

And Justice For All: Assuring access to justice is critical for the poor

by Hans Slette

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Access to justice and due process of law are concepts many of us take for granted.

But in civil (non-criminal) cases where there is no right to a court-appointed attorney, engaging the judicial system is prohibitively expensive for many people. Filing fees, surcharges, court costs, attorney fees, litigation expenses, the need to take unpaid time off work in order to attend a hearing or trial — all these are barriers to justice for lower-income people.

As an attorney at Northwest Justice Project in Wenatchee for the past seven years, I have witnessed the challenges that people face when confronted with the need to resolve a civil legal issue. Northwest Justice Project is a publicly funded legal aid program with offices throughout Washington state. In North Central Washington, we have six attorneys in Wenatchee, and two more in Omak. In the coming months, my colleagues and I will share stories with Wenatchee World readers about how low-income residents of North Central Washington are achieving justice in our communities.

Along those lines, the Washington State Supreme Court recently issued a unanimous decision in a case called *Jafar v. Webb* that will enhance access to justice in Washington courts. The decision clarifies a 2010 court rule creating a process and standards to waive court fees for low-income people. Unfortunately, it was poorly administered throughout the state.

Northwest Justice Project led the statewide effort to fully implement the rule and submitted a “friend of the court” brief arguing for full fee waivers for “indigent” litigants.

The *Jafar* case involved a mother seeking a parenting plan governing custody and visitation to ensure the safety of her 19-month-old son when he was in his father’s care. Ms. Jafar, who is low-income, applied for a fee waiver. The Superior Court granted only a partial fee waiver, leaving Ms. Jafar responsible for fees she could not pay, and therefore denying her access to the judicial process.

The Washington Supreme Court accepted the case directly from the Superior Court and made it clear that access to justice is a fundamental principle of our justice system, and the system must be accessible to everyone, regardless of income. The Court stated “The plain meaning of GR 34 establishes that a trial court must waive all fees once a

litigant is determined to be indigent under the rule,” meaning “a complete waiver in order to allow access to the courts.”

What a wonderful result for all Washingtonians.

Hans Slette is an attorney with the Northwest Justice Project. He can be reached at hanss@nwjustice.org