increased from \$.50 to \$1.50. The bill includes new language that allows the judge to waive the payment of copy charges for indigent parties using the same process that currently allows the judge to waive court fees of indigent parties.

The following chart presents the historical background of these fees and details the fee increases that the proposed bill would implement:

### History of Michigan Court of Appeals Motion Fee Increases

<b>Public Act</b>	<b>Appeal as of Right, Leave to Appeal, Original Proceeding</b>	<b>Motion Fee</b>	<b>Immediate Consideration, Expedite Appeal</b>	<b>Supreme Court – Leave To Appeal</b>
PA 274 of 1986	\$100	\$25	N/A	N/A
PA 277 of 1990	\$200	\$50	N/A	N/A
PA 182 of 1997	\$250	\$75	\$150	N/A
PA 138 of 2003	\$375	\$100 (after 10/1/05- \$75)	\$200 (after 10/1/05- \$150)	N/A
PA 151 of 2005	\$375	\$100 (after 10/1/07- \$75)	\$200 (after 10/1/07- \$150)	N/A
<i>PROPOSED BILL (HB 4501)</i>	<i>\$415</i>	<i>\$110</i>	<i>\$225</i>	<i>\$25</i>

#### Circuit Court Transcript Fees (Section 600.2543)

This bill would increase the transcript fee paid to court reporters or recorders in Michigan's trial courts. These fees are not revenues to the courts because the fees are paid to the courts' reporters or recorders, not the courts themselves. These fees are expenses to the courts in cases of court-ordered transcripts. While the bill mentions Circuit Courts specifically, under current law, the transcript fee charges for District Courts and Probate Courts are set by referencing the Circuit Court amounts (MCL 600.8631 and 600.878). Thus, this bill would effectively increase the transcript fees for these courts as well.

The charge for an original transcript was set at \$1.75 per page in 1987, and the cost for a copy was set at \$.30 per page in 1974. Under the bill, the Circuit Court charge for transcripts would increase from \$1.75 per original page to \$2.00 per original page and maintain the charge of \$.30 per page for each copy. The bill also provides for an additional \$.25 increase per original page and \$.05 per page for each copy for each of the following three years. These increases would go into effect on October 1<sup>st</sup> of 2008, 2009, and 2010. Thus, on October 1, 2010, the charge for an original page of a transcript would be \$2.75 per page and the charge for each copy page would be \$.45.

In each of the following three years, 2011 - 2013, the amount charged for transcript pages would be adjusted for inflation based on the Detroit Consumer Price Index.

#### **FISCAL IMPACT:**

##### Court of Appeals

Under this bill as introduced, it is estimated that the Court of Appeals would receive additional revenue from the increased filing fees, motion fees and copy charges. It is estimated that these increases would generate an additional \$273,000 annually for the Court of Appeals.

### Local Trial Courts

Section 2543 of the bill increases the transcript charges paid to Circuit Court reporters or recorders. This provision would increase transcript costs for all trial courts. When a judge orders a transcript, the bill states that the court reporters or recorders would receive the same compensation as for other requests. Thus, counties or a court's local funding unit would have to pay the increased charges established by this bill for judge-ordered transcripts.

In the first year, the cost to counties or local governments for transcripts would increase by 14% (\$1.75 increased to \$2.00). In each of the following three years, these costs would increase an additional \$.25 for each year for original transcripts and an additional \$.05 for each year for copies. By the fourth year, the transcript fee will have seen a 56% increase from current year charges (\$1.75 to \$2.75) and copy charges will have seen a 50% increase from current year charges (\$.30 to \$.45). In addition, the bill provides for additional inflationary increases for the following three years.

The bill's fiscal impact to funding units of local courts cannot be determined at this time because current local transcript data is not available. However, local court transcript fees paid by local governmental units to court reporters or recorders would increase at the end of four years by 50 to 56% of current charges and then increase slightly over the following three years.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.