

Faulk, Camilla

From: Ruth Gordon [rgordon@co.jefferson.wa.us]
Sent: Sunday, June 20, 2010 7:36 PM
To: Faulk, Camilla
Cc: Keown, Julie
Subject: Response to Jim Bamberger's definition of "costs"

Hello, Camilla – I am submitting the following comment in reply to the request to the Clerks to comment on Mr. Bamberger's proposed edits to the Proposed GR 34. Thank you, Ruth

Ronald Carpenter, Clerk
June 20, 2010
Washington State Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Rule 34 – Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency, edits by Mr. Bamberger sent for comment by Jude Cryderman on May 27th.

Dear Mr. Carpenter,

Thank you for the opportunity to comment on the most recent edits to Proposed GR 34, which seek to clarify a proposed process that would establish consistency in regard to waivers for indigent parties to civil suits. I support the end sought but write today in opposition to the means. I refer you to King County Clerk Barbara Miner's proposed edits of GR 34 and her comments sent June 18, 2010 for the short version of my position on the matter.

I appreciate that Mr. Bamberger has laid his expectations out so clearly. But by 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.

The argument in favor of inherent powers notwithstanding, for the Supreme Court to take the step of cutting fees and costs to assist some parties without having any idea of the actual opportunity 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 actually 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 courts and clerk services by working with the legislature. If the

Office of Civil Legal Aid would like to make the county clerks and courts whole from their own operating budget would we be able to achieve both the advocates' goals and the counties' goals in service of the poor? And perhaps there are other ways of funding our court and clerk services without insisting indigent parties "pay to play" in the courts. But let's work together on this instead of assuming a zero sum game in which ultimately everyone will lose due to increased court congestion.

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. Nor will it endear us to our friends in the legislature upon whose decisions we all rely for almost all of our revenue. I ask you to pragmatically consider the likely results of GR 34 in any of its forms before you make a final determination.

Respectfully,

Ruth Gordon

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