

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

STANDING ORDER

Appointment of Counsel for Indigent Defendants in Unlawful Detainer Actions

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. In Spokane County, OCLA has entered into contracts with Northwest Justice Project (NJP) and the Spokane County Bar Volunteer Lawyers Program (VLP) 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 (unfiled proceedings)

In any unlawful detainer proceeding commenced by service of a summons and complaint upon a tenant respondent but not filed with the Court, and in which a tenant respondent has been screened by the Eviction Defense Screening Line indicated on the summons, an order for appointment of counsel will be presented electronically to the Superior Court Administrator of Spokane County. Such application shall indicate the parties, identify the tenant respondent represented by the contractor, date of service of the summons upon the tenant respondent, affirmation that the tenant respondent has been screened and found eligible for appointed counsel under the standards of 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 secure the Presiding Judge's electronic

signature on the order and file with the Clerk of the Court in a Right to Counsel administrative civil file.


III. Process for Appointment (filed proceedings)

At the tenant respondent’s initial appearance after the filing of any unlawful detainer proceeding commenced under RCW 59.12, 59.18, or 5920, including at any show cause hearing or trial, the Court shall advise the tenant respondent of their right to appointed counsel if indigent and inquire whether they wish to assert that right. If the tenant respondent requests appointment of counsel, the Court shall refer the tenant respondent to the Eviction Defense Screening Line for eligibility screening and the court shall continue the initial hearing for not less than one week to permit the tenant respondent to be screened for eligibility and, if eligible, secure appointment of and consult with their counsel.

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 Spokane 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 4th day of October, 2021.


The Honorable Harold Clarke, III
Presiding Judge