

2021-5005-38-A

OR 1

Order

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FILED

AUG 11 2021

JILL E. WHELCHER
WHITMAN COUNTY CLERK

2021-5005-38-A

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR WHITMAN COUNTY

STANDING ORDER

Appointment of Counsel for Indigent Defendant's in Unlawful Detainers

1. Purpose

Pursuant to Ch, 115, Laws of 2021(Senate Bill 5160), 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), which has until April 22, 2022 to fully implement the right to counsel (RTC) program statewide. OCLA has entered into contracts with the Northwest Justice Project to recruit, train, and 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.

2. 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 a defendant has been screened by the Eviction Defense Screening Line indicated on the Summons' or a local qualified legal provider, the Court designates the Superior Court

Administrator for Whitman County to accept applications for appointment of counsel in unfiled matters. Appointment of counsel shall occur by the filing of an application by the Northwest Justice Project or other qualified legal service provider with the Court Administrator. Such application shall indicate the parties, identify the tenant defendant represented by the contractor, date of service of the summons upon the defendant, affirmation that the tenant has been screened and found eligible for appointed counsel under the applicable standards. Upon receipt of the application, the Court Administrator will approve the appointment of counsel to represent the tenant defendant in the proceeding.

3. Process for Appointment at Show Cause or other Court Hearings

After the filing of any unlawful detainer covered by this rule, or at any show cause hearing or trial where a tenant defendant appears unrepresented, the Court will advise the tenant of their right to appointed counsel if indigent and inquire whether they wish to assert that right. If the tenant defendant requests appointment of counsel, the Court shall refer them to (a) the Northwest Justice Project for screening and assignment or, (b) the Eviction Defense Screening Line by phone or online portal. The Court will inquire whether the defendant requires an interpreter to effectively participate in proceeding, consult with counsel, or access the Eviction Defense Screening Line. The Court will also inquire whether the tenant defendant has a disability that may require accommodations to enable them to effectively participate in the proceeding and RTC eligibility screening.

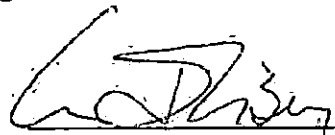
If a defendant is referred for appointment of counsel, the Court will continue the initial hearing for not less than two weeks to permit the tenant defendant time to be screened for eligibility and, if eligible, secure appointment of and consult with their counsel. Sufficient time shall be allowed for the appointed counsel to engage with plaintiff and their attorney, review

pleadings, conduct informal discovery, attempt to negotiate a settlement, develop a defense to the claim for writ of restitution, and otherwise ensure fairness of the proceeding. After appointment of counsel upon motion of either party, the Court may further continue the show cause or trial to permit the parties additional time to negotiate a resolution, refer the matter for mediation services or refer the matter for further settlement efforts. In determining whether to continue or refer a matter, the Court will consider (a) the availability of rental assistance in nonpayment of rent cases, (b) the likelihood that further mediation services will resolve the matter without need for a contested hearing, (c) the existence and reasonableness of any repayment plan offered by the plaintiff to the defendant as required by law, or (d) other circumstances relevant to the determination of whether to proceed with the hearing.

5. Effective Date/Suspension of Duty to Appoint

This Order shall take effect upon the Court's receipt of notification from OCLA that sufficient findings and attorney capacity is available to meet demand for appointed attorneys in Whitman County and shall continue in effect unless OCLA advises that insufficient funding and/or attorney capacity is available to continue accepting appointments, in which case the Court's duty to appoint under this Order shall be suspended. Appointments shall resume upon notification from OCLA that sufficient funding and attorney capacity has been restored.

DATED this 10th day of August, 2021



Whitman County Superior Court
Judge

1 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**

2 **IN AND FOR WHITMAN COUNTY**

FILED

JUN 24 2021

JILL E. VVHELCHER
WHITMAN COUNTY CLERK

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5 IN THE MATTER OF)

No. *2021-5003-38-A*

6 EMERGENCY RESPONSE TO COVID-19)
7 THREAT TO JURY TRIALS)

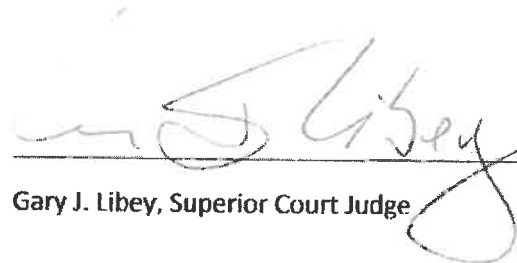
WHITMAN COUNTY SUPERIOR
COURT COURTROOM SAFETY
ORDER RE: JURY TRIALS

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10 IT IS HEREBY ORDERED WITH RESPECT TO JURY TRIALS:

11 This Court hereby rescinds all previous Courtroom Safety Orders regarding COVID-19 safety
12 protocol, effective immediately.

13 This order shall be posted at the Whitman County Superior Court Clerk's Office and online with
14 the Washington State Administrative Office of the Courts website and on the County's website.

