



# THE MISSOURI BAR

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**DATE:** April 1, 2009  
**TO:** Representative Jeff Roorda  
**FROM:** The Missouri Bar  
**RE:** House Bill 444

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Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

Recently the Executive Committee reviewed House Bill 444, which would authorize counties to assess a fee on all civil case filings by the circuit court to fund implementation of a neutral site child custody exchange program.

The Missouri Bar Board of Governors generally opposes legislation which would increase court costs to fund projects and activities not directly related to the judicial system. This position is based on a belief that the practice of utilizing court costs for purposes unrelated to supporting and improving the court system will unduly restrict access of ordinary citizens to the state's courts to resolve legitimate disputes.

Following are some of the comments received from bar members about House Bill 444:

"Seems unreasonable to attach a single purpose fee to all civil cases, especially when the case may have nothing to do with exchange of custody. Sets a bad precedent for attaching an unlimited variety of fees to all civil cases.

[P]roposed Section 452.407.3(3)...provides for rolling all excess funds annually into the general county treasury 'for the administration of justice.' The term used is not defined. ... [T]he allowance of a range of the fees, with any leftover going to the administration of justice to lead to abuse by intentional overestimation of needs in order to create funding for other administration of justice costs."

"Use of filing fees to avoid a general tax issue or to support items which are only of issue in a small percentage of cases should not be done."

"There is a great need for these neutral site exchange programs and they are difficult to fund, but how many more assessments are we going to add to the filing of suits?"

Because of these public policy concerns, The Missouri Bar opposes House Bill 444.