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7 **Superior Court of Washington
For Pacific County**

No.

8
9 In re: Waiver of Fees and Costs and
Appointment of Counsel

**Petition and Order for Waiver of
Fees and Costs and Appointment of
Counsel**

(For use in unfiled unlawful detainers)

11 **CLERK'S ACTION REQUIRED**

12
13 **I. Nature of Petition**

14 Petitioner seeks appointment of counsel pursuant to section 8(1), ch. 115, laws of 2021
15 [RCW reference to be added when codified] for appointment of counsel. Petitioner has been
served a Summons in an unlawful detainer proceeding.

16 **II. Basis for Indigency**

17 The Petitioner is indigent and meets the standard for indigency under both GR 34 and
sec. 8(2), ch. 115, laws of 2021 because:

18 2.1 Petitioner was screened by the ☐ Eviction Defense Screening Line [ref. sec. 11, ch. 115,
19 laws of 2021] or ☐ _____ (a
qualified legal services provider) and:

20 ☐ Petitioner is recipient of Temporary assistance for needy families, aged,
21 blind, or disabled assistance benefits, medical care services
22 under RCW 74.09.035, pregnant women assistance benefits,
poverty-related veterans' benefits, food stamps or food stamp
benefits transferred electronically, refugee resettlement benefits,
Medicaid, or supplemental security income;

23 OR

24 Order re Appointment of Counsel
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1 [] Petitioner has an annual household income of 200 percent or less of the
2 federal poverty guideline after taxes.

3 AND

4 [] Petitioner is represented by an attorney affiliated with a qualified
5 legal services provider

6 **III. Order**

7 Based on the representations in Sec. II above, the court orders:

8 3.1 [] The petition for waiver of fees and costs under GR 34 is granted.

9 3.2 [] The petition for waiver of fees and costs under GR 34 is denied.

10 3.3 [] The petition for appointment of counsel is granted, and

11 [] The following is appointed to provide representation to the
12 Defendant pursuant to sec. 8(1), ch. 115, laws of 2021:

13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
 (address and phone).

 [] other: _____

3.4 [] The Clerk shall accept for filing and assign a civil case number to
 this matter.

3.5 [] The petition for appointment of counsel is denied.

Dated: _____

Judge/Commissioner

Presented by:

Signature of Party or Lawyer/WSBA No.

Print or Type Name Date

FILED
2021 AUG 25 PM 3:07

VIRGINIA LEACH, CLERK
PACIFIC COUNTY, WA
COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PACIFIC COUNTY

**Appointment of Counsel for Indigent
Defendants in Unlawful Detainers**

ORDER 2021-1

STANDING ORDER

21-2-00001-25

I. Purpose

Pursuant to Ch. 115, Laws of 2021 (Senate Bill 5160), this Court must appoint an attorney for an indigent defendant in an unlawful detainer proceeding commenced under RCW 59.12, 59.18, 59.20. Administration and funding for attorney representation is assigned to the Office of Civil Legal Aid (OCLA), which has until April 22, 2022 to fully implement the right to counsel (RTC) program statewide. OCLA has entered into contracts with the Thurston County Volunteer Legal Services to recruit, train, and make available attorneys to accept appointments to represent indigent tenants against whom unlawful detainer proceedings have been commenced in accordance with RCW 4.28.020 and the statutes referenced above.

II. Process for Appointment in Unfiled Proceedings

In any proceeding commenced by service of a summons upon a defendant but not filed with the Court, and in which a defendant has been screened by the Eviction Defense Screening Line indicated on the Summons¹ or a by local qualified legal aid provider, the Court designates the Superior Court Administrator for Pacific County to accept applications for appointment of counsel in unfiled matters. Appointment of counsel shall occur by filing of an application by the local OCLA-contracted provider of eviction defense services with the Court Administrator. Such application shall indicate the parties, identify the tenant defendant represented by the contractor, date of service of the summons upon the defendant, affirmation that the tenant has been screened and found eligible for appointed counsel under the standards in sec. 8, ch. 115, laws of 2021, and the identity of the OCLA-contracted provider. Upon receipt of the application, the Court Administrator (or their designee) will approve the appointment of counsel to represent the tenant defendant in the proceeding.

¹ Sec. 10, ch. 115, laws of 2021 amends the required form for the unlawful detainer Summons and now includes the number for the Eviction Defense Screening Line.

III. Process for Appointment at Show Cause or other Court Hearings

After the filing of any unlawful detainer covered by this rule, or at any show cause hearing or trial where a tenant defendant appears unrepresented, the Court will advise the tenant of their right to appointed counsel if indigent and inquire whether they wish to assert that right. If the tenant defendant requests appointment of counsel, the Court shall refer them to (a) the entity identified by OCLA to receive referrals for tenant screening and assignment or, where OCLA has not identified an entity to receive referrals for tenant screening and assignment, (b) the Eviction Defense Screening Line by phone or online portal. The Court will inquire whether the defendant requires interpreter services to effectively participate in the proceeding, consult with counsel, or access the Eviction Defense Screening Line. The Court will also inquire whether the tenant defendant has a disability that may require accommodation to enable them to effectively participate in the proceeding and RTC eligibility screening.

