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**SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF THURSTON**

IN THE MATTER OF THE RESPONSE BY
THURSTON COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH EMERGENCY
IN WASHINGTON STATE

NO. 21-2-00001-34

**ADMINISTRATIVE ORDER
REGARDING RIGHT TO COUNSEL
IN UNLAWFUL DETAINER CASES**

In response to the public health emergency in Thurston County and Washington State, this Court issued Emergency Administrative Order No. 6 regarding the Eviction Resolution Program (ERP) entered on November 12, 2020. Since that time, the following has occurred requiring the Court to take additional action.

1. Since late February 2020, the COVID-19 public health and economic crises have combined to continue to cause great health, social and economic harm to the people of the State of Washington, rendering many unable to meet basic living expenses, including but not limited to rent expenses.
2. Many landlords continue to face hardship and significant loss of income due to the inability of tenants to keep current in their rent and the prohibition on residential evictions established by federal, state, and local eviction moratoria, as applicable.

- 1 3. Responding to the public health and economic emergency, on March 18, 2020, Governor
2 Inslee issued Proclamation No. 20-19 imposing a moratorium on most residential
3 eviction in Washington State. This Proclamation was renewed, and the eviction
4 moratorium was extended on multiple occasions.
- 5
6 4. Thurston County Superior Court issued Emergency Administrative Order No. 6
7 (Emergency Standing Order re Eviction Resolution Program) on November 12, 2020, to
8 participate in an Eviction Resolution Pilot Program (ERPP) as one of six pilot counties.
9 The Court participated in the ERPP as the local Dispute Resolution Center (DRC) and
10 local Housing Justice Project (HJP) were prepared to assist tenants facing the threat of
11 residential eviction and help tenants resolve that threat through non-judicial processes
12 including ERPP.
- 13
14 5. The goal of the ERPP is to divert residential unlawful detainer cases based on
15 nonpayment of rent through effective and fair conflict resolution and alternative dispute
16 resolution processes with the assistance of an impartial Eviction Resolution Specialist
17 trained and provided by the local DRC while ensuring tenants have access to community
18 resources, including attorney representation through the local HJP, to reach a solution
19 that stabilizes households through relationship building.
- 20
21 6. State and local rent-assistance programs offer the opportunity for immediate assistance
22 in addressing rent arrearages (or portions thereof).
- 23
24 7. Pursuant to Ch. 115, Laws of 2021 (Senate Bill 5160), this Court must appoint an attorney
25 for an indigent defendant in an unlawful detainer proceeding commenced under RCW
26 59.12, 59.18, or 59.20.

1 8. Administration and funding for attorney representation is assigned to the Office of Civil
2 Legal Aid (OCLA), which has until April 22, 2022, to fully implement the right to
3 counsel program statewide. In Thurston County, OCLA has entered into contracts with
4 the Northwest Justice Project and Thurston County Volunteer Legal Services to recruit,
5 train, and make available attorneys to accept appointments to represent indigent tenants
6 against whom unlawful detainer proceedings have been commenced in accordance with
7 RCW 4.28.020 and the statutes referenced above.
8

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10 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

11 **1. Scope of this Order:**

12 This order addresses right to counsel only. Additional issues regarding eviction and the
13 ERPP are addressed in other laws and orders.
14

15 **2. Process for Appointment in Unfiled Proceedings:**

16 In any proceeding commenced by service of a summons upon a defendant but not filed
17 with the Court, and in which a respondent has been screened by the Eviction Defense
18 Screening Line indicated on the Summons¹ or a by local qualified legal aid provider, the
19 Court designates that the Court's civil ex parte process shall be used to present motions to
20 appoint counsel in unfiled matters. Appointment of counsel shall occur by filing of a
21 motion by the local OCLA-contracted provider of eviction defense services and presenting
22 it using the appropriate civil ex parte process for unlawful detainer matters. Such motions
23 shall indicate the parties, identify the tenant defendant represented by the contractor, date
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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.

1 of service of the summons upon the defendant, affirmation that the tenant has been screened
2 and found eligible for appointed counsel under the standards in sec. 8, ch. 115, laws of
3 2021, and the identity of the OCLA-contracted provider. A judicial officer will rule on the
4 appointment of counsel to represent the tenant defendant in the proceeding. All motions
5 and orders in unlawful detainer cases that are not yet filed shall be filed with the Clerk's
6 office under the administrative order file number. The Administrative Order file number
7 for 2021, is 21-2-00001-34, the file number for 2022, would be 22-2-00001-34, and so
8 forth.
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10 **3. Process for Appointment at Show Cause or other Court Hearings:**

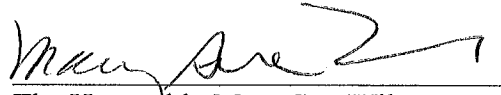
11 After the filing of an unlawful detainer covered by this Order, at any show cause hearing
12 or trial where a tenant defendant appears unrepresented, the Court will advise the tenant of
13 their right to appointed counsel if indigent and inquire whether they wish to assert that
14 right. If the tenant defendant requests appointment of counsel, the Court shall refer them
15 to (a) the entity identified by OCLA to receive referrals for tenant screening and assignment
16 or, where OCLA has not identified an entity to receive referrals for tenant screening and
17 assignment, (b) the Eviction Defense Screening Line by phone or online portal.
18

19 **4. Effective Date/Suspension of Duty to Appoint:**

20 This Order shall take effect immediately and shall continue in effect until OCLA advises
21 the Court in writing to the Presiding Judge that funding and/or attorney capacity is
22 insufficient to continue accepting appointments, in which case the Court's duty to appoint
23 under this Order shall be suspended. Appointments shall resume upon written notification
24 from OCLA to the Presiding Judge that sufficient funding and attorney capacity has been
25 restored.
26

1 TO THE EXTENT NOT MODIFIED BY THIS ORDER, EMERGENCY STANDING ORDER
2 No. 6 (Emergency Standing Order re Eviction Resolution Program (ERPP)) REMAINS IN
3 EFFECT.

4 DATED this 30 day of September, 2021.

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7 The Honorable Mary Sue Wilson
8 Presiding Judge
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