

Courtrooms have cleared out but aren't closed. Justice during the COVID-19 pandemic

[By Alexis Krell](#)

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As schools and businesses emptied in response to the coronavirus pandemic, some courtrooms were full until last week in Pierce County.

Now courthouse hallways are practically empty, and attorneys are figuring out how to do their work in the weeks and months to come.

Jury trials and many hearings have been postponed until late April, but the justice system can't be entirely put on hiatus.

Their work is essential.

'Business as usual'

March 17 was the last day that several lawyers said was "business as usual" in Pierce County.

There was a container of Lysol wipes on a table in one of the busy rooms where attorneys work in the County-City Building in downtown Tacoma.

Otherwise, the space looked like it did any other day, with lawyers working in close proximity to each other.

The state Supreme Court and Pierce County Superior Court issued orders March 18 that suspended many proceedings in response to the pandemic.

"A week ago today I was trying a case in front of a jury," criminal defense attorney Michael Stewart said Friday. "Today the courthouse is as empty as I have ever seen it, and it has the feel of the afternoon before Thanksgiving when everything is closed."

One or two people were in hallways that usually have hundreds coming and going.

Stewart said he thought Friday would be his last visit to the County-City Building for some time.

Misdemeanors, murder cases and everything in between is being affected as hearings are postponed, he said.

“We know that when we come back, these issues didn’t go away,” he said. “... Those of us who have been around long enough have seen how even a few days of court shutdowns means that literally hundreds of people have to be re-summoned for court dates.”

He expects a drop in the number of arrests and filings, but that they’ll still happen.

“I cannot see us stopping the process of arrest, charging and addressing conditions of release,” Stewart said.

There are still matters he expects to visit the jail for, where he’ll appear in court with his clients via video.

“I’ll tell you, the biggest danger to my family is me, quite frankly, going in and out of the courthouse and in and out of the jail,” he said. “I’m doing everything I can to limit my contact with other people.”

Lawyers have brought home bankers boxes full of files to read and have been relentless with emails and phone calls to make working remotely possible, Stewart said.

“Prosecutors have brought home tremendous amounts of work,” he said. “... reading reports, scheduling witness interviews via telephone, via Skype.”

The skeleton crew

Deputy prosecutor Adam Roberts has been part of a skeleton crew at the courthouse.

There were maybe a couple dozen people in one busy courtroom gallery March 17, he said.

The court commissioner tried to stagger who was present by asking people there for a certain type of hearing to wait outside and to keep space between themselves and others.

There were only two people in the gallery later in the week.

“One individual who was there for his own arraignment, and that ended up I believe getting rescheduled,” Robert said. “One person who was there was a victim on a domestic violence-related case.”

He said the room where many attorneys work in close proximity behind-the-scenes has maybe 30 or 40 lawyers in it on a busy day.

“Right now it’s probably in the single digits,” he said Friday.

Roberts noted that they’re working off court schedules made a few weeks ago.

“But now as things are kind of being set out, we’ll hopefully just be tackling the most serious in-custody matters here at the courthouse,” he said.

He said they’re trying to make sure people who aren’t in custody communicate with their attorneys, to limit as much as possible who goes to the courthouse.

Not everyone has a phone

Laura Rodgers, chair of the Tacoma-Pierce County Bar Association criminal law section, pointed out that some defendants don’t watch the news, don’t have telephones or are otherwise unable to be reached by attorneys. Those matters will stay on the docket, Rodgers said.

Courtrooms have become less and less crowded, but they can’t be closed entirely, she said via email.

“Although everyone is afraid of contracting the virus and prefer closing down the courthouse, to advise an in-custody defendant that they will sit in custody for another 30 days without any movement of their cases is also an issue to be addressed,” she wrote. “... The Courts must keep the constitutional rights in mind as well.”

Cameron Buhl, who does public defense work for dependency proceedings, also raised the issue of reaching clients remotely.

Many parents he works with used libraries to communicate with him. They are now closed.

“I know our practice is using (the video conference platform) Zoom,” he said. “Again, you have to have a phone, right? Or a computer? We have a lot of clients who are struggling without those resources right now.”

His work includes shelter care hearings: the first court appearance after the state removes a child from a parent’s care.

“Cases are still coming in, right?” he said. “CPS is still doing investigations; kids are still being removed.”

He said he was working in a small courtroom March 12 at Remann Hall, which houses the county’s juvenile court. He later learned [a county employee at Remann Hall tested positive for the virus.](#)

There were about 10 people in the courtroom where Buhl was working, he said. Other lawyers were working with clients in small meeting rooms, and there were about 15 or so people in the lobby.

Family law by phone

Five days later family law attorney Patti Steele was in a courtroom at the County-City Building with about 30 people.

“It was just like a normal day,” she said. “There were far too many people in the courtroom for me to feel comfortable. There was not social distancing.”

Hand sanitizer was available, and there was a sign on the door to limit the number of people coming in.

“Starting Wednesday (March 18) we weren’t supposed to go to the courthouse anymore,” she said. “... Our hearings are all being held without oral argument, meaning we don’t have to show up. Or if argument is requested, then we’re having argument on the phone.”

About a quarter of her work has been on the phone in recent days. The rest is by email. It’s not on hold.

She’s concerned that an emergency on a case could require her to go to court but said flexibility from judges and court staff has made her feel better.

“I go to court and I obtain orders that impact a client’s parenting time and their finances,” she said. “If there’s an order that needs fixed, it affects them in a major way. We’re talking time with their kids or ability to pay their bills. ... Especially when we have such uncertainty and panic among people, they want to be near their children.”