

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SAN JUAN

IN THE MATTER OF THE RESPONSE BY)	FOURTH AMENDED
SAN JUAN COUNTY DISTRICT COURT TO THE)	EMERGENCY ORDER,
PUBLIC HEALTH EMERGENCY IN)	CORRECTED
WASHINGTON STATE AND SAN JUAN COUNTY)	
)	No. 20-07

COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and San Juan County. The Court reiterates Findings 1 through 9 entered in its Emergency Order entered in its First Amended Emergency Order entered March 20, 2020, and further finds:

10. On May 23, 2020, San Juan County moved to Phase Two of Washington's four-phased Safe Start Washington Plan.
11. Nonetheless, the number of confirmed COVID-19 cases continues to rise in Washington State. San Juan County also has had several COVID-19 cases confirmed recently, starting on June 15, 2020, following a period of almost six weeks without a new confirmed case in San Juan County since May 5, 2020.
12. The Washington Supreme Court has confirmed by Order Re.: Modification of Jury Trial Proceedings, No. 25700-B-631, issued June 18, 2020, that jury trials in Washington may proceed after July 6, 2020. That order also encouraged courts to move towards conducting as much court business as can be done consistent with protecting public health and safety, and in the interest of fair and timely administration of justice. However, the order also recognizes that individual courts must determine based on their

individual facts and circumstances when it is appropriate to resume jury trials or other in-person proceedings, considering the prevalence of COVID-19 in the individual community, as well as the individual court's ability to protect the health and safety of litigants, court staff, and the public, in resuming any in-person proceedings.

13. San Juan County District Court plans to utilize the Superior Court courtroom for jury trials. San Juan County Superior Court is working to make physical modifications to the courtroom to accommodate physical distancing of juries, but those changes take time, and the County has limited resources to make all physical changes needed to County facilities.
14. San Juan County District and Superior Courts are also working to update the technology and equipment in their courtroom to allow for live streaming of the video (in addition to the audio) of its proceedings to accommodate public access to those proceedings when the courtroom is fully occupied with physically distanced participants, such as a jury panel for voir dire or a seated jury. District Court does not yet have the technology and equipment necessary to do so. We have taken specific, proactive steps to acquire this technology and hope to be able to do so soon.

The Court enters this Emergency Order 20-07 in accordance with the Washington Supreme Court's entry of the revised and extended Order No. 25700-B-626 on May 29, 2020 and Order Re: Modification of Jury Trial Proceedings, No. 25700-B-631, issued June 18, 2020. The actions set forth herein will take effect on July 13, 2020, and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the date may be extended by further order of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED:

CRIMINAL MATTERS

1. All CRIMINAL JURY TRIALS shall be CONTINUED until a jury term after September 1, 2020. Due to the reduced ability to obtain an adequate number and spectrum of jurors, the inherent public health risk of sufficient numbers of potential jurors gathering for jury

selection, the inherent risk to court staff, parties, and counsel, and the effect of public health recommendations on the ability of court staff and counsel to be present in the courtroom as well as for the public to be invited into the courtroom, no jury trials will be scheduled prior to that date. Additionally: (1) the time period from the effective date of Emergency Order No. 2020-1 (March 17, 2020) until September 1, 2020 shall be excluded in computing time for trial pursuant to CrRLJ 3.3(e)(3) and CrRLJ 3.3(f)(2). 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 the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrRLJ 3.3(e)(8).

- A. The Court shall issue new court dates for hearings continued under this section, to be approved by defense counsel if possible; the defendant's signature is not necessary. All conditions of release previously imposed remain in effect.
- B. The Court will issue notice of the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.

2. All **out of custody** criminal matters presently noted on the CRIMINAL CALENDAR will be held on a staggered schedule to reduce potential person-to-person contact. All counsel and defendants MAY appear by telephone (or Skype video conference, if available), as long as counsel has the opportunity for continuous and confidential discussion with the defendant or waives such opportunity; EXCEPT that in-person appearance of the defendant is required for: preliminary appearances, arraignments, criminal motions, changes of plea, and sentencing, or whenever it is otherwise deemed practically impossible to appear telephonically. Although counsel and defendants may appear in person, they are encouraged to appear remotely if possible. Counsel must inform Court Administration if they intend to appear by phone or Skype video conference to ensure the technology can be arranged.

