

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. 20-8

WHEREAS, the Governor of the State of Washington has previously 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 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 authorizing certain specific emergency measures to address the safety of the public and of court employees; and

WHEREAS, the numbers of positive COVID 19 cases in the State of Washington and in the United States of America is rising exponentially, and

WHEREAS, Governor Inslee has issued a new emergency order restricting in person gatherings through December 14, 2020, and;

WHEREAS the number of positive COVID 19 cases in Skagit County is rising exponentially in recent weeks; and,

WHEREAS Skagit County does not currently meet the metrics as established by Governor Inslee in 3 of 4 categories for being in Phase 2 of reopening, and;

WHEREAS continued restriction of public gatherings is warranted to protect vulnerable populations and the public at large from infection by COVID 19 virus, 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 and the public must be taken; and

WHEREAS, the numbers of defendants appearing in District Court courtrooms since their reopening has increased to the point where compliance with Governor Inslee's new emergency order is impossible, and;

WHEREAS, Burlington and Mount Vernon Municipal buildings have been closed or remain closed to the public, and;

WHEREAS, Anacortes Municipal Court is only open on court days, and;

WHEREAS, the majority of District and Municipal Court hearings can be conducted via Zoom or other virtual platform, and;

WHEREAS, the clerk's offices in the various courts lack sufficient size and sufficient regular disinfecting schedules to allow adequate social distancing and adequate disinfecting of public areas as COVID 19 cases continue to rise; and,

WHEREAS, under the Washington Supreme Court Fourth Revised and Extended Order, paragraph 12, the Washington State Supreme Court has entered findings as follows -- "The serious danger posed by COVID 19 is good cause to continue criminal trials and constitutes an unavoidable circumstance under Criminal Rules for Limited Jurisdiction 3.3 (e)(8), the time between May 29, 2020 and the next scheduled court hearing after October 15, 2020 shall be excluded. **After October 15, 2020 Courts may further exclude time under these rules based upon individual findings of unavoidable circumstances due to COVID 19 or other circumstances.**"(emphasis added); and

WHEREAS the only courtroom of sufficient size available for jury trials in Skagit County is Skagit County Superior Court Courtroom 5, with that courtroom having priority for felony trials , and;

WHEREAS potential jurors in Skagit County District and Municipal Courts include substantial numbers of individuals in high risk categories for COVID 19 illness due to age and comorbidity, and;

WHEREAS, any prejudice to a misdemeanor offender who is not in custody resulting from a delay in holding a jury trial, absent evidence of special circumstances showing substantial prejudice to said defendant, is outweighed by the risk to public health and safety in holding a jury trial while COVID 19 cases continue to rise, resulting in undue risk of serious illness or death, and;

WHEREAS, due to these unavoidable circumstances brought about by the COVID 19 pandemic, further exclusion of time beyond October 15, 2020 is warranted.

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor 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:

1. Effective 11:59 pm November 16, 2020 the court clerk's offices in the District Court and all Municipal Courts shall be closed to in-person public services. Members of the public can still contact the court clerks via phone, email, fax, regular mail, and through a drop box located outside of the entrance to the clerks' offices.
2. Effective 11:59 pm November 16, 2020 the District Court Probation Office will be closed to in person service. Individuals on probation or pretrial supervision can continue to contact and meet with probation officers via telephone, and failure to have in person access to the probation office shall not constitute an excuse for being in violation of the conditions of probation or pretrial release.
3. Effective 11:59 pm November 16, 2020 regular court calendars shall be heard only via Zoom or other virtual platform with no in person appearances allows except as follow:

CRIMINAL MATTERS:

- a. In custody hearings will occur in person at the Community Justice Center Courtroom.
- b. In custody arraignments at 8:30 in the morning will continue via video court with the defense attorney appearing in District Court Courtroom One.
- c. Individual criminal defendants whose cases are ready for final resolution (i.e. plea, dismissal, deferred prosecution or deferred sentence) may appear in person for resolution of their cases with one case being heard at a time.
- d. In addition to the judge and court clerk, only the individual defendant whose case is being resolved, together with their attorney and the prosecutor, shall be allowed into the courtroom. The proceedings will be simultaneously published through Zoom or other virtual meeting platform for people who wish to observe.
- e. Final resolution of individual criminal cases may also be heard via Zoom or other virtual platform using the procedure put into place earlier this year.

- f. Pretrial motions may be heard in person beginning 8:30 am on Mondays with no more than one case being scheduled every 30 minutes. Lawyers shall be advised the scheduling clerk if more than 30 minutes is required for a hearing so that extra time can be allotted. In addition to the judge and court clerk, only the defendant, defense counsel, and prosecuting attorney shall remain in the courtroom with witnesses waiting outside the courtroom and being admitted one at a time. These proceedings shall be simultaneously published on Zoom or other virtual platform to allow viewing by the public.
- g. District and Municipal Court Buildings will be closed to in person attendance except by permission of the judge.

CIVIL MATTERS:

- a. Name change petitions shall not be heard prior to 8:30 am December 14, 2020 unless the petitioner demonstrates an emergency justifying a hearing prior to that date. When name change hearings resume, no more than four (4) cases shall be scheduled for any 30 minute time period. Only individuals wishing to change their names and guardians ad litem for minors shall be allowed into the courtroom. These proceedings shall be simultaneously published on Zoom or other virtual platform.
- b. All other civil matters shall be heard via Zoom or other virtual platform, unless, upon a showing of substantial prejudice to a plaintiff or defendant in a civil matter and upon a properly noted motion, the court allows an in person hearing.

CRIMINAL JURY TRIALS:

- a. Absent a showing of special circumstances or substantial prejudice to a defendant, with consideration given on a case by case basis, no jury trials will be scheduled for trial assignment prior to January 26, 2021. The time between October 15, 2020 and trial assignment is excluded. Additional time may be excluded on an individual case by case basis and depending on the extent of the COVID 19 pandemic.
- b. Criminal cases currently scheduled for trial shall be continued to the January 26, 2021 trial assignment calendar.


All parties appearing for in person hearings shall submit to health screenings prior to being admitted to the courtroom. Anyone exhibiting symptoms of illness (fever, cough, body or muscle aches, recent loss of taste or smell, runny nose, sneezing, fatigue not associated with other known conditions, headache, sore throat) shall not be permitted in

the courtroom. Masks shall be worn by all participants at all times when in the courtroom. All parties shall observe social distancing requirements. Any person not complying with these requirements shall be subject to removal from the courtroom.

A complete schedule of calendars is available on the District Court website. Information on how to access Zoom or other virtual hearings is available on the District and Municipal Court websites.

Any provisions of Administrative Order 20-7 which are not inconsistent with this order shall remain in full force and effect.

DATED THIS 16 day of November, 2020.



Dianne Edmonds Goddard, District Court Judge, Presiding