If a tenant defendant is referred for appointment of counsel, the Court will continue the initial hearing for not less than one week to permit the tenant defendant time to be screened for eligibility and, if eligible, secure appointment of and consult with their counsel. Sufficient time shall be allowed for the appointed counsel to engage with plaintiff and their attorney, review pleadings, conduct informal discovery, attempt to negotiate a settlement, develop a defense to the claim for writ of restitution, and otherwise ensure fairness of the proceeding. After appointment of counsel and upon motion of either party, the Court may further continue the show cause or trial to permit the parties additional time to negotiate a resolution, refer the matter for mediation services with the local Eviction Resolution Pilot Program, or refer the matter for further settlement efforts. In determining whether to continue or refer a matter, the Court will consider (a) the availability of rental assistance in nonpayment of rent cases, (b) the likelihood that further mediation services will resolve the matter without need for a contested hearing, (c) the existence and reasonableness of any repayment plan offered by the plaintiff to the defendant as required by sec. 4, ch. 115, laws of 2021, or (d) other circumstances relevant to the determination of whether to proceed with the hearing.

IV. Effective Date/Suspension of Duty to Appoint

This Order shall take effect upon the Court's receipt of notification from OCLA that sufficient funding and attorney capacity is available to meet the demand for appointed attorneys in Pacific County Superior Court and shall continue in effect unless or until OCLA advises that insufficient funding and/or attorney capacity is available to continue accepting appointments, in which case the Court's duty to appoint under this Order shall be suspended. Appointments shall resume upon notification from OCLA that sufficient funding and attorney capacity has been restored.

DATED this 25 day of August, 2021.


Presiding Judge Donald J. Richter

Attachments:

1. Request for Administrative Appointment of Counsel in Unfiled Unlawful Detainer Case

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5 **Superior Court of Washington
For Pacific County**

6 In re: Application of
7 _____ for
8 Appointment of Counsel in an Unfiled Unlawful
Detainer Case

No.

**Request for Administrative Appointment of
Counsel in Unfiled Unlawful Detainer Case**

9 **I. Nature of Petition**

10 The undersigned is an attorney employed by or under contract with a legal aid provider that has been engaged
11 by the Office of Civil Legal Aid to provide eviction defense services. In accordance with Administrative
12 Order No. 2021-5, attorney seeks appointment of counsel pursuant to sec. 8(1), ch. 115, laws of 2021 in
unlawful detainer proceedings. Petitioner has been served a Summons in an unlawful detainer proceeding a
copy of which is attached.

13 **II. Basis for Indigency**

14 The tenant represented by the undersigned attorney is indigent and meets the standard for indigency under sec.
8(2), ch. 115, laws of 2021 because:

15 2.1 The tenant represented by the undersigned was screened by the
[] Eviction Defense Screening Line [ref. sec. 11, ch. 115, laws of 2021]; or
16 [] Thurston County Volunteer Legal Services (TCVLS) -Contracted Legal Aid Provider and:

17 [] Is a recipient of Temporary assistance for needy families, aged, blind, or disabled assistance
benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits,
18 poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically,
refugee resettlement benefits, Medicaid, or supplemental security income;

OR

19 [] Has an annual household income of 200 percent or less of the federal poverty guideline after
taxes.

20 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

21 DATED this ____ day of _____, 202__.

22 _____
23 Attorney for RTC Provider

24 Application for Administrative Appointment of Counsel
in Unfiled Unlawful Detainer Case

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ADMINISTRATIVE APPOINTMENT OF COUNSEL

1. In accordance with Standing Order 2021-1, the Pacific County Superior Court has delegated authority to the Superior Court Administrator to receive, review, and approve applications for appointment of counsel in unlawful detainer cases that have been commenced through service of a summons without filing of the Complaint with the Superior Court.
2. Pursuant to sec. 8(1) of ch. 115, laws of 2021, Thurston County Volunteer Legal Services (TCVLS) has requested that an attorney be appointed to represent _____ [insert tenant name] in an unlawful detainer case that has been commenced through service of a summons.
3. Upon review, it is determined that:
 - ☐ The tenant applicant has received a summons in an unlawful detainer that has not yet been filed with the court.
 - ☐ The tenant applicant has been screened and determined to be indigent and entitled to appointment of counsel in accordance with the indigency standards in sec. 8(2) of ch. 115, laws of 2021.
 - ☐ The Court Administrator has been granted authority to appoint an attorney to represent the tenant applicant.
4. _____ (name of attorney or law firm) is hereby appointed to represent the tenant applicant in the above referenced unlawful detainer case.
5. Upon filing of a complaint for unlawful detainer with the Superior Court, _____ (name of attorney or law firm) shall file a notice of appearance and continue to represent the tenant applicant through the duration of the case.

Date: _____
Superior Court Administrator