



June 18, 2010

Justice Charles W. Johnson, Chair
Supreme Court Rules Committee
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

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STAFF

Joan E. Fairbanks
Justice Programs Manager
206 727-8282
joanf@wsba.org



THE ALLIANCE
for Equal Justice
SUPPORTER

Dear Justice Johnson:

A uniform fee waiver rule in this state is long overdue. The need is all the more poignant in the current economic crisis. The Washington State Access to Justice Board (ATJ Board) has reviewed suggested amendments to GR 34 submitted by Office of Civil Legal Aid (OCLA) Director James A. Bamberger clarifying which fees and costs may be waived. It also reviewed proposed language changes to Section (a)(2) of GR 34 submitted by Mr. Donald Horowitz, which have been accepted by the Rules Committee.

The ATJ Board supports these suggested amendments and urges the Rules Committee to accept Mr. Bamberger's clarifying language. We believe it is crucial that the rule cover both costs and fees.

The ATJ Board has long supported the adoption of a uniform fee waiver rule in this state, including supporting the various iterations of proposed GR 34 during the past four years. While we appreciate the Supreme Court's continued and careful attention to proposed GR 34, we also observe that all interested parties may never be able to agree on a proposal. With very few exceptions, the comments to GR 34 received through April 30, 2010 indicated strong support for the rule. Most who submitted comments assist or represent low income people and see first-hand that the imposition of fees and costs is a significant impediment to accessing the courts.

Judge Learned Hand wrote: "If we are to keep democracy, there must be a commandment: Thou shalt not ration justice." We have an obligation to provide access to the court for all, regardless of financial status. Under the current complicated system of fee waivers that is not uniform we are rationing justice and creating unnecessary barriers for the indigent.

The Access to Justice Board is charged by the Supreme Court to work to achieve equal access to justice for those facing economic and other significant barriers. GR 34 is 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. We urge your acceptance of these amendments and an expeditious reconsideration of the rule.

Thank you.

Sincerely,

Judge Steven C. González, Chair
Access to Justice Board

Cc: Chief Justice Barbara Madsen
Members of the Access to Justice Board