

SPR 98.24W
UNLAWFUL DETAINERS—APPOINTMENT OF ATTORNEY

In all unlawful detainer cases where an individual qualifies for an attorney at public expense in accordance with RCW 59.18.640, the following protocols shall be followed:

- (1) If the tenant appears without an attorney, before taking any action in the case, the court shall:
 - (a) Advise the tenant that if they are indigent, they have a statutory right to be represented by an attorney at public expense;
 - (b) If applicable, refer the tenant for screening and appointment of counsel pursuant to any local order or established procedure consistent with RCW 59.18.640; and
 - (c) Continue the hearing for a reasonable period of time so that counsel may be obtained.

- (2) If the tenant is unrepresented and the court issues a writ of restitution before judgment or by default, the tenant may file a motion requesting that the court appoint an attorney at any time before law enforcement executes the writ. During this time, a lawyer seeking appointment may file an ex parte motion for appointment and request that the court stay the execution of the writ for 10 days. The lawyer seeking appointment shall establish by declaration that good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted.

- (3) A stay issued under this rule will be set to expire 10 days after entry without further order from the court. If new information arises and the court finds the tenant is not eligible for appointment of a lawyer, the court may lift the stay.

[Adopted effective October 31, 2023.]