



April 30, 2023

Dear Supreme Court Rules Committee:

Civil Survival writes to express its support for the proposed changes to RAP 16.8 put forth by Kelly Vomacka. The proposed amendments to remove the mandatory \$250 filing fee imposed on defendants under RAP 16.8 present Washington's legal system with an opportunity to enhance people's access to justice.

As Washington's legislature and courts have begun to demonstrate in its laws and rulings, the imposition of fines and fees within the legal system only perpetuates inequity. *See State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015); *City of Richland v. Wakefield*, 186 Wn.2d 596, 380 P.3d 459 (2016); *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d 714 (2018); *State v. Catling*, 193 Wn.2d 252, 438 P.3d 1174 (2019); H.B. 1412, Laws of 2022, ch. 260. Filing fees imposed under RAP 16.8 are no different.

RAP 16.8, in its current form, thrusts the costs of filing on the defendant even in circumstances where the State is seeking transfer. RCW 2.32.070 explicitly forbids the collection of the filing fee from the state or any prosecuting authority on behalf of the state or municipality. Although RAP 16.8(a) allows for a waiver if the appellate court determines that a petitioner is indigent, this does not resolve inherent equity and access to justice issues that the filing fee implicates. A person should not be required to pay for a case that they never filed.

Fees in Washington state courts are charged to recoup the costs of court and government services. Organizations such as the Washington State Budget & Policy Center highlight the problematic nature of courts financially relying on court-involved individuals and the cycles of debt and poverty that are exacerbated as a result.<sup>1</sup> Relying on individual residents as a means of recoupment for court costs is unsustainable and inconsistent with recent changes in Washington's legal landscape.

Washington State must continue its momentum towards eliminating access barriers and relying heavily on people ensnared in the legal system to fund and recoup the costs of the court. To promote equity, the court system must detach itself from extracting funds from its community members and seek more equitable and reliable sources of revenue from the state budget. Approving the proposed amendments to RAP 16.8 is a step in this direction. Civil Survival urges this Court to approve Kelly Vomacka's proposal and eliminate the mandatory \$250 filing fee inequitably imposed on defendants.

/s/Laura Del Villar  
Civil Survival – Staff Attorney

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<sup>1</sup> See generally Evan Walker et al., *It's Time to Reform Washington's Harmful System of Fines and Fees*, Washington State Budget & Policy Center, (2022).

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**From:** Laura Del Villar <laura.delvillar@civilsurvival.org>  
**Sent:** Sunday, April 30, 2023 1:05 PM  
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Good afternoon,

Please find attached Civil Survival's comment supporting the proposed amendment to RAP 16.8.

Thank you,

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**Laura Del Villar**  
*Staff Attorney*  
*they/them*



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