

2021 SEP 27 PM 12:52

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

IN THE MATTER OF: APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS IN UNLAWFUL DETAINERS	NO. 2021-2 STANDING ORDER FOR RTC COUNSEL UNDER E2SSB 5160
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1. Purpose

Under Section 8 of Ch. 115, Laws of 2021 (E2SSB 5160), this Court must appoint an attorney for an indigent tenant, as defined in Section 2 of E2SSB 5160, in an unlawful detainer case commenced under RCW 59.12, 59.18, or 59.20, subject to the availability of appropriated funds for this specific purpose. Under E2SSB 5150, responsibility for administration and funding for attorney representation is assigned to the Office of Civil Legal Aid (“OCLA”). OCLA has entered into a contract with Northwest Justice Project – Bellingham to recruit, train, and make available attorneys to accept appointments to represent indigent tenants in Island County against whom unlawful detainer proceedings have been, “commenced” – that is, started by either the filing of a case or by service of a summons prior to filing – in accordance with RCW 4.28.020 and the statutes referenced above.

2. Process for Appointment in Unfiled Cases

In any proceeding commenced by service of a summons in an unlawful detainer case on a tenant, as defined in Section 2 of E2SSB 5160, that has not been filed with the Court and in which

1 the tenant has been screened by the Eviction Defense Screening Line indicated on the form of
2 Summons specified in Section 10 of E2SSB 5160, by Northwest Justice Project -- Bellingham, or
3 by a different regional legal services provider, the Court designates the Island County Superior
4 Court Administrator to accept applications for appointment of counsel in unfiled matters.
5 Appointment of counsel shall occur by filing of an application by proposed counsel, in the form
6 attached hereto as Exhibit A, with the Court Administrator. As reflected therein, the application
7 shall identify the parties, the tenant to be represented by the service-provider, the date of service
8 of the summons on the tenant, and the attorney who seeks appointment. The application shall
9 expressly affirm that the tenant has been screened and found eligible for appointed counsel under
10 the standards in Section 8 of E2SSB 5160.
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12 The completed application should be submitted to the Court Administrator by email, to
13 SuperiorCourt@islandcountywa.gov (proposed counsel without access to an email address
14 should call the Court Administrator's Office about alternatives for submission). Upon receipt of
15 the completed application establishing the tenant's right to appointed counsel, the Court
16 Administrator or her designate will approve the appointment of counsel to represent the tenant in
17 the proceeding and provide a copy of the appointment to counsel by email.
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19 **3. Process for Appointment in Cases After Filing**

