

April 24, 2018

The Honorable Charles Johnson, Chair
Washington State Supreme Court Rules Committee
P.O. Box 40929
Olympia, WA 98504-0929
VIA EMAIL: supreme@courts.wa.gov

Re: comment to proposed amendment to RALJ 9.3

Dear Justice Johnson and Honorable Supreme Court Justices:

We are community groups and legal organizations writing to express our support for changes the Washington Defender Association (WDA) has proposed to RALJ 9.3. These changes would prohibit a court from imposing the costs of a misdemeanor appeal on an indigent criminal defendant regardless of who loses the appeal.

Because of our work in support of vulnerable people and communities, we are aware of the harsh impact legal financial obligations (LFOs) have on poor people in Washington. LFOs a court imposes as part of a misdemeanor sentence may keep the person sentenced tied to the court after s/he has completed other legal obligations, such as treatment and jail time. Trips to court for hearings on unpaid LFOs may interfere with work, childcare and other obligations, hindering former misdemeanants from becoming productive members of society despite their best efforts.

LFOs that a court imposes as the result of an appeal are particularly problematic. A misdemeanant who wishes to challenge the way a district or municipal court imposed LFOs or the amount of those LFOs can only do so by appealing. A person who risks higher LFOs if she loses that appeal faces a difficult choice. This makes enforcement of recent cases limiting the power of trial courts to impose LFOs difficult in courts of limited jurisdiction.

We urge you to adopt the changes WDA has proposed to RALJ 9.3 and prohibit superior courts from imposing the costs of appeal on indigent misdemeanor defendants.

Sincerely,

s/ Rick Eichstaedt
Executive Director
Center for Justice

s/ Monserrat Padilla
Statewide Coordinator
Washington Immigrant Solidarity Network

s/ Merf Ehman
Executive Director
Columbia Legal Services

s/ Rich Stolz
Executive Director
OneAmerica

s/ Eleanor Hoague
Chairperson
Local Immigrant Family Treasury

s/ Victoria Mena
Policy Director and
Development Strategist
Colectiva Legal del Pueblo

s/ Janie Starr
Chapter Co-Lead
Vashon Showing Up For Racial Justice

s/ Mara Brennan-Magidson
Co-Lead Organizer
Olympia Showing Up for Racial Justice

s/ Thy Nguyen
The People's Assembly

s/ Peggy Papsdorf
Policy Analyst
Pioneer Human Services

s/ Tarra Simmons
Executive Director
Civil Survival

s/ Angeline Thomas
Executive Director
Washington Appleseed

s/ Diane Narasaki
Executive Director
Asian Counseling and Referral Service

s/ Marcy Bowers
Executive Director
Statewide Poverty Action Network

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Wednesday, April 25, 2018 8:20 AM
To: Tracy, Mary
Subject: FW: Comment on Proposed RALJ 9.3
Attachments: Group comment on RALJ 9.3- April 24 2018.pdf

Forwarding.

From: Tarra Simmons [mailto:tarra.simmons@civilsurvival.org]
Sent: Tuesday, April 24, 2018 9:23 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment on Proposed RALJ 9.3

The Honorable Supreme Court:

For your consideration, please see attached comment on proposed RALJ 9.3.

Sincerely,

Tarra Simmons
Executive Director
Civil Survival