



SUPERIOR COURT OF THE STATE OF
WASHINGTON
FOR CLARK COUNTY

GENERAL ORDER 20-06

**CLARK COUNTY SUPERIOR COURT
REVISED EMERGENCY ORDER**

Adopted: March 17, 2020

Updated: August 20, 2020

Effective Wednesday, March 18, 2020 General Order 20-05 Clark County Superior Court Emergency Order is rescinded and the actions set forth herein will take effect immediately and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be modified by further Court Order.

Given, during the state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures and encouraged vulnerable individuals to avoid public places; and the limitations of court facilities to effectively comply with social distancing and other public health requirements and therefore continued in-person court appearances jeopardize the health and safety of litigants, attorneys, judges, court staff, and members of the public; and court operations are recognized as essential, and may be conducted by alternative means, in alternative settings, and with extra measures taken for public safety; and to prevent the further spread of COVID-19, it is hereby ORDERED, pursuant to the authority of the Washington State Supreme Court Order No. 25700-B-626 and the authority as Presiding

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CLARK COUNTY SUPERIOR COURT
1200 FRANKLIN STREET
VANCOUVER, WA 98660

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Judge of the Clark County Superior Court, that the following shall be in effect as of March 18, 2020:

- A. Persons exhibiting symptoms of COVID-19, including fever, persistent cough, or shortness of breath SHALL NOT enter the Clark County Courthouse, Juvenile Courthouse, or the Family Law Annex. Any such person who does appear shall be refused entry by Courthouse Security staff.

Persons at a higher risk of serious illness from COVID-19 may seek to avail themselves of the policies set forth in this Emergency Order.

Persons who cannot enter the Courthouse or those at high risk for serious illness who wish to avail themselves of this order SHALL contact the appropriate judicial department to request other arrangements be made related to their court business.

- B. All persons present in any Clark County Courthouse SHALL, to the extent practicable, observe social distancing by maintaining a distance of at least six (6) feet from any other person, and adhere to other public health measures.
- C. The judicial officer presiding over the courtroom shall retain the authority to exclude any person from a courtroom as may be necessary to comply with this order.
- D. All Criminal Jury Trials and Civil Jury Trials are CONTINUED until at least July 6, 2020. Any trials currently set between March 18, 2020 to July 6, 2020 are STRICKEN and shall be rescheduled by the assigned department.
- E. The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR 3.3(e)(8).

Furthermore, the Court SUSPENDS CrR 3.3 and JuCR 7.8 regarding time for trial and CrR 3.4 and related local court rules requiring the presence of the defendant, effective March 18, 2020 to at least September 1, 2020.

- F. All Jury Panels are CANCELLED until at least July 3, 2020. Due to the reduced ability to obtain an adequate cross section of attentive and focused jurors, and the effect of current public health recommendations on the likely availability of witnesses, court personnel, and trial counsel to be effectively present in the courtroom, the time period of

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continuances by this Emergency Order will be excluded in computing time for trial pursuant to CrR 3.3(e)(3), CrR 3.3(f)(2), and related local court rules.

- G. Civil Non-Jury Trials SHALL go forward, as determined by department, via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures. Any party wishing to continue a currently pending civil non-jury trial shall timely file and serve a Motion for Continuance with a written acknowledgement of the client in compliance with Civil Rule 40 and Local Civil Rule 40(b)(6) or 40(c)(7).
- H. Beginning May 4, 2020, all adult and juvenile **IN CUSTODY** criminal hearings SHALL be STRICKEN until June 1, 2020, with the following exceptions:

1. First appearances, arraignments, plea hearings, criminal motions without testimony or other evidentiary requirements, and sentencing or disposition hearings.

Requests for special set for all other adult criminal matters will be considered by the assigned department. Requests for special set for all other juvenile criminal matters will be considered by the assigned trial judge, or, if trial has not been set, by Judge Lewis. To request a special set, contact the appropriate judicial officer in writing or by email.

- I. Beginning May 4, 2020, all adult and juvenile **OUT OF CUSTODY** criminal hearings SHALL be STRICKEN until June 1, 2020, except for first appearances, arraignments and other matters special set by the department.

Any out of custody criminal defendants/respondents scheduled to appear for summons from March 16, 2020 to June 1, 2020, other than first appearances, arraignments and special sets, need not appear. No bench warrants will be issued for not appearing for a summons during this time frame. Matters stricken during this time period will be re-cited for hearing by the Prosecuting Attorney.

