

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR LEWIS COUNTY

In Re:

EMERGENCY NOTIFICATION LIMITING  
COURT OPERATIONS RESULTING  
FROM PUBLIC HEALTH EMERGENCY

GENERAL ORDER DATED:  
November 16, 2020

GR 21

This Order supplements and modifies the prior General Orders of this court issued in response to COVID-19. All other provisions of the Prior General Orders, not addressed within this Order remain in full force and effect.

Based upon information from the Center for Disease Control (CDC), the recommendations of the Public Health Officer for Lewis County, the Director of Public Health for Lewis County, guidance from the Washington State Supreme Court, and based upon other restrictions put in place by the Governor of the state of Washington, the Lewis County Superior Court is taking the following actions (Orders):

**CIVIL MATTERS**

1. All civil jury trial scheduled for November 2020 are hereby stricken. No civil jury trials will not occur until **at least** the week of **DECEMBER 14, 2020**.
2. Civil Jury trials (excluding those under the Involuntary Treatment Act) shall be rescheduled through Court Administration.
3. Jury Trials under the Involuntary Treatment Act are stricken and shall be placed on the Tuesday calendar for consideration.
4. Non-jury trials may be conducted under circumstances and restrictions addressed on a case by case basis that, at least, will strictly observe social distancing mandates and other public health measures.
5. Civil matters will continue to be heard under the following conditions:
  - a. Parties are encouraged to participate remotely to the greatest extent possible.
  - b. Remote attendance must be arranged in advance with Court Administration.

EMERGENCY NOTIFICATION LIMITING  
COURT OPERATIONS RESULTING  
FROM PUBLIC HEALTH EMERGENCY

- 1 c. The Court, at its discretion, may direct remote appearance.
- 2 d. The Court, at its discretion may direct matters be considered solely upon
- 3 written submissions of the parties.
- 4 6. Any in person appearance shall be under strict adherence to social-distancing,
- 5 strict adherence to the masking requirements.
- 6 7. The Court will be available for emergency civil matters and will strictly observe
- 7 social distancing mandates and other public health measures.
- 8 8. The Court and Clerk will continue to provide access to the courts and the Clerk's
- 9 office and address accessibility issues on a case by case basis that, at least, will
- 10 strictly observe social distancing mandates and other public health measures.
- 11 9. The requirements of personal service of petitions for protection orders or
- 12 temporary protection orders are suspended (this does not apply to orders
- 13 directing the surrender of weapons or removal from a shared residence.
- 14 a. Where personal service has been waived, service may be made by law
- 15 enforcement, including electronic service with acknowledgment of receipt,
- 16 by process servers, by agreed service acknowledged in writing, by
- 17 publication or by mail.
- 18 b. If a prior agreement to serve by email is in place in the same or related
- 19 case, email service shall be sufficient.
- 20 c. Proof of service providing at least five (5) days' notice shall be required
- 21 before the hearing.
- 22 10. This Court shall exercise discretion in setting hearing dates, extending temporary
- 23 orders and making other accommodations to ensure sufficient notice and
- 24 reasonable accommodations and restrictions to address the social distancing
- 25 mandates and other public health measures.

### CRIMINAL/JUVENILE MATTERS

- 26 1. All criminal jury trials scheduled between November 16 and the week of
- December 7, 2020 are hereby stricken. No criminal jury trials will occur until **at least** the week of **December 14, 2020**.
2. Out of custody criminal and juvenile matters can be heard as scheduled under the following conditions:
1. Parties are encouraged to participate remotely to the greatest extent possible.
  2. Remote attendance must be arranged in advance with Court Administration.

- 1 3. The Court, at its discretion, may direct remote appearance.
- 2 4. Witness are encouraged, to the extent practicable, appear remotely to
- 3 provide testimony for non-trial hearings requiring their appearances.
- 4 5. Any in person appearance shall be under strict adherence to social-
- 5 distancing, strict adherence to the masking requirements.
- 6 6. The Court and Clerk will continue to provide access to the courts and the
- 7 Clerk's office and address accessibility issues on a case by case basis that,
- 8 at least, will strictly observe social distancing mandates and other public
- 9 health measures.
- 10 7. Arraignment on out of custody matters (criminal and juvenile) filed between
- 11 November 16 and December 14, 2020 may be deferred until 45 days after
- 12 filing of charges. The arraignment date shall be considered the initial
- 13 commencement date for purposes of establish the time for trial under the
- 14 Criminal Rules (CrR and JuCrR).
- 15 8. Therapeutic Courts may continue to operate under circumstances and
- 16 restrictions that, at least, will strictly observe social distancing mandates and
- 17 other public health measures.
- 18 9. Ex Parte No Contact Orders may be entered by the court and served by mail
- 19 or electronic means.
- 20 10. Priority will be given to hearings to address bail/conditions of release, plea
- 21 and sentencing hearings where release may occur within 30 days of the
- 22 hearing.
- 23 11. Motions to shorten time are not required for these hearings.
- 24 12. The hearings and trials of criminal matters continued under these, or
- 25 previous, orders are required in the administration of justice based upon a
- 26 good cause finding. Time between November 16, 2020 and December 14,
- 2020 are hereby **excluded** when calculating time for trial under applicable
- rules.
13. Obtaining signatures under the current circumstances may be
- burdensome and/or endanger the health of participants. Hearings may be
- continued without written/signed orders.
14. Defense counsel is not required to obtain defendants'/respondents'
- signatures on matters through December 14, 2020.

- 1 15. Courts shall provide notice of new hearing dates to defense counsel and  
2 unrepresented defendants/respondents.
- 3 16. This court shall continue to consider matters on a case by case basis as other  
4 needs arise. Prosecution and defense have taken appropriate steps to ensure  
5 availability and access for defendants/respondents and will continue to do so.  
6 Appropriate steps will be taken to ensure matters are heard as needed and in  
7 a timely fashion.
- 8 17. Such continuances will not prejudice any defendant impacted and each case  
9 impacted will, in addition to this order, be addressed on a case by case basis.
- 10 18. As to criminal jury trials, the court finds, pursuant to CrR 3.3(f), the  
11 continuances are required in the administration of justice as the court has a  
12 reduced ability to obtain an adequate spectrum of jurors for trials.
- 13 19. All criminal jury trials scheduled up to and including the week of December 7,  
14 2020 are hereby stricken. Those matters shall be on the Calendar for  
15 November 18, 2020 at to the normally scheduled time for the defendant's  
16 attorney.
- 17 20. The time periods set forth in this General Order are excluded periods for the  
18 purposes of computing time for trial. See CrR 3.3(e)(3).
- 19 21. At this time, no other hearing will be impacted.
- 20 22. The Lewis County Superior Court remains open and staff will be available.

21 DATED this 16 day of November 2020.

22   
23 \_\_\_\_\_  
24 SUPERIOR COURT JUDGE