



## Washington State Office of Civil Legal Aid

1206 Quince St. SE  
Olympia, WA 98504  
MS 41183  
360-704-4135

James A. Bamberger, Director  
jim.bamberger@ocla.wa.gov

To: Judge Rachelle Anderson, SCJA President  
Chris Gaddis, President AWSCA  
Kim Allen, President WSACC

From: Jim Bamberger, Director Office of Civil Legal Aid  
Philippe Knab, OCLA Eviction Defense Program Manager

Re: Right to Counsel, Update Memorandum No. 8  
Appointment Procedure in Filed Cases

Date: October 20, 2021

---

This follows up on earlier memos addressing the RTC attorney appointment process. Under RCW 59.18.640(1), the court must enter an order appointing an attorney in every unlawful detainer case involving an indigent tenant/defendant. Entry of a written (form) order documents compliance with this requirement. It also ensures that the Office of Civil Aid has documentation necessary to support expenditures underwritten with appropriated dollars exclusively limited to RTC use (auditors need that). Finally, it ensures that the research team has access to records necessary to track RTC cases and gather and analyze information required to be reported with the Legislature.

To ensure timely appointment with the least impact on courts and court personnel, we developed the attached model form Request and Order for Appointment of Counsel (RCW 59.18.640(1)). This has been shared with all RTC programs and attorneys who have been directed to present this in all RTC cases.

As implemented in several courts to date, the screening and appointment process proceeds as follows:

1. Unrepresented tenant/defendant shows at the show cause hearing.
2. Court advises and inquires whether tenant/defendant wishes to be screened for appointment of counsel; continues the case.
3. Tenant/defendant referred either to local HJP or RTC program for screening or to the Eviction Defense Screening Line.
4. Screening demonstrates tenant/defendant is eligible for RTC appointment. Immediately thereafter, RTC counsel presents the *ex parte* Request and Order for Appointment. (It would make things run more efficiently on all sides if courts established an electronic means of submitting and securing *ex parte* review and approval of these.)

Re: RTC Appointment Process

October 20, 2021

Page 2

5. The RTC attorney is appointed and the matter is heard (or continued on motion) on the return date of the initial continuance.

This is consistent with the approach outlined in Sec. 3, p. 4 of the SCJA's UD Bench Card (also attached).

As always, we appreciate the intentional efforts to coordinate and systematize the appointment process so that it is most efficient and responsive to the legislative directive.

We are always available to respond to questions. [evictiondefense@ocla.wa.gov](mailto:evictiondefense@ocla.wa.gov)