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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In the Matter of the Appeal of: ) Hearing Examiner File:  
)  
) **W-18-002**  
)  
10 **DISCOVERY PARK COMMUNITY** )  
11 **ALLIANCE, et al.,** )  
) Response to Motion for Stay  
)  
12 from a decision of the City of Seattle, Final )  
13 Environmental Impact Statement for the Fort )  
14 Lawton Army Reserve Center Redevelopment )  
Project. )  
\_\_\_\_\_ )

Ms. Campbell seeks a stay after her motion to continue and motion for reconsideration were denied. The reason for the stay—she has been ill; and now, with a potential hearing starting next Tuesday, she wants to be represented by counsel.

Ms. Campbell did not raise these issues in her: (1) August 24 motion to continue; (2) September 12 reply to the City’s response to her motion to continue; (3) September 18 motion for reconsideration; (4) September 19 reply to the City’s response to her motion for reconsideration; and (5) oral arguments made during the September 19 prehearing conference where she contested, among other things, the Examiner’s ruling on her motion for reconsideration.

1 Ms. Campbell had months to inform the Examiner's office and the City she needed to  
2 seek a continuance or stay. Filing a motion now to stay the matter based on a claim she has been  
3 ill should be rejected.

4 Ms. Campbell also seeks a stay based on the argument—made for the first time—that she  
5 has an unequivocal right under HER 3.13(b) to be represented by counsel. The rule provides that  
6 “[p]arties have the right to be represented by an attorney. Representation by an attorney is not  
7 required.” Ms. Campbell elected to file this appeal *pro se* and proceeded on this basis for months  
8 and through every prior motion in this matter. Although Ms. Campbell has a right to counsel as  
9 the rule provides, representation by counsel is not required.

10 Ms. Campbell's reliance on *King v. King* is unavailing. The Washington State Supreme  
11 Court in *King* held three things: “(1) the fundamental parental liberty interest recognized in a  
12 proceeding for termination of parental rights was not at stake in present dissolution action; (2)  
13 constitutional right of access to the courts does not include a right to publicly funded counsel in a  
14 dissolution action; and (3) [the] wife was not entitled to appointed counsel under constitutional  
15 provisions relating to due process, equal protection, and privileges and immunities.” *King v.*  
16 *King*, 162 Wn.2d 378, 174 P.3d 659 (2007).

17 The *King* court also stated “[t]he right to counsel extends to cases in which “a  
18 fundamental liberty interest ... is at risk.” *King* at 394, citing *In re Grove*, 127 Wn. 2d 221, 237,  
19 897 P.2d 1252 (1995). *Grove* in turn stated “the state of Washington, Const. art. 1, § 22 (amend.  
20 10) expressly grants a right of appeal in criminal cases. *Housing Auth. v. Saylor*, 87 Wn. 2d 732,  
21 740, 557 P. 2d 321 (1976); *Speer v. Roney*, 52 Wn.App. 120, 122, 758 P. 2d 10, *review denied*,  
22 111 Wn. 2d 1025 (1988). However, there is no comparable right in civil cases, and none can be  
23

1 inferred. *In re Grove*, 127 Wn. 2d 221, 239, 897 P. 2d 1252, 1261 (1995), citing *The Housing*  
2 *Authority of King County v. Saylor*, 87 Wn. 2d 732, 740–41, 557 P. 2d 321 (1977).

3 Challenging the adequacy of a FEIS is not a fundamental liberty interest or any other  
4 similarly-protected interest where due process rights are implicated if a party is not represented  
5 by counsel. The Examiner should reject Ms. Campbell’s request for a stay based on the claim  
6 that she must now be represented by counsel.

7 The matter should not be stayed for the reasons Ms. Campbell argues and the City  
8 requests the Examiner to deny Ms. Campbell’s motion.

9 Dated this 21<sup>st</sup> day of September 2018.

10 PETER S. HOLMES  
11 Seattle City Attorney

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21 *Seattle Office of Housing*  
22  
23

1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of Respondents' **Response to**  
3 **Motion for Stay** with the Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent by email and U.S.  
5 First-Class mail to the following party:

6 ***Appellants***

7 Discovery Park Community Alliance (DPCA)  
8 c/o Elizabeth Campbell  
9 4027 – 21<sup>st</sup> Avenue West, Suite 205  
10 Seattle, WA 98199  
11 dpcaccontact@gmail.com  
12 neighborhoodwarrior@gmail.com

13 the foregoing being the last known address of the above-named party.

14 Dated this 21<sup>st</sup> day of September 2018, at Seattle, Washington.

15 s/Alicia Reise  
16 ALICIA REISE, Legal Assistant  
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