

Stevens County

Office of County Clerk
and
Ex-Officio Clerk of Superior Court

PATRICIA A. CHESTER, County Clerk

February 5, 2008

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

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
08 FEB - 7 AM 7:52
BY RONALD R. CARPENTER
CLERK

RE: Proposed General Rule 34
Waiver of Court and Clerk's Fees and Charges in
Civil Matters Based on Indigency

Honorable Members:

I am writing to ask that you NOT pass proposed General Rule 34 regarding the waiver of civil court fees.

Fees addressed in this proposed rule are for court filing fees and fees for services performed by executive branch employees. One provision of proposed GR 34 gives fee-waiving discretion to the Clerk in certain circumstances, which is in conflict with RCW 36.18.022, which authorizes the Court to make these decisions. I don't think my Judges would want to delete this authority to me or my office. I support the Court exercising sole discretion over filing fees pursuant to statutes that permit the waiver of those fees. Clerk's fees and the current fee waiver provisions are all based in statute. County Clerks feel that the provisions in this proposed rule should be proposed by the Washington State Bar Association (WSBA) as statute changes rather than by court rule.

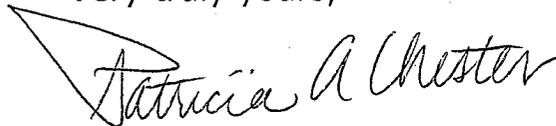
GR 34, as proposed, allows for 200% of the federal poverty level to qualify for a fee waiver. This is inconsistent with the criminal indigency rate at 125% of the poverty level, which has been used by counties as the civil In Forma Pauperis standard. It doesn't seem right to have statutes and court

rules that differ on the definition of indigency, resulting in different standards for criminal and civil litigants.

As you know, clerks' offices are funded by the county general fund. While my office does not generate enough revenue to cover the "cost of doing business", we are able to collect significant revenue to offset this cost. Some of the revenue we collect allows us to offer our family law court facilitator program. For many of the people utilizing this program, it is the only assistance they would have to navigate the legal system. Monies also go to support our Legal Financial Collection Officer, who works to enforce the Courts' orders, and collecting restitution to victims of crime, and costs for the County.

This rule would have a negative fiscal impact to the counties and to the office of the County Clerk. It provides no significant benefit to indigent parties. I urge you to please vote NO on Proposed GR 34.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia A. Chester". The signature is written in black ink and is positioned to the right of the typed name.

Patricia A. Chester
Stevens County Clerk

/pc

CC: Clerk of the Supreme Court