

FILED

JUL 30 2020

WAHIAKUM COUNTY
DISTRICT COURT

DISTRICT COURT OF WASHINGTON
COUNTY OF WAHIAKUM

IN RE OF:

COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19 AND RELATED
CORONAVIRUS

GENERAL ORDER 4-20

EMERGENCY ADMINISTRATIVE ORDER

Effective July 30, 2020

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19). Governor Inslee declared a statewide emergency on February 29, 2020, and President Trump declared a national emergency on March 13, 2020. Wahkiakum District Court has implemented videoconference with livestream for most court proceedings, and special procedures for all in-person proceedings in consultation with the local public health officials and its court security staff.

On March 4, 2020 the Washington Supreme Court adopted Order No. 25700-B-602 granting emergency authority to the presiding judges of all Washington courts 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." On May 29, 2020, the Court adopted Order No. 25700-B-626 granting presiding judges "authority to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions."

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, and the authority granted by Order Nos. 24700-B-602 and 25700-B-626, the current situation demands immediate action by the Courts.

NOW, THEREFORE, it is hereby ORDERED that effective July 30, 2020 and until further Order of the Court:

1. Portions of this Court's Emergency Administrative Orders effective on March 19, 2020, April 29, 2020, and June 1, 2020 which directly conflict with Supreme Court Order

1 Nos. 25700-B-606, 25700-B-607 and 25700-B-615, if any, are rescinded and this Court
2 adopts by reference the Supreme Court Order. This order remains in full force and effect.

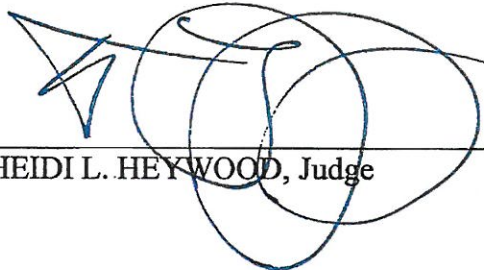
- 3 2. Regularly scheduled criminal, traffic, and civil dockets will be conducted as virtual
4 hearings by Zoom and livestreamed by YouTube. The Court Clerk will provide
5 instructions to all counsel and to unrepresented parties with notices of hearing. Anyone
6 unable to access Zoom shall immediately contact the Court Clerk to make alternate
7 arrangements to safely appear in person.
- 8 3. For criminal dockets, hearings will be conducted primarily by Zoom, although the
9 Defendant may be required to personally appear in court. Counsel may request personal
10 appearance when needed. Counsel are requested to submit all documents requiring a
11 judge's signature, as fully completed as possible, in advance. Where this is not possible,
12 those hearings will be recessed and heard at the end of the docket. This is required so that
13 completed orders may be read to defendants verbatim on the record.
- 14 4. For traffic and civil dockets, hearings will be conducted primarily by Zoom, although
15 counsel or unrepresented parties may request personal appearance when needed. Parties
16 are required to submit any proposed exhibits to the Court Clerk for marking prior to
17 service on the opposing party. Copies of any proposed exhibits (with exhibit numbers as
18 assigned by the Clerk clearly marked) must be served on the opposing party prior to the
19 hearing so that each party has the opportunity to review exhibits in advance, and proof of
20 service must be filed with the court the day prior to the hearing. Small Claims plaintiffs
21 are encouraged to serve copies of their proposed exhibits on the Defendant at the same
22 time that the Small Claim is served. Other plaintiffs and defendants are encouraged to
23 serve copies of any proposed exhibits on the opposing party as soon as possible. The
24 Clerk shall provide an informational handout for both parties in Small Claims and
25 miscellaneous civil matters in which the Plaintiff is not the State of Washington or
26 Wahkiakum County and in which exhibits are anticipated (collections matters, other civil
27 lawsuits such as claims for any types of damages, forfeitures, public or private tow; but
28 not name changes), and to defendants only in contested infraction hearings or other cases
29 in which the Plaintiff is the State of Washington or Wahkiakum County and in which
30 exhibits are anticipated (such as dangerous dog cases). The informational handout will
include a copy of this General Order with this section highlighted, and a blank Return of
Service form. The Court will continue matters involving multiple exhibits or witnesses if
necessary. A decision to continue a hearing will be at the discretion of the judge presiding
over the hearing.
5. Hearings involving probation violations will be conducted by Zoom, although the
Defendant may be required to personally appear in court. If a Defendant is required to
personally appear, defense counsel will also be given the option to personally appear.
Parties are required to submit any proposed exhibits to the Court Clerk for marking prior
to service on the opposing party. Copies of any proposed exhibits (with exhibit numbers
as assigned by the Clerk clearly marked) must be served on the opposing party prior to
the hearing so that each party has the opportunity to review exhibits in advance, and
proof of service must be filed with the court the day prior to the hearing. A decision to
continue a hearing will be at the discretion of the judge presiding over the hearing.

