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Sent via email

April 20, 2010

Ronald Carpenter, Clerk
Washington Supreme Court
415 12th Avenue SW
PO Box 40929
Olympia, WA 98504-0929

Re: Proposed Court Rule GR 34 – In Forma Pauperis Rule

Dear Mr. Carpenter:

I am writing in support of the adoption of Proposed Rule GR 34. I am writing in my capacity as a private practice attorney who has provided pro bono services to indigent persons in Skagit County through the Skagit County Volunteer Lawyer Program for 25 years. I serve on the Steering Committee of the Skagit County Volunteer Lawyer Program and am a member of the Washington State Bar Association Pro Bono and Legal Aid Committee. I have in the latter capacity participated in the drafting of the current proposed court rule. My comments herein, however, are my own personal thoughts and observations and are not submitted on behalf of the organizations with which I am affiliated.

I strongly support the adoption of Proposed Rule GR 34. I believe that it will serve as a valuable tool for the Courts, pro bono attorneys, Volunteer Lawyer Programs and indigent individuals.

The Courts will benefit through the creation of a uniform standard of indigency for determining whether individuals should be granted waivers of civil filing fees. It will also streamline the process and reduce the time devoted by the Courts to this issue. The Proposed Rule will help create a uniform standard for *in forma pauperis* petitions throughout the state. There has historically been a great variance in the standards imposed by individual Judges in a county, let alone between various counties. Readily accessible information as to what standard is being employed has been lacking. The standards set forth in the Proposed Rule are concise, understandable and easily applied.

The Proposed Rule will benefit pro bono attorneys by allowing them to devote their time and efforts to the substantive legal issues confronting clients rather than spending the time obtaining IFP orders that should be pro forma. The majority of clients represented by Volunteer Lawyer Programs across the state are screened either through CLEAR or by the individual Volunteer Lawyer Programs. The standards employed for eligibility under these programs unquestionably constitute grounds for issuance of an IFP Order.

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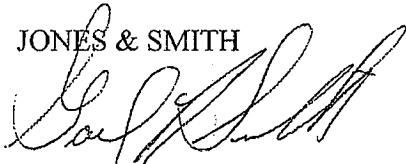
The Proposed Rule will also benefit the Volunteer Lawyer Programs and other qualified legal service providers in Washington state. It will serve as a valuable tool to assist with the recruiting of volunteer attorneys. Most Skagit County attorneys, when requested to volunteer their time and services and provide pro bono representation, are more than happy to assist. The attorneys, however, want their efforts to be devoted to providing substantive legal advice and representation rather than the more ministerial functions of obtaining IFP Orders. It will, in my judgment, make it easier to recruit attorneys to provide pro bono services if they are assured that GR 34 will eliminate the expenditure of substantial additional time obtaining an IFP Order.

Most importantly, the Proposed Rule will benefit indigent persons by helping to make "access to justice" a reality rather than a slogan. Indigent persons who are unable to navigate the diverse IFP procedures in the various counties are unable to gain access to the Court. Paying the fees is not a viable alternative. The filing fees and surcharges have increased to such a level that requiring payment has the net effect of denying the person access to the Courts. It is easy to lose sight of the fact that the filing fee, and for that matter, the various surcharges imposed, constitute an appreciable portion of the income of many of these persons.

I strongly encourage the Court to adopt the Proposed Rule GR 34.

Sincerely,

JONES & SMITH



GAIL R. SMITH
GRS/ab