



Northwest Women's Law Center

Advancing legal rights for women

March 18, 2008

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

Via Email to:
Camilla.Faulk@courts.wa.gov

Re: Support for Proposed Court Rule GR 34

Dear Supreme Court Rules Committee,

On behalf of the Northwest Women's Law Center (NWLC), I wish to express our strong support for adoption of the proposed court rule GR 34, Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency.

Through our statewide Self Help Program and our long-term collaborative work with other legal service organizations, we are aware of the many barriers that litigants face in accessing the justice system in Washington State. Financial constraints are certainly among the most serious of these barriers. We believe that the courts and Washington citizens will benefit from the fairness, efficiency, and uniformity that this rule will establish.

Our Self Help Program provides legal information and referrals by phone, as well as free self help materials to people facing legal issues in Washington State. More than two-thirds of our callers cannot afford an attorney. Very few have access to pro bono representation. Thus, a great majority of the 4,000 callers served by our phone line each year will appear *pro se* in matters of dissolution, employment, collections, landlord-tenant, custody and visitation, and many more areas of law, with serious consequences for the litigant and for Washington State.

We encourage our callers to use the justice system. Having a simple and consistent process to request a waiver of filing fees would be a tremendous help to low-income litigants who wish to address their legal situation. Currently, information about the process varies widely and is often difficult for a *pro se* litigant to find. We must explain the concept of fee waivers to at least one caller every day. Since January 2007, the percentage of our callers who fall under 200% of the federal poverty level has averaged 67%. Women, in particular, often have a more strenuous economic burden facing them, as they are often responsible for a disproportionate share of the cost and time for their children's care. Compounding the difficulty of their situation, they face additional obstacles to receiving judicial relief without uniform rules regarding fee waivers.

The process proposed in GR 34 could also improve court efficiency by reducing the number of people waiting to access Ex Parte for orders to proceed *In Forma Pauperis* (IFP). The proposed rule would free up pro bono service providers by allowing automatic fee waivers when a client is represented by a qualified legal service provider.

The automatic waiver applies only to parties represented by qualified legal service providers, so those with proof of financial eligibility could directly file the documents with the clerk's office. We recently heard from a pro bono attorney who spent six hours (including travel time) just to get a fee waiver, which would have been avoided by the proposed GR 34. Both the court system and legal services will greatly benefit from the improved efficiency.

Concerns have been raised about the loss of revenue to the court if applying for fee waivers is made easier for qualified litigants. This rule may, indeed, reduce the amount of fees collected by our always under-funded courts. However, court funding is an issue that should be taken to the legislature. Moreover, this state's commitment to access to justice for all Washingtonians should be honored to the greatest extent possible, even where there may be financial repercussions. Only then can we be said to respect all citizens' rights to justice and to our legal system.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa M. Stone".

Lisa M. Stone
Executive Director
Northwest Women's Law Center