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Jefferson County Clerk

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Ronald Carpenter, Clerk
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

April 30, 2010

Re: Proposed Rule 34 - Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency

Dear Mr. Carpenter,

Thank you for the opportunity to comment on this rule, which seeks to establish a consistent process and result for indigent parties who seek to bring civil actions before the court. I support the end sought but write today in opposition to the means.

The crushing burden of poverty will not be lifted by this rule, nor will access to services expand as a result of its provisions. Some people will save a modest amount of money and a modest amount of time. But by broadening the standard of indigency and expanding the scope of routine judicial waivers this rule will directly cut funding to the courts and the clerks. In our current climate service cuts will certainly follow. Clerks, who are funded at the pleasure of their respective county legislative boards and must bring in revenues to cover the costs of mandated and non-mandated services, provide access to justice for all the public at our front counters. We are currently losing staff and shortening hours of service, and GR 34 will accelerate those losses.

Inherent powers notwithstanding, for the Supreme Court to take the step of cutting revenue on ideological grounds without having any idea of the actual cost of this rule would be a disservice to the justice community it serves. I ask the honorable Justices to perform a due diligence assessment of caseload statistics and revenue generated statewide by the filing fees, surcharges and other costs targeted in GR 34 and model the likely results that will follow if waivers are routinely expanded to include a wider set of costs/fees and a wider sub-set of the population given that civil legal aid services use a higher income standard of indigency than the courts currently apply. Please evaluate how the projected revenue losses to the courts compare to the increases won just five years ago in the Justice in Jeopardy campaign. Does it wipe out those gains? Cut them by a fraction? I ask you to know this before you vote on proposed GR 34.

I remain ready at any time to work with those who advocate for adoption of GR 34 in a shared effort to seek more financial support for the courts and clerks from the legislature. Funding justice through user fees is a distasteful business, but I am sure that cutting these revenues with no alternative at hand will be a disservice to all citizens who depend upon the courts for justice.

Respectfully,

Ruth Gordon
Jefferson County Clerk