

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)	SECOND SUPPLEMENTAL
WASHINGTON STATE AND SAN JUAN COUNTY)	EMERGENCY ORDER
)	No. 2020 – 4
)	COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and San Juan County. The Court reiterates its findings entered in its Emergency Order entered March 16, 2020 and corrected March 18, 2020, and its First Amended Emergency Order entered March 20, 2020. This Second Supplemental Emergency Order No. 2020-4 supplements the Emergency Orders entered March 16, 2020 (corrected March 18, 2020), March 20, 2020, and March 23, 2020. The Court enters this Second Supplemental Emergency Order 2020-4 to further clarify the procedures in place during this public health crisis, including for telephonic hearings, signatures on electronically filed documents, and service by the Court Administrator. The actions set forth herein will take effect on April 1, 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:

1. TELEPHONIC HEARINGS.

- a. All parties are permitted to appear by telephone except as expressly set forth herein, and in most instances, parties are required to do so. In criminal cases, defendants/respondents must either appear in person or by Skype for Business

video conference in order to enter a change of plea. Where criminal defendants or juvenile respondents choose to appear by telephone or video for other hearings, defense counsel must be confident that a sufficient mechanism exists for private and continual discussion between the defendant/respondent and counsel. The Court will do all it can to facilitate such communication.

- b. All telephonic hearings shall be recorded by reliable means. The hearing may be recorded without anyone being present physically in the Courtroom if a reliable recording can be facilitated without a clerk's presence.
- c. Where all parties are required to attend a hearing by telephone, the Judge will also attend by telephone in order to limit person-to-person contact and to minimize risk to Court staff. However, where a criminal defendant/respondent attends Court in person, the Judge will make every effort also to attend in person.
- d. In order to provide a telephonic hearing service that does not require payment to participate, Superior Court Administration shall arrange conference calls. The use of CourtCall is suspended until further notice. The Court Administrator will schedule conference calls for all regularly scheduled hearing calendars and for special set hearings. The Court Administrator shall provide call-in information to attorneys and unrepresented parties, and shall make call-in information available in physical locations outside and inside the Courthouse, as well as on the Superior Court website for hearings set with at least 3-court days' notice.
- e. To protect public health and to slow the spread of COVID-19, 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, including to maintain distances of at least six (6) feet from other persons including Court staff.
- f. To further support public access, the Superior Court shall make the audio of its hearings available to the public via live streaming in real time until further notice.

(The Court does not have video capability at this time.) A link to such live stream will be available on the Superior Court's website as soon as possible.

- g. The public is prohibited from recording or broadcasting any hearing. An official recording of an open proceeding may be obtained from Clerk's Office.

2. SIGNATURES ACCEPTED ON FILED DOCUMENTS.

- a. Attorney Signatures. Scans and faxes of an original attorney signature shall be deemed the equivalent of an original and may be filed as such. An electronic signature as defined by RCW 19.360.030 or digital signature as defined by RCW 9A.72.085(5) shall be accepted as the equivalent of an original signature for filing. An attorney may affix his or her signature in a manner that complies with GR 30(d)(2)(A); provided, however, that the attorney must send any document to be filed with such signature to the Clerk for filing from his or her email address or facsimile number on file with the WSBA. Sending from such email address/fax number is required to ensure the identity of the attorney submitting because the San Juan County Clerk and Superior Court do not have the capacity to issue user identifications and password for e-filing, and compliance with that portion of GR 30 was waived by prior emergency order. On documents *not* signed under penalty of perjury, an attorney also may utilize a "third party" signature made by an authorized third party where the attorney signing conveys permission and that permission is reflected on the signature page by the third party. Likewise, an attorney may approve entry of an order by telephone on the record, and the Judge shall indicate on the order that there has been telephonic approval on the record.
- b. Party Signatures. The signatures of parties may be waived on any scheduling or continuance order. A scan or fax of an original party signature shall be deemed the equivalent of an original and may be filed as such. An electronic signature as defined by RCW 19.360.030 or digital signature as defined by RCW 9A.72.085(5) shall also be accepted as the equivalent of an original signature for filing. A party may approve entry of an order by telephone on the record, and the

Judge shall indicate on the order that there has been telephonic approval on the record.

