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SENATE BILL NO. 973

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 17.1-328 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 17.1-205, relating to fee for application of out-of-state attorney; fund for the administration of justice.

Patron—Howell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-328 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 17.1-205 as follows:

§ 17.1-205. Pro Hac Vice Fund.

There is hereby established the Pro Hac Vice Fund, a special, nonreverting fund comprised of moneys collected pursuant to Rule 1A:4 of the Rules of the Supreme Court and subsection B of § 17.1-328. The Fund shall be established on the books of the Comptroller. All moneys received by the Clerk of the Supreme Court for this Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of improving the administration of justice. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written authorization of the Executive Secretary of the Supreme Court.

§ 17.1-328. Fees charged and collected by Clerk of Supreme Court.

A. The Clerk of the Supreme Court shall charge the following fees:

1. In every case in which a petition is presented, $50, which shall be collected at the time such petition is presented. Twenty-five dollars of each fee collected under this section shall be apportioned to the Courts Technology Fund established under § 17.1-132.

2. For making and certifying a copy of any record or document in the clerk's office, ten cents per 100 words or twenty-five cents per page.

3. For verifying and certifying any record or document not actually copied by the clerk, one-half of the fee for copying and certifying, which shall not, however, be applied to the certification of a copy of the record in this court which has already been printed.

4. For authentication of any record, document or paper under the seal of the court, fifty cents.

5. For copying and certifying any document or paper of less than 250 words, twenty-five cents.

6. For administering an oath and entering an order qualifying an attorney to practice in the court, two dollars and fifty cents.

7. For certificate of such qualification under seal of the court, one dollar plus the cost of engrossing.

8. For entering an order and licensing an attorney from another state, under the reciprocity statute, $500.

9. For a law license certificate under seal of the court and a certificate of qualification under seal of the court, $15, which shall be apportioned to the Courts Technology Fund established under § 17.1-132, plus the cost of engrossing.

10. For all other services not specifically mentioned above, the same fee *as* would be charged by a clerk of a circuit court in similar cases.

B. The tribunal wherein a motion to associate counsel pro hac vice and an application of an out-of-state lawyer are filed shall collect the fee specified in Rule 1A:4 of the Rules of the Supreme Court and transmit such fee to the Clerk of the Supreme Court, who shall deposit such fee in the Pro Hac Vice Fund established pursuant to § 17.1-205.