

## Justice in Motion is worth watching

BY SARAH GLORIAN

Northwest Justice Project recently submitted an amicus curiae brief in a case argued before the Washington Supreme Court on March 12, 2013 (Jafar v. Webb, Case No. 87009-8). Amicus curiae or “friend of the court” briefs are filed by individuals or groups who are not a party to a lawsuit but offer the court additional information about a case. Amici briefs are usually submitted at the request of the court or at the request of a party.

Amici were filed on behalf of the Petitioner, Jafar, by Northwest Justice Project, ACLU, Sargent Shriver National Center on Poverty Law, Statewide Poverty Action Network, and Family Assistance Program at Solid Ground. When the Respondent, Webb, declined to participate in the appeal, the court requested the Washington Association of County Officials file an amicus brief and present oral argument.

If you have not had an opportunity to hear appellate oral argument, it is educational and worthwhile.

Watch this case at:

[http://www.tvw.org/index.php?option=com\\_tvwplayer&veventID=2013030001C](http://www.tvw.org/index.php?option=com_tvwplayer&veventID=2013030001C).

Read the briefs at:

[http://www.courts.wa.gov/appellate\\_trial\\_courts/coaBriefs/index.cfm?fa=c...](http://www.courts.wa.gov/appellate_trial_courts/coaBriefs/index.cfm?fa=c...)

Typically, legal counsel for each party is given 20 minutes to present oral argument; the petitioner will also have a few minutes for rebuttal. Within a minute or two of starting, legal counsel may get peppered with questions from the court—in this instance, nine Washington Supreme Court justices. Counsel must know the case and be prepared to go completely “off script.”

In December 2010, the Washington Supreme Court adopted General Rule (GR) 34 to create a uniform process and provided mandatory forms. The rule should have provided uniformity in the courts for litigants to request and receive fee waivers. It would provide all citizens access to justice—regardless of their inability to pay a filing fee, ex parte fee, court surcharges, etc.

Prior to the rule's adoption, courts varied widely as to how or whether fees were waived and courts used different forms. For example, consider the stay-at-home mom, with no income, being beaten by her husband and a court refusing to allow her to file for divorce because she cannot pay the filing fee—or allowing the case to be filed, but refusing to finalize the divorce until the fee is paid.

Unfortunately, during the past two years, the adoption of GR 34 has not resulted in the uniformity many of us hoped and expected. Courts still vary widely in how or whether fees are waived and many courts altered the “mandatory” forms.

Northwest Justice Project has a presence in all counties. Our amicus brief sets forth many examples (to our dismay) showing little has changed since GR 34 was adopted. As The Alliance for Equal Justice's motto states, “It's not justice, if it's not equal.”

This is what *Jafar v. Webb* is about. Check out the oral argument, read the briefs and stay tuned for the Supreme Court's opinion. Unlike many cases where an appellate court has to figure out what the legislature intended, this is the court's own rule—one would hope they will have unanimity.

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For all other legal issues, please call our toll-free intake and referral hotline commonly known as “CLEAR” (Coordinated Legal Education Advice and Referral) at 1-888-201-1014, Mondays through Fridays 9:10 a.m. to 12:25 p.m. If you are a senior, 60 and over, please call 1-888-387-7111; you may be eligible regardless of income. Language interpreters are available. You can also complete an application for services at <http://nwjustice.org/get-legal-help>.

Sarah Glorian is the senior attorney for the Aberdeen office of the Northwest Justice Project, a private, non-profit legal aid organization providing free representation to low-income residents in Grays Harbor and Pacific counties.