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OFFICE OF CIVIL LEGAL AID

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March 30, 2010

Ronald Carpenter, Clerk
Washington Supreme Court
415 12th Ave., SW
PO Box 40929
Olympia, WA 98504-0929

Attn: Camilla Faulk

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

Dear Mr. Carpenter:

I write in my capacity as Director of the Washington State Office of Civil Legal Aid, an independent judicial branch agency dedicated, among other things, to ensuring access to the civil justice system for low income and vulnerable people in our state. I write to encourage the Supreme Court to adopt the proposed GR 34 in the form most recently published for comment in April 2009.

While the right of low income litigants to access the courts free of financial obstacles has been the law in our state for more than 40 years,¹ objective and anecdotal experience indicates that this right is honored more often in the breach. Faced with fiscal pressures, judicial officers across our state (and often within the same judicial district) apply inconsistent standards for determining an individual litigant's right to waiver of court filing fees and other costs that she cannot afford to incur. In all too many cases, the requirement to pay civil filing fees and other costs operates to limit, and even deny, access to judicial relief in a wide range of compelling civil legal cases.

For more than four years, the Washington State Bar Association's Pro Bono and Legal Aid Committee has worked to establish a workable, effective and simple means of ensuring consistent and efficient treatment of *in forma pauperis* (IFP) applications filed by low income people, whether or not they are represented by counsel. The current version of GR 34 is the culmination of these efforts, and represents a consensus understanding between the pro bono and legal aid community, the Superior Court

¹ *O'Connor v. Matzdorff*, 76 Wn.2d 589, 458 P.2d 154 (1969).

It's not justice, if it's not equal.

Re: GR 34
March 30, 2010
Page 2

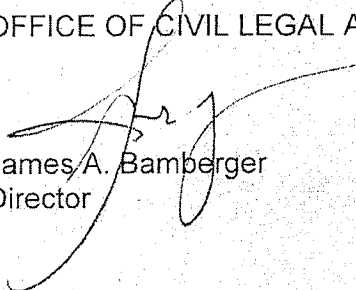
Judges Association and the Washington State Bar Association. In my capacity as Director of the Office of Civil Legal Aid, I have worked closely in the crafting of this rule and support its adoption unconditionally.

The rule ensures fair and appropriate treatment of IFP applications, establishes a uniform standard of indigency for determining whether individuals are presumed eligible for waivers of civil filing fees and other costs for which judicial officers have authority to waive, streamlines existing processes, encourages pro bono representation (by removing the need for pro bono attorneys to navigate unnecessary procedural obstacles) and ensures accountability.

The Office of Civil Legal Aid believes this rule protects the rights of indigent persons, effectively preserves judicial prerogatives and removes barriers that limit access to the justice system. Adoption of this rule is strongly encouraged.

Sincerely,

OFFICE OF CIVIL LEGAL AID



James A. Bamberger
Director