

COUNTY CLERK OFFICE
FILED

MAR 20 2020

LISA A. HENDERSON
SAN JUAN COUNTY, WASHINGTON

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

IN THE MATTER OF THE RESPONSE BY)	No. 20-2-05001-28
SAN JUAN COUNTY SUPERIOR COURT TO THE)	
PUBLIC HEALTH EMERGENCY IN)	FIRST AMENDED
WASHINGTON STATE AND SAN JUAN COUNTY)	EMERGENCY ORDER
)	No. 2020 – 2
)	COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and San Juan County. The actions set forth herein will take effect on March 20, 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.

The Court makes the following findings:

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the Coronavirus 2019 (COVID-19).

2. On March 4, 2020, Washington Supreme Court Chief Justice Debra L. Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington, granting presiding judges in Washington counties the authority to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency.

3. On March 13, 2020, Governor Jay Inslee entered Proclamation 20-09, closing all K-12 public, private, and charter schools in the State of Washington from March 17, 2020, through April 24, 2020.

4. On March 13, 2020, San Juan County Council declared a state of emergency in San Juan County due to COVID-19 by enacting Resolution 08-2020, directing elected county officials to take actions deemed necessary to mitigate and prevent impacts and potential impacts to the health and well-being of the residents of San Juan County.

5. On March 16, 2020, Governor Jay Inslee entered Proclamation No. 20-13, limiting gatherings of 50 or more people in all counties.

6. According to the Washington State Department of Health, as of March 19, 2020, there are over 1,370 confirmed cases of COVID-19 in the State of Washington, with the vast majority of cases in Western Washington, and cases confirmed in nearby counties of Whatcom, Skagit, Snohomish, King, Island, and Jefferson. As of March 19, 2020, 74 deaths have been linked to COVID-19.

7. In order to limit the spread of the disease, the Washington State Department of Health, the San Juan County Department of Health and Community Services, and the U.S. Centers for Disease Control and Prevention recommend limiting person-to-person contact, including staying at least six (6) feet from other persons.

8. The Court entered Emergency Order No. 2020-1, Court Operations, in this matter on March 16, 2020. The Court the entered Emergency Order No 2020-1-*Corrected*, Court Operations, correcting scrivener's errors, on March 18, 2020.

9. On March 19, 2020, the Washington Supreme Court entered its Corrected Order No. 25700-B-607, mandating specific emergency measures for all Washington courts.

Given the significant number of identified cases of COVID-19 in Western Washington, the State of Washington, and the Country, and the severity of the risk posed to the public, court personnel, and court participants, pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602 and the authority as Presiding Judge of the San Juan County Superior Court,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All CRIMINAL JURY TRIALS shall be CONTINUED until a jury term after April 27, 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: (1) the time period from the effective date of Emergency Order No. 2020-1 (March 17, 2020) until the continued trial date issued in a given case shall be excluded in computing time for trial pursuant to CrR 3.3(e)(3) and CrR 3.3(f)(2); or (2) April 25, 2020, shall be deemed a new commencement date under CrR 3.3, whichever results in a sooner required time for trial. 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 CrR 3.3(e)(8).

2. No CIVIL JURY TRIALS will be set prior to August 1, 2020.

3. ALL NON-EMERGENCY CIVIL MATTERS shall be continued until after April 24, 2020. The Court shall issue orders continuing all civil hearings currently set to occur on or before April 24, 2020, which Superior Court Administration shall send by mail and email to all counsel of record and to unrepresented parties (provided that an email address is on file).

4. EMERGENCY CIVIL MATTERS shall be heard by telephone. Parties may file a motion ex parte asking the Court to deem a given matter an "emergency" and to note it accordingly. Consistent with local court rules, nine court days' notice of a hearing should still be provided to the opposing party unless statutory authority is provided for a different notice period or unless good cause for less notice is established.

The following types of civil matters will be presumed to be an emergency and do not require an ex parte motion to deem it as such:

- a. Full protection order hearings in domestic violence, sexual assault, anti-harassment, and vulnerable adult petitions for protection orders;

- b. Other types of protection order requests in family law cases (dissolution of marriage, parentage, committed intimate relationships, non-parental custody, or de facto parentage);
- c. Motions for contempt in family law cases;
- d. Shelter care hearings in dependency cases under Ch. 13.34 RCW; provided, however, that the Court reserves discretion to continue shelter care hearings beyond 72 hours if deemed necessary and to suspend the 72-hour requirement provided in RCW 13.34.065 accordingly;
- e. Initial hearings on petitions for At Risk Youth or Child in Need of Services under Ch. 13.32A RCW; provided, however, that the Court reserves discretion to continue fact-finding hearings as necessary and to suspend the time periods required under the above statute accordingly; and
- f. Requests for temporary restraining orders in civil cases.

