

COUNTY CLERK OFFICE
FILED

MAR 16 2020

LISA A. HENDERSON
SAN JUAN COUNTY, WASHINGTON

IN THE SUPERIOR COURT
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)	EMERGENCY ORDER
WASHINGTON STATE AND SAN JUAN COUNTY)	No. 2020 - 1
)	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 17, 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 16, 2020, there are over 900 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 15, 2020, 48 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.

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, the time period from the effective date of this

Emergency Order (March 17, 2020) until the continued trial date issued in a given case shall be excluded in computing time for trial pursuant to CrR(e)(3) and CrR 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 CrR 3.3(e)(8).

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

3. All matters noted on the CIVIL LAW AND MOTIONS CALENDAR on Fridays at 10:30a.m. will be heard by telephone or considered without oral argument, at the option of the noting party, unless the Court specifically requests oral argument, until further order.

4. All matters noted on the DEPENDENCY CALENDAR on the second and fourth Mondays at 1:15p.m will be heard by telephone or considered without oral argument, at the option of the noting party, unless the Court specifically requests oral argument, until further order.

5. All matters noted on the JUVENILE CIVIL CALENDAR on Mondays at 3:15p.m. shall be heard by telephone, until further order.

6. All SPECIAL SET CIVIL MOTIONS shall be heard by telephone, or without oral argument if stipulated to by the parties, until further order.

7. The following matters will continue to be heard in the Superior Court Courtroom in-person, unless otherwise stipulated by the parties, until further order:

- a. Matters on the CRIMINAL MOTIONS CALENDAR on Mondays at 9:30a.m.
- b. Matters on the ADULT DRUG COURT CALENDAR on the first, third, and fifth Mondays at 1:15p.m.
- c. PRELIMINARY APPEARANCES and other in-custody matters at 3:00p.m. or as specially set.
- d. Matters on the JUVENILE CRIMINAL MOTIONS CALENDAR on Mondays at 2:30p.m. or as specially set. (However, youth shall not be required to appear in Court for agreed continuances; rather, counsel for the youth shall represent that

they have had contact with the youth and communicated the new date to appear. The youth's failure to appear shall be a basis for resetting the time of trial, but shall not result in a bench warrant. The Court may then reset the trial date in accordance with the agreement represented by counsel as the Court sees fit.)

- e. PROTECTION ORDER matters, including domestic violence, anti-harassment, sexual assault, and vulnerable adult protection orders, on Fridays at 8:30a.m. or as specially set.

8. For all hearings that take 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 Administrator 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, check with the Court Administrator at 360-378-2399 or on the Court's website at: <https://www.sanjuanco.com/185/Superior-Court> for telephonic appearance procedures.

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@sanjuanco.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 360-378-2399, or by email to Court Administrator Jane Severin at JaneS@sanjuanco.com until further order.

20. Civil Ceremonies 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.

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 16th day of March, 2020


Presiding Judge Kathryn C. Loring