

MEMORANDUM

June 2, 2003

To: County Clerks
Chief Clerks of State-funded courts

From: Jonathan Lippman

Re: Fee Increases

The State Budget just enacted makes significant changes in the fees paid by persons who use the courts. The changes include:

? increases in existing user fees payable in Supreme and County Courts, together with new fees for (1) the filing of motions/cross motions, and (2) the filing of stipulations of settlement or voluntary discontinuance.

? increases in existing user fees payable in the Surrogate's Courts.

? increases in existing user fees payable in the New York City Civil Court.

? increases in existing user fees payable in the District Courts.

? increase in the existing fee paid Clerks of the Appellate Divisions and the Clerk of the Court of Appeals for filing a record on appeal, together with a new fee for the filing of motions/cross motions on appeal.

Attention City Courts: the Budget *does not* increase fees payable in City Courts outside NYC.

The Budget also: amends CPLR 8019(f) to increase fees collected by County Clerks for the provision of copies of records on file with them; increases the criminal history search fee collected by OCA to \$52; and increases the biennial attorney registration fee to \$350.

The attached charts will summarize these increases, all of which will take effect **July 14, 2003**.

Please note that the State Budget also makes changes in the surcharges imposed upon persons convicted of Penal Law, VTL and other offenses. I will summarize these

changes in another memorandum, to be distributed under separate cover.

COURT USER FEES IN SUPREME & COUNTY COURTS

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Changes in Existing Fees				
Issue an index number (includes aggregate fees imposed in CPLR 8018(a)(1) and 8018(a)(3))	CPLR 8018(a)	\$185	\$210	<ul style="list-style-type: none"> • To Loc. Govt. Rec. Mgmt. Improvement Fund: \$4.75 • To Cult. Ed. Acct.: \$14.25 • To General Fund: \$165.00 • Retained by County Clerk: \$26.00
Issue an RJI	CPLR 8020(a)	\$75	\$95	<ul style="list-style-type: none"> • To General Fund: \$95.00
Place on trial calendar i.e., Note of Issue)	CPLR 8020(a)	\$100	\$125	<ul style="list-style-type: none"> • To General Fund: \$125.00
File demand for jury	CPLR 8020(c)	\$50	\$65	<ul style="list-style-type: none"> • To General Fund: \$65.00
File a notice of appeal	CPLR 8022(a)	\$50	\$65	<ul style="list-style-type: none"> • To General Fund: \$65.00
File a petition for SCAR	RPTL 730(3)	\$25	\$30	<ul style="list-style-type: none"> • To General Fund: \$25.00 • Retained by County Clerk: \$5.00
New Fees				
File motion/cross motion	CPLR 8020(a)	--	\$45	<ul style="list-style-type: none"> • To General Fund: \$45.00
File stipulation of settlement/voluntary discontinuance	CPLR 8020(d)	--	\$35	<ul style="list-style-type: none"> • To General Fund: \$35.00

Notes:

To complement the new fee for filing a stipulation of settlement/voluntary discontinuance, CPLR 2104 and 3217 are amended to require the defendant to file such stipulation or a notice, stipulation or certificate of discontinuance with the County Clerk.

CPLR 8020(a), as amended, expressly prohibits imposition of the fee for the filing of a motion on appeal where the motion is for leave to proceed as a poor person.

COURT USER FEES ON APPEALS IN THE APPELLATE DIVISIONS AND IN THE COURT OF APPEALS

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Changes in Existing Fees				
File a record on appeal	CPLR 8022(b)	\$250	\$315	• To General Fund: \$315.00
New Fees				
File motion/cross motion on an appeal	CPLR 8022(b)	--	\$45	• To General Fund: \$45.00

Notes:

CPLR 8022(b), as amended, expressly prohibits imposition of the fee for the filing of a motion on appeal where the motion is for leave to proceed as a poor person.

