

Faulk, Camilla

From: John Midgley [John.Midgley@ColumbiaLegal.org]
Sent: Wednesday, April 30, 2008 3:28 PM
To: Faulk, Camilla
Subject: Comments on proposed GR 34
Attachments: GR 34 CLS comments.doc

Ms. Faulk - Attached please find comments from Columbia Legal Services. Thank you. John Midgley

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John Midgley, Director

April 30, 2008

Justice Charles W. Johnson
Supreme Court of Washington
P.O. Box 40928
Olympia, WA 98504-0929

Sent via email

Re: Comments on Proposed GR 34

Dear Justice Johnson:

On behalf of Columbia Legal Services (CLS), I wish to express our strong support for the revised proposed GR 34 regarding the waiver of civil court and clerk's fees based on indigency. Adoption of this rule would bring consistency to the granting of fee waivers statewide and would do so in an efficient way.

Like other providers of civil legal services to low-income people in Washington State, CLS has found that the current systems for waiver of fees vary by county and can create unnecessary and sometimes insurmountable barriers to access to the courts. The current standards and procedures for waiver of filing fees, court facilitator charges, and other court and clerk's fees are too often inconsistent and vague. This creates problems for low-income people with counsel, but is especially hard on pro se litigants. The letter from Deborah Perluss of Northwest Justice Project submitted yesterday details these problems very well and clearly. CLS staff and clients have encountered the same types of problems.

Consistent with constitutional principles of access to the courts, Washington State should have clear and consistent rules for allowing low-income people to access court services. The revised proposed GR 34 would honor these principles by creating uniform standards for qualifying for fee waivers and clarifying which fees are subject to waiver. The rule would also create a streamlined process for clients of qualified legal services providers, allowing legal services programs and *pro bono* lawyers working with volunteer lawyer programs to focus their resources on serving indigent clients rather than spending time dealing with the fee waiver process when indigency has already been determined.

However, because of the difficulty many pro se litigants have in navigating court processes under the best of circumstances, we urge the Court (as has the Northwest Justice Project) to consider allowing pro se litigants automatic waivers in some circumstances to make the system more equal between those represented by counsel and pro se litigants. As the Court knows from the results of the Legal Needs Study, there are far fewer lawyers available to low-income clients than there are meritorious causes. Whenever possible, pro se litigants should not be saddled with potential barriers that represented litigants need not face and GR 34 should reduce these barriers



Justice Charles W. Johnson
April 30, 2008
Page 2

as far as practically possible.

We are hopeful that a new GR 34 will be adopted to continue our progress in Washington State toward providing access to the civil justice system for all low-income people. Thank you for your consideration of these comments.

Respectfully yours

/s/

John Midgley
Director