

CHELAN COUNTY CLERK

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January 22, 2008

Supreme Court Rules Committee
Temple of Justice
P.O. Box 40929
Olympia WA 98504-0929

Re: Proposed General Rule 34
Waiver of Court and clerk's Fees and Charges in Civil Matters based on Indigency

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
08 JAN 24 AM 8:11
BY RONALD R. CARPENER
CLERK

Honorable Members:

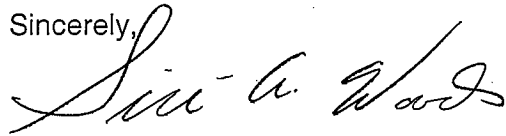
I am writing to ask that you not pass Proposed Rule 34 for several reasons:

- 1) The decision about indigence should be made by a judicial officer rather than by an executive branch employee.
- 2) Fees addressed in this rule are for court filing fees and fees for services performed by executive branch employees. I have no objection to the court exercising discretion over filing fees pursuant to statutes that permit the waiver of those fees, however I do object to the waiver of fees for services such as receiving faxed documents, making copies of documents on file and the waiver of the facilitator surcharge.
- 3) One hundred percent of salaries and supplies for Superior Court Clerk's offices are paid from the county general fund. Filing and service fees are collected by the clerk. Filing fees are split about 50/50 with the state, but 100% of revenue from copies and fax transmittals are deposited to the general fund to support the office of the clerk. **I ask that you remove any clerk's service fees from this rule if you pass it in any form.**
- 4) The statute authorizing facilitator services states County Commissioners **MAY** provide for a court facilitator. Surcharges from marriage licenses and surcharges on filings under title 26 are deposited into an account to support the facilitator. **If revenue for these services is depleted, or reduced to the level that the county is providing free legal services, county commissions and councils may discontinue the service in the courthouse.**
- 5) Equal Justice? The poverty level in this rule has been doubled which will greatly increase the number of people who will be allowed to file original filings, modification petitions, cross claims and third party claims, jury demands, records of proceedings, changes of venue, appeals of civil matters, unlawful harassment cases, etc without fee. **This rule would set the poverty level at almost twice the rate of criminal indigence (criminal \$12,762; civil \$20,420) It would be far too detrimental to revenue to the county and could jeopardize the continued facilitator services.**

In my opinion the purpose of this rule is to allow attorneys who represent low income people to avoid the judicial process of fee waivers. They are not asserting that low income people must presently pay the fees, they are requesting that a clerk approve the fee waiver rather than a qualified judicial officer.

This rule has an adverse fiscal impact on the county and the office of clerk and does nothing significant for the poor. Please vote **NO** on Proposed GR 34.

Sincerely,

A handwritten signature in cursive script that reads "Siri A. Woods". The signature is written in black ink and is positioned below the word "Sincerely,".

SIRI A. WOODS
Chelan County Clerk