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PRESS RELEASE

Today, the Washington Supreme Court issued an opinion in a case involving an indigent person's obligations to pay Legal Financial Obligations. In short, the Court ruled:

“[W]e find that it was legal error to disregard whether Wakefield [the Appellant] could currently meet her own basic needs when evaluating her ability to pay. Such information is crucial to determine whether paying LFOs would create a "manifest hardship... While the term "manifest hardship" is undefined in the statute, it is difficult to see how being unable to provide for one's own basic needs, food, shelter, basic medical expenses-would not meet that standard. A person's present inability to meet their own basic needs is not only relevant, but crucial to determining whether paying LFOs would create a manifest hardship.”

<http://www.courts.wa.gov/opinions/?fa=opinions.disp&filename=925941MAJ>

Northwest Justice Project (NJP) represented Brianna Wakefield, a struggling disabled indigent mother of four on SSI to seek “remission” of Legal Financial Obligations (LFO). The cities of Richland and Kennewick conceded that the trial court erred in not remitting the LFO's in this case and joined in asking the Supreme Court to provide “guidance” to lower courts in reviewing whether to remit LFOs in any given case. The Court more than obliged, including finding as a matter of law that federal law prohibits courts from ordering defendants to pay LFO's if the person's only source of income is social security disability benefits. The Court further chastised the lower courts' findings that Ms. Wakefield's “lifestyle” choices caused her poverty, strongly noting that she did not create her own mental illness and finally that her receipt of SSI is prima facie evidence of her inability to work.

According to attorney Karla Camac Carlisle, the Northwest Justice Project lead counsel for Ms. Wakefield's appeal, “this is a total victory for people who are indigent and disabled throughout the state. For too long, courts have felt compelled to fund themselves on the backs of poor people by aggressively collecting legal financial obligations, threatening to put and actually putting people in jail who are unable to pay, and otherwise taking abusive collection efforts that criminalize poverty.” NJP attorney Jefferson Coulter adds “This case tells us the practice of traumatizing and imprisoning indigent, disabled human beings in order to fund local courts is coming to an end. While funding for courts is critical, this must be addressed through legal means that respect the dignity of the human beings involved.”