- A. Arraignments and preliminary appearances for out of custody cases filed between March 18, 2020 and July 3, 2020, **except for** DUI preliminary appearances under RCW 46.61.50571, shall continue to be deferred until a date 45 days after the filing of charges. 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(c)(1).

- B. After July 3, 2020, arraignments and preliminary appearances shall be scheduled as normal.
- C. Preliminary appearances for DUI citations shall be held the next judicial day, as prescribed under RCW 46.61.50571.
- D. Counsel are encouraged to submit any agreed orders prior to the noted hearing whenever possible. The Court will consider agreed orders submitted to the Clerk by counsel by fax or email on an ex parte basis. Orders entered ex parte shall be returned to counsel via email if an email address is provided.
- E. The Court shall issue new court dates for hearings continued under this section; no further written order is needed, and the defendant's signature is not necessary. All conditions of release previously imposed remain in effect.
- F. The Court will mail the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.
- G. Additionally, motions to show cause for **out of custody** probation violations and motions to revoke sentences scheduled for the PROBATION CALENDAR shall be heard telephonically whenever possible. For all probation hearings that involve a critical stage of the proceedings, the defendant may appear in person in order to have the opportunity for private and continual discussion with their attorney during the hearing.

3. All **in custody** criminal matters presently noted on the CRIMINAL CALENDAR will be held on a staggered schedule to reduce potential person-to-person contact. All counsel and defendants MAY appear by telephone (or Skype video conference, if available), unless the Court cannot ensure the opportunity for private and continual discussion by the defendant with his or her attorney during all critical stages of the proceedings. In-person appearance of the defendant is required for: preliminary appearances, arraignments, criminal motions, changes of plea, and sentencing, or whenever is otherwise deemed practically impossible to appear telephonically. Although counsel and defendants may appear in person for criminal motions, they are encouraged to appear remotely if possible. Counsel must inform Court Administration if they intend to appear by phone or Skype video conference to ensure the technology can be arranged.

CIVIL MATTERS

4. NO CIVIL JURY TRIAL will be set for a date prior to November 1, 2020.

Additionally, the following **non-emergency** civil matters MUST be heard telephonically until after August 18, 2020, including:

- A. Civil motion hearings normally noted for the Law and Motion calendar on Tuesdays at 2 pm.
- B. Infraction matters set for the first Tuesday morning of each month, both contested and mitigation hearings. To effectuate these continuances, IRLJ 2.6(a), (b), (d), (e), and (f) shall be suspended. The Court will continue to accept written statements submitted by mail or e-mail pursuant to IRLJ 2.6(c).
- C. Small claims matters set for the third Tuesday of each month at 9:00 am.
- D. Impound of vehicle or vessel hearings.
- E. Impound of animals hearings.

5. The Court will consider civil **ex parte** matters, including presentation of agreed orders, on a regular basis. Ex parte motions or agreed orders should be filed by fax or email if parties are represented by counsel. Fees for ex parte presentation shall be waived. Orders entered ex parte shall be returned to parties via email if an email address is provided.

7. Name change petitions, which require only one party to appear and cannot be held telephonically, will be held in person.

6. Full-order hearings on CIVIL PROTECTION ORDERS, including anti-harassment, domestic violence, stalking, and sexual assault protections orders, are presumed to be **emergency** civil matters. Emergency civil matters MUST be heard by telephone, UNLESS a request is made in writing to proceed in person and the Court finds good cause to hold the hearing in person.

- A. The Court has the discretion to set hearing dates and extend temporary protection orders based on the circumstances to reasonably allow for sufficient notice, remote appearance, and presentation of evidence, while avoiding unreasonable

delay and following statutory timeframes. Circumstances relevant to the setting of hearing dates include agreement of the parties, reasonable estimates for completing service, lack of prejudice, and specific findings of good cause, which may include restrictions in place due to the public health emergency. Reissuance orders may be similarly extended. The Court may provide a means for weapons surrender hearings that does not require in-person appearance only when consistent with public safety.

