

**DISTRICT COURTS OF WASHINGTON
FOR COUNTY OF KLICKITAT**

No. 2020-005

**IN RE THE KLICKITAT COUNTY DISTRICT COURT AND
THE PANDEMIC OUTBREAK OF THE NOVEL
CORONAVIRUS DISEASE (COVID-19).**

**EMERGENCY ADMINISTRATIVE
ORDER**

WHEREAS, the Washington State Supreme Court adopted Statewide Order No.25700-B-607 on March 18, 2020, and then amended that order on March 20, 2020, in an effort to assist Washington's court system in addressing the rapidly evolving public health emergency presented by the novel coronavirus (Covid 19);

WHEREAS, on May 29, 2020, the Washington Supreme Court adopted the Amended Third Revised and Extended Order Regarding Court Operations, No. 25700-B-626 concerning court operations for Washington's court system that specifically acknowledged that "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. Yet, court operations are recognized as essential, and may often be conducted by alternative means, in alternative settings, and with extra measures taken for public safety";

WHEREAS, Supreme Court Order No. 25700-B-626 recognized that "the coordinated response from Washington courts to prevent the further spread of COVID-19 must be continued beyond the timeframes in this Court's prior orders while allowing courts to operate effectively and maintain effective and equitable access to justice";

WHEREAS, Supreme Court Order No. 25700-B-626 further acknowledged that all Washington courts have the authority to conduct essential court operations, to include not only trials and other hearings, but also clerk's office operations, facilities planning, technology improvements, and the general administration of justice";

WHEREAS, Supreme Court Order No. 25700-B-626 holds that arraignment on out-of-custody criminal cases filed between March 18, 2020 and July 3, 2020 may be deferred until a date 45 days after the filing of charges and that good cause exists under CrRLJ 4.1 to extend the arraignment dates; and that the new arraignment date shall be considered the "initial commencement date" for purposes of establishing the time for trial under CrRLJ 3.3(c)(1).

WHEREAS, Supreme Court Order No. 25700-B-626 specifically holds that a continuance of criminal hearings and trials is required in the administration of justice, and that due to the serious danger posed by COVID-19, good cause exists to continue criminal trials, and this health emergency constitutes an unavoidable circumstance under CrRLJ 3.3(e)(8), such that the time between the Supreme Court's original Order regarding court operations of March 18, 2020 and September 1, 2020 shall be EXCLUDED when calculating time for trial. CrRLJ 3.3(e)(3).

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The previously issued District Court Emergency Administrative Orders are hereby extended through September 1, 2020; and the provisions of the Washington Supreme Court's Orders Regarding Court Operations applicable to District Court operations are incorporated herein by this reference.
2. During the pendency of these extended administrative orders, or until further order of the Courts, the District Court staffs will be available via telephone, email or fax from Monday through Friday. The public is also encouraged to visit the Courts' websites to pay fines, address infraction matters and complete other court business. The public may also leave telephone messages for court staff that will be returned at the earliest opportunity.
3. The District Courts will continue to issue civil protection orders as appropriate, and the public may request these orders via the mailboxes located at East and West District court buildings. Until further order of the Courts, the Courts will conduct telephonic or video conference hearings on these matters, if necessary. If in the Court's perspective an in-person civil protection order hearing must take place, the participants will be required to comply with the respective court's policies regarding the public health requirements for participation in the hearing. These policies include requiring social distancing and the wearing of masks. Any granted orders may be served on the defendant/respondent via U.S. Mail.
4. All criminal jury trials are suspended until further order of the Courts. It may be that the District Courts are able to accommodate jury trials on different schedules after addressing necessary public safety issues specific to each courtroom.
5. Due to the reduced ability to obtain an adequate cross section of attentive jurors, the state limitations on the size of gatherings of people, the requirements of social distancing of at least 6 feet, limitations on vulnerable adults avoiding public spaces, and the effect of the 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 continuances by this Emergency Order will be excluded in computing time for trial pursuant to CrRLJ 3.3 and related local court rules. 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 result of unavoidable and unforeseen circumstances and, therefore, are excluded from computing time for trial by CrRLJ 3.3. Furthermore, the court suspends CrRLJ 3.3 regarding time for trial and CrRLJ 3.4 and related local court rules requiring the presence of the defendant, consistent with the time frames established within the aforementioned Washington State Supreme Court Orders Regarding Court Operations.
6. All other civil and criminal hearings will be conducted via telephone or video conference until further order of the Courts. If in the Court's perspective, an in-person hearing is required, court administrators will set that hearing at an appropriate date and time and all participants will be required to comply with the specific public health requirements imposed by the respective courts to minimize the risk of infection to court staff, attorneys, litigants, witnesses, and the public.
7. The Courts adopt and incorporate herein by this reference the provisions within the Washington State Supreme Court's Orders Regarding Court Operations concerning deferral of criminal out-of-custody arraignments on cases filed between March 18, 2020 and July 3, 2020, as set forth therein. Good cause exists under CrRLJ 4.1 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 CrRLJ 3.3. In-custody arraignments will proceed via video conference or telephonically until further order of the Courts.

8. The Courts hereby adopt and incorporate herein by this reference the provisions within the Washington State Supreme Court's Orders Regarding Court Operations concerning the necessary continuance of criminal hearings and trials due to the unavoidable circumstances caused by the present public health emergency under CrRLJ 3.3, and the exclusion of time for calculating time for trial under CrRLJ 3.3.

9. Civil traffic infraction matters will be conducted by telephone or video conference to the greatest extent practicable until further order of the Courts. In-person hearings will be allowed only with the Court's permission and consistent with the specific public health requirements imposed by the respective courts to minimize the risk of infection to court staff, attorneys, litigants, witnesses, and the public.

10. Any court rules which are inconsistent with the provisions of this Order and the Court's prior Administrative Orders are suspended while the orders remain in effect. Unless specifically modified or amended herein, the Court's prior Administrative Orders remain in full force and effect in accordance with their terms and provisions. This order may be amended, extended or withdrawn as warranted to address the on-going public health emergency.

Dated this 10 day of June, 2020.



Presiding District Court Judge