



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 17-204, Version: 1

Title

Judicial Council-Sponsored Legislation: Authorization for Fees for Electronic Filing and Service in the Appellate Courts (Action Required)

Summary

The Policy Coordination and Liaison Committee and the Administrative Presiding Justices Advisory Committee recommend that the Judicial Council sponsor legislation to amend the Government Code sections relating to appellate court fees to (1) clarify that an appellate court or its electronic filing service provider may charge a reasonable fee for e-filing services; (2) allow an appellate court in a contract with an e-filing service provider to contract to receive a portion of the fees collected by that provider; and (3) authorize the appellate courts to charge a fee to recover costs incurred for providing e-filing. People entitled to fee waivers would not be subject to any of the fees provided for in the legislation.

Recommendation

The Policy Coordination and Liaison Committee and Administrative Presiding Justices Advisory Committee recommend, effective November 17, 2017, that the Judicial Council sponsor legislation to:

1. Amend Government Code section 68930 to provide that:
 - a. An appellate court that contracts, individually or jointly with other courts, with an electronic filing service provider to furnish and maintain an e-filing and service system may allow the provider to charge electronic filers a reasonable fee in addition to the court's filing fee and may contract with the e-filing service provider to receive a portion of those fee revenues;
 - b. The court may also charge a fee to recover its costs; and
 - c. These authorized fees may not be charged to any party who has been granted a fee waiver and may be waived in other circumstances on a finding of good cause;
2. Amend Government Code section 68929 to relocate the provision for the fee for certification from section 68930 to subdivision (a) of section 68929 and move the current provisions in section 68929 on the fee for comparing documents to subdivision (b) of that section; and
3. Amend Government Code section 68933, which establishes the Appellate Court Trust Fund and identifies the fees collected by the Courts of Appeal and the Supreme Court that are to be deposited in that fund, to specify that any fee revenue from amended section 68930(a)(1) must be placed in the fund.