

IN THE MUNICIPAL COURT FOR THE CITIES OF ISSAQUAH, SNOQUALMIE AND
NORTH BEND, COUNTY OF KING, STATE OF WASHINGTON

IN THE MATTER OF EMERGENCY RESPONSE)	ADMINISTRATIVE ORDER
TO THREAT OF PUBLIC HEALTH)	NO. 2020-2
)	
)	Re-Scheduling of Hearings and
)	Other Changes to Court Operations

WHEREAS, The Chief Justice has issued an emergency order in response to the public health emergency that affects the operations of trial courts in Washington State on March 4, 2020; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS, on March 11, 2020 the Governor imposed additional restrictions prohibiting gatherings of more than 250 people within King, Snohomish, and Pierce County due to the danger of continued spread of the virus and the increasing danger the virus presents to the health care system in the region;

WHEREAS, on March 11, 2020, Dr. Jeff Duchin, Health Officer for Public Health – Seattle and King County, issued a parallel local Health Officer Order for King County to prohibit gatherings of fewer than 250 people unless measures are taken by event organizers to minimize risk;

WHEREAS, on March 19, 2020, the Washington State Supreme Court adopted Order No. No. 25700-B-607 in the matter of statewide response by the Washington State courts to the Covid-19 public health emergency;

IT IS HEREBY ORDERED:

1. The Issaquah Municipal Court adopts all provisions of the Supreme Court’s order in the matter of statewide response by the Washington state courts to the Covid-19 public health emergency dated March 20, 2020 that are relevant to a municipal court, including, but not limited to, continuing the majority of court hearings until after April 24, 2020. [See attached].

IT IS FURTHER HEREBY ORDERED:

1. The Issaquah Municipal Court remains open. Staff in the court clerk’s office will be available by telephone, and both mail and email will be received.

Mailing Address: P.O. Box 7005, Issaquah, WA 98027
Phone: (425) 837-3170
Email: municipalcourt@issaquahwa.gov.

2. The court will continue to hear in-custody calendars as required by the Supreme Court's March 19, 2020 order, rule on any contested or mitigation hearings submitted for resolution by mail, and telephonic review hearings to determine compliance with any order issued to surrender weapons.
3. Absent a showing of good cause any emergency non-testimonial motion, including but not limited to motions to quash bench warrants, will be heard by email. Where the court determines that an additional hearing is necessary and/or required and/or where the court authorizes a hearing pursuant to a party's request, the hearing will be heard by telephone or video conference.

Motions should be filed by submitting an email indicating the requested relief at: municipalcourt@issaquahwa.gov, a judge's working copy should also be submitted directly to the judge at NScotts@issaquahwa.gov. The email must also establish that opposing counsel has either agreed to the motion, or has been provided notice of the motion. Notice to the Law Office of Lynn Moberly by email sent to McBarron.law@gmail.com will be considered sufficient notice. Notice to Valley Defenders by email sent to whitney@valleydefenders.com will be considered sufficient notice. Notice to the O'Brien, Barton & Hopkins, PLLP, by email sent to jamie@obrienlawfirm.net will be considered sufficient notice. For any other attorney it will be necessary for the moving party to establish proper service.

Absent emergent circumstances, or the necessity of setting an additional hearing, motions will be considered after 12:00 p.m. on the court date following the date on which they are filed and served. For purposes of calculating the date filed and served, a motion will be considered filed and served on a specific date so long as it is emailed prior to 4:30 p.m. A motion filed and served on a Saturday, Sunday or legal holiday will be considered on the following Tuesday after 12:00 p.m. Counsel will be notified of the court's ruling by email. Where a hearing is to be set, the court will contact the parties to schedule the hearing. Where a warrant is quashed, the court will mail notice of the next court date.

4. Persons protected by a no contact order or other order who wish to be heard on a request to modify or lift the order must confer with the DV advocate first and may then request a hearing to address any requested modification. Hearings to modify orders will be conducted by telephone in the same manner as non-testimonial motions and/or motions to quash bench warrants. The DV advocate can be reached at: Kim Leyton, phone: 425-785-4803, email: dkmzbs@hotmail.com.
5. All visitors appearing at any court calendars that is open to the public must use hand sanitizer before entering the courtroom. Each visitor shall complete a Covid-19 questionnaire and, where appropriate, may be excluded from the courtroom. Court staff may direct persons to comply with "social distancing" measures, i.e., standing or sitting six feet apart, and persons attending court sessions will be required to comply with any such directives.

6. The city prosecutor is to continue to file any new charges during any period that out of custody hearings are being rescheduled. Where a new charge is filed, defendants will be allowed to apply for the public defender by email and/or phone by contacting the Issaquah Municipal Court at (425) 837-3170 or municipalcourt@issaquahwa.gov. Where they are appointed, the public defender is encouraged to waive arraignment whenever authorized and appropriate, thus allowing cases to be set directly to pretrial.
7. Probation appointments with Probation Officer Melanie Vanek will be conducted by telephone only, no in person appointments.
8. This Administrative Order suspends the requirement under CrRLJ 4.1(a)(2) that defendants “shall be arraigned not later than 14 days after that appearance which next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release.”
9. Continuances pursuant to this Administrative Order of criminal cases in pre-trial status shall be “excluded periods” under CrRLJ 3.3(e)(8)[unavoidable or unforeseen circumstances] in computing the time for trial and/or this Administrative Order suspends the right to a speedy trial under CrRLJ 3.3(b).
10. This Administrative Order suspends the requirement under IRLJ 2.6(a)(1) that infraction hearings “be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction or the date a default judgment is set aside.”
11. No part of this order suspends the defendant’s right to a public trial, or the general right of the public to be present at court proceedings under the constitutional provisions that require the open administration of justice.
12. The court will re-assess the need for further continuances weekly, beginning Friday, March 20, 2020.
13. The court may re-assess the need for other protective measures on an as needed basis.
14. This order replaces the prior court order dated March 13, 2020.