15 IT IS SO ORDERED This 23rd day of June, 2021.

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Gary J. Libey, Superior Court Judge

FILED
JUN 11 2021
JILL E. WHELCHER
WHITMAN COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF WHITMAN**

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

No. 2021-5004-38-A

**WHITMAN COUNTY SUPERIOR
COURT COURTROOM SAFETY
ORDER RE: JURY TRIALS**

The Court hereby replaces the Courtroom Safety Order of June 6, 2020.

NOW, THEREFORE, IT IS HEREBY ORDERED WITH RESPECT TO JURY TRIALS, EFFECTIVE JUNE 3, 2021:

1. Any person who is sick or in quarantine shall not enter the courtroom;
2. Staff and visitors are expected to practice good hygiene by washing hands frequently or by using hand sanitizer when hand washing is not practicable;
3. Frequently touched surfaces will be routinely cleaned with disinfectant;
4. Social distancing measures will be enforced to the greatest extent practicable in the Courtroom. Courtroom and court administration areas have been equipped with social distancing markers to illustrate distancing. The Courtroom will have limited capacity due to social distancing.

1 5. Whitman County Superior Court may adopt further revisions as
2 necessary to respond to the current state of emergency in
3 order to mitigate the effect of COVID-19 and will do so by
4 further court order.
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7 Dated June 3, 2021

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11 Gary J. Libey, Judge
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2021-5003-38-A
OR 1
Order
9558101



FILED
JAN 11 2021
JILL E. WHELCHER
WHITMAN COUNTY CLERK

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4 IN THE MATTER OF)
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6 EMERGENCY RESPONSE TO COVID-19)
7 THREAT TO JURY TRIALS)
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2021-5003-38-A
No. 01/11/2021
EMERGENCY ADMINISTRATIVE
ORDER
RE JURY TRIALS

10 WHEREAS the COVID-19 Pandemic continues un-abated, this Court deems it required
11 in the administration of justice to adopt the following Findings and Conclusions and Order.

12 The court hereby FINDS:

- 13 1. On February 29, 2020, Governor Jay Inslee proclaimed a state of emergency due to the
- 14 public health crisis posed by the spread of the coronavirus (COVID 19), and on March
- 15 13, 2020, the President declared a national emergency due to the COVID-19 outbreak
- 16 across the United States. This state of emergency continues to the present day.
- 17 2. This Court hereby incorporates by reference all findings in this Court's Emergency
- 18 Administrative Order Re Jury Trials, No. 2020-5005-38-A, filed November 24, 2020.
- 19 3. The Court hereby incorporates by reference all statements of the Washington State
- 20 Supreme Court in that court's Covid Orders Regarding Court Operations, including that
- 21 court's Order No. 25700-B-646.
- 22 4. Under the Governor's recently-revised phase system, Whitman County is still in phase
- 23 one, which imposes fairly severe restrictions on gatherings and businesses. Public health
- 24 experts continue to expect a surge in hospitalizations following the Christmas and New
- 25 Years holidays.
- 26 5. The gathering of jurors or jury venire members for a Superior Court trial would be too
- 27 dangerous at this time due to the conditions of the COVID-19 pandemic. The danger to
- 28 the health and safety of jurors and jury venire members, as well as bailiffs, judges, clerks,
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WHITMAN COUNTY SUPERIOR COURT
N. 400 MAIN STREET ♦ P.O. BOX 679
COLFAX, WA 99111
(509) 397-6244

1 lawyers, defendants and witnesses requires this court to suspend all jury trials from now
2 through February 15, 2021.

- 3 6. The current danger posed by the COVID-19 pandemic is an unavoidable circumstance
4 affecting the time for trial beyond the control of the court or of the parties, as
5 contemplated by CrR 3.3(e)(8).

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7 Based on the Foregoing, the Court CONCLUDES:

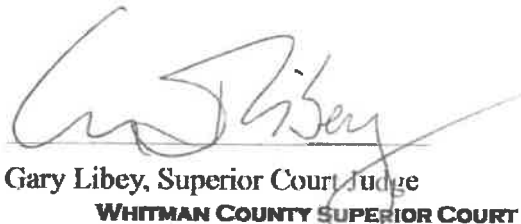
- 8 1. The time period between today's order and February 15, 2021 should be excluded in
9 computing the time for trial under CrR 3.3(e) and CrR 3.3(e)(8) for all criminal cases.

10 NOW THEREFORE, IT IS HEREBY ORDERED

- 11 1. Jury trials are suspended, effective immediately, through February 15, 2021.
12 2. The time between today's order and the next scheduled court hearing after February 15,
13 2021 shall be EXCLUDED in computing the time for trial under CrR 3.3 for all criminal
14 cases.
15 3. All other hearings, including Readiness Hearings, shall proceed as currently scheduled,
16 unless re-set on an individual basis. Criminal cases which are currently set for trial
17 between now and February 15, 2021 shall have a new trial date determined at their
18 Readiness Hearing, unless determined by the parties and court before such Readiness
19 Hearing.

20 This order shall be posted at the Whitman County Superior Court Clerk's Office and online with
21 the Washington State Administrative Office of the Courts website and on the County's web site.
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24 IT IS SO ORDERED This 11th day of January, 2021.

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29 Gary Libey, Superior Court Judge
WHITMAN COUNTY SUPERIOR COURT

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