

**IN THE DISTRICT COURT
FOR THE COUNTY OF LINCOLN**

IN THE MATTER OF EMERGENCY RESPONSE)
TO PUBLIC HEALTH THREAT) ADMINISTRATIVE ORDER
)
) NO. 20-001

WHEREAS, The Chief Justice of the Washington Supreme Court has issued an emergency order in response to the COVID-19 public health emergency that affects the operations of courts in Washington State; and on March 4th, 2020, the Washington State Supreme Court adopted Order No. 25700-B-602 granting emergency authority to all state courts 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,”

NOW, THEREFORE, EFFECTIVE MARCH 17TH, 2020, UNTIL JULY 1ST, 2020, (OR THIS ORDER IS RESCINDED), IT IS HEREBY ORDERED:

- 1- **CLERK’S AREA:** The Clerk’s area in front of the District Courthouse will remain open to the public. However, the court encourages all parties to make payments online, via mail, or over the phone. The Clerks will continue to accept filings and provide copies of documents in person, subject to the provisions of this Order;
- 2- **INFRACTIONS:** All currently scheduled in-person infraction hearings will be continued to a date certain, which may result in hearings being scheduled over 120 days from issuance. The court finds good cause pursuant to IRLJ 6.1 and CRLJ 6 for such continuances. Anyone with a pending infraction will continue to have the option to submit an internet hearing and request mitigation or contested hearings by regular mail, or facsimile, under the current procedures. Anyone who receives a notice of infraction is still required to respond within fifteen (15) days of the date the notice is personally served, or within eighteen (18) days of the date the notice is mailed. Individuals can respond by mail, by delivering their response to the Clerk’s area, or by submitting their response by facsimile.
- 3- **IN-CUSTODY CRIMINAL HEARINGS:** All in-custody hearings, except trials, shall continue to be held. Counsel are encouraged, in cases where nothing is to take place other than continuing the hearing, to obtain the defendant’s signature to the appropriate order and present if for ex-parte signature by the court.
- 4- **OUT OF CUSTODY ARRAIGNMENTS:** All out of custody arraignments shall be conducted in person in the courtroom. Such in-person hearings shall be limited to no more than ten defendants in the courtroom at a time. However, initially the court intends

to strike most of the arraignments currently scheduled for March 26th, 2020; April 2nd, 2020, and April 23rd, 2020. The Court reserves the right to maintain hearings and/or schedule hearings as deemed appropriate for public safety.

- 5- **CRIMINAL:** For criminal matters scheduled for hearing after May 1st, 2020, the matters shall be heard as scheduled, subject to the court limiting the number of defendants present at any time to no more than ten (10), who will be separated by a minimum of 6 feet in the seating area. The court will accept agreed motions to continue without the defendant having to appear in court. The court also finds and concludes, in accordance with CrRLJ 3.3(f), that all continuances granted or ordered by the court pursuant to this Order are required in the administration of justice and further finds that good cause exists for such continuances and that criminal defendants will not be prejudiced in the presentation of their defenses by such continuances; the Court specifically finds that the ends of justice served by the continuance outweighs the best interests of the public and Defendant's right to a speedy trial due to the unforeseen and unavoidable circumstances caused by the above enunciated public health emergency;

- 6- **PROBATION AND PRE-TRIAL SUPERVISION:** All defendants required to check in with Probation are encouraged to do so by telephone, although the Probation Officer will continue to see defendants in person pursuant to any schedule that the Probation Officer sets. Show Cause hearings for active probation will continue to be filed but will be scheduled for no sooner than May 14th, 2020, unless the court otherwise directs;

- 7- **CRIMINAL JURY TRIALS:** Until further Order of this court, no criminal jury trials shall be called. If a defendant claims that his or her ability to present a defense will be compromised, steps will be taken to remedy the situation, such as preserving testimony via deposition or other means. Based on the above-referenced Washington Supreme Court Order, court rules, including, but not limited to, CrRLJ 3.3 are suspended;

- 8- **CIVIL MATTERS:** The court will address each civil case individually, with all civil motions or other hearings being heard by the court at their regularly scheduled date and time, subject to the court's ability to limit the number of people present during any such hearings, in order to maintain social distancing;

- 9- **BENCH WARRANTS:** Bench warrants will not be issued for any defendant who fails to appear for any criminal hearing, absent a determination by the judge that the emergency in not issuing the warrant outweighs the emergency necessitating this Order, However, in DUI and Physical Control cases, and Assault DV cases, the court will likely default to issuing a bench warrant;

10- **CIVIL PROTECTION ORDERS:** The court will continue to schedule hearings in all civil protection order proceedings, including Motions to Modify or Remove No Contact Orders, subject to the court's ability to limit the number of people present during any such hearings; Hearings for final Orders will be scheduled as needed at the discretion of the court. The court reserves the right to continue any scheduled full order hearings. The maximum length of a temporary order pursuant to RCW 10.14.080(2) (Harassment) and RCW 7.92.120(5) (Stalking), shall be modified and authorize a maximum time for hearing of up to thirty (3) days.

11- **GENERAL HYGIENE PRACTICES:** All persons entering the District Courthouse and who attend court proceedings shall practice, when practicable, the recommended six-foot social distancing recommendations by public health authorities. Anyone who is complaining of, or exhibiting symptoms, that cause concern to court staff, including the Clerks, shall be prohibited from entering the courtroom and shall be given a new court date, as appropriate. Anyone who has business with the court who is experiencing or exhibiting symptoms of COVID-19 is encouraged to contact the court by phone or email and request a continuance of their court date, which will be routinely granted by the court during the time this Order remains in effect.

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, the 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.

This Order may be modified consistent with the Lincoln County District Court's continual assessment of the needs of the community, as well as the recommendations of public health officials.

Dated this 17th day of March, 2020.



DAN B. JOHNSON
Presiding Judge- Lincoln County District Court