COURT USER FEES IN THE NYC CIVIL COURT

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT	
Changes in Existing Fees					
Filing a small claim	NYCCCA 1803(a)	\$10/\$15	\$15/\$20	• To General Fund:	\$15/\$20
File a counterclaim to a small claim	NYCCCA 1803(c)	\$3	\$5	• To General Fund:	\$5.00
File a commercial claim	NYCCCA 1803-A(a)	\$20	\$25	• To General Fund:	\$25.00
File a commercial claim in a consumer credit transaction	NYCCCA 1803-A(b)	\$20	\$25	• To General Fund:	\$25.00
File a counterclaim to a commercial claim	NYCCCA 1803-A(d)	\$3	\$5	• To General Fund:	\$5.00
Issue a summons, etc.	NYCCCA 1911(a)	\$35	\$45	• To General Fund:	\$45.00
Filing first paper, etc.	NYCCCA 1911(b)	\$35	\$45	• To General Fund:	\$45.00
Filing infant's compromise	NYCCCA 1911(c)	\$30	\$40	• To General Fund:	\$40.00
Filing notice of trial	NYCCCA 1911(d)	\$30	\$40	• To General Fund:	\$40.00
Entry of judgment on confession	NYCCCA 1911(e)	\$35	\$45	• To General Fund:	\$45.00
Filing notice of appeal	NYCCCA 1911(f)	\$25	\$30	• To General Fund:	\$30.00
Issue satisfaction of judgment, etc.	NYCCCA 1911(g)	\$5	\$6	• To General Fund:	\$6.00
Demand for jury trial	NYCCCA 1911(h)	\$55	\$70	• To General Fund:	\$70.00
Exemplification	NYCCCA 1911(i)	\$10	\$15	• To General Fund:	\$15.00
Certifying a paper	NYCCCA 1911(j)	\$5	\$6	• To General Fund:	\$6.00
Issue notice of petition	NYCCCA 1911(k)	\$35	\$45	• To General Fund:	\$45.00
Name change	NYCCCA 1911(l)	\$50	\$65	• To General Fund:	\$65.00

COURT USER FEES IN THE DISTRICT COURT

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT	
Changes in Existing Fees					
Filing a small claim	UDCA 1803(a)	\$10/\$15	\$15/\$20	• To General Fund:	\$15/\$20
File a counterclaim to a small claim	UDCA 1803(c)	\$3	\$5	• To General Fund:	\$5.00
File a commercial claim	UDCA 1803-A(a)	\$20	\$25	• To General Fund:	\$25.00
File a commercial claim in a consumer credit transaction	UDCA 1803-A(b)	\$20	\$25	• To General Fund:	\$25.00
File a counterclaim to a commercial claim	UDCA 1803-A(d)	\$3	\$5	• To General Fund:	\$5.00
Issue a summons, etc.	UDCA 1911(a)(1)	\$35	\$45	• To General Fund:	\$45.00
Filing first paper, etc.	UDCA 1911(a)(2)	\$35	\$45	• To General Fund:	\$45.00
Entry of judgment on confession	UDCA 1911(a)(3)	\$35	\$45	• To General Fund:	\$45.00
Filing notice of appeal	UDCA 1911(a)(4)	\$25	\$30	• To General Fund:	\$30.00
Issue satisfaction of judgment, etc.	UDCA 1911(a)(5)	\$5	\$6	• To General Fund:	\$6.00
Demand for jury trial	UDCA 1911(a)(6)	\$55	\$70	• To General Fund:	\$70.00
Exemplification	UDCA 1911(a)(7)	\$10	\$15	• To General Fund:	\$15.00
Certifying a paper	UDCA 1911(a)(8)	\$5	\$6	• To General Fund:	\$6.00
Filing notice of trial	UDCA 1911(a)(9)	\$30	\$40	• To General Fund:	\$40.00

COURT USER FEES IN THE SURROGATE'S COURT

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Changes in Existing Fees				
Recording an instrument settling an account	SCPA 2402(4)	\$5/page	\$6/page	• To General Fund: \$6.00
Fee schedule for probate/adminis.	SCPA 2402(7)	<u>Estate Value</u>		• To General Fund:
		• less than \$10,000: \$35	\$45	\$45.00
		• \$10,000 to \$20,000: \$60	\$75	\$75.00
		• \$20,000 to \$50,000: \$170	\$215	\$215.00
		• \$50,000 to \$100,000: \$225	\$280	\$280.00
		• \$100,000 to \$250,000: \$335	\$420	\$420.00
		• \$250,000 to \$500,000: 500	\$625	\$625.00
		• Over \$500,000: \$1,000	\$1,250	\$1,250.00
File petition to:	SCPA 2402(8)(a)			
• Punish for contempt		\$25	\$30	• To General Fund: \$30.00
• Suspend, etc., letters of fiduciary		\$60	\$75	• To General Fund: \$75.00
• Suspend, etc., letters of custodian		\$25	\$30	• To General Fund: \$30.00
• Fiduciary resigns		\$25	\$30	• To General Fund: \$30.00
• Suspend fiduciary powers in war		\$25	\$30	• To General Fund: \$30.00
• Produce will		\$15	\$20	• To General Fund: \$20.00
• Will construction		\$60	\$75	• To General Fund: \$75.00
• Determine right of election		\$60	\$75	• To General Fund: \$75.00
• Appoint trustees		\$35	\$45	• To General Fund: \$45.00

