



April 28, 2010

The Honorable Chief Justice Barbara Madsen
The Honorable Charles W. Johnson, Chair, Rules Committee
Washington State Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929

RE: Objection to Proposed Court Rule GR 34

Dear Chief Justice Madsen and Justice Johnson:

On behalf of the members of the Washington Association of County Officials (WACO), the Washington State Association of Counties (WSAC) and the Washington Association of Prosecuting Attorneys (WAPA), we are writing to object to Proposed GR 34.

Both determination of indigency and the waiver of fees are more than adequately addressed in current law. RCW 10.101.010 and RCW 36.18.022 are very clear in defining who is indigent and when fees may be waived. We believe each should be applied on a case by case basis rather than to a group of individuals. RCW 10.101.010 provides a simple consistent method of determining a person's financial status, whether he/she is charged with a crime or is a civil litigant. Under those circumstances, RCW 36.18.022 removes the obstruction to access to justice that indigency would otherwise create and fees are waived.

Costs should not be waived. They are a small percentage of the overall expense associated with the administration of justice but they do assist cities and counties that are already struggling to provide the services the public is seeking. We believe any determination or waiver of costs properly belongs with the local legislative authority that is charged with providing the service. A waiver of costs further erodes the infrastructure that must be maintained for the public and the parties who seek justice. It also raises the question of who will bear those costs.

Please consider our objection to the adoption of GR 34.

Respectfully,

Debbie Wilke
WACO Executive Director

Eric Johnson
WSAC Executive Director

Tom McBride
WAPA Executive Secretary