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PIERCE COUNTY DISTRICT COURT, STATE OF WASHINGTON

In Re

COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

GENERAL ORDER
NO. 2020-08

WHEREAS On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID – 19).

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 issued and extended a “Stay Home, Stay Healthy” order directing non-essential businesses to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities; and

1 WHEREAS our court facilities are ill-equipped at the present time to effectively
2 comply with social distancing and other public health requirements and therefore
3 continued in-person court appearances jeopardize the health and safety of litigants,
4 attorneys, judges, court staff, and members of the public; and
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6 WHEREAS on March 16, 2020 this Court issued emergency General Orders
7 2020-02 and 2020-03 based on the March 4, 2020 Order No. 25700-B-602 from Chief
8 Justice Debra Stephens of the Washington State Supreme Court authorizing Presiding
9 Judges to adopt, modify and suspend court rules and orders and to take further actions
10 concerning court operations, as warranted to address the current public health
11 emergency; and
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13 WHEREAS on March 19, 2020 Chief Justice Debra Stephens of the Washington
14 State Supreme Court adopted Corrected Order No. 25700-B-607, setting forth direction
15 and authority to Presiding Judges of trial courts across the State to effectively
16 administer their courts in response to this state of emergency, including the authority to
17 adopt, modify, and suspend court rules and orders as warranted to address the
18 emergency conditions; and
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20 WHEREAS in response to the Governor's order, the majority of court staff are
21 working remotely from home, with only minimal staff on site; and
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23 WHEREAS Chief Justice Stephens on April 29, 2020 issued Second Revised
24 and Extended Order Regarding Court Operations, No. 25700-B-618, suspending all jury
25 trials until at least July 6, 2020 and continuing all non-emergency civil matters and all
26 out of custody criminal matters until after June 1, 2020 and this Court entered General
27 Order No. 2020-06 and General Order No. 2020-07; and
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1 WHEREAS Chief Justice Stephens on May 29, 2020 issued Amended Third
2 Revised and Extended Order Regarding Court Operations, No. 25700-B-626 again
3 authorizing Courts to adopt measures to protect health and safety that are more
4 restrictive than the Supreme Court Oder, including extending time frames; now
5

6 THEREFORE, pursuant to the Court’s authority to administer justice and to
7 ensure the safety of court personnel, litigants, and the public,

8 IT IS HEREBY ORDERED

9 (1) That the provisions of Pierce County General Orders 2020-02, 2020-03, 2020-
10 04, 2020-05, 2020-06, 2020-07 and Supreme Court Orders 25700-B606 and
11 25700-B607 (corrected), 25700-B-618 and 25700-B-625 are hereby incorporated
12 herein for reference.
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14 (2) Effective as of March 17, 2020, all civil and criminal jury trials are suspended until
15 at least August 3, 2020, subject to all social distancing requirements being in
16 place such as to allow a safe environment for all participants; and
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18 (3) Effective as of March 17, 2020 all in-custody arraignments, in custody review
19 hearings and in-custody pre-trial conferences, will be heard by video connected
20 to the Pierce County Jail. CrRLJ 3.4(d) is hereby modified for all in custody court
21 proceedings to be conducted by video.
22

23 (4) Effective as of March 17, 2020 all out of custody criminal matters are now
24 continued until June 29, 2020 or after with the exception of change of pleas that
25 the Court will hear, upon the agreement of the parties, by “virtual court” as
26 authorized in Pierce County District Court General Order No. 2020-05 and the
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1 court will conduct Arraignments beginning on June 15, 2020 in such a manner as
2 deemed appropriate.

3 (5) To effectuate these continuances implemented by this general order CrRLJ 3.3,
4 the Time for Trial Rule for criminal matters, CrRLJ 4.1 time for arraignment and
5 the time for hearing on civil infractions under IRLJ 2.6 are hereby suspended.

6 The time between March 17, 2020 and September 1, 2020 shall be EXCLUDED
7 when calculating time for trial. CrRLJ 3.3(e)(8)

8 (6) For all matters scheduled for arraignment as of March 17, and all cases filed
9 between March 17, 2020 and July 3, 2020 arraignment may be deferred until a
10 date 45 days after the continuance of criminal cases is lifted (currently June 29,
11 2020). The new arraignment date shall be considered the “initial commencement
12 date” for purposes of establishing the time for trial under CrRLJ 3.3(c)(1).

13 (7) A continuance of these criminal hearings and trials is required in the
14 administration of justice. The Court specifically finds the ends of justice served by
15 the continuance outweighs the best interest of the public and Defendant’s right to
16 a speedy trial and a speedy arraignment due to the unforeseen and unavoidable
17 circumstances caused by the above enunciated public health emergency.

