



Franklin County Clerk  
And Clerk of Superior Court  
Michael J. Killian, Clerk

February 15, 2008

Supreme Court Rules Committee  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504

Re: Proposed General Rule 34  
Waiver of Court and Clerk's Fees

Honorable Members:

I am writing to ask that you vote *NO* on proposed *General Rule 34*.

Fees addressed in this proposed rule are for court filing fees and fees for services performed by an *INDEPENDENTLY ELECTED EXECUTIVE BRANCH OFFICIAL*. One provision of proposed *GR 34* gives fee-waiving discretion to the County Clerk in certain circumstances, which is in conflict with RCW 36.18.022, which authorizes the Superior Court to make such decisions. I am in full support of the Superior Court exercising sole discretion over filing fees pursuant to state statute that permit such waivers. If any changes need to be made regarding waivers of fees it should be done legislatively rather than by court rule.

If this rule is passed it would raise eligibility to have filing fees and various other fees waived for individuals with income levels at or below 200% of the federal poverty level. In addition to waiving filing fees, the rule provides for automatic waiver of additional services such as:

- Jury demand fees
- Certified copies
- Exparte fees
- Copy fees
- Facilitator surcharges/user fees
- Fax filing fees
- Mandatory arbitration fees
- Fees for trial de novo

The Office of the County Clerk is supported by the county general fund. The additional revenue we collect offsets the cost of running the office and allows us to provide facilitator programs to assist citizens who cannot afford attorneys or our collections programs which collect restitution from criminal defendants so that victims are reimbursed for their losses. If revenue is lost County Commissioners have no choice than to withdraw their support for these programs and the individuals we are trying to help will suffer.

This proposed rule will cause great harm to a system that already provides "access to justice" to the citizens we serve while continuing to provide funds for our offices to be productive, accurate, and to support access to the records that we hold for the public. Passing GR 34 will be detrimental to the funding stream of the county and will be an undue burden on the employees of the Clerk's office.

This rule will have a NEGATIVE fiscal impact to all counties and to the Executive Branch office of the County Clerk, while providing NO significant benefit to indigent parties.

I urge you to please vote NO on *Proposed General Rule 34*.

Respectfully,



Michael J. Killian  
Franklin County Clerk

cc: Board of County Commissioners  
Superior Court Judges/Commissioners  
Pat Austin, Court Administrator