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House of Representatives
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 VETERAN'S AFFAIRS

April 13, 2015

Lynnisse Roehrich-Patrick
 Executive Director, TACIR
 226 Capitol Blvd., Suite 508
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Director Roehrich-Patrick,

In recent years, the House Civil Justice Committee, of which I Chair, has been asked to consider a number of bills that increase a wide range of court fees. I, along with several members of our committee, are concerned about this recurring practice of fee increases and the possible negative effects that may occur due to the passage of this type of legislation.

In an effort to better understand this issue, I would like your help in gathering information for the committee members. If possible, I request that TACIR submit a report to the House Civil Justice Committee that includes information from the last ten years regarding all 95 counties and changes to court fees. In particular, it should include all bills that were passed by the legislature to increase any kind of court fee and address these questions: What are the fees? What are these fees used for? Is there information available that shows these fees are being used for that purpose? Does TACIR have any policy recommendations they would like to make to the committee regarding this practice?

I would ask that this information be submitted to the committee prior to next year's session. Rep. Martin Daniel is one of our committee members who has expressed deep concern over this issue so I have asked that he take the lead on this; please send any correspondence regarding this request directly to him.

With Regards,

Jon Lundberg
 State Representative, District 1
 Chair, House Civil Justice Committee

Research Plan: Court Fee Study

Research Manager: David Lewis

Lead Research Associate: Tyler Carpenter

Support: Na

Deputy Executive Director Approval: Initial:  Date: 5/26/15

Executive Director Approval: Initial:  Date: 5/26/15

Purpose

To study court fees in all 95 counties over the past ten years, including any changes in fees that have occurred during that time. Include information about all bills passed by the legislature to increase fees, the types of fees, their use, and if possible, whether the fees are being used as legislatively intended. Report the Commission's policy recommendations.

Background

The Tennessee court system consists of ten different types of courts, ranging from municipal courts to the Tennessee Supreme Court, and there are hundreds of fees spanning the system, from simple filing fees of \$1 to fees of several hundred dollars for bringing complex cases before the court. According to the Tennessee Administrative Office of the Courts, court fees may include clerks' fees, sheriffs' fees, and litigation taxes. The General Assembly sets fees and taxes or delegates that authority to local governments.

In recent years, the House Civil Justice Committee has been asked to consider a number of bills that would increase a wide range of court fees. Several members of the committee are concerned about the recurring practice of fee increases and the possible negative effects of this type of legislation. Because of this concern, the committee's chairman, Representative Lundberg, requested by letter that the Commission study court fees and report its findings to the House Civil Justice Committee before the start of the next legislative session.

Step 1. Define the Problem

What is the most efficient and equitable way of funding the court system? What are the unintended consequences, if any, of raising court fees? What is the intended purpose of court fees, and to what extent are they being used for that purpose?

Step 2. Assemble Some Evidence

- Review past and present court fee legislation and related statutes and regulations.
 - Review committee hearings on the bills and summarize comments and concerns of committee members, the bill sponsors, and others speaking for or against the bills.
 - Interview the bills' sponsors, proponents, and other stakeholders to determine what is driving this issue.
 - Review the fiscal notes. Consult with Fiscal Review Committee staff and follow up with agencies submitting support forms to determine the estimated cost and the method and rationale for the estimates.
- Determine what fees are currently charged by the state and by local governments.
- Study how state and local governments are using court fees and, if possible, determine whether they are being used as intended.
- Review court fees charged by other states and their local governments and laws pertaining to those fees.
- Review literature on court fees and seek opinions of subject matter experts.

Step 3. Construct Alternatives

Alternatives will include

- current law,
- proposed changes to the current law, and
- any additional alternatives drawn from the research and analysis in Step 2.

Each alternative will be described specifically enough to project outcomes in Step 5.

Step 4. Select Criteria

- Cost
 - To the state
 - To local governments
 - To individuals and businesses accessing the court system
- Effectiveness at covering the costs of court administration
- Equity
- Constitutionality
- Estimate receptiveness of

- State government
- Local governments
- Individuals and businesses accessing the court system

Step 5. Project Outcomes

- Estimate cost to state government, local governments, and individuals and businesses accessing the court system.
- Estimate the effectiveness at covering the costs of court administration.
- Evaluate whether individuals are treated equitably.
- Evaluate constitutional issues.
- Estimate the acceptability to the state, local governments, and individuals and businesses accessing the court system.

Step 6. Confront Trade-offs

- How will the differences between the current law and the other alternatives affect the individuals and businesses accessing the court system?
- What are the pros and cons of the potential solutions?

Step 7. Decide which alternatives to present to the Commission

Based on the results of Step 6, choose the alternatives that most practically and realistically resolve the problem.

Step 8. Produce the Draft Report

Develop and present a draft for review and comment to the Commission.

Revisit Steps 5 through 8.

- Respond to feedback from Commission regarding outcome projections, trade-offs, and selection of alternatives.
- Revise and edit the draft to reflect comments of the Commission.
- Submit final report to the Commission for approval.