6. Hearings involving protection orders, anti-harassment orders, and stalking orders will be conducted by Zoom. Parties are required to submit any proposed exhibits to the Court Clerk for marking prior to service on the opposing party. Petitioners are encouraged to serve copies of their proposed exhibits (with exhibit numbers as assigned by the Clerk clearly marked) on the Respondent at the same time that the Petition is served. Respondents are encouraged to serve copies of their proposed exhibits (with exhibit numbers as assigned by the Clerk clearly marked) on the Petitioner as soon as possible after being served with the Petition. The Clerk shall provide an informational handout for both parties which includes a copy of this General Order with this section highlighted, and a blank Return of Service form. Copies of any proposed exhibits must be served on the opposing party prior to the hearing so that each party has the opportunity to review exhibits in advance, and proof of service must be filed with the court the day prior to the hearing. A decision to continue a hearing to allow additional time for service of exhibits will be at the discretion of the judge presiding over the hearing.
7. All witnesses must appear by video, or in person if video is not accessible, unless permitted by the Court to appear by telephone only via Zoom for good cause. Parties and counsel are expected to appear by video, but may obtain Court permission to appear by telephone only via Zoom in certain circumstances. Only parties to cases, counsel, and witnesses will be permitted to participate in a Zoom hearing or enter the courtroom unless advance permission has been granted by the Court for good cause.
8. Infraction hearings (both contested and mitigation): In lieu of a live hearing, the Court will accept written statements submitted by mail or e-mail pursuant to IRLJ 2.6(c).
9. If needed to timely process cases, the Court may schedule criminal dockets on days other than the first and third Wednesday mornings of each month, and civil dockets on days other than the third Wednesday afternoon of each month.
10. Absent a determination by a judge that the public safety risk of not maintaining the warrant outweighs the public safety risk necessitating this emergency administrative order, a defendant who contacts the Court by email or telephone seeking to quash an outstanding bench warrant will have any warrants quashed ex-parte by the Court in chambers after notice to the Prosecuting Attorney, so long as the defendant provides a current mailing address.
11. In person hearings shall be limited to the number of persons who can attend consistent with advice of public health authorities. All persons seeking admittance to the courtroom shall be required to follow directives of court staff to minimize spread of infection, including enhanced screening, strict observance of social distancing requirements, and wearing a face covering at all times unless excused by the Court based upon written documentation from the person's health care provider. In such cases, a face shield must be worn.
12. Litigants and attorneys are encouraged to contact the Court concerning court dates. District Court can be reached at 360-795-3461 or districtcourt@co.wahkiakum.wa.us. Information on court dates and YouTube livestream are available at <https://www.co.wahkiakum.wa.us/316/District-Court>.

- 1 13. Access to the Wahkiakum District Court Clerk's office shall be limited to one person at a
2 time, because the lobby area cannot accommodate more persons consistent with advice of
3 public health authorities. All persons seeking admittance to the District Court Office shall
4 be required to follow directives of court staff to minimize spread of infection, including
5 wearing a face covering at all times unless excused by the Court based upon written
6 documentation from the person's health care provider.
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8 14. The presiding judge of the Wahkiakum County District Court designates the presiding
9 judge of the Pacific County North District Court as temporary presiding judge if the
10 judge of the Wahkiakum County District Court becomes unavailable due to this
11 emergency.
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13 15. This order will remain in full force and effect until November 30, 2020, unless earlier
14 amended or replaced.
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17 DATED this 30th day of July, 2020.

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HEIDI L. HEYWOOD, Judge