

WESTERN CENTER ON LAW AND POVERTY

M E M O R A N D U M

To: People Interested in Access to Courts Issues  
From: Dick Rothschild  
Date: December 13, 1999  
Re: Update IX

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IFP Issues

1. As previously reported, the Judicial Council has proposed legislation that would impose substantial verification requirements on public assistance recipients seeking in forma pauperis fee waivers. The legislation has now been introduced as Assembly Bill 2667 (Davis). The bill would amend Government Code §68511.3 to require applicants to "attach to the application documentation of benefits to support the claim and all other financial information on a form promulgated by the Judicial Council for this purpose."

For more information on this, contact Christine Minnehan of Western Center's Sacramento office (916-442-0753, ext. 14), or Dick Rothschild, 213-487-7211, ext. 24.

2. Gary Smith of Legal Services of Northern California reports that the Judicial Council has a new and definitely not improved IFP form. The form now states that the order granting the fee waiver "is valid for (specify):      days. Judges in Yolo County are inserting 90 or fewer in the blank space. There does not appear to be any legal justification for the invitation to insert a durational limit.

3. Kate Willmore of Inland Counties Legal Services persuaded the municipal court in San Bernardino to change its practices of refusing to accept for filing documents filed more than six months after the complaint, refusing to set hearings for fee waivers if the applicant had insufficient proof and refusing to file pleadings if the fee waiver papers were not in order. Kate's protest was shuffled from the court administrator to the civil manager to the County Counsel, who agreed that the practices were illegal.

4. Fresno County Superior Court has agreed to change its policy requiring IFP applicants who qualify as public assistance recipients also to fill out income information. The change came at the request of Alice Andre-Clark of Central California Legal Services.

Discovery Referees

5. The Court of Appeal has formulated a multi-part test for considering when discovery disputes involving indigents may be referred to referees paid by the parties. DeBlase v. Superior Court, 41 Cal.App.4th 1279 (1996). Among other rulings, the appellate court held that a claim of indigency need not be documented unless it appears suspicious; and the trial court should seriously consider handling discovery disputes involving indigents itself, particularly if the disputes are not complex.

#### Conciliation Fees

6. Family law attorneys have launched a multi-pronged challenge to Los Angeles County Superior Court's recent enactment of a \$110 fee for Conciliation Court services. So far, however, in two cases, one brought by an indigent and the other by retired judges, the Court of Appeal summarily denied writ petitions. R.M. v. Superior Court, Case No. B 100739; Hogoboom v. Superior Court, No. B 101481. Petitions for review in the California Supreme Court are being sought. Petitioners in each case are represented by David Ettinger and Elizabeth Skorcz Anthony of Horvitz & Levy in Encino; and Betty Nordwind and Julia Rueschemeyer of the Harriett Buhai Center for Family Law in Los Angeles.

7. Assemblywoman Sheila Kuehl has introduced a bill (A.B. 2303) that would outlaw imposition of fees for court-ordered mediation.