

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

IN THE MATTER OF THE RESPONSE BY)	SECOND AMENDED
SAN JUAN COUNTY DISTRICT COURT TO THE)	EMERGENCY ORDER
PUBLIC HEALTH EMERGENCY IN)	
WASHINGTON STATE AND SAN JUAN COUNTY)	No. 20-04
_____)	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 its First Amended Emergency Order entered March 20, 2020. The Court enters this Emergency Order 20-04 in response to the Washington Supreme Court's entry of the revised and extended Order No. 25700-B-615 on April 13, 2020. The actions set forth herein will take effect on April 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.

NOW, THEREFORE, IT IS HEREBY ORDERED:

CRIMINAL MATTERS

1. All CRIMINAL JURY TRIALS shall be CONTINUED until a jury term after June 19, 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 the continued trial date issued in a given case shall be excluded in computing time for trial pursuant to CrRLJ 3.3(e)(3) and CrRLJ 3.3(f)(2); or (2) July 3, 2020, shall be deemed a new commencement date under CrRLJ 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 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 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 continued to a date after May 15, 2020 except: (1) those legal motions, actions on agreed orders, status conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance; and (2) matters that require in-person attendance but should in the interests of justice be heard immediately, provided that any such hearings must strictly comply with current public health mandates. Arraignments and preliminary appearances (including DUI preliminary appearances under RCW 46.61.50571) for out of custody cases filed between March 18, 2020 and May 15, 2020 shall 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).

- A. The Court will consider agreed orders submitted to the Clerk by counsel by fax or email. Orders entered ex parte shall be returned to counsel via email if an email address is provided.

- B. 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.
- C. 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.
- D. The Court will initially set all in-person hearings for calendar dates after May 15, 2020. Parties may request to hear the matter sooner if it can be appropriately conducted by telephone. If it cannot be conducted by telephone, the parties, victims and/or protected parties may file motions to be heard immediately in the interests of justice. The individual filing the motion must describe why the motion should be heard immediately. If the court determines that the motion should be heard prior to May 15, 2020, a hearing will be scheduled. All parties to the motion shall appear by telephone for such hearings unless their personal attendance is required, and defendants' signatures shall be waived in any resulting orders.
- E. The Court may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.
- F. Additionally, motions to show cause for **out of custody** probation violations and motions to revoke sentences scheduled for the PROBATION CALENDAR shall be continued to a date after May 15, 2020, unless they may appropriately be conducted telephonically. These hearings will be reset to a date determined by the court clerk and probation officer.

3. All **in custody** criminal matters shall be continued until after May 15, 2020, with the following exceptions: preliminary appearances, arraignments, criminal motions, plea hearings, and sentencing.

- A. Parties are not required to file motions to shorten time in scheduling any of these matters.
- B. 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.
- C. 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.
- D. The Court will issue the new date to defense counsel and the defendant. Defense counsel shall also provide notice to defendants of new court dates.

CIVIL MATTERS

4. NO CIVIL JURY TRIAL will be set for a date prior to June 1, 2020. Additionally, the following **non-emergency** civil matters are all continued until after May 8, 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. Name change hearings.
- E. Impound of vehicle or vessel hearings.
- F. 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.

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 that will be not be continued. Emergency civil matters **MUST** be heard by telephone unless impossible.

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. Whenever possible, statutory timeframes suspended under Proclamation 20-45 (Apr. 10, 2020) will be followed. 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. 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.

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. 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@sanjuanico.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: 360-370-7444.

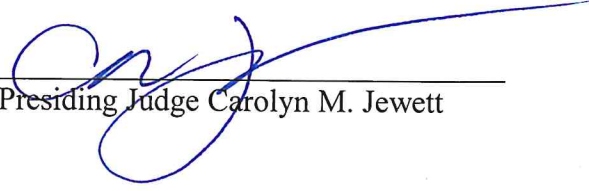
12. Until further order, Court interpreters are permitted to appear by telephone.

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

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

15. This Second Amended Emergency Order No. 20-04 replaces and supplants the Court's previous orders, the First Amended Emergency Order No. 20-02 and the Supplemental Emergency Order No. 20-03. 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 20 day of April, 2020.



Presiding Judge Carolyn M. Jewett