



April 22, 2010

Ronald Carpenter, Clerk
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Sent via email

Attn: Camilla Faulk

Re: Support for Proposed GR 34

Dear Mr. Carpenter:

On behalf of Columbia Legal Services (CLS), I wish to express our strong support for proposed GR 34 regarding the waiver of civil court and clerk's fees based on indigence.

CLS, like other providers of civil legal services to low-income people in Washington State, has found that the current systems for waiver of fees have created unnecessary and sometimes insurmountable barriers to access to the courts for people of low income. There is not currently a uniform system across counties of standards and procedures for waiver of filing fees, court facilitator charges, and other court and clerk's fees, which can lead to inconsistent and unfair results. This creates problems for counsel, but is especially hard on pro se litigants. For example, CLS has found:

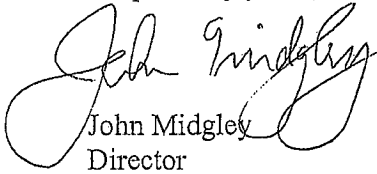
- Clients around the state who qualify as low-income for civil legal services do not meet fee waiver standards or practices in some counties. Some individuals have been denied waivers because they have minimal assets.
- In some counties, fee waivers are allowed for filing fees, but not for other fees such as the family law court facilitator fees and other required fees or costs.
- In some counties in central and southwestern Washington, the court may allow some low-income individual to commence a proceeding *in forma pauperis*, but will not issue final orders until the fees are paid.

Consistent with constitutional principles, Washington State should have clear, fair and consistent rules for allowing low-income people to access court services. Proposed GR 34 would address a crucial part of this need by creating uniform standards for qualifying for fee and cost waivers and requiring standard forms to demonstrate eligibility for fee waivers. And crucially, by creating a streamlined process for clients of qualified legal services providers, the rule would allow legal services programs and *pro bono* lawyers working with volunteer lawyer programs to focus their resources on serving indigent clients, rather than spending additional time on the fee waiver process. The proposed GR 34 could be clearer about which fees and costs must be subject to waiver, and we would suggest clarifying language on this point given the current inconsistent practice as between counties.

Washington State Supreme Court
April 22, 2010
Page 2

We are hopeful that adoption of a new GR 34 will continue our progress in Washington State toward full access to the civil justice system for people of low income. Thank you for your consideration of these comments.

Respectfully yours,



John Midgley
Director