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June 30, 2022

Honorable Charles W. Johnson
Supreme Court Rules Committee
c/o Clerk of the Supreme Court

SENT VIA ELECTRONIC MAIL TO supreme@courts.wa.gov

Re: Access to Justice Board's Comment to General Rule 40 –Informal
Domestic Relations Trial

Dear Justice Johnson:

I write on behalf of the Access to Justice Board in support of proposed General Rule 40 – Informal Family Law Trial.

The Board supports GR 40 in part because the rule helps address the needs of unrepresented parties in domestic relations matters such as dissolutions and parenting plans. We know from the 2015 Civil Legal Needs study that a majority of low-income members of our community in Washington have at least one civil legal need every year and that most of those needs go unaddressed. Family law is among the greatest needs for low-income individuals lacking access to legal representation, and that lack of access is compounded for victims of domestic violence and BIPOC and LGBTQ+ communities. This issue was more recently highlighted by the Washington State Gender and Justice Commission's study, *How Gender and Race Affect Justice Now*, which highlighted (beginning at page 313) how problematic the lack of legal representation in family law can be.

Until or unless there is a civil *Gideon* right to counsel in the civil legal system, many marginalized members of our community with pressing domestic relations civil legal needs relating to their wellbeing, children, and property, but without access to an attorney, will either not vindicate those rights or will proceed without representation, trying to navigate statutes, case law, statewide court rules, and local court rules, many of which can challenge even the most experienced counsel, let alone unrepresented parties who may already be traumatized by people and institutions. Moreover, given that many family law proceedings are being conducted remotely because of public health, streamlined procedures for litigants is that much more important.

Though some courts are already conducting informal family law proceedings, many courts are not, and proposed GR 40 would provide guidance to courts statewide, offering an important option for unrepresented parties. The

proposed rule would give much-needed guidance to judicial officers trying to navigate their obligation to remain neutral alongside their ability to work with unrepresented parties to ensure equal access to justice. The rule is also consistent with the goals set forth in the Access to Justice Board's 2020-22 Priorities, including the Board's goal of supporting work designed to assist unrepresented parties.

The Access to Justice Board supports proposed General Rule 40 relating to Informal Domestic Relations Trials and hopes for its approval, quick implementation, and effectiveness.

Sincerely,

A handwritten signature in dark ink, appearing to read "Francis Adewale", followed by a horizontal line.

Francis Adewale
Access to Justice Board Chair

cc: Terra Nevitt, Executive Director, Washington State Bar Association
David Keenan, Chair, Access to Justice Board Rules Committee
Terry Price, Chair-Elect, Access to Justice Board

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Subject: FW: Access to Justice Board's Comment re: GR 40
Date: Friday, July 1, 2022 8:13:55 AM
Attachments: [image001.png](#)
[2022.6.30.ATJ Board Comment.GR 40 Informal Domestic Relations Trial.pdf](#)

From: Diana Singleton [mailto:dianas@wsba.org]
Sent: Thursday, June 30, 2022 9:09 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Terra Nevitt <terran@wsba.org>; Adewale, Francis <fadewale@spokanecity.org>; Bonnie Sterken <bonnies@wsba.org>; David Keenan (David.Keenan@kingcounty.gov) <David.Keenan@kingcounty.gov>; Terry J. Price <tprice@uw.edu>
Subject: Access to Justice Board's Comment re: GR 40

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Dear Justice Johnson,

Please find attached the Access to Justice Board's comments regarding General Rule 40.

If you have any questions or need more information, please do not hesitate to let me know.

Thank you,
Diana Singleton



Diana K. Singleton | Chief Equity and Justice Officer

Gender Pronouns: She/Her/Hers

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