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THE ALLIANCE  
for Equal Justice  
SUPPORTER

April 26, 2010

Ronald Carpenter, Clerk  
Washington Supreme Court  
415 12<sup>th</sup> Ave., S.W.  
PO Box 40929  
Olympia, WA 98504-0929

ATTN: Camilla Faulk

RE: Proposed GR 34 – Waiver of Court and Clerks Fees and Charges in  
Civil Matters on the Basis of Indigency

Dear Mr. Carpenter:

The Washington State Access to Justice Board (ATJ Board) was established by the Washington Supreme Court to address access issues for those who experience economic and other significant barriers to the justice system. Consistent with that directive, the ATJ Board encourages the Court to adopt the most recent version of GR 34, published for comment in April 2009.

The need for a fair and uniform system for determining eligibility for fee waivers is well established in this state. In a 1998 Report<sup>1</sup> to the Washington State Bar Association (WSBA), its Pro Bono and Legal Aid Committee (PBLAC) concluded that “the practical application of the constitutional right of indigent litigants to a waiver of filing fees was wanting in regularity of criteria and process.” Absent criteria and process, the “practical application” is that the granting of fee waivers in many Washington state jurisdictions is largely subjective. Moreover, the lack of information in many jurisdictions about the right to request a fee waiver may have the unintended consequence of dissuading indigent people from seeking redress in our courts because they cannot pay the filing fee. Given a worsening economic climate, an increasing poverty population, and reductions in court budgets, it is imperative that the constitutional right of access to the courts be protected.

The ATJ Board has been involved in the development of proposed GR 34 for the past four years, and believes its adoption will be an important step in ensuring that the costs necessary for an efficient and effective justice system do not serve as a barrier for those who can least afford to pay them. Proposed GR 34 creates a uniform standard of indigency, establishes a streamlined application process, and provides incentives for pro bono representation. It preserves the constitutional right to access the courts by removing a barrier for low income people.

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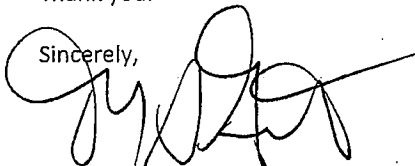
<sup>1</sup> FINAL REPORT OF THE PRO BONO AND LEGAL AID COMMITTEE OF THE WASHINGTON STATE BAR ASSOCIATION TO THE BOARD OF GOVERNORS OF THE WASHINGTON STATE BAR ASSOCIATION ON CIVIL EQUAL JUSTICE FUNDING OPTIONS – MAY 1998.

*Ronald Carpenter*  
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The ATJ Board urges the Court's adoption of GR 34.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Gottlieb", written over the word "Sincerely,".

Daniel S. Gottlieb, Chair  
Access to Justice Board