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## Hatcher helping in Nashville

Iva Butler

Blount County Circuit Court Clerk Tom Hatcher has been traveling to Nashville to work for legislation to standardize court fees statewide and simplify litigation tax forms.

Hatcher, who is chairman of the Legislative Committee for the State Court Clerk's Association, said his job is "sort of like being a lobbyist for the court clerk's association."

Of the estimated 300 bills that have been filed that would affect the judicial system in the court clerk's offices, "the main bill we're working on right now is simplification of court cost fees to make (fees) uniform across the state," he said.

If passed, the standard fees would take effect Jan. 1, 2006, allowing clerks time to redo their computers.

### Simplified procedures

Under the Tennessee Code Annotated (TCA), which sets the rules for the court clerks across the state, clerks have to go to about 12 different sections of the law to figure up the fees.

"Fees across the state are like a roller coaster. I might interpret TCA one way and a clerk in West Tennessee interpret it another way, making filing fees different," Hatcher said.

Sponsors of the fee standardization bill are Sen. Curtis Person Jr. (D-Memphis) and Rep. Joe Fowlkes (D-Cornersville).

"We are also looking at simplifying litigation tax forms. We collect state litigation taxes and send them to the Department of Revenue," Hatcher said.

Two subcommittees were formed to look at fees and litigation taxes and Hatcher chairs the fees section.

"We met all last summer twice a month from July to October going through this and looking at fees to try to condense down from 12 sections in TCA to one section," Hatcher said.

The 26-age bill would allow clerks to avoid having to skip from section to section of the TCA to add up costs for areas ranging from filing fees to subpoenas to certified mail.

"We have now condensed it down and we've made it into flat fees."

Under the proposal, the circuit civil filing fee would be \$225, an average of current fees across the state.

"Before, people had to put up a \$500 cost bond stating they would be responsible for the cost, unless the judge applied it to the defendant or plaintiff," he explained. "We now have to add up a dozen or so fees."

The bill would require fees be paid up front when filing circuit court civil suits, such as those over automobile accidents or condemnation cases, Hatcher said.

This does not affect people who are declared indigent by the judge.

#### Support for bill

"We've got good support on this bill right now. The Knox clerks are the only ones that have questions on this. One reason is that Knox County is on the old fee system, where clerks are responsible for all the finances within their offices, such as payroll," he said.

Their question is whether the new fee will be enough to support their offices.

In Blount County the fees go directly into the county general fund and they can be used however the County Commission decides.

Hatcher said, "We've done a lot of things in Blount County to be able to collect our fees. Five years ago I started a cost collection department. Two deputies do nothing but follow these cases until the case is paid. Sometimes people are able to make payments. It took us from getting 50 percent of collections to 78 or 80 percent in collection of all our fees."

If the litigation simplification bill is passed it will take effect July 1.

The litigation taxes go into the state general fund and are used for such items as funding additional public defenders and district attorneys. That bill will also be up again in the Senate Judiciary Committee on Tuesday.

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