

Summary of the Types of Filings on which the Judges' Supplemental Compensation Fund Filing Fee Must be Collected

A compilation of and an elaboration on the information provided in La. R.S. 13:10.3 and Louisiana Attorney General Opinion Number 85-659

- A. The types of courts that are required to collect a JSCF filing fee (see La. R.S. 13:10.3(C)):
1. city,
 2. parish,
 3. juvenile (see La. Ch.C. arts. 302 and 303),
 4. family,
 5. district,
 6. appellate, and
 7. supreme
- B. Types of filings that require payment of a JSCF filing fee:
1. "every civil filing" (see La. R.S. 13:10.3(C))--even for small claims (see La. R.S. 13:5218). Guidance as to what constitutes a "civil filing" can be found in La. Atty. Gen. Op. No. 85-659 (1985 WL 203138), which interprets "every civil filing" to mean "every civil claim filed" with "claim" identified as "cause or causes of action asserted in any one pleading filed by any party involved in a case," including the following:
 - a. petitions
 - b. reconventional demands,
 - c. cross-claims
 - d. interventions
 - e. third-party demands and
 - f. new and additional claims subsequently asserted in an existing action, including the following:
 - (i) "deficiency judgment following seizure and sale under executory process,"
 - (ii) "partitions of community property following the rendition of a judgment or separation or divorce," and
 - (iii) "divorce after a judgment of separation."

2. Exceptions to the prepayment of the JSCF filing fee:
 - a. non-civil action--criminal action (La. R.S. 13:10.3(C))
 - b. Filing by state and state agency (see La. R.S. 13:10.3(F); La. R.S. 13:4521(A))
 - c. Filing by a political subdivision (see La. R.S. 13:4521(A))
 - d. filing by an indigent party (see La. C.C.P. art. 5181)
 - e. *in forma pauperis* filing by an inmate (see La. R.S. 15:1186)
 - f. Filing by the administrator of unemployment compensation (see La. R.S. 23:1740.1)
 - g. Filing by a public administrator for the state in a succession proceeding (see La. R.S. 9:1588)
3. A reduced filing fee applies to the following:
 - a. a small succession (see La. C.C.P. art 3422(1))
4. Other considerations--delayed collections of JSCF filing fee:
 - a. a nonexempt party casted in judgment in a civil action commenced by the state, a state agency or a political subdivision (see La. R.S. 13:4521(B))
 - b. a person who files *in forma pauperis* and subsequently becomes able to pay (see La. C.C.P. art. 5181(B) & (C); La. Ch.C. art. 321; La. R.S. 15:1186(A)(2))
 - c. a perpetrator or nonprevailing party in a domestic relief action (see La. R.S. 46:2136.1)

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