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KITSAP COUNTY SUPERIOR COURT
STATE OF WASHINGTON

IN RE THE MATTER OF THE RESPONSE BY THE
KITSAP COUNTY SUPERIOR COURT TO THE
PANDEMIC OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

STANDING ADMINISTRATIVE ORDER
REGARDING APPOINTMENT OF COUNSEL
FOR INDIGENT DEFENDANTS IN
UNLAWFUL DETAINERS (RTC)

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I. Purpose

Pursuant to RCW 59.18.640(1), 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). OCLA has entered into a contract with Kitsap Legal Services (KLS) to 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.

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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 the tenant defendant has been screened by the Eviction Defense Screening Line and/or Kitsap Legal Services indicated on the summons, a Request for Administrative Appointment of Counsel will be presented electronically to the Kitsap County Superior Court Administrator. [See Exhibit A]. Such Request shall indicate the parties, identify the tenant defendant to be represented by the contractor, date of service of the summons upon the defendant¹, affirmation that the tenant has been

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¹ Filing a request or motion for appointment of counsel does not waive a tenant-defendant's right to subsequently challenge the sufficiency or existence of service.

1 screened and found eligible for appointed counsel under RCW 59.18.640, and the name of
2 the appointed counsel. Upon receipt and review of the Request, the Court Administrator
3 (or his/her designee) will sign the Administrative Appointment on behalf of the Superior
4 Court and file it with the Kitsap County Clerk's Office in a Right to Counsel
5 Administrative Civil file. An electronic copy will also be forwarded to Kitsap Legal
6 Services.

7 8 **III. Records**

9 The Kitsap County Clerk's Office shall keep and, on request, make publicly available the
10 administrative appointment of counsel records in all unfiled cases stored in the Right to
11 Counsel Administrative Civil file.

12 13 **IV. Process for Appointment at Show Cause or other Court Hearings**

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

23
24 If a tenant defendant is referred for appointment of counsel, the Court will continue the initial
25 hearing no less than two weeks to permit the tenant defendant time to be screened for eligibility
26 and, if eligible, secure appointment of and consult with their counsel. Sufficient time shall be
27 allowed for the appointed counsel to engage with plaintiff and their attorney, review pleadings,
28 conduct informal discovery, attempt to negotiate a settlement, develop a defense to the claim for
29 writ of restitution, and otherwise ensure fairness of the proceeding. A Request and Order for
30

1 Appointment of Counsel will be presented ex parte to the Court for consideration and approval.
2 [See Exhibit B].

3
4 After appointment of counsel and upon motion of either party, the Court may further continue the
5 show cause hearing or trial to permit the parties additional time to negotiate a resolution, refer the
6 matter for mediation services with the local Eviction Resolution Pilot Program, or refer the matter
7 for further 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 likelihood that
9 further mediation services will resolve the matter without need for a contested hearing, (c) the
10 existence and reasonableness of any repayment plan offered by the plaintiff to the defendant as
11 required by RCW 59.18.630, or (d) other circumstances relevant to the determination of whether to
12 proceed with the hearing. Nothing in this Order shall prohibit a judicial officer from exercising
13 his/her independent discretion in the further setting of unlawful detainer matters.

14 **VI. Effective Date/Suspension of Duty to Appoint**

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

23
24 DATED this 3rd day of November, 2021.

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28 The Honorable KEVIN D. HULL
29 Presiding Judge

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3 **Superior Court of Washington**
4 **For Kitsap County**

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

Civil Admin No. 2021-

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

8
9 **I. Nature of Petition**

10 The undersigned is an attorney employed by or under contract with Kitsap Legal
11 Services (KLS), a legal aid provider contracted with the Office of Civil Legal Aid (OCLA)
12 to provide eviction defense services. In accordance with the Standing Order Re:
13 Appointment of Counsel of Indigent Defendants in Unlawful Detainer Actions, attorney
seeks appointment of counsel pursuant to RCW 59.18.640(1) in an unlawful detainer
proceeding. Petitioner has been served a Summons in an unlawful detainer
proceeding.

14 **II. Basis for Indigency**

15 The tenant represented by the undersigned attorney is indigent and meets the standard
16 for indigency under RCW 59.18.640(2) because:

17 1.1 The tenant represented by the undersigned was screened by the Eviction
Defense Screening Line or Kitsap Legal Services, and:

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

22 OR,

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

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

3 DATED this ____ day of _____, 202__.

4 _____
5 [] Attorney for Kitsap Legal Services WSBA #
6 [] Contracted/Conflict Attorney for KLS WSBA #

7 **ADMINISTRATIVE APPOINTMENT OF COUNSEL**

8 1. In accordance with the Standing Order Re: Appointment of Counsel of Indigent
9 Defendants in Unlawful Detainer Actions, the Kitsap County Superior Court has
10 delegated authority to the Superior Court Administrator to receive, review, and
11 sign requests for appointment of counsel in unlawful detainer cases that have
12 been commenced through service of a summons without filing of the Complaint
13 with the Superior Court.

14 2. Pursuant to RCW 59.18.640(1), Kitsap Legal Services or an attorney contracted
15 with Kitsap Legal Services, has requested that an attorney be appointed to
16 represent *[insert tenant name]* in an unlawful detainer case that has been
17 commenced through service of a summons.

18 3. The following KLS/Contract attorney is hereby appointed to represent the tenant
19 applicant in the above referenced unlawful detainer case:

20 _____
21 _____
22 _____
23 (address and phone).

24 4. Upon filing of a complaint for unlawful detainer with the Superior Court, the
appointed attorney shall file a notice of appearance and continue to represent the
tenant applicant through the duration of the case.

DATED this _____ day of _____, 202__.

Frank A. Maiocco Jr., Court Administrator
Kitsap County Superior Court

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Superior Court of Washington For Kitsap County	

Plaintiff	
	v.

Defendant	

No.
**Motion and Order for
Appointment of Counsel
RCW 59.18.640(1)**

I. Nature of Motion

Defendant requests appointment of counsel pursuant to RCW 59.18.640(1).

II. Basis for Indigency

Defendant is indigent and meets the standard for indigency under RCW 59.18.640(2) because:

2.1 Defendant was screened by the Eviction Defense Screening Line or Kitsap Legal Services, and:

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, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, Medicaid, or supplemental security income;

OR

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

III. Order

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

1 3.1 [] The Request for Appointment of Counsel is granted, and
2 [] The following KLS/Contract Attorney is appointed to provide
3 representation to the Defendant pursuant to RCW 59.18.640(1):

4 _____
5 _____
6 _____
(address and phone).

7 3.2 [] The Request for Appointment of Counsel is denied because:
8 [] The Court finds that the Defendant does not meet the indigency
9 standard set for in RCW 59.18.640(1), or
10 [] The court finds that the Defendant is otherwise ineligible for
11 appointed counsel in this case because:

12 _____
13 _____

14 Dated: _____ **Judge/Commissioner**

15 Presented by:
16 _____
17 Signature of Party or Lawyer/WSBA No.
18 _____
19 Print or Type Name Date