



OFFICE OF ISLAND COUNTY CLERK

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February 8, 2008

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

Re: Proposed General Rule 34

Honorable Members,

In writing this I am joining my fellow clerks in asking that you vote NO on proposed General Rule 34. Many of the reasons have already been addressed in the letters you have received thus far. I, too, do not believe that a state court rule should be used to address an issue that is more appropriately addressed by statute. Most importantly, however, I do not believe authority should be given to the clerks, who are in the executive branch of government, to perform a function better left in the hands of the judicial branch. One of the checks and balances of our system is that the fees collected by the clerk for filing and other services can only be waived by the court, not by the entity collecting them.

It isn't just the clerks that will be affected by these additional fee waivers within the proposed rule. GR 34, as proposed, would have a critical impact on county revenue, and programs already in existence (i.e., court facilitator program, LFO collections program) would be in danger of being discontinued. This could seriously impede access to justice for other litigants and victims alike.

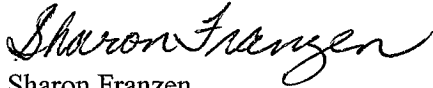
If fees for copies, certified copies, ex parte presentations and fax filings were also waived, who would keep track of these waived costs in the event the court were to later require a party to pay those to the clerk? Also, once the waiver was in place, what would prevent a person from repeatedly and frivolously requesting copies of documents from their case file if they were no longer represented by counsel? The clerk's staff would be forced to meet these demands without compensation and possibly with a reduction in staff and other resources.

It appears to me that the driving force behind this proposed rule is to save the attorneys' time in obtaining fee waivers. In part, GR 34 is intended to "encourage pro bono representation by attorneys in private practice who wish to meet RPC 6.1's aspirational goals." RPC 6.1 states, "A lawyer should aspire to render **at least 30 hours** of pro bono publico service **per year**." (emphasis added) Is it necessary to change a system that isn't broken in order to encourage attorneys to provide considerably less than **one**

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hour per week of their time to provide assistance to indigent clients? Should the counties take such a large cut in revenue, when the loss of that revenue could result in a loss of services to the rest of the citizens, in order to encourage attorneys to provide pro bono services a mere **2.5 hours per month**? Maybe the attention should be focused on revising RPC 6.1 in order to better provide legal services and access to justice for the indigent public.

Respectfully,



Sharon Franzen
Island County Clerk

cc: Board of Island County Commissioners
Hon. Vickie I. Churchill, Pres. SCJA
Kathy Martin, Pres. WSACC