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ELISA PONOZZO, CLERK SUPERVISOR

GRANT COUNTY
OFFICE OF THE CLERK
AND EX-OFFICIO CLERK OF THE SUPERIOR COURT
KIMBERLY A. ALLEN

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January 24, 2008

Supreme Court Rules Committee
P.O. Box 40929
Olympia WA 98504-0929

Re: Proposed Court Rule (General Rule 34)
Waiver of Civil Court Fees and Charges Based on Indigency

Dear Committee Members:

I am writing to ask that you **not** pass proposed General Rule 34 for the following reasons:

1. Fees addressed in this rule are for court filing fees and fees for services performed by the Clerks' offices. I have no objection to the Court exercising discretion over filing fees pursuant to statutes that permit the waiver of those fees; however, I do object to the waiver of fees for items such as receiving faxed documents, making copies of documents on file, waiver of jury demand fees, mandatory arbitration fees, fees for trial de novo, and the waiver of the facilitator surcharge. In addition, decisions about a party's indigence should be made by a judge, not a Clerk's office employee.
2. Clerks have very few ways to generate revenue for their counties, yet 100% of salaries and supplies for Clerks' offices are paid from the county general fund. Filing fees collected are split about 50/50 with the state, but 100% of revenue from copies and fax transmittals are deposited to the general fund to support the Clerks' offices. If you pass this rule in any form, please remove any of the Clerks' service fees from it.
3. By changing the poverty level in this rule it will greatly increase the number of people who will be allowed to file new cases, modification actions, cross-claims, third party complaints, jury demands, and unlawful harassment cases without paying a fee. This reduction in revenue will hurt the counties, the Clerks, and courthouse facilitator services.
4. Surcharges from marriage licenses and surcharges on filings under Title 26 are deposited into an account to support courthouse facilitators. If revenue for these services is depleted, county commissions may discontinue this necessary service.

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STATE OF WASHINGTON
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BY RONALD R. CARPENTER
CLERK

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In my opinion, the authority has been given to the Court to waive filing fees and that is the procedure that we should continue to follow. Passing this proposed rule would adversely affect revenue to the counties, the County Clerks, and the courthouse facilitators. Therefore, I respectfully request that you vote **NO** on proposed GR 34.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly A. Allen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kimberly A. Allen
Grant County Clerk