Beginning June 1, 2020, hearings will proceed as scheduled via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures at the direction of the judicial officer assigned to the hearing.

- J. All Family Law dockets SHALL proceed based on procedures instituted by each judicial officer.

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Until further notice all hearings shall be conducted via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures.

Family law trials SHALL go forward via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures. Any party wishing to continue a currently pending trial shall timely file and serve a Motion for Continuance with a written acknowledgement of the client in compliance with Civil Rule 40 and Local Civil Rule 40(b)(6).

Until further notice all **Commissioner Family Law** motion dockets, except for Self-Represented Finalizations, SHALL proceed as follows:

1. Matters must be timely filed and served to be considered.
2. Courtesy copies to the bench should not be submitted unless specifically requested.
3. Oral argument, to the extent allowed, will be limited.
4. Information for remote appearance, by phone or computer, will be available online at <https://www.clark.wa.gov/superior-court/zoom-information>
5. Participants who may have multiple matters scheduled for the same time with different Commissioners are encouraged to coordinate with their opposing counsels/parties to be available as needed for each hearing. Matters not ready to proceed when called will be recalled at the end of the docket but may be stricken if participants are still unavailable at the conclusion of the docket.
6. Participants in a hearing should not begin speaking unless and until requested to do so by the Commissioner. Participants should not interrupt each other during the hearing.
7. Subsequent to the Commissioner's oral ruling:
 - a) Agreed orders should be signed and submitted to ex parte per GO 20-11 Emergency Ex Parte Rule.
 - b) If orders are not agreed, the drafting attorney/litigant shall submit her/his proposed orders to the other side.
 - i. The other attorney/litigant shall use the proposed orders and submit a redline copy or a brief statement of the disputed provisions back to the originating party.

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- ii. The drafting attorney/litigant shall then forward the redlined Microsoft Word documents and any rebuttal to the assigned judicial assistant for review and entry.

Self-Represented Finalizations SHALL be submitted to the assigned Commissioner, with a Declaration in Support of Entry, in writing to Court Administration.

Commissioner Judicial Assistant contact information:

Commissioner Ellis, Commissioner Liebman, and Commissioner Schienberg email Rebecca Wittenborn rebecca.wittenborn@clark.wa.gov

Commissioner Swingen email Whitney Freese whitney.freese@clark.wa.gov

- K. All Guardianship/Probate dockets will proceed as scheduled for initial appearances on guardianship petitions and contested matters on approved guardianships. Until further notice all hearings shall be conducted via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures. Uncontested matters, for which the appropriate notice has been given to the parties, SHALL be submitted ex parte to the assigned department.
- L. All Friday morning Civil Motion dockets are moving forward as scheduled via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures. Agreed orders SHALL be submitted ex parte.
- M. All Dependency and Termination matters are governed by rules and procedures outlined in separate General Order 20-12 Emergency Dependency Docket Rule.
- N. All Unlawful Detainer dockets are CANCELLED through October 15, 2020. Orders to show cause per Governor's Proclamation 20-19.3 Evictions and Related Housing Practices SHALL be heard by the assigned judicial department. Scheduling of hearing SHALL be done in consultation with the departmental Judicial Assistant.
- O. Ex Parte will remain open for agreed and emergency orders. Ex Parte process is governed by rules and procedures outlined in separate General Order 20-11 Emergency Ex Parte Rule.

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- P. All Settlement Conferences will proceed as scheduled via video conference, telephone, other remote means, or in person with strict observance of social distancing and other public health measures at the direction of the assigned judicial officer.
- Q. All Civil Protection matters are governed by rules and procedures outlined in separate General Order 20-10 Emergency Civil Protection Order Rule.
- R. Therapeutic specialty courts (Adult Drug Court, Family Treatment Court, Juvenile Recovery Court, and Mental Health Court) will continue based on procedures adopted by each specialty court team.
- S. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State Court Rules, Local Court Rules and Emergency General Orders.
- T. The Clark County Superior Court remains open.

Dated this 20th day of August, 2020



Scott A. Collier, Presiding Judge

Supersedes: Order Adopted March 17, 2020; Updated April 14, 2020; Updated May 4, 2020; Updated May 5, 2020; Updated June 2, 2020; Updated June 3, 2020