



MEMBERS

Francis Adewale
Judge Laura T. Bradley
Hon. Frederick P. Corbit
Lynn Greiner
Hon. David S. Keenan
Lindy Laurence
Michelle Lucas
Salvador A. Mungia
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair
Andrew N. Sachs

STAFF

Diana Singleton
Access to Justice Manager
(206) 727-8205
dianas@wsba.org



THE ALLIANCE
for Equal Justice

MEMBER

April 25, 2018

The Honorable Charles Johnson, Chair
Washington State Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929

Re: Proposed Amendments to RALJ 9.3

Dear Justice Johnson,

The Access to Justice Board's Rules Committee has recommended to the ATJ Board that it support the proposed amendments to RALJ 9.3. The ATJ Board has accepted that recommendation. Accordingly, the ATJ Board is writing to the Court urging the Court to adopt the proposed amendments with these two comments.

First, the ATJ Board recommends that the Court make the proposed amendments applicable to civil actions and not limit the amendments to criminal cases. Imposing costs on non-prevailing parties, especially those parties that are often found in courts of limited jurisdiction, restricts access to the justice system. A party of limited means should not be discouraged from accessing the justice system because of the threat of costs being imposed if they do not prevail.

Second, the ATJ Board recommends that the proposal amendments be changed to have the superior court trial judge determine whether the non-prevailing party does not have the ability to pay. The ATJ Board notes that Magda Baker of the Washington Defender Association has also proposed that the superior court judge make that determination. The ATJ Board believes that process is prudent.

The ATJ Board hopes that this Court consider and adopt the proposed amendments and take into account the Board's comments.

Sincerely,

Geoffrey Revelle
Access to Justice Board Chair

Cc: Paula Littlewood, Executive Director, Washington State Bar Association

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 25, 2018 4:28 PM
To: Tracy, Mary
Subject: FW: ATJ Board Comments to RALJ 9.3
Attachments: 2018.4.25.ATJ Board Letter Regarding RALJ 9.3.pdf

More....

From: Bonnie Sterken [mailto:bonnies@wsba.org]
Sent: Wednesday, April 25, 2018 4:28 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Diana Singleton <dianas@wsba.org>; Mungia, Sal <SMungia@gth-law.com>; Geoffrey Revelle <geoff.revella@FisherBroyles.com>; David.Keenan@kingcounty.gov
Subject: ATJ Board Comments to RALJ 9.3

Good afternoon,

Attached please find comments from the ATJ Board regarding proposed amendments to RALJ 9.3.

Thank you,



Bonnie Middleton Sterken | Justice Programs Coordinator
Washington State Bar Association | 206.727.8293 | bonnies@wsba.org
1325 Fourth Avenue, Suite 600 | Seattle, WA 98101-2539 | www.wsba.org
Pronouns: She/Her

The WSBA is committed to full access and participation by persons with disabilities. If you have questions about accessibility or require accommodation please contact bonnies@wsba.org.