

April 30, 2010

Supreme Court of the State of Washington

Honorable Justices,

I am writing in support of adoption of proposed GR 34 regarding the procedure for waiving court and clerk's fees in civil matters for indigent individuals. I have been a member of the Pro Bono and Legal Aid Committee for several years, and I agree wholeheartedly with PBLAC's support of GR 34. I am submitting this supplemental comment in my personal capacity only.

During the time I have served on PBLAC, I have observed with growing consternation the protracted and frequently frustrating efforts to devise a workable solution to the court access barriers faced by low income litigants. Although I am not a litigation attorney, I have listened attentively as I have heard PBLAC members and others describe the plethora of procedural and financial obstacles faced by indigent litigants to get their day in court. As I heard these stories, I became increasingly aware of the enormous variability and all-too-frequent inflexibility of civil courts in the State of Washington in handling *in forma pauperis* applications.

At best, current practice in our courts is confusing and difficult for individual litigants and is likewise frustrating and time-consuming for overworked and understaffed qualified legal services providers (QLSPs). At worst, burdensome requirements to prove indigent status, or, what is worse, having to pay fees and costs in connection with a case can mean the effective denial of justice to low income individuals.

I am aware of the objections to this proposed rule, particularly from the association of court clerks. The objections have been answered effectively, in my opinion, by others. I would simply add that adopting this rule will promote access to the courts for indigent litigants, who in many instances have no lawyer to help them navigate the opaque procedures for obtaining fee waivers and who are otherwise unable to pay these fees and costs. When the legal profession and the courts talk about "access to justice", what could be more fundamental than the problems addressed by GR 34?

Thank you for your consideration of these comments.

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