

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR ISLAND COUNTY

IN THE MATTER OF THE RESPONSE BY) No. 20-2-00001-15
ISLAND COUNTY SUPERIOR COURT TO THE)
PUBLIC HEALTH EMERGENCY IN) EMERGENCY ORDER
WASHINGTON STATE AND ISLAND COUNTY) No. 2020 - 1
)
) COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and Island County. The actions set forth herein will take effect on March 19, 2020, and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the date may be extended by further order of the Court.

The Court makes the following findings:

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the Coronavirus 2019 (COVID-19).

2. On March 4, 2020, Washington Supreme Court Chief Justice Debra L. Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington, granting presiding judges in Washington counties the authority to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency.

3. On March 13, 2020, Governor Jay Inslee entered Proclamation 20-09, closing all K-12 public, private, and charter schools in the State of Washington from March 17, 2020, through April 24, 2020.

4. On March 2, 2020, the Island County Board of County Commissioners declared a state of emergency in Island County due to COVID-19 by enacting Resolution No. C-15-20, and declaring that Island County's Public Health Department and Department of Emergency Management will work with other agencies to do everything reasonably possible to assist affected individuals in an effort to respond to and recover from the outbreak, and that Island County activates its local emergency management plans and grants emergency use of local resources and authorizes use of emergency expenditures.

5. On March 16, 2020, Governor Jay Inslee entered Proclamation No. 20-13, limiting gatherings of 50 or more people in all counties.

6. According to the Washington State Department of Health, as of March 16, 2020, there are over 900 confirmed cases of COVID-19 in the State of Washington, with the vast majority of cases in Western Washington, and cases confirmed in nearby counties of Whatcom, Skagit, Snohomish, King, Island, and Jefferson. As of March 15, 2020, 48 deaths have been linked to COVID-19 in Washington.

7. In order to limit the spread of the disease, the Washington State Department of Health, the Island County Department of Health, and the U.S. Centers for Disease Control and Prevention recommend limiting person-to-person contact.

Given the significant number of identified cases of COVID-19 in Western Washington, the State of Washington, and the United States as a whole, and the severity of the risk posed to the public, court personnel, and court participants, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602 and the authority of the Judges of the Island County Superior Court, NOW, THEREFORE,

IT IS HEREBY ORDERED:

1. All CRIMINAL JURY TRIALS shall be CONTINUED until a jury term after **May 4, 2020**. Due to the reduced ability to obtain an adequate number and spectrum of jurors, the inherent public health risk of sufficient numbers of potential jurors gathering for jury selection, the inherent risk to court staff, parties, and counsel, and the effect of public health recommendations on the ability of court staff and counsel to be present in the courtroom as

well as for the public to be invited into the courtroom, the time period from the effective date of this Emergency Order (March 19, 2020) until the continued trial date issued in a given case shall be excluded in computing time for trial pursuant to CrR 3.3(e)(3) and CrR 3.3(f)(2). 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). Notwithstanding the foregoing, either party in a criminal case may move the court for an order requiring that a jury trial be conducted and the court will consider the facts and circumstances of the particular case in ruling on the motion.

2. No CIVIL JURY TRIALS will be set prior to **August 1, 2020**.

3. All matters noted on the calendars below shall be heard by TELEPHONE pursuant to the StarLeaf telephone procedure until further order. The telephone numbers to call for these purposes are 1-669-800-5335, Meeting ID 765-4814, for Judge Hancock's courtroom in Department 1, and 1-669-800-5335, Meeting ID 798-8385, for Judge Churchill's courtroom in Department 2. For attorneys and/or parties who are scheduled to appear by StarLeaf in both courtrooms for a particular calendar, please contact Court Administration at (360) 679-7361 for further instruction. If you have any questions, you may contact Court Administration at (360) 679-7361 or by email at m.frazier@islandcountywa.gov. Telephonic appearance procedures will also appear on the Island County Superior Court website:

<https://www.islandcountywa.gov/SuperiorCourt/Pages/Home.aspx>

ADULT CRIMINAL CALENDAR at 1:30 p.m. on Mondays (or Tuesday if Monday falls on a legal holiday), **except** that the following matters shall be heard in person: Out-of-custody preliminary appearances, arraignments, pleas, and sentencing, and other matters approved in advance for an in-person hearing by a judge or the court administrator.

JUVENILE OFFENDER CALENDAR at 1:30 p.m. on Mondays (or Tuesday if Monday falls on a legal holiday), **except** that the following matters shall be heard in person: out-of-custody preliminary appearances, arraignments, pleas, and dispositions, and other matters approved in advance for an in-person hearing by a judge or the court administrator.

