



Washington State Office of Civil Legal Aid

1220 Main St, Ste 400
Vancouver, WA 98660
(360) 280-8784 (mobile)

Philippe Knab
Eviction Defense Program Manager
Philippe.Knab@ocla.wa.gov

To: Hon. Samuel S. Chung, President SCJA
Ashley Callan, President AWSCA
Tammy Ownbey, President WSACC

From: Philippe A. Knab, Eviction Defense Program Manager
Jim Bamberger, OCLA Director

Re: Court-Appointed Tenant Defense Program Capacity Concerns

Date: September 18, 2023

As you are all aware, the Court-Appointed Tenant Defense Program has successfully provided representation to every eligible tenant seeking representation since its implementation in January 2022. As we navigate through the evolving Unlawful Detainer (UD) landscape and deal with the sunset of the Eviction Resolution Pilot Program (ERPP) on July 1, we find it necessary to update the bench on current tenant defense capacity concerns, as well as the responsive measures being undertaken to maintain the efficacy of our services.

As anticipated, a significant number of landlords chose to wait until sunset of the ERPP program to avoid dealing with potential ambiguities. This has led to a substantial influx of cases (mostly in urban counties), coinciding with the normal seasonal high demand (please refer to the attached Chart 1). For the most part, our providers have been managing to keep up with the spike in demand. In instances of heightened caseloads, some of our larger providers have been stepping in to offer coverage, particularly in scenarios exacerbated by the inability of primary providers to hire or temporary unavailability of hired counsel.

However, it is worth noting that resources in a small number of jurisdictions are currently stretched particularly thin. Considering this, tenant defense attorneys practicing in these jurisdictions will be seeking longer continuances to counterbalance staff shortages and ensure continued availability of timely, effective representation for all tenants. Several providers are in the process of onboarding a new class of tenant defense public defenders to bolster capacity to accept court appointments. OCLA is also preparing an emergency request for legislative authorization to increase capacity in the areas most burdened by the spike in eviction activity.

Given the circumstances outlined above — the seasonal surge, the sunset of the ERPP, and the ongoing training of new attorneys — we are cautiously optimistic that these increases and the

resulting pressure on the capacity of OCLA-contracted providers to accept appointments will be temporary. With the judiciary’s patience and understanding, we expect to be able to navigate this phase without resorting to decertification in any judicial district.

We are committed to ensuring that every tenant continues to receive the representation they deserve, and are actively working to deploy resources to meet the current needs. We would be happy to hear insight from the bench about program and appreciate your cooperation during this transitional period.

As always, we remain available to address any specific questions or concerns judicial officers may have. We are grateful for the judiciary’s partnership in bringing on line and sustaining an effective and successful Court Appointed Tenant Defense Program. With the judiciary’s active engagement and strict adherence to the requirements, of RCW 59.18.640, more justice is being realized in every judicial district in Washington.

Chart 1.

