



District Court of the State of Washington
for Snohomish County

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PRESIDING JUDGE
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KATHRYN F. KOEHLER

Administrative Order 20 – 09A

**Snohomish County District Court
Emergency Order**

On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID - 19). On March 4, 2020 Chief Justice Debra Stephens of the Washington State Supreme Court adopted Order No. 25700-8-602, granting emergency authority upon all Washington courts to "adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency."

On March 11, 2020 the Governor imposed additional restrictions prohibiting gatherings of more than 250 people within King, Snohomish, and Pierce County due to the danger of continued spread of the virus and the increasing danger the virus presents to the health care system in the region;

On March 13, 2020 the Governor ordered the closure of all schools in the State and on March 16, 2020 ordered closure of all bars, restaurants and clubs in the State in addition to limiting gatherings to no more than 50 people.

On March 18, 2020 the Supreme Court issued Court Order 25700-B-606. On March 19, 2020 the Supreme Court issued Corrected Order 25700-B-607 and on March 20, 2020 issued Amended Order 25700-B-607.

On March 23, 2020 the Governor issued a Stay Home, Stay Healthy Proclamation that closed all non-essential business through April 24, 2020. On April 2, 2020 this order was extended through May 4, 2020.

On April 13, 2020 the Supreme Court amended and extended Amended Order 25700-B-607 through May 4, 2020 by entering Order 25700-B-615.

On April 29, 2020 the Supreme Court entered a new order extending and amending previous orders: Second Revised and Extended Order Regarding Court Operations No. 25700-B-618.

Accordingly, pursuant to the authority given this Court through Washington State Supreme Court Orders 25700-B-602, 607, 615, and 618, and authority granted to the Presiding Judge of the Snohomish County District Court pursuant to GR 29, This Emergency Order is effective May 18, 2020, and shall remain in effect unless renewed, modified or rescinded by the Snohomish County District Court Presiding Judge. All Divisions of the Snohomish County District Court will remain open, pending further Order of the Court.

Order

1. Changes to Protection Order and Compliance Hearings

The following matters will continue to be heard in all Divisions:

- (a) All civil protection order hearings for Unlawful Harassment, Domestic Violence, Stalking, Sexual Assault and Extreme Risk Protection Orders will be calendared at 8:30 AM.
- (b) All compliance hearings pursuant to RCW 10.21.055 and weapons surrender orders pursuant to Chapter 9.41. RCW will be calendared on the normal motions calendar for each division (see 2(c)(v) below).
- (c) All ex parte petitions will be determined based solely on the petition unless otherwise directed by a Judicial Officer.
- (d) All hearings will be conducted telephonically or via an approved video platform unless it is not possible. If telephonic, the petitioner and respondent must provide a phone number, if possible, where they can be reached at the time of the hearing. If a video platform, the petitioner and respondent must provide an email, or other means of contact, so that the log-in information can be provided to them.
- (e) The granting of an ex parte order is, by definition, an emergency as contemplated by Supreme Court Order 25700-B-618, sections 3 and 4.

2. Criminal Hearings

- (a) The Time for Trial provisions of CrRLJ 3.3 suspended until further Order of the Court and the time between this Order and September 1, 2020 is an excluded period for calculating time for trial pursuant to Supreme Court Orders 25700-B-602 607, 615, and 618.
- (b) **Arraignments:** All arraignments will be continued until after June 1, 2020. Time for Arraignment provisions of CrRLJ 4.1 are suspended until further Order of the Court pursuant to Supreme Court Order 25700-B-602, 607, 615, and 618. Arraignment on out of custody criminal offender cases filed between March 18, 2020 and July 3, 2020 may be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1 and 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 CrR 3.3(c)(1), CrRLJ 3.3(c)(1). All direct file cases by cities that contract with the District Court will be continued to a date after June 1, 2020 and the court will summons the defendant for the new date.
- (c) **Motions:** All criminal motions currently calendared, with the exceptions noted below, are stricken from the calendar and may be re-noted after June 1, 2020. The following hearings are determined to be necessary and may be heard on the normal motions calendar (see

section (v) below) in all Divisions subject to a maximum calendar limitation of ten per session and/or designed to insure appropriate social distancing if the hearings are in person:

Motions to quash warrants.

Motions regarding bail.

Motions for TRO from custody.

Motions to review pre-trial release conditions.

Any other Motion with the consent of a Judicial Officer.

(i) All hearings are to be held telephonically or on an approved video platform unless it is not possible. The moving party and the responding party must supply the same information required in 1(d) above.

(ii) CrRLJ 8.1(c) still applies to all hearings with the exceptions outlined in the Supreme Court Orders for in of custody matters. The court will accept agreed orders in lieu of a hearing.

(iii) The Court waives the \$50 walk-in warrant quash fee for all warrants below \$5,000.

(iv) The Court will allow telephonic and video plea hearings subject to knowing, intelligent, and voluntary waivers entered by the Defendant. The Court further waives the requirement of the Defendant's signature on the Judgment and Sentence subject to a proper record of the Defendant understanding the Judgment and Sentence and waiving the signature thereon.

