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7 **IN THE SUPERIOR COURT OF WASHINGTON**
8 **IN AND FOR BENTON AND FRANKLIN COUNTIES**

9 **Standing Order Re: Appointment of Counsel for Indigent**
10 **Tenants in Unlawful Detainer Proceedings**
11

12 **A. Unfiled Cases – i.e. Pocket Service Cases.**

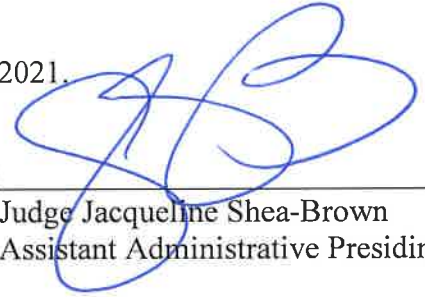
13 1. The Northwest Justice Project or OCLA-contracted Right-To-Counsel attorney will
14 provide the Court with an original motion, declaration and proposed order of appointment on
15 the *ex parte* docket. If a subsequent unlawful detainer case is filed involving the same tenant
16 to which the attorney was appointed, the attorney shall file a notice of appearance and appear
17 at any subsequent hearings in the unlawful detainer case.

18 **B. Filed Cases.**

- 19 1. ***Prior to the Order to Show Cause (OSC) hearing:*** The defendant tenant can contact the
20 **Eviction Defense Screening Line** at 855-657-8387 to see if they qualify for appointment of
21 counsel. If a defendant tenant qualifies for appointment of counsel, an OCLA-contracted
22 Right-To-Counsel attorney will seek appointment on the *ex parte* docket with presentation of
23 a motion, declaration and proposed order of appointment. Once appointed, the defendant
24 tenant's attorney shall appear at all subsequent hearings in the related unlawful detainer case.
- 25 2. ***At the time of the Order to Show Cause (OSC) hearing:*** the Court will ask the defendant
26 tenant if they want and/or need counsel and, if they do, the Court:
- 27
28

- 1 a. Shall provide the defendant tenant with the **Eviction Defense Screening Line**
2 **telephone number**, *i.e.* (855) 657-8387 so the defendant tenant can be screened to
3 see if they qualify for counsel;
4 b. The Court will continue the matter for a time-period it deems best which will afford
5 the defendant tenant time to qualify for counsel, for an OCLA-contracted Right-To-
6 Counsel attorney to seek appointment on the ex parte docket, and for the defendant
7 tenant to consult with court-appointed counsel. Once appointed, the defendant
8 tenant's attorney shall appear at all subsequent hearings in the related unlawful
9 detainer case.

10 DATED this 30th day of December, 2021.

11 By: 

12 Judge Jacqueline Shea-Brown
13 Assistant Administrative Presiding Judge
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5 IN THE SUPERIOR COURT OF WASHINGTON
6 IN AND FOR BENTON/FRANKLIN COUNTY

7 In re:

No.

8
9 Tenant

Petition/Motion and Declaration
for Order Appointing Counsel
(with *Exhibit A*)

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12 I. Nature of Petition/Motion

13
14 The undersigned is an attorney that has been engaged by the Office of Civil
15 Legal Aid (OCLA) to provide eviction defense services for indigent tenants in
16 unlawful detainer proceedings and files this Petition/Motion on behalf of the Tenant.

17 The Tenant was served a Summons in an unlawful detainer proceeding and
18 the unlawful detainer proceeding has not yet been filed with the Court.¹

19 The Tenant is indigent as detailed hereinbelow and, therefore, the
20 undersigned attorney seeks appointment as counsel for the Tenant in the above-
21 entitled case with filing fees and surcharges waived.

22 This Petition/Motion is based on Sec. 8(1) of Chapter 115, Laws of 2021 and
23 the Court's applicable Standing Order.

24 Dated this ____ day of _____, 202__.

25 _____
Signature of Party or Lawyer/WSBA No.

26 _____
Print or Type Name Date

27
28 ¹ This is known as "pocket service."

1 **II. Basis for Indigency – Declaration of Attorney**

2 2.1 I am attorney licensed to practice in Washington state.

3 2.2 I am attorney that has been engaged by the Office of Civil Legal Aid (OCLA)
4 to provide eviction defense services for indigent tenants in unlawful detainer
5 proceedings.

6 2.2 I have personal knowledge that the tenant identified herein received a
7 *Summons* (a true and correct copy of which is attached here to as **Exhibit A**),
8 was screened by OCLA and was found to be indigent.

9 2.3 The basis for the tenant's indigency is:

10 2.3.1 [] The tenant is a recipient of Temporary Assistance for Needy
11 Families (TANF), aged, blind, or disabled assistance benefits, medical care services
12 under RCW 74.09.035, pregnant women assistance benefits, poverty-related
13 veterans' benefits, food stamps or food stamp benefits transferred electronically,
14 refugee resettlement benefits, Medicaid, or supplemental security income;

15 OR

16 2.3.2 [] The tenant has an annual household income of 200 percent or less
17 of the current federal poverty guideline after taxes.

18 I declare under penalty of perjury under the laws of the State of Washington
19 that the foregoing is true and correct.

20 Dated this _____ day of _____, 202____ at _____
21 _____ (City), _____ (State).

22
23 Sign name: _____

24 Print name: _____
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6 IN THE SUPERIOR COURT OF WASHINGTON
7 IN AND FOR BENTON/FRANKLIN COUNTY

8 In re:

9 No.

10 _____
11 Tenant.

Order Appointing Counsel

12
13 **I. Basis**

14 The Court received the *Petition/Motion and Declaration for Order Appointing Counsel*
15 for the Tenant.

16 **II. Findings**

17 The Court reviewed the *Petition/Motion and Declaration for Order Appointing Counsel*
18 and the Court finds:

19 2.1 [] The Tenant is indigent based on the following:

20 [] He/She: Is a recipient of Temporary assistance for needy families, aged,
21 blind, or disabled assistance benefits, medical care services under RCW
22 74.09.035, pregnant women assistance benefits, poverty-related veterans'
23 benefits, food stamps or food stamp benefits transferred electronically,
24 refugee resettlement benefits, Medicaid, or supplemental security income;

25 OR

26 [] He/She has annual household income of 200 percent or less of the federal
27 poverty guideline after taxes.

28 2.2 [] The Tenant is not indigent.

///

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2 **III. Order**

3 Based on the Findings above, the Court orders:

4 3.1 ☐ The Petition/Motion is GRANTED, and

5 ☐ The Court appoints the following attorney or firm to represent the
6 Tenant in the unlawful detainer proceeding commenced through
7 service of the Summons attached to the *Petition/Motion and*
8 *Declaration for Order Appointing Counsel.*

9 Name: _____

10 Address: _____

11 Telephone: _____

12 Email: _____

13 3.2 ☐ The *Petition/Motion and Declaration for Order Appointing Counsel* is DENIED.

14 Dated: _____

15 **Judge/Commissioner**

16 Presented by:

17
18 _____
19 Signature of Party or Lawyer/WSBA No.

20 _____
21 Print or Type Name

22 _____
23 Date