FISCAL BRIEF

CIVIL FILING FEE FUND

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FAST FACTS

- The Civil Filing Fee Fund was created to consolidate a variety of previously assessed fees and their respective funds into one location.
- Filing claims in civil court requires fees to be paid, based on the value of the case.
- Revenue from the fund is distributed to a variety of programs and fund sources on a percentage basis according to statute.

INTRODUCTION

The Civil Filing Fee Fund was created by 2003 PA 138, MCL 600.171, to consolidate several previously assessed fees and their respective funds into one location. Revenue is derived from civil filing fees designated by law for deposit into the fund. Revenue from the fund is distributed to a variety of programs and fund sources on a percentage basis according to statute. All the fund sources are created within the Department of Treasury, and distributions from the fund are made monthly.

FUNDING SOURCES

Filing claims in civil court requires payment of a variety of fees. Fees vary depending on the value of the civil case. In district court, civil filing fees range from $25 for a claim of up to $600 to $150 for a claim of over $10,000. In circuit and probate courts, civil filing fees are $150. A portion of filing fee revenue is transmitted to the state and deposited into the Civil Filing Fee Fund.

DISTRIBUTION FORMULA

Revenue from the Civil Filing Fee Fund is distributed monthly in accordance with MCL 600.171. The chart below outlines distributions for FY 2024-25.

FY 2024-25 Civil Filing Fee Fund Distributions

Funding Recipient	Distribution Rate	Amount Distributed (Millions)
Judiciary		
Community Dispute Resolution Program	5.2%	$2.0
Judicial Technology Improvement Fund	11.1%	$4.4
Court Equity Fund	8.2%	$3.2
State Court Fund	48.5%	$19.0
Judges' Retirement System/Court Fee Fund	24.0%	$9.4
Deposited in Judges' Retirement System*		
Remainder transferred to Court Fee Fund		
Legislative Retirement System	1.5%	$0.6
State General Fund	1.5%	$0.6
Total	**100.0%**	**$39.2**

***Amount is determined by actuary**

Source: State Court Administrative Office

COMMUNITY DISPUTE RESOLUTION PROGRAM

The Community Dispute Resolution Program was created by 1988 PA 260, MCL 691.1551 to 691.1564, to provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution as an alternative to lawsuits or trial. Dispute resolution services are provided by trained volunteers at dispute resolution centers and through videoconferencing and teleconferencing. Volunteers serve as trainers, outreach workers, administrators, workshop facilitators, and office assistants. Services are available at no cost to indigent participants.

Circuit court case types include unrepresented litigant divorce, pre- and post-judgment domestic relations, truancy, child protection, and parenting time mediation. Probate court case types include guardianships, conservatorships, trusts, and testamentary. District court case types include general civil claims, landlord and tenant, and small claims. School conflict management services include restorative practices, truancy reduction, restorative conferencing, and bullying prevention.

In FY 2019-20, the Community Dispute Resolution Program began to experience a decline in the number of cases and an increase in mediation times due to the COVID-19 pandemic. Prior to the pandemic, services were primarily face-to-face with in-person contact with clients. Once COVID hit, centers had to establish new ways to provide services, which included videoconferencing, teleconferencing, and online dispute resolution services. MI-Resolve is a new online dispute resolution tool through which parties can try to resolve their disputes entirely online, 24 hours a day, 7 days a week.

There were 39,261 individuals involved in dispute resolution cases in FY 2024-25, and 14,633 of those case were disposed. A resolution rate of 63% was realized when parties agreed to use program services to settle their disagreements. Based on random surveys, the agreements reached were upheld 66.7% in civil cases, 70.6% in family cases, and 87.4% in school cases. Case disposition took an average of 30 days, and mediations lasted, on average, about one hour and 50 minutes.

The Community Dispute Resolution Program receives 5.2% of the funds distributed from the Civil Filing Fee Fund. In FY 2024-25, sixteen dispute resolution centers received $2.0 million in grant funding through the Community Dispute Resolution Fund, which is managed by the State Court Administrative Office.

