IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF	ADMINISTRATIVE ORDER
EMERGENCY RESPONSE TO COVID-19 OUTBREAK	NO. 20-4

WHEREAS, the Governor of the State of Washington has declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease (COVID-19); and

WHEREAS, the Commissioners of Skagit County have also declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders closing all courts statewide except for certain specific emergency hearings and has authorized individual courts to take further actions concerning court operations, as warranted, to address the current state of emergency; and

WHEREAS, The Governor of the State of Washington has ordered the temporary closure of certain government and business facilities and has further prohibited gatherings and ordered social distancing and

WHEREAS, The Governor of the State of Washington has set forth a plan for gradual reopening of various government and business facilities, and

WHEREAS, The Presiding Judge has determined that all reasonably necessary steps to reduce Court population and protect the health and welfare of court participants must be taken;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the Governor's Stay Home, Stay Healthy order combined with a statewide plan for gradual reopening of government and business facilities, and, so long as the following orders remain consistent with Washington State Supreme Court Administrative Orders, the following schedule will be observed by Skagit County District Court:

During Phase 1 of Governor's Order:

1. All jail arraignment calendars will continue to be held via video court as has been done during the Stay Home, Stay Healthy order. Defense counsel will appear in the District Court courtroom rather than the video studio at the jail, and all parties will observe social distancing guidelines.

2. Video hearings for a permanent anti-harassment order shall begin by June 1, 2020.

3. Video hearings for traffic infractions for defendants represented by attorneys shall begin by June 1, 2020.

4. The court shall continue to review warrant quash requests through written ex parte requests only.

5. The court shall continue to sign agreed continuances on all criminal matters through ex parte motions only with appropriate speedy trial waivers.

6. Video hearings for the resolution of criminal cases and to hear contested motions for continuance will begin May 18, 2020 for District Court and Anacortes, Burlington, and Mount Vernon municipal courts. Please check the District Court website for information on how to schedule and access these hearings.

7. In custody hearings will continue via video court at 9:30 am on Tuesday (combined Municipal Courts calendar) and 9:30 am on Wednesday and Friday (District Court calendar).

8. Motions to rescind no contact orders will continue to be filed electronically and reviewed ex parte.

9. Agreed orders on restitution will be signed ex parte. Contested restitution hearings will be conducted via video hearing upon motion of either party at a date and time set by the clerk.

10. The court will schedule in person motion hearings on a case by case basis where such scheduling is warranted due to a critical need for a decision in certain criminal cases. In addition, hearings for a final resolution on certain domestic violence charges requiring finger printing and DNA collection shall be held in person. To schedule an in person hearing, the defense or prosecuting attorney shall file a motion setting forth the emergent reasons for an in person hearing, and a judge will review the request to determine whether or not to schedule the in person hearing. If the motion for a hearing is granted, the matter shall be set as expeditiously as possible. All social distancing rules shall be followed by all

participants. Masks shall be worn by all parties when entering the courthouse, the courtrooms, and the clerk's office.

11. All court business shall continue to be conducted via phone, email, fax, and drop offs at the box adjacent to the various clerk's office until such time as all branches of District Court, including all municipal courts, can have daily cleaning and disinfecting services in place.

12. Small claims cases shall be referred to virtual mediation through the Volunteers of America remote mediation services. If the parties are able to resolve their dispute through mediation, the court will set a review date to determine if the mediated agreement was carried out. If the parties are unable to resolve their matter through mediation, they will submit to the court a certification that mediation was attempted, at which time the court will set a trial date, either through a video platform or for an in person hearing, depending on whether in person hearings are being conducted. Either party may request a waiver of mediation due to lack of accessibility to remote meetings or a history of violence between the parties. These requests will be considered ex parte based on written information.

During Phase 2 of the Governor's order:

District and Municipal clerk's offices will be opened during Phase 2 of the Governor's plan, unless otherwise directed by the Washington State Supreme Court. At such time as the various clerk's offices reopen, the following rules will be in place:

1. No more than one person shall be at the clerk's window at any time. All other parties wishing to conduct business with the clerk shall stand at the various designated spots to follow proper social distancing.

2. A maximum number of parties allowed into the court lobby will vary from courthouse to courthouse, depending on the size of each facility, with maximum capacity posted at each facility. All individuals with court business shall follow the rules of individual courts regarding numbers of individuals inside court buildings and court hearing rooms.

3. Anyone entering the courthouse shall be required to wear a mask at all times and shall remain at least six feet away from any other individual in the courtroom.

4. No individual with any symptoms of any contagious illness will be allowed into the courtroom or court lobby.

5. In person arraignments for District Court DUI and Physical Control criminal charges shall resume at 1:00 p.m. in Courtroom Two. No more than 5 people, other than court personnel, shall be allowed in the courtroom. No visitors or

family members of a defendant shall be allowed to accompany the defendant into the courtroom. All parties shall observe social distancing rules and shall wear masks at all times.