18 (8) Effective March 17, 2020 the following in person civil proceedings will be
19 continued and rescheduled to a date after June 29, 2020:

- 20
- 21 i) All in-person traffic and other civil infraction hearings (both contested and
22 mitigation). With the exception that the Court will hear infractions by
23 “virtual court” as authorized in Pierce County District Court General Order
24 No. 2020-05. The Court will continue to accept written statements
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1 submitted by mail (also known as hearings by mail). Until further order of
2 the Court, the Court authorizes filing of a Motion for Reconsideration
3 following a court's determination on an initial written statement. Modifying
4 IRLJ 3.5 (a)(4); LIRLJ 3.5
5

- 6 ii) Small claims mandatory mediation hearings and trials. There is an
7 exception for small claims mediations that the Center for Dialog and
8 Resolution will hear, upon the agreement of the parties, by "virtual"
9 hearing as authorized in Pierce County District Court General Order No.
10 2020-05
- 11 iii) Civil preliminary trial hearings such as civil pre-trial conferences and all
12 motion hearings.
- 13 iv) Name change hearings unless exigency can be shown then the court may
14 set an in- court hearing or a "virtual court" hearing.
- 15 v) Impound of Vehicle or vessel hearings. Petition/Request for Hearing re:
16 Vehicle or Vessel impound may be filed on-line by visiting the Pierce
17 County District Court website at [https://piercecounitywa.gov/101/District-](https://piercecounitywa.gov/101/District-Court)
18 [Court](https://piercecounitywa.gov/101/District-Court). All time frames required by RCW 46.55.120 are suspended.
19 Court will review in chambers and may schedule a "virtual court" or an in-
20 court hearing.
- 21 vi) Impound of animal hearings and other animal control type cases. All
22 Petitions for return of animals may be filed on-line by visiting the Pierce
23 County District Court website at [https://piercecounitywa.gov/101/District-](https://piercecounitywa.gov/101/District-Court)
24 [Court](https://piercecounitywa.gov/101/District-Court). All court hearings will be postponed until further Order of Court
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1 unless upon agreement of the parties the court may set a “virtual court” or
2 an in-court hearing.

3 (9) All Petitions for Order of Protection for both Harassment and Stalking may be
4 filed on-line by visiting the Pierce County District Court website at
5 <https://piercecountywa.gov/101/District-Court>.

6
7 (10) Effective Tuesday, March 17, 2020 all requests for temporary Anti-
8 Harassment Orders will be reviewed in chambers based on the written record.
9 Hearings for final Orders will be scheduled as needed at the discretion of the
10 Court and may be set as a “virtual court” hearing or an in-court hearing. The
11 court reserves the right to continue any scheduled full order hearings.
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13 (11) A Defendant who contacts the Court by email or telephone seeking a
14 hearing to quash an outstanding bench warrant may have any warrants quashed
15 ex-parte by the Court in Chambers so long as the defendant provides his or her
16 current mailing address and the case(s) does not involve an immediate threat to
17 public safety.
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19 (12) The Court reserves the right to maintain or schedule arraignments, pre-
20 trial hearings, and/or review/revocation hearings between today’s date and June
21 29, 2020 in cases involving threats to public safety, including but not limited to
22 domestic violence and driving while under the influence/physical control offense.
23

24 (13) The Pierce County District Court Probation services are modified as
25 follows:

- 26 i) In-person probation appointments may be conducted telephonically. All
27 individuals currently on probation are expected to stay in contact with their
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1 probation officer and be available for telephonic appointments as
2 scheduled. Any defendant released from custody who is on probation
3 supervision will be required to call the probation department at 253-798-
4 7595 within twenty-four (24) hours from release, unless that time would fall
5 on a Saturday or a Sunday, and then they must call the following Monday.

6
7 ii) All Work Crew commitments and Day Reporting classes with Probation
8 are suspended until they are able to be conducted allowing for appropriate
9 social distancing. All defendants who have been directed to do Day
10 Reporting and Work Crew will be required to keep those commitments

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12 (14) Report to jail dates. For the duration of this order, prior to reporting to jail,
13 all defendants should call the court at 253-798-7487, for further instructions.

14 (15) The provisions of General Order 2020-03 (payment of fines) and General
15 Order 2020-05 (virtual hearings) remain in effect until June 29, 2020, subject to
16 further court orders.

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18 (16) Litigants and attorneys who feel sick should not enter Pierce County
19 District Court. Anyone deemed by the court or by court staff to exhibit illness
20 symptoms may be ordered to leave.

21 (17) Litigants and attorneys who appear in Pierce County District Court are
22 expected to adhere to the six-foot social distancing requirement from court staff
23 as well as other litigants and attorneys or members of the public. Pierce County
24 District Court remains open. District Court public counters will begin opening as
25 of June 1, 2020 for limited purposes. The public is encouraged to communicate
26 with Pierce County District Court as follows:
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- a. By Calling: 253-798-7487
- b. Using live chat: <https://piercecountywa.gov/101/District-Court>
- c. By email: PCDISTCRT1@piercecountywa.gov

Litigants, attorneys and the public are encouraged to visit the Pierce County District Court website for updated information.

Staff in the Pierce County District Court's Clerk's Office will be available by telephone, mail will be received, and live chat will remain available. The public is encouraged to continue utilizing court services while following all applicable public health guidelines.

Dated this 1st day of June, 2020.

/s/ Judy Rae Jasprica
Judy Rae Jasprica, Presiding Judge