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
• Release vs. State		\$40	\$50	• To General Fund: \$50.00
• Guardian appointment		\$15	\$20	• To General Fund: \$20.00
• Open safe dep. box		\$15	\$20	• To General Fund: \$20.00
• Proceedings against fiduciary		\$15	\$20	• To General Fund: \$20.00
• Proceedings by fiduciary		\$60	\$75	• To General Fund: \$75.00
• Advice & directions		\$60	\$75	• To General Fund: \$75.00
• Continue business		\$35	\$45	• To General Fund: \$45.00
• Corp. trustee comp.		\$7	\$10	• To General Fund: \$10.00
• Compel fiduciary accounting		\$25	\$30	• To General Fund: \$30.00
File demand for jury	SCPA 2402(9)(i)	\$120	\$150	• To General Fund: \$150.00
File objections to probate	SCPA 2402(9)(ii)	\$120	\$150	• To General Fund: \$150.00
Note of issue	SCPA 2402(9)(iii)	\$35	\$45	• To General Fund: \$45.00
Objection/answer in non-probate proceed.	SCPA 2402(9)(iv)	\$60	\$75	• To General Fund: \$75.00
Will for safekeeping	SCPA 2402(9)(v)	\$35	\$45	• To General Fund: \$45.00
Bond (less than \$10,000)	SCPA 2402(9)(vi)	\$15	\$20	• To General Fund: \$20.00
Bond (\$10,000 or more)	SCPA 2402(9)(vi)	\$25	\$30	• To General Fund: \$30.00
Transcript of decree	SCPA 2402(10)	\$15	\$20	• To General Fund: \$20.00
Certificate of letters	SCPA 2402(11)	\$5	\$6	• To General Fund: \$6.00
Copy of will, etc.	SCPA 2402(12)(a)	\$5/page	\$6/page	• To General Fund: \$6.00
Authenticating copy	SCPA 2402(12)(b)	\$15	\$20	• To General Fund: \$20

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Search/certify record under 25 years	SCPA 2402(13)	\$25	\$30	• To General Fund: \$30.00
Search/certify record over 25 years	SCPA 2402(13)	\$70	\$90	• To General Fund: \$90.00
Produce papers under subpoena w/i county	SCPA 2402(14)(a)	\$25	\$30	• To General Fund: \$30.00
Produce papers under subpoena in other county	SCPA 2402(14)(b)	\$.25/day	\$.30/day	• To General Fund: \$.30
Recording an instrument, etc.	SCPA 2402(15)(a)	\$6/page \$12 min.	\$8/page \$16 min.	• To General Fund: \$8.00
File authenticated copy of foreign will	SCPA 2402(15)(b)	\$6/page \$48 min.	\$8/page \$64 min.	• To General Fund: \$8.00
Tax bill of costs	SCPA 2402(15)(c)	\$10	\$15	• To General Fund: \$15.00

FEES COLLECTED BY COUNTY CLERKS UNDER CPLR 8019(f)

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Changes in Existing Fees				
Maximum per record	CPLR 8019(f)	\$30	\$40	• Retained by County Clerk: \$40.00
Prepare a copy of any record/paper on file	CPLR 8019(f)(1)	\$.50/pg. \$1 min.	\$.65/pg. \$1.30 min.	• Retained by County Clerk: \$.65
Certify a prepared copy	CPLR 8019(f)(2)	\$.50/pg. \$4 min.	\$.65/pg. \$5.20 min.	• Retained by County Clerk: \$.65
Prepare & certify a copy	CPLR 8019(f)(3)	\$1/pg. \$4 min.	\$1.25/pg. \$5 min.	• Retained by County Clerk: \$1.25
Prepare & certify certificate of honorable discharge	CPLR 8019(f)(4)	\$2	\$2.50	• Retained by County Clerk: \$2.50

FEEES COLLECTED BY THE OFFICE OF COURT ADMINISTRATION

SERVICE	STATUTORY AUTHORITY	PRESENT AMOUNT	NEW AMOUNT	DISTRIBUTION OF NEW AMOUNT
Changes in Existing Fees				
Biennial Attorney Registration Fee	Jud. Law 468-a	\$300	\$350	<ul style="list-style-type: none"> • To Atty Licensing Fund: \$240.00 • To Lawyers' Fund: \$60.00 • To Indig. Leg Svces Fund: \$50.00
Criminal History Search Fee	Unconsol. Law	\$16	\$52	<ul style="list-style-type: none"> • To Indig. Leg Svces Fund: \$27.00 • To Leg Svces Assist Fund: \$9.00 • To General Fund: \$16.00