

## Volunteer Lawyer Program

April 23, 2010

Ronald Carpenter, Clerk  
Washington Supreme Court  
415 12<sup>th</sup> Ave., S.W.  
P.O. Box 40929  
Olympia, WA 98504-0929

Attn: Camilla Faulk

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

Dear Mr. Carpenter:

On behalf of the Skagit County Volunteer Lawyer Program (VLP), I would like to express strong support for proposed General Rule 34: Waiver of Court and Clerk's Fees and Charges in Civil Matters on the Basis of Indigency. The Steering Committee for the VLP is comprised of eight local attorneys who are in private, government, and non-profit practice.

The Skagit County Volunteer Lawyer Program is a partnership between Skagit County Community Action Agency and the Skagit County Bar Association. The Skagit County VLP seeks to promote and enhance access to justice for individuals of limited means in Skagit County through volunteer services of the private bar and other members of the community. The program encourages attorneys to provide free legal services to income-eligible persons, consistent with RPC 6.1 and the goals set forth by the Washington State Bar Association.

All applicants are screened for income eligibility prior to receiving assistance through the VLP. Income eligibility for the VLP is based on 125% of the federal poverty guidelines as applied by the Office of Civil Legal Aid in Washington and the federal Legal Services Corporation.

The majority of our clients receive guidance from pro bono attorneys to appear pro se. Navigating the legal system is complicated for many of these clients, especially the significant portion of our clientele for whom English is a second language. The VLP and our pro bono attorneys work hard to demystify legal processes for their clients. The application process for an *in forma pauperis* (IFP) fee waiver is an additional barrier that pro se clients must overcome prior to filing a case. Our pro bono attorneys often work with pro se clients on substantive legal issues and leave the IFP motion, declaration and

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# Skagit County Community Action Agency



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order for the client to complete on his/her own. It is common for clients to seek additional pro bono assistance just to complete and file the IFP waiver request.

Pro bono attorneys also assist our clients by offering full or unbundled representation. Most attorneys only encounter the fee waiver process in the context of their pro bono cases. Since there are no mandatory forms available for the IFP waiver, many attorneys rely on the VLP to provide appropriate forms, or create their own. Furthermore, in Skagit County, the IFP petition requires appearance by the pro bono attorney on the ex parte calendar. These attorneys must divert pro bono time from working with the client on the substantive legal issue to the process of requesting an IFP waiver. We anticipate one of GR 34's most valuable benefits to be time savings for attorneys who would otherwise have to file a motion and declaration, and obtain an order granting an IFP waiver for a client who has already been determined eligible for pro bono assistance through the VLP.

We are fortunate that Skagit County judges frequently grant IFP petitions submitted by pro bono attorneys on behalf of VLP clients and by self-represented parties. However, some pro bono attorneys do not know about the fee waiver process. A specific rule and standard IFP form, as proposed in GR 34, would enable many pro bono attorneys to obtain IFP waivers.

For the reasons noted above, we support adoption of proposed GR 34. Thank you for the opportunity to comment on this proposed rule. Please do not hesitate to contact me should you wish to discuss this matter in further detail.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Brown".

Catherine Brown, WSBA #38090  
Program Manager