(v) Normal motions calendars are as follows: Cascade at 1:15 PM on Mondays; Everett at 9:30 AM on Mondays; Evergreen at 9:00 AM on Tuesdays; South at 9:00 AM on Mondays.

(d) Readiness: Pre-trial Readiness matters will be stricken and are continued until after June 1, 2020. The Court will send out new dates on all matters that have been struck pursuant to this order.

(e) Jury Trials: All jury trials currently calendared are continued to a trial term after July 6, 2020.

(f) Probation Review Hearing: All probation review hearings currently calendared are continued to a date after June 1, 2020.

3. Traffic Infraction Hearings

All traffic infraction hearings currently calendared in response to a defendant's request for a personal appearance are continued to a date after June 1, 2020. New hearing notices will be sent by the Court. Hearings currently calendared for appearance on written statements pursuant to IRLJ 3.5 will continue to be heard. Time for Hearing provisions of IRLJ 2.6 are suspended until further Order of the Court pursuant to Supreme Court Orders 25700-B-602, 607, 615, and 618. The Court will accept, and in fact encourages, agreed orders.

4. Civil Proceedings

Civil Motions, Change of Name, Small Claim Mediation Hearings, Small Claim Trials, Vehicle Impound Hearings and all other civil proceedings not otherwise addressed in this Order that are currently noted for hearing before June 1, 2020 are continued. Civil Motions may be re-noted by the moving party after June 1, 2020. All other civil matters will be re-set for hearing after June 1, 2020 by the Court.

5. Jail Calendars and Mental Health Court

- (a) This Order does not apply Mental Health Court. Judicial Officers hearing the Mental Health Court calendars may make such Orders as are necessary to protect the health and safety of all participants and the public.
- (b) Jail calendars are subject to Supreme Court Order 25700-B-618.
- (c) No jail transports to Cascade, Everett, Evergreen, or South Division will occur absent the approval of a Judicial Officer.


6. Rules

Any Snohomish County District Court Local Rules or State Court Rules that are inconsistent with the provisions of this Administrative Order are suspended during the effective time of this Order.

7. Other

- (a) For purposes of this Order, 'Judicial Officer' means a Snohomish County District Court Judge or Snohomish County District Court Commissioner.
- (b) Any civil or criminal matter may be heard upon the approval of a Judicial Officer.
- (c) This Administrative Order is subject to Supreme Court Amended Order 25700-B-618 and any provisions in conflict with Amended Order 25700-B-618 are superseded.
- (d) Criminal motions may be heard on days other than on a normal motions calendar upon approval of a judicial officer.
- (e) The Court will accept the following online classes that were taken during the time Emergency Orders were in effect: DUI victim panels; ADIS classes; theft awareness classes; anger management classes; and the MADD DV victim panel and any other DV panel that has been approved by the Probation Supervisor.
- (f) Attachment A addresses masks, face coverings and social distancing. Due to the possibility of rapid policy changes, Attachment A may be subject to change without notice.
- (g) Attachment B lists Zoom hearings and those hearings being held in-person in the courtroom. Due to the possibility of rapid policy changes, Attachment B may be subject to change without notice.

Dated this 15 day of May, 2020



Judge Douglas J. Fair
Presiding Judge
Snohomish County District Court

Attachment A

Effective May 18, 2020, any person over the age of 2 who shall enter a Snohomish County District Court courtroom must wear a mask or face covering that covers their nose and mouth. Failure to wear such a covering may result in the person being denied entry into the courtroom and a resulting failure to appear may be entered on the record.

Attorneys, litigants and members of the public must bring their own masks or face coverings; the Court is not responsible for providing them. Parents must ensure their minor children over the age of 2 are wearing masks or face coverings.

Any person who provides verifiable proof that their medical provider has determined that their health and safety is put at risk by wearing a mask or face covering is exempt from this policy. Special accommodations for ADA issues will be addressed on a case-by-case basis.

Removal of the mask or face covering may be requested or ordered during a hearing to ensure that an adequate record is preserved. The removal shall be no longer than is necessary for the party to speak and to be understood. This temporary removal is entirely within the discretion of the judicial officer. For this issue “judicial officer” includes a pro tem judge.

Any person in the courtroom and public area of the courthouse must engage in appropriate social distancing. Any person in the public area of the courthouse is strongly encouraged to keep a mask or face covering on at all times.

Attachment B

Virtual Hearings (Zoom)

Non-contested probation compliance hearings

Civil motions

Ex-parte motions

Contested infractions

Mitigation hearings

Name changes

Non-testimonial motions

Disposition hearings

Pre-trial/confirmation hearings

In person hearings

Arraignment

Vehicle impound

Contested infractions at the discretion of the judicial officer

Contested probation hearings at the discretion of the judicial officer

Full order hearings

Evidentiary hearings on the motion calendar

Bench trials (including small claims trials)

Compliance review hearings for firearms/IID/SCRAM