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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)

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

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 Aid Services (KLAS) 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.

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 Aid 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

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 Aid
6 Services.

7 Within two (2) business days of serving an unfiled summons and complaint upon a tenant,
8 the plaintiff shall send the tenant's last known contact information (i.e., address(es), telephone
9 number(s) and, if available, e-mail address(es)), as well as a copy of the unfiled summons and
10 complaint, to the local eviction defense provider, Kitsap Legal Aid Services, via e-mail to:
11 EvictionDefense@KitsapLegalAid.org.

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13 In the event that the summons and complaint are then filed, the landlord or landlord's
14 counsel shall affix to the petition a true copy of the email sent to Kitsap Legal Aid Services.

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16 At any subsequent proceeding regarding service of the summons and complaint, the
17 Court shall review the file and confirm that the email containing the above-referenced information
18 was sent. If the file does not contain a true copy of the email, the Court shall not default the tenant.
19 The Court will not conduct a show cause hearing without the filing of the email and evidence of
20 the timely service of the email on Kitsap Legal Aid Services when required.

21 22 **III. Records**

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

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

2 After the filing of any unlawful detainer covered by this rule, or at any show cause hearing or trial
3 where a tenant defendant appears unrepresented, the Court will advise the tenant of their right to
4 appointed counsel if indigent and inquire whether they wish to assert that right. If the tenant
5 defendant requests appointment of counsel, the Court shall refer them to (a) Kitsap Legal Aid
6 Services (KLAS) and/or, (b) the Eviction Defense Screening Line by phone or online portal. The
7 Court will inquire whether the defendant requires interpreter services to effectively participate in
8 the proceeding, consult with counsel, or access the Eviction Defense Screening Line. The Court
9 will also inquire whether the tenant defendant has a disability that may require accommodation to
10 enable them to effectively participate in the proceeding and RTC eligibility screening.

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12 If a tenant defendant is referred for appointment of counsel, the Court will continue the initial
13 hearing no less than two weeks to permit the tenant defendant time to be screened for eligibility
14 and, if eligible, secure appointment of and consult with their counsel. Sufficient time shall be
15 allowed for the appointed counsel to engage with plaintiff and their attorney, review pleadings,
16 conduct informal discovery, attempt to negotiate a settlement, develop a defense to the claim for
17 writ of restitution, and otherwise ensure fairness of the proceeding. A Request and Order for
18 Appointment of Counsel will be presented ex parte to the Court for consideration and approval.

19 [See Exhibit B].

20
21 After appointment of counsel and upon motion of either party, the Court may further continue the
22 show cause hearing or trial to permit the parties additional time to negotiate a resolution, refer the
23 matter for mediation services with the local Eviction Resolution Pilot Program, or refer the matter
24 for further settlement efforts. In determining whether to continue or refer a matter, the Court will
25 consider (a) the availability of rental assistance in nonpayment of rent cases, (b) the likelihood that
26 further mediation services will resolve the matter without need for a contested hearing, (c) the
27 existence and reasonableness of any repayment plan offered by the plaintiff to the defendant as
28 required by RCW 59.18.630, or (d) other circumstances relevant to the determination of whether to
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1 proceed with the hearing. Nothing in this Order shall prohibit a judicial officer from exercising
2 his/her independent discretion in the further setting of unlawful detainer matters.

3 **V. Effective Date/Suspension of Duty to Appoint**
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5 This Order shall remain in effect unless or until OCLA advises that insufficient funding and/or
6 attorney capacity is available to continue accepting appointments, in which case the Court's duty
7 to appoint under this Order shall be suspended. Appointments shall resume upon notification from
8 OCLA that sufficient funding and attorney capacity has been restored; or, upon the identification
9 and/or availability of other funding to continue the appointment process.

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11 DATED this 10th day of July, 2025.

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16 The Honorable KEVIN D. HULL
17 Judge
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