GENERAL COURT OPERATIONS

7. Notwithstanding any provision of GR 30 to the contrary, an electronic signature shall be deemed a reliable means for authentication of documents and shall have the same force and effect as an original signature to a paper copy of the document so signed. For purposes of this Order, “electronic signature” means a digital signature as described in Supreme Court Order No. 25700-B-596 (July 16, 2019) and RCW 9A.72.085(5) (repealed); an electronic image of the handwritten signature of an individual; or other electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record, including but not limited to “/s/ [name of signatory]”.

- A. To the extent not already authorized, whenever a judicial officer or clerk is required to sign an order, judgment, notification, or other document an electronic signature shall be sufficient;
- B. The following provisions of GR 30(d) are waived: the requirements that (1) the issuance of a user ID and password to electronically file documents with the court or clerk; and (2) that a party who has filed electronically or has provided the clerk with their email address must give consent to accept electronic transmissions from the court.

8. Orders entered by the District Court Judge unilaterally, following taking matters under advisement, on motions submitted without oral argument, or after a telephonic hearing will be

served on all attorneys and un-represented parties by the Court Administrator or Clerk via email, so long as the attorney or party has provided an email address to the Court. Attorneys are required to provide an email address. Hard copies will not be mailed unless an un-represented party has not provided an email address or unless returning documents by email becomes impractical or impossible.

8. For all hearings that take place in-person in either Courtroom, the following requirements apply:

- A. Each person in the gallery must sit at least six (6) feet apart.
- B. Each person must use the hand sanitizer at the counsel tables before addressing the Court or signing papers.
- C. The Court will not provide water to participants, but participants are invited to bring their own water bottles or to take a paper cup provided and fill it at the public water fountain in the hallway.
- D. Each person in the Courtroom must cover their face with mask, scarf, or other facial covering.

9. For all hearings that take place telephonically, parties should consult with the clerk for instructions on how to call in for their hearing.

10. To protect public health and to slow the spread of COVID-19, members of the public (including victims and family members) are permitted and encouraged to call-in to observe and/or participate in hearings rather than attending Court in person. However, at this time, the Courthouse remains open to the public and people may come to Court in person so long as they adhere to the posted rules.

- a. To further support public access, the District Court shall make the audio of its hearings available to the public via live streaming in real time until further notice. A link to the live stream is available through our website, at <https://www.sanjuanico.com/1692/District-Court-Live-Stream>.

- b. The public is prohibited from recording or broadcasting any hearing. An official recording of an open proceeding may be obtained from Clerk's Office subject to the Clerk's fee schedule.

11. NO PERSON MAY ENTER THE COURTROOM IF SICK OR EXHIBITING ANY SIGNS OF ILLNESS, INCLUDING COUGHING. IF YOU ARE COUGHING, YOU WILL BE ASKED TO LEAVE.

10. Until further order, the District Court front counter will be operating at limited hours only. The front counter will be available for most paper filing and money transactions from 10 a.m. to 2 p.m., Monday through Friday. All court filings may be done through fax, at (360) 378-4099, or electronically by email, at dstct@sanjuanco.com. A document is considered electronically filed when a responsive email is provided by the Clerk. Everyone is encouraged to make any court or infraction payments through the payment deposit box, or by phone through Official Payments. Filing a petition for a civil protection order in person will still be permitted during our full business hours, from 8:30 am to 4:30 pm; the petitioner must ring the bell for service at the front counter if the counter is closed.

11. All screening by the public defender screener shall be by telephone until further order. The Public Defender Screener may be reached Monday – Friday from 9am – 12pm at: 360-370-7442.


12. Until further order, Court interpreters are permitted to appear by telephone.

13. Civil Ceremonies, such as weddings and administration of oaths, performed by the District Court Judge will resume on August 3, 2020.

14. This Emergency Order modifies all San Juan County Local Court Rules inconsistent herewith.

15. This Fourth Amended Emergency Order, Corrected No. 20-07 replaces and supplants the Court's previous order, the Fourth Amended Emergency Order No. 20-06. This Emergency Order may be modified or further extended consistent with ongoing assessment of the current public health emergency based on recommendations of San Juan County Department of Health and Community Services, Washington State Health Department, and other appropriate agencies and public health officials.

DATED this 13th day of July, 2020.



Presiding Judge Carolyn M. Jewett