20 After the filing of any unlawful detainer against a tenant, as defined in Section 2 of E2SSB
21 5160, at any show cause hearing or trial in an unlawful detainer case in which such a tenant
22 appears unrepresented, the Court will advise the tenant of the tenant's right to representation by
23 appointed counsel if the tenant is indigent and inquire whether the tenant wants to assert that
24 request and request an opportunity to be screened. If the tenant requests appointment of counsel,
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1 the Court shall continue the proceeding, as further described below, and shall refer the tenant to
2 the Eviction Defense Screening Line. The Court will also inquire whether the tenant requires
3 interpreter services to effectively participate in the proceedings and/or to consult with counsel.
4 The Court will also inquire whether the tenant has a disability that may require accommodation
5 to effectively participate in the proceeding and RTC eligibility screening.
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8 If a tenant is referred for appointment of counsel, the Court will continue the initial hearing at
9 least until the following week to permit the tenant sufficient time to be screened for eligibility
10 and, if eligible, to secure appointment of counsel and an opportunity to consult with counsel. An
11 additional continuance shall also be allowed if required for appointed counsel to engage with the
12 plaintiff and/or the plaintiff's attorney, review pleadings, conduct informal discovery, attempt to
13 negotiate a settlement, develop a defense or defenses, and thus and otherwise to ensure that the
14 proceeding will be fair. After appointment of counsel and upon motion of either party, the Court
15 may further continue the show cause hearing or trial. In making its determination on such a
16 motion, the Court will consider the availability of rental assistance in nonpayment of rent cases,
17 the likelihood that mediation services, or further mediation services, will resolve the matter
18 without need for a contested hearing, the existence and reasonableness of any repayment plan
19 offered to the tenant, as required under Section 4 of E2SSB 50160, or other circumstances relevant
20 to the determination of whether to proceed with the hearing.
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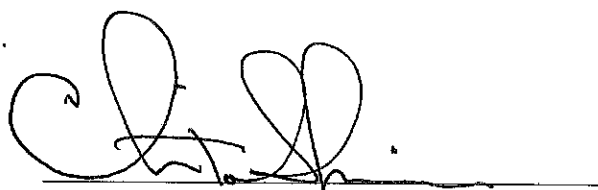
25 Proposed counsel for a tenant who is determined to be eligible for court-appointed counsel
26 under E2SSB 5160 in a case that has been filed with the Island County Superior Court shall seek
27 appointment by promptly filing a motion, declaration, and (proposed) order for appointment in
28 substantially the forms attached hereto as Exhibit B. Proposed counsel shall also promptly arrange
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1 for the motion, declaration, and (proposed) order to be presented *ex parte* for entry by the Island
2 County Superior Court. Proposed counsel may file and present these pleadings – as well as all
3 future pleadings in the unlawful detainer case in which the counsel has been appointed – by FAX-
4 filing, without courtesy copies. If FAX-filing, counsel shall use the special cover sheet entitled,
5 “UNLAWFUL DETAINER CASES ONLY,” that is available from the Island County Clerk.
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8 **4. Effective Date; Suspension of Duty to Appoint**

9 This Order shall take effect upon the Court’s receipt of notification from OCLA that sufficient
10 funding and attorney capacity is available to meet the demand for appointed attorneys in unlawful
11 detainer cases subject to E2SSB 5160 in Island County Superior Court. This Order shall remain
12 in effect until further order of the Court, unless or until OCLA advises that insufficient funds
13 and/or attorney capacity is available to continue accepting appointments, in which case the
14 Court’s duty to appoint counsel under this Order shall be suspended, effective as of the date of
15 OCLA’s advisement. Appointments shall resume upon notification that sufficient funding and
16 attorney capacity has been restored.
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20 DATED this 27th day of September, 2021.

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24 Christon C. Skinner
25 Island County Superior Court, Dep’t. # 1

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27 Carolyn Cliff
28 Island County Superior Court, Dep’t. # 2
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SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND

In re: Application of

for Appointment of Counsel in an
Unfiled Unlawful Detainer Case

REQUEST FOR ADMINISTRATIVE
APPOINTMENT OF COUNSEL IN
UNFILED UNLAWFUL DETAINER CASE

1. Nature of Petition

The undersigned is an attorney employed by or under contract with a legal aid provider that has been engaged by the Office of Civil Legal Aid to provide eviction defense services. In accordance with Standing Order for RTC Counsel Under E2SSB 5160 No. 2021-2, the undersigned seeks appointment of counsel pursuant to Section 8(1), ch. 115, laws of 2021, in unlawful detainer proceedings. The tenant named in the caption above has been served a summons in an unlawful detainer proceedings, a copy of which is attached hereto.

II. Basis for Indigency

The tenant represented by the undersigned is indigent and meets the standards for indigency under Section 8(2), ch. 115, Laws of 2021, because:

The tenant represented by the undersigned was screened by the:

- Eviction Defense Screening Line;
- Northwest Justice Project – Bellingham; or
- _____ [other regional legal services organization].

and was determined to be

a recipient of Temporary Assistance for Needy Families, aged, blind, or disabled assistance benefits, medical care serves under RCW 74.09.035, pregnant women assistance benefits, poverty-related veteran's assistance benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income;

or

a person with an annual household income of 200 percent or less of the federal poverty guideline after taxes.