EX PARTE CALENDAR at 9:30 a.m. on Mondays and 1:00 p.m. on Tuesdays through Fridays.

CIVIL LAW AND MOTIONS CALENDARS on Mondays (or Tuesday if Monday falls on a legal holiday) at 9:00 a.m. for adoptions and 9:30 a.m. for other civil matters.

ARY/CHINS/EMANCIPATION CALENDAR on Tuesdays at 9:00 a.m.

FAMILY TREATMENT COURT on Tuesdays at 10:30 a.m.

TRUANCY COURT on Tuesdays at 3:00 p.m.

PRO SE DISSOLUTION CALENDAR at 8:30 a.m. on Wednesdays.

PARENTAGE CALENDAR on Wednesdays at 9:00 a.m.

DEPENDENCY CALENDAR on Wednesdays at 9:30 a.m.

PROTECTION ORDER CALENDAR on Wednesdays at 2:00 p.m.

ADULT DRUG COURT on Thursdays at 10:30 a.m.

4. All SPECIAL SET CIVIL MOTIONS shall be heard by telephone, until further order.

5. IN-CUSTODY PRELIMINARY APPEARANCES AND OTHER MATTERS INVOLVING IN-CUSTODY DEFENDANTS, except as provided above, shall be heard by videoconference (not StarLeaf) at 1:30 p.m. on Mondays (or Tuesday if Monday falls on a legal holiday) and 1:15 p.m. on Tuesdays through Fridays on the in-custody calendar. Attorneys may choose to appear in court.

6. For all hearings that take place in-person in the Courtroom, the following requirements apply: Each person in the gallery must sit at least **six (6)** feet apart, in locations designated on the courtroom benches. ~~Once all of the designated locations are occupied, YOU MUST WAIT~~ OUTSIDE THE COURTROOM UNTIL THERE IS SUFFICIENT SPACE.

7. NO PERSON MAY ENTER THE COURTROOM IF SICK OR EXHIBITING ANY SIGNS OF ILLNESS, INCLUDING SNEEZING AND COUGHING. IF YOU ARE SNEEZING OR COUGHING, YOU WILL BE ASKED TO LEAVE.

8. If a defendant will miss a required Court hearing because of illness, the defendant must call his/her attorney, as well as the Court Administrator at 360-679-7361 and leave a clear,

detailed message, which will be made a part of the record. The Court will NOT ISSUE A BENCH WARRANT for failure to appear due to illness; however, the Court reserves the right to require documentation for multiple absences and, in the Court's discretion, a bench warrant may be issued for failure to provide such documentation.

9. In all cases where parties are represented by counsel, judge's working/courtesy copies shall be provided by email to Court Administrator Megan Frazier at m.frazier@islandcountywa.gov. All unrepresented parties are encouraged to provide working/courtesy copies by this email procedure.

10. All screening by the Public Defense Department shall be by telephone (not StarLeaf), until further order. The Public Defense Department may be reached Monday – Friday from 8:30 a.m. – 3:30 p.m. (except holidays) at: 360-679-7326.

11. All jury panels currently scheduled for duty after March 19, 2020, are excused from duty until further notice.

12. Court interpreters are permitted to appear by telephone until further order.

13. All parties represented by counsel shall, and pro se parties may, file documents with the Island County Clerk of Court via facsimile at 360-240-5503 pursuant to LCR 5(e)(2), until further order. New cases are not officially filed until receipt of any required fees is confirmed. The Clerk's office shall provide detailed procedures for electronic filing on its website at: <https://www.islandcountywa.gov/Clerk/Pages/Home.aspx>. To allow for electronic filing, GR 30 (d)(1)(A)-(C) are temporarily suspended. No fees shall be charged for facsimile filings or the presentation of court orders.

14. The Island County Law Library is CLOSED to the public until further order.

15. No non-essential group meetings may take place in Superior Court meeting rooms, including the Superior Court Jury Assembly Room, until further order.

16. The Superior Court Administrator's Office is not open for in-person communications, but may be reached via phone at 360-679-7361, or by email to Court Administrator Megan Frazier at m.frazier@islandcountywa.gov until further order.

17. Marriage Ceremonies performed by the Superior Court Judges are suspended until further order.

18. This Emergency Order modifies Island County local court rules inconsistent herewith.

This Emergency Order may be modified or further extended consistent with ongoing assessment of the current public health emergency based on recommendations of Island County Department of Health and Community Services, Washington State Health Department, and other appropriate agencies and public health officials.

DATED this 17th day of March, 2020.



ALAN R. HANCOCK
Island County Superior Court Judge



VICKIE I. CHURCHILL
Island County Superior Court Judge