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3 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
4 IN AND FOR CHELAN COUNTY

5 **STANDING ORDER**

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) No. 21-2-00002-04  
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10 **Appointment of Counsel for Indigent Defendants in Unlawful Detainers**

11 **I. Purpose**

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

23 **II. Process for Appointment in Unfiled Proceedings**

24 In any proceeding commenced by service of a summons upon a defendant but not filed  
25 with the Court, and in which a defendant has been screened by the Eviction Defense  
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1 Screening Line indicated on the Summons<sup>1</sup> or a by local qualified legal aid provider, the  
2 Court designates the Superior Court Administrator of Chelan County to accept  
3 applications for appointment of counsel in unfiled matters. Appointment of counsel shall  
4 occur by filing of an application by the local OCLA-contracted provider of eviction  
5 defense services with the Court Administrator. Such application shall indicate the parties,  
6 identify the tenant defendant represented by the contractor, date of service of the  
7 summons upon the defendant, affirmation that the tenant has been screened and found  
8 eligible for appointed counsel under the standards in sec. 8, ch. 115, laws of 2021, and  
9 the identity of the OCLA-contracted provider. Upon receipt of the application, the Court  
10 Administrator (or their designee) will approve the appointment of counsel to represent  
11 the tenant defendant in the proceeding.

#### 11 **I. Process for Appointment at Show Cause or other Court Hearings**

12 After the filing of any unlawful detainer covered by this rule, or at any show cause  
13 hearing or trial where a tenant defendant appears unrepresented, the Court will advise the  
14 tenant of their right to appointed counsel if indigent and inquire whether they wish to  
15 assert that right. If the tenant defendant requests appointment of counsel, the Court shall  
16 refer them to the Eviction Defense Screening Line by phone or online portal to receive  
17 referrals for tenant screening and assignment. The Court will inquire whether the  
18 defendant requires interpreter services to effectively participate in the proceeding,  
19 consult with counsel, or access the Eviction Defense Screening Line. The Court will also  
20 inquire whether the tenant defendant has a disability that may require accommodation to  
21 enable them to effectively participate in the proceeding and RTC eligibility screening.

21 If a tenant defendant is referred for appointment of counsel, the Court will continue the  
22 initial hearing for not less than one week to permit the tenant defendant time to be  
23 screened for eligibility and, if eligible, secure appointment of and consult with their  
24 counsel. Sufficient time shall be allowed for the appointed counsel to engage with

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26 <sup>1</sup> 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.

1 plaintiff and their attorney, review pleadings, conduct informal discovery, attempt to  
2 negotiate a settlement, develop a defense to the claim for writ of restitution, and  
3 otherwise ensure fairness of the proceeding. After appointment of counsel and upon  
4 motion of either party, the Court may further continue the show cause or trial to permit  
5 the parties additional time to negotiate a resolution, refer the matter for mediation  
6 services with the local Eviction Resolution Pilot Program, or refer the matter for further  
7 settlement efforts. In determining whether to continue or refer a matter, the Court will  
8 consider (a) the availability of rental assistance in nonpayment of rent cases, (b) the  
9 likelihood that further mediation services will resolve the matter without need for a  
10 contested hearing, (c) the existence and reasonableness of any repayment plan offered by  
11 the plaintiff to the defendant as required by sec. 4, ch. 115, laws of 2021, or (d) other  
12 circumstances relevant to the determination of whether to proceed with the hearing.

### 13 **III. Effective Date/Suspension of Duty to Appoint**

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

21 DATED this 30<sup>th</sup> day of September, 2021.



22 The Honorable Kristin M. Ferrera  
23 Presiding Judge