

April 24, 2008

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LEGAL AID**

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Hon. Charles Johnson, Chair
Washington Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

On behalf of the Board of Cowlitz-Wahkiakum Legal Aid (CLWA) I write to encourage your adoption of proposed General Rule 34: Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency.

Cowlitz-Wahkiakum Legal Aid provides free civil legal aid assistance to low-income residents of Cowlitz and Wahkiakum Counties. To qualify for our services, our clients must be below 125% of the federal poverty level. Of the 204 clients referred to our program last year, the great majority were pro se litigants with family law issues. Our volunteer attorneys generally meet with clients at advice clinics and provide help with paperwork, but are rarely able to appear in court on their behalf. As a result, most of our clients, as well as those pro se litigants who are not referred to us, must navigate the court system on their own. Many of our clients are among the most vulnerable in our community - disabled, elderly or victims of domestic violence.

In working with the numerous pro se clients, we have found that the procedure of the Cowlitz County Superior Court makes it difficult for indigent pro se litigants to obtain fee waivers. Cowlitz County Superior Court has a specific local form that does not, for example, allow for a complete fee waiver at the outset of a case. Instead, all cases must be reviewed prior to finalization to see if the fee should, in fact, be imposed. This results in a perception among low-income clients that the fee waiver process is simply an "installment plan" for fee payment. The indigent litigants are forced to delay their cases while they try to save up money to finalize their cases. In addition, the Cowlitz County Superior Court local fee waiver form is not available online for download and the clerk's office does not publicize the availability of fee waivers. Even when they do obtain an initial fee waiver, our clients must also pay several other fees, including \$20 - \$50 for non-waiveable surcharges, \$20 for each facilitator visit, Family Court fees, copying charges, etc.

The proposed GR 34 would not address all of these issues, but would remove some of the greatest access to justice barriers indigent litigants in our county face. CWLA recognizes the County Clerks' concerns and the fact that obtaining sufficient revenue has been a continual problem for Cowlitz County, as it has for many small and rural counties. We believe, however, that the benefits of adopting a uniform rule that simply streamlines the fee waiver process (for indigent persons who presumably should be entitled to such waivers in any case), and removing some of the barriers present in our county, far outweigh any negative fiscal impacts. The adoption of a standard IFP form and rule will greatly improve access to the court system for some of our most disadvantaged residents and bring us closer to ensuring justice for all.

Sincerely,



Michael Evans
Cowlitz-Wahkiakum Legal Aid Board President