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DISTRICT COURT OF WASHINGTON
COUNTY OF WAHKIAKUM

IN RE OF:

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

GENERAL ORDER 3-20

EMERGENCY ADMINISTRATIVE ORDER

Effective June 1, 2020

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Corona Virus 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. The Board of Wahkiakum County Commissioners has ordered the Wahkiakum County Courthouse closed except for essential functions effective as of March 18, 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 June 1, 2020 and until further Order of the Court:

- 1 1. Any portions of this court's Emergency Administrative Orders effective on March 19,
2 2020 and April 29, 2020 which directly conflict with Supreme Court Order Nos. 25700-
3 B-606, 25700-B-607 and 25700-B-615 are rescinded and this court adopts by reference
4 the Supreme Court Order. All provisions not in direct conflict with such Supreme Court
5 orders, and this order, remain in full force and effect.
- 6 2. All criminal and civil jury trials shall be continued to a future date as determined by the
7 Court, no sooner than July 7, 2020.
- 8 3. Regularly scheduled criminal, traffic, and civil dockets will be conducted as virtual
9 hearings by Zoom and livestreamed by YouTube. The Court Clerk will provide
10 instructions to all counsel and to parties with notices of hearing. Anyone unable to access
11 Zoom shall immediately contact the Court Clerk to make alternate arrangements to safely
12 appear in person or to utilize Zoom from the courthouse.
- 13 4. For criminal dockets, only parties to cases will be permitted to participate unless advance
14 permission has been granted by the court for good cause. Counsel are requested to submit
15 all documents requiring a judge's signature, as fully completed as possible, in advance.
16 Where this is not possible, those hearings will be recessed and heard at the end of the
17 docket. This is required so that completed orders may be read to defendants verbatim on
18 the record.
- 19 5. For traffic and civil dockets, the court will continue matters involving multiple exhibits or
20 witnesses if necessary. Parties are required to submit their proposed exhibits to the Court
21 Clerk for marking no later than the prior Friday at 12 noon for a Wednesday docket. Any
22 party offering exhibits shall also provide the Court Clerk with contact information for the
23 opposing party so that each party may have the opportunity to review exhibits in advance.
24 A decision to continue a hearing will be at the discretion of the judge presiding over the
25 hearing.
- 26 6. Hearings involving probation violations will be conducted by Zoom, although the
27 Defendant may be required to personally appear in court. If a Defendant is required to
28 personally appear, defense counsel will also be given the option to personally appear, and
29 recesses will be granted to facilitate confidential attorney-client communications. Parties
30 are required to submit their proposed exhibits to the Court Clerk for marking no later than
two and a half full days prior to the hearing at 12 noon (for example, 12 noon on Tuesday
for a Friday hearing). Any party offering exhibits shall also provide the Court Clerk with
contact information for the opposing counsel or party, so that each party may have the
opportunity to review exhibits in advance. A decision to continue a hearing will be at the
discretion of the judge presiding over the hearing.
7. Hearings involving protection orders, anti-harassment orders, and stalking orders, will be
conducted by Zoom. Parties are required to submit their proposed exhibits to the Court
Clerk for marking no later than two and a half full days prior to the hearing at 12 noon
(for example, 12 noon on Monday for a Thursday hearing). Any party offering exhibits
shall also provide the Court Clerk with contact information for the opposing party so that
each party may have the opportunity to review exhibits in advance. A decision to
continue a hearing will be at the discretion of the judge presiding over the hearing.

- 1 8. Infraction hearings (both contested and mitigation): In lieu of a live hearing, the court
2 will accept written statements submitted by mail or e-mail pursuant to IRLJ 2.6(c).
- 3 9. If needed to timely process cases, the court may schedule criminal dockets on days other
4 than the first and third Wednesday mornings of each month, and civil dockets on days
5 other than the third Wednesday afternoon of each month.
- 6 10. Absent a determination by a judge that the public safety risk of not maintaining the
7 warrant outweighs the public safety risk necessitating this emergency administrative
8 order, a defendant who contacts the Court by email or telephone seeking to quash an
9 outstanding bench warrant will have any warrants quashed ex-parte by the Court in
10 chambers after notice to the Prosecuting Attorney, so long as the defendant provides a
11 current mailing address.
- 12 11. In person hearings shall be limited to the number of persons who can attend consistent
13 with advice of public health authorities. All persons seeking admittance to the courtroom
14 shall be required to follow directives of court staff to minimize spread of infection,
15 including enhanced screening, strict observance of social distancing requirements, and
16 wearing a face covering at all times unless excused by the court based upon written
17 documentation from the person's health care provider, and/or at times required for
18 confrontation clause purposes.
- 19 12. Litigants and attorneys are encouraged to contact the Court concerning court dates.
20 District Court can be reached at 360-795-3461 or districtcourt@co.wahkiakum.wa.us.
21 Information on court dates and YouTube livestream are available at
22 <https://www.co.wahkiakum.wa.us/316/District-Court>.
- 23 13. Wahkiakum County District Court remains open, but physical access to the District Court
24 Office will be restricted. When the Wahkiakum County Courthouse reopens for public
25 access, access to the Wahkiakum District Court Clerk's office shall be limited to one
26 person at a time, because the lobby area cannot accommodate more persons consistent
27 with advice of public health authorities. All persons seeking admittance to the District
28 Court Office shall be required to follow directives of court staff to minimize spread of
29 infection, including wearing a face covering at all times unless excused by the court
30 based upon written documentation from the person's health care provider.
14. The presiding judge of the Wahkiakum County District Court designates the presiding
judge of the Pacific County North District Court as temporary presiding judge if the
judge of the Wahkiakum County District Court becomes unavailable due to this
emergency.
15. This order will remain in full force and effect until September 30, 2020, unless earlier
amended or replaced.

DATED this __1st__ day of June, 2020.

/s/ Heidi L. Heywood
HEIDI L. HEYWOOD, Judge