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

STANDING ORDER

Appointment of Counsel for Indigent Defendants in Unlawful Detainers

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 Northwest Justice Project 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 Summons[1] or a by local qualified legal aid provider, the Court designates the Superior Court Administrator Lewis 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

[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.

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.

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.

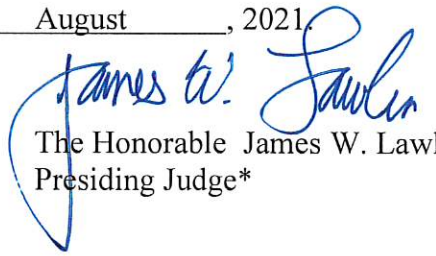
If a tenant defendant is referred for appointment of counsel, the Court will continue the initial hearing for not less than one week to permit the tenant defendant time to be screened for eligibility and, if eligible, secure appointment of and consult with their counsel. Sufficient time shall be allowed 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 Lewis County 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 2 day of August, 2021.



The Honorable James W. Lawler
Presiding Judge*