JUDICIAL TECHNOLOGY IMPROVEMENT FUND

The Judicial Technology Improvement Fund was created by 2003 PA 78, MCL 600.175, and is administered by the State Court Administrative Office's Judicial Information Services division. The fund is used for development and ongoing support of an integrated statewide judicial information system, for development and support of a statewide telecommunications infrastructure for criminal justice information systems, and for pursuing other technological innovations that will result in enhanced public service and access to local trial courts. Projects include the development, implementation, and oversight of new case management systems, electronic filing, online payment of fines and fees, data warehousing of pending and closed cases, web-based instructions for completion of court documents, and courtroom video technology.

The Judicial Technology Improvement Fund receives 11.1% of the Civil Filing Fee Fund's distributions. This totaled $4.4 million in FY 2024-25.

COURT EQUITY FUND

The Court Equity Fund was established by 1996 PA 374, MCL 600.151b, to provide funding assistance to counties for trial court operations. The Court Equity Fund receives 8.2% of the Civil Filing Fee Fund's distributions. In FY 2024-25, the Civil Filing Fee Fund provided $3.2 million of the Court Equity Fund's $47.0 million total. Other FY 2024-25 sources of revenue included the Justice System Fund ($7.3 million), the State Court Fund ($23.9 million), the Court Fee Fund ($2.2 million), and the state general fund ($10.4 million).

The fund is disbursed quarterly to county governments based on a statutory formula that establishes each county's share. The formula includes two factors: the caseload activity of the circuit and probate courts, and the number of judgeships in each county. The first factor, caseload activity, takes into account new cases filed for the most recent three years in a county's circuit and probate courts and compares the county's proportion of these filings to total filings for the state. The second factor compares the number of circuit, probate, and district court judges for each county to the total number of judges statewide.

STATE COURT FUND

The State Court Fund was established by 1993 PA 189, MCL 600.151a. The Civil Filing Fee Fund provides 48.5% of its balance to the State Court Fund, which also receives revenue from the Justice System Fund, service fees on child support payments, and other fees from trial courts (e.g., motion fees). In total, this fund collected $30.9 million in FY 2024-25, with $19.0 million of these funds originating from the Civil Filing Fee Fund.

Payments from the fund are made every three months and are distributed to the Court Equity Fund, Indigent Civil Legal Assistance, and the State Court Administrative Office. The Court Equity Fund receives the majority of these distributions, claiming the first $1.6 million, as well as 76% of the remaining balance, to be used for operational expenses of trial courts. This totaled $23.9 million in FY 2024-25.

Indigent Civil Legal Assistance receives 23% of the remaining balance, totaling $6.7 million in FY 2024-25. Funding provides legal assistance and representation to indigent people involved in civil litigation. The State Court Administrative Office receives the remaining 1% of funds, approximately $300,000 in FY 2024-25, for oversight, data collection, and court management assistance.

JUDGES' RETIREMENT SYSTEM AND COURT FEE FUND

The Judges' Retirement System, managed by the Office of Retirement Services in the Department of Technology, Management, and Budget, receives 24% of the Civil Filing Fee Fund's revenue, or $9.4 million in FY 2024-25. Under MCL 38.2304(4), the retirement system deposits into the reserve for employer contributions the amount needed from these fees to sustain the required level of publicly financed contributions, based on the most recent actuarial valuation. This totaled $1.0 million in FY 2024-25.

After withholding any necessary funds for the Judges' Retirement System, remaining funds are deposited into the Court Fee Fund under MCL 38.2217. To the extent that funds are available, MCL 38.2217 provides for distributions from the Court Fee Fund to address shortfalls in the Judges' Retirement System reserve for health benefits ($0 was needed in FY 2024-25); for the Court Equity Fund ($2.2 million in FY 2024-25); and for operational expenses of the trial courts, including circuit and probate judges' salaries ($2.8 million in FY 2024-25).

LEGISLATIVE RETIREMENT SYSTEM

The Michigan Legislative Retirement System receives 1.5% of the balance of the Civil Filing Fee Fund, roughly $600,000 in FY 2024-25, which accounts for about 9.6% of the retirement system's total funding. The remaining amount is provided by the Justice System Fund and the state general fund.

The Legislative Retirement System is contained within the legislative branch, where it is administered by an 11-member board of former members of the legislature, as provided for by 1957 PA 261, MCL 38.1001 to 38.1080. Private investment managers and financial consultants provide investment services. The revenue is used primarily to provide health care and other benefits to system members and their spouses, dependents, survivors, and beneficiaries.