5. ALL OUT OF CUSTODY CRIMINAL MATTERS other than those heard in Adult Drug Court, addressed below, are continued until after April 24, 2020. The Court shall issue scheduling orders accordingly, to be approved by defense counsel if possible. Defendants need not sign such orders. Superior Court Administration shall provide copies of such orders to defense counsel and to unrepresented defendants. Defense counsel shall provide notice to defendants of new court dates. All conditions of release previously ordered remain in effect.

6. ALL IN-CUSTODY CRIMINAL MATTERS shall be continued until after April 24, 2020, except the following:

- a. Preliminary appearances;
- b. Arraignments;
- c. Motions;
- d. Plea hearings; and
- e. Sentencing.

Parties are not required to file motions to shorten time in scheduling any of these matters. 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, or unless otherwise deemed practically impossible. Counsel must inform Court Administration if they intend to appear by phone or Skype video conference to ensure the technology can be arranged.

For continued matters, the Court shall issue scheduling orders accordingly, to be approved by defense counsel if possible. Defendants need not sign such orders. Superior Court Administration shall provide copies of such orders to defense counsel and to unrepresented defendants. Defense counsel shall provide notice to defendants of new court dates.

All conditions of release previously ordered remain in effect.

7. ALL ADULT DRUG COURT MATTERS will continue to occur as scheduled on the first, third and fifth Mondays of the month at 1:15p.m.; provided, however, that all hearings shall be by telephone. The Clerk will be present in the Courtroom to record the hearing, and all other parties, including the Judge, will appear by telephone.

8. FOR ANY HEARING THAT TAKES PLACE IN-PERSON IN THE COURTROOM, the following requirements apply:

- a. Each person in the gallery must sit at least six (6) feet apart, in locations designated on the courtroom benches. Once all of the designated locations are occupied, YOU MUST WAIT OUTSIDE THE COURTROOM UNTIL THERE IS SUFFICIENT SPACE.
- 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.

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

10. If you will miss a required Court hearing because of illness, you must call your attorney, as well as the Court Administration message number at 360-378-2399 and leave a clear, detailed message, which will be made a part of the record. The Court will NOT ISSUE A BENCH WARRANT for failure to appear due to illness; however, the Court reserves the right to require documentation for multiple absences and a bench warrant may be issued for failure to provide such documentation in the Court's discretion.

11. In all cases where telephonic appearance is permitted, the Court Administrator will arrange a conference call phone number and specific identification code, which will be provided for each court calendar. Check with the Court Administrator at 360-370-7480 or on the Court's website at: <https://www.sanjuanco.com/185/Superior-Court> for telephonic appearance procedures. CourtCall will not be utilized in order to avoid parties incurring the time and expense of arranging telephonic appearances. Any Local Court Rule requiring use of CourtCall, including, SPR 94.08.4, is hereby temporarily suspended.

12. In all cases where parties are represented by counsel, judge's working/courtesy copies shall be provided electronically to Court Administrator Jane Severin at JaneS@sanjuanico.com. All unrepresented parties are encouraged to provide electronic working/courtesy copies.

13. All appointments with the San Juan County Court Facilitator Kathy Hagn shall be by telephone, until further order. Appointments with the Court Facilitator may be scheduled through the County Clerk's Office at: 360-378-2163.

14. 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: 360-370-7444.

15. Court interpreters are permitted to appear by telephone until further order.

16. All parties represented by counsel shall, and pro se parties may, file documents with the San Juan County Clerk of Court via facsimile at 360-378-3967 pursuant to LCR 78(i) or electronically by e-mail, until further order. A document is considered electronically filed when a responsive email is provided by the Clerk. New cases are not officially filed until receipt of any required fees is confirmed. The Clerk's office shall provide detailed procedures for electronic

filing on its website at: <https://www.sanjuanco.com/184/County-Clerk>. To allow for electronic filing, GR 30 (d)(1)(A)-(C) are temporarily suspended.

17. The San Juan County Law Library is CLOSED to the public until further order.

18. No non-essential group meetings may take place in Superior Court meeting rooms, including the Superior Court Jury Room, until further order.

19. The Superior Court Administrator's Office is not open for in-person communications, but may be reached via phone at 360-370-7480, or by email to Court Administrator Jane Severin at JaneS@sanjuanco.com until further order.

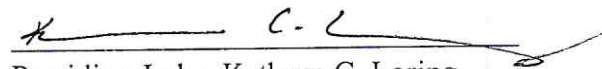
20. Civil Ceremonies, such as weddings and administration of oaths, performed by the Superior Court Judge are suspended until further order.

21. This Emergency Order modifies San Juan County Local Court Rules including LCR: 8(h), 77(q), 77(r), 78, and SPR 94.08.4.

22. This Emergency Order No. 2020-2 replaces and supplants the Court's previous order, Emergency Order No. 2020-1 – Corrected.

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 20th day of March, 2020


Presiding Judge Kathryn C. Loring