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

DATED this ___ day of _____, 202__.

Attorney for RTC Provider
WSBA No. _____; Email Address _____

"A"

ADMINISTRATIVE APPOINTMENT OF COUNSEL

1. In accordance with Standing Order for RTC Counsel Under E2SSB 5160 No. 2021-2, the Island 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 a complaint with the Island County Superior Court.

2. Pursuant to Section 8(1) of ch. 115, laws of 2021:

- Northwest Justice Project – Bellingham; or
- _____ [regional legal services provider]

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 has been determined that:

The tenant has received a summons in an unlawful detainer as to property located in Island County that has not yet been filed with the court; and

The tenant has been screened and determined to be indigent and entitled to appointment of counsel in accordance with the indigency standards in Section 8(2) of ch. 115, laws of 2021; and

The Court Administrator has been granted authority to appoint an attorney to represent the tenant.

4. _____ (name of attorney or law firm) is hereby appointed to represent the tenant in the above-referenced unlawful detainer case.

5. Upon the filing of a complaint for unlawful detainer with the Island County Superior Court regarding the above-referenced property and tenant, _____ (name of attorney or law firm) shall file a notice of appearance and continue to represent the tenant through the duration of the case, until and unless an order of withdrawal is entered pursuant to Civil Rule 71(b).

DATED this ____ day of _____, 202__.

Superior Court Administrator

SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND

<p>_____</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>_____</p> <p style="text-align: center;">Defendant.</p>	<p>No. _____</p> <p>EX PARTE MOTION/DECLARATION FOR APPOINTMENT OF COUNSEL FOR _____, AN INDIGENT TENANT</p>
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1. Nature of Motion

The undersigned is an attorney employed by or under contract with a legal aid provider that has been engaged by the Office of Civil Legal Aid to provide eviction defense services. In accordance with Standing Order for RTC Counsel Under E2SSB 5160 No. 2021-2, the undersigned seeks appointment of counsel pursuant to Section 8(1), ch. 115, laws of 2021, in the above-referenced unlawful detainer proceedings.

II. Basis for Indigency

The tenant(s) represented by the undersigned is indigent and meets the standards for indigency under Section 8(2), ch. 115, Laws of 2021, because:

The tenant represented by the undersigned was screened by the:

- Eviction Defense Screening Line;
- Northwest Justice Project – Bellingham; or
- _____ [other regional legal services provider].

and was determined to be

a recipient of Temporary Assistance for Needy Families, aged, blind, or disabled assistance benefits, medical care serves under RCW 74.09.035, pregnant women assistance benefits, poverty-related veteran's assistance benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income;

or

[] a person with an annual household income of 200 percent or less of the federal poverty guideline after taxes.

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

DATED this ___ day of _____, 202__.

Attorney for RTC Provider

WSBA No. _____

SUPERIOR COURT OF WASHINGTON
COUNTY OF ISLAND

_____ / Plaintiff, v. _____ / Defendant.	No. _____ ORDER APPOINTING COUNSEL FOR INDIGENT TENANT & WAIVING SPECIFIED FEES
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Based on the ex parte motion and declaration for appointment of counsel for _____, an indigent tenant, filed in the above-referenced matter, and pursuant to the Court's authority under ch. 115, Laws of 2021 (E2SSB 5160) and the Court's Standing Order for RTC Counsel Under E2SSB 5160 No. 2012-2, the Court now ORDERS, ADJUDGES, AND DECREES;

1. _____ (name of attorney or law firm) is hereby APPOINTED to represent the tenant(s) in the above-referenced unlawful detainer case and shall continue to represent the tenant through the duration of the case, until and unless an order of withdrawal is entered pursuant to Civil Rule 71(b).
2. Presentation and FAX-filing fees for this Defendant, in this case, are hereby WAIVED.

DATED this ____ day of _____, 202__.

JUDGE/COURT COMMISSIONER

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