For all hearings currently pending and for hearings on new cases filed during the pendency of this order that are delayed by effect of this order, this administrative order suspends the right to a hearing within any specific time period required by any court rule AND/OR any delay/continuance shall constitute an excluded period for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule.

Dated March 20, 2020


N. Scott Stewart, Presiding Judge

FILED
SUPREME COURT
STATE OF WASHINGTON
MARCH 20, 2020
BY SUSAN L. CARLSON
CLERK

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF STATEWIDE RESPONSE) AMENDED ORDER
BY WASHINGTON STATE COURTS TO THE)
COVID-19 PUBLIC HEALTH EMERGENCY) No. 25700-B-607
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_____)

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the novel coronavirus disease (COVID-19) outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee has barred gatherings of more than fifty people and ordered all schools, businesses, faith-based organizations, and other public venues to close during the ongoing public health emergency, and the CDC has recommended restricting gatherings to no more than 10 people; and

WHEREAS, many court facilities in Washington are ill-equipped 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

WHEREAS, pursuant to this Court's March 4, 2020 order, many Washington courts have already taken important steps to protect public health while ensuring continued access to justice and essential court services; however, the crisis is increasing daily and it may become necessary for courts to close, suspend in-building operations or otherwise significantly modify their operations, and

WHEREAS, the increasingly aggressive spread of COVID-19 across Washington requires a uniform, coordinated response from Washington courts to prevent further outbreak and to maintain consistent and equitable access to justice; and

WHEREAS, this Court's consultation with trial court judges, justice partners and coordinate branches of government confirms the need for further direction from this Court; and

WHEREAS, the presiding judges across Washington need direction and authority to effectively administer their courts in response to this state of emergency, including authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions.

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public,

IT IS HEREBY ORDERED:

1. All civil jury trials shall be suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public

health measures are strictly observed may proceed or, at the discretion of the trial court or agreement of the parties, be continued to a later date.

2. All non-emergency civil matters shall be continued until after April 24, 2020, except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.
3. All emergency matters, including civil protection and restraining order matters, that must be heard before April 24, 2020, must be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.
4. All criminal jury trials are suspended until after April 24, 2020. Trials already in session where a jury has been sworn and social distancing and other public health measures are strictly observed may proceed or be continued if the defendant agrees to a continuance. For all criminal trials suspended under this provision, April 25, 2020 will be the new commencement date under CrR 3.3.
5. All **out of custody** criminal matters already pending shall be continued until after April 24, 2020 except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

Arraignment on **out of custody** cases filed between today's date and April 24, 2020 or the first appearance in court after that date shall be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1 and CrRLJ 4.1 and JuCR 7.6 to extend the arraignment dates. The new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1). Nothing in this section requires suspension of therapeutic court proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

6. Courts may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.
7. All **in custody** criminal matters shall be continued until after April 24, 2020, with the following exceptions:
 - a. Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, and sentencing hearings.

particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, for all matters covered in Sections 4 and 5, this Order serves to continue those matters without need for further written orders. Additionally:

- a. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through April 24, 2020.
- b. Courts shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
- c. Defense counsel shall provide notice to defendants of new court dates.

11. Bench warrants may issue for violations of conditions of release from now through April 24, 2020. However, courts should not issue bench warrants for failure to appear in-person for court hearings and pretrial supervision meetings unless necessary for the immediate preservation of public or individual safety.

12. Motions for Pre-Trial Release:

- a. Courts shall hear motions for pretrial release on an expedited basis without requiring a motion to shorten time, but only if victims or witnesses can participate on an expedited basis. Const. Art. 1 (section 35).
- b. The Court finds that for those identified as part of a vulnerable or at-risk population by the Centers for Disease Control, COVID-19 is presumed to be a material change in circumstances, and the parties do not need to supply additional briefing on COVID-19 to the court. For all other

cases, the COVID-19 crisis may constitute a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1) and “new information” allowing amendment of a previous bail order or providing different conditions of release under CrR or CrRL or J 3.2(k)(1), but a finding of changed circumstances in any given case is left to the sound discretion of the trial court. Under such circumstances in the juvenile division of superior court, the court may conduct a new detention hearing pursuant to JuCR 7.4.

- c. Parties may present agreed orders for release of in-custody defendants, which should be signed expeditiously.
- d. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court is strongly encouraged to expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.

13. Courts must allow telephonic or video appearances for all scheduled criminal hearings between now and through April 24, 2020, unless impossible. For all hearings that involve a critical stage of the proceedings, courts shall provide a means for the defendant to have the opportunity for private and continual discussion with his or her attorney. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.

14. The Court recognizes that there are procedural issue in juvenile, dependency, involuntary commitment, child support, and other matters that may not be

encompassed in this Order. Nothing in this Order limits other interested parties in submitting similar orders tailored to the unique circumstances of those matters and any other matters not contemplated by this Order; however, parties are strongly encouraged to contemplate the issues addressed in this order. Nothing in this order prevents courts from following specific emergency plans for such matters, including for Involuntary Treatment Act and dependency matters.

15. Nothing in this order limits the authority of courts to adopt measures to protect health and safety that are more restrictive than this order, as circumstances warrant, including by extending as necessary the time frames in this order.
16. The Supreme Court may extend the time frames in this order as required by continuing public health emergency, and if necessary, will do so by further order. This order and other applicable emergency orders may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case. This amended order supersedes the Supreme Court's March 18, 2020 order (as corrected March 19, 2020).

DATED at Olympia, Washington this 20th day of March, 2020.

For the Court


CHIEF JUSTICE