6. In person arraignments for Domestic Violence related cases shall resume at 2:00 p.m. with the same restrictions as set forth above for DUI and Physical Control arraignments.

7. Additional video hearings shall be scheduled as appropriate. Counsel should consult the District Court website for updated information on video conference hearing schedules.

8. All other court matters will continue to follow the Phase 1 plan.

During Phase 3 of the Governor's order:

1. The private attorney pre-trial calendar will resume for in person hearings at the normal time, with the following revisions: (1) Instead of one calendar at 8:30, there will be two calendars – 8:30 and 9:30 – with a maximum of 6 cases per hour; and (2) only final dispositions or contested motions for continuance will be calendared.

2. The Wednesday public defender pre-trial calendar will be held at the Community Justice Center courtroom and not at District Court. This courtroom is considerably larger than our District Court courtrooms and will allow for more social distancing. Calendars will be scheduled at 8:30, 9:30, 10:30 and 1:30, 2:30, 3:30. The only matters which will be heard will be matters ready for final resolution or contested motions for continuance.

3. The Tuesday 10:30 trial assignment calendar will occur with defendant's presence waived. No more than 10 people, including court personnel, shall be allowed in the courtroom at any time.

4. The probation review calendars will resume with the following modifications: Hearings will be scheduled at hourly intervals with no more than 5 cases scheduled per hour for both morning and afternoon calendars.

5. Cases where the parties agree to a continuance will not be heard in person. Continuances will be signed ex parte.

6. Paperwork necessary to proceed with a guilty plea or other final resolution must be provided to the court by e-mail or fax prior to commencement of the hearing.

7. All other court matters will continue to follow the Phase 2 plan.

During Phase 4 of the Governor's order:

1. The Monday morning criminal motion calendar with testimony shall resume with motions scheduled individually at hourly intervals.

2. The Monday afternoon criminal motion calendar without testimony shall include hearings on 3.5 and 3.6 hearings without testimony, restitution, rescission of no contact orders, and other substantive matters only. Motions to quash warrants will continue to be reviewed ex parte. No more than 6 cases per hour will be scheduled.

3. The Monday afternoon civil motion calendar and name change calendar will resume. Name changes will be at 1:30 and 2:00 with a maximum of 5 cases per calendar. Civil motions will be scheduled in ½ hour intervals beginning at 2:30 p.m. until 4:00 p.m. with a maximum of 5 cases per calendar.

4. The Monday afternoon traffic infraction private attorney calendar will resume with cases scheduled at 1:30, 2:30, and 3:30 and with appropriate social distancing and limitation of the number of individuals allowed in the courtroom at one time.

5. The Tuesday arraignment calendar will have in person hearings only for individuals charged with alcohol related driving offenses, domestic violence offenses, and selected gross misdemeanors. All other charges will be set over consistent with Washington State Supreme Court orders with direct referrals to the Office of Assigned Counsel for screening.

6. The Tuesday afternoon municipal in custody calendar will occur at 1:30 pm at the CJC courtroom as was done prior to the COVID 19 emergency closure.

GENERAL RULES APPLCIABLE TO ALL PHASES:

Jury trials will not resume prior to July 6, 2020.

All continuances on criminal cases, whether defendants are represented by private counsel or by a public defender, will be done ex parte with the appropriate waiver of speedy trial until such time as the state is fully opened with no social distancing restrictions. In cases where the defendant declines to agree to a waiver of speedy trial or an exclusion of the time between one hearing and the next, a virtual or in court motion for continuance will be heard on a date set by the clerk, depending on the phase of reopening. An appropriate waiver for agreed continuances is either (1) 90 days beyond the next court date or (2) exclusion of the time between the two court dates AND shall include the signature of the defendant on the agreed order indicating approval or a statement from defense counsel that approval was obtained telephonically.

Defendants will not be required to sign their sentence orders in person until such time as the state is fully open with no social distancing requirements. Signatures shall be acknowledged on the record in video hearings. When in person hearings resume, the clerk shall make a notation that a copy of the order was provided to the defendant in open court.

Defendants and attorneys will no longer have access to the clerks or judge via sidebars. Only the prosecutor, defense counsel, and defendant associated with the specific case being heard will be allowed at counsel table or the podium during hearings or pleas. During all hearings the defendant, defense counsel, and prosecutor shall observe strict social distancing.

Any individual showing any signs of any illness will not be permitted into the courthouse or courtrooms.

All parties entering the court lobby or courtroom shall wear a protective mask at all times. Defense counsel shall advise defendants of this requirement.

Until such time as the need for social distancing no longer exists in Skagit County, District Court and its municipal branches shall continue to operate with one group of personnel in the courthouse while another group works remotely from home. The purpose of this plan is to reduce the possibility that an entire court would have to close for 14 days due to exposure to the virus.

This order shall go into effect at 7:30 am May 11, 2020.

DATED THIS 8TH DAY OF MAY, 2020

Dianne Edmonds Goddard, Presiding Judge