- c. Judge Signature. Scans and faxes of the Judge's original signature shall be deemed the equivalent of an original and may be filed as such. The Judge's signature stamp may be used by the Court Administrator or Clerk with written instruction to affix the signature via stamp, in which case the written authorization shall be attached for filing; the signature stamp shall be deemed the equivalent of an original signature. An electronic signature as defined by RCW 19.360.030 or digital signature as defined by RCW 9A.72.085(5) shall also be accepted as the equivalent of an original signature for filing.

3. EXHIBITS FOR TELEPHONIC EVIDENTIARY HEARINGS.

Evidentiary hearings currently are going forward only by telephone, and only in emergency civil matters, whether matters are presumed to be an emergency, such as full hearings in petitions for domestic violence protection orders, or where a party brings a motion to have a matter deemed an emergency and therefore heard sooner than April 27, 2020. This situation presents unique difficulties in the Clerk's Office receiving and marking proposed exhibits, and in the parties and the Court considering exhibits once they are offered and admitted during the course of the hearing. In order to facilitate the Clerk marking and maintaining exhibits, particularly given their limited ability to print documents in color or to modify documents received as PDF, the Court will utilize the following procedure for the limited number of evidentiary hearings occurring by telephone while the Court's emergency orders are in place:

- a. Lodging proposed exhibits: Counsel or unrepresented parties shall submit proposed or lodged exhibits to the Clerk's Office in hard copy, to be left in the drop box outside the Clerk's Office, at least 30 minutes before a scheduled hearing. The exhibits shall be provided in the order they are intended to be offered/admitted. The exhibits shall be marked with slip sheets between documents as Petitioner Ex _ / Respondent Ex _.
- b. Courtesy copies of proposed exhibits: Counsel or unrepresented parties shall submit courtesy copies of proposed or lodged exhibits by email to the Court Administrator at least 30 minutes before a scheduled hearing. The exhibits shall be numbered in the

order they are intended to be offered/admitted. The Judge will not review the proposed exhibits in advance of them being offered at the hearing.

- c. Service of proposed exhibits: Counsel or unrepresented parties should serve by email or a hard copy by mail all proposed exhibits on the opposing counsel or unrepresented party at least 30 minutes before a scheduled hearing. The exhibits shall be numbered in the order they are intended to be offered/admitted. If the proposed exhibits are served by mail, the party mailing the exhibits must mail them at least 3 mail days ahead of time.

4. SERVICE OF SIGNED ORDERS.

- a. Orders submitted to the Superior Court Clerk for ex parte entry will be returned by the Clerk by email to the attorney or party who submitted them for consideration (unless mailed with self-addressed-stamped envelope). Such attorney or party is responsible for serving all other parties/attorneys.
- b. Orders entered by the Superior Court Judge unilaterally, following taking matters under advisement, or on motions submitted without oral argument, will be served on all attorneys and un-represented parties by email, so long as the attorney or party has provided an email address to the Court Administrator. 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.

5. Paragraph 4 of this Court's March 20, 2020 First Amended Emergency Order 2020-2 regarding EMERGENCY CIVIL MATTERS that are presumed to be an emergency and will be held by telephone, is amended as to subparts (d) and (e) to now state as follows:

- d. Shelter care hearings in dependency cases under Ch. 13.34 RCW;
- e. Initial hearings and fact-finding hearings on petitions for At Risk Youth or Child in Need of Services under Ch. 13.32A RCW; provided, however, that the Court will consider requests to continue fact-finding hearings considering all circumstances, including this public health crisis.

6. This Second Supplemental Emergency Order No. 2020-4 SUPPLEMENTS AND DOES NOT REPLACE the Court's prior emergency orders in response to COVID-19. All provisions of the First Amended Emergency Order No. 2020-2 and Supplemental Emergency Order No. 2020-3 that are not inconsistent herewith remain in effect. This emergency order temporarily modifies any general, civil, or local court rules inconsistent herewith.

DATED this 1st day of April, 2020


Presiding Judge Kathryn C. Loring