

ENTERED

B. Lindley

**2020 Jul 08 am 11:32
PUYALLUP TRIBAL COURT**

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

SIGNATURE REQUIREMENTS DURING
COVID-19 AND RELATED CORONAVIRUS.

GENERAL ORDER NO. 2020-0006

As reviewed in this Court's prior General Orders 2020-01, 2020-02, 2020-03, and 2020-04, the current outbreak and spread of the Coronavirus Disease 2019 (COVID-19) is causing and is expected to continue to cause significant disruption throughout the Puyallup Indian Reservation. As a result, the Court has a need to clarify the application of certain rules with respect to signatures on documents.

In particular, some Rules of Criminal Procedure, including but not necessarily limited to PTC 4.04.040(d) (definition of Complaint); 4.04.230(f) (waiving arraignment appearance); 4.04.260(b)(2) (deferred prosecution agreements); 4.04.490(a)(7) (waiver of speedy trial), require signatures. Additionally, some Civil Procedures Code requirements require signatures, including but not limited to PTC 4.08.080 (commencement of civil actions). More broadly, various criminal and civil documents, including but not limited to affidavits, notices of appearance, and statement of addresses call for the signatures of plaintiffs/petitioners, defendants/respondents, counsel, and/or judges. The current circumstances are likely to make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner.

ORDER

Given the above-referenced guidance, and to protect the safety and health of all those entering and working in the Tribal Court, the Court ORDERS, effective immediately:

- 1.0** In all courts and case types, whenever an attorney or self-represented party is required to sign a document to be served on another party or filed with the Court, including an affidavit that must be signed by an attorney or self-represented party under the penalties of perjury, the

attorney or self-represented party may electronically sign, unless the Court specifically orders otherwise.

- 2.0** The electronic signature can take the form of either (a) a scan of the attorney's or self-represented party's handwritten signature; (b) an electronic signature made by means of a stylus, an electronic pen, a computer mouse, a touch screen, or other similar method; (c) an electronically inserted image intended to substitute for a signature; or (d) a "/s/ name of signatory" block.
- 3.0** Such electronic signature shall have the same force and effect as if the attorney or self-represented party had affixed her or his original signature to a paper copy of the document so signed. An electronic signature may be used even if the document is not served or filed electronically, e.g., where the document is printed on paper and served on other parties or filed with the Court by mail or hand-delivery.
- 4.0** When a party's signature is required on a document, an attorney representing that party may affix that party's electronic signature to the document, provided that the party has reviewed and approved the document and expressly authorized the attorney to sign it on the party's behalf. When the document is an affidavit that must be signed under the penalties of perjury, the party must also expressly authorize the attorney to sign it by affixing that party's electronic signature to the document under the penalties of perjury. The attorney should print "signed w/ approval," sign the attorney's name, and print the attorney's name and Board of Bar Overseers number, after the party's electronic signature.
- 5.0** If the documents to be served or filed by an attorney or self-represented party include an affidavit from a third party that must be signed under the penalties of perjury, but the person making service has been unable to secure the affiant's original handwritten signature, or a scanned or photographed copy thereof, due to constraints arising from the coronavirus pandemic, the affidavit may still be served and subsequently filed with the Court if the affiant has signed the affidavit electronically. The attorney or self-represented party shall thereafter take steps to secure the affidavit bearing the affiant's original handwritten signature as soon as practicable.
- 6.0** If a party has a good faith basis to believe that an electronic signature was not authorized by the attorney, self-represented party, or other person whose signature it purports to be, a challenge may be raised promptly by way of motion. If the motion has merit, the Court may,

among other things, strike the challenged document and/or direct that it be served or filed again with an original handwritten signature.

- 7.0** Where a judge finds that obtaining an actual signature is impracticable or imprudent in light of the public health situation relating to COVID-19, any document may be signed electronically using the format “/s/ name.”
- 8.0** Where a defendant's signature is called for, unless otherwise ordered by the Court defense counsel may sign electronically on the defendant's behalf using the format “/s/ name” and file the signed document electronically after defendant has an opportunity to consult with counsel and consents to counsel’s signing on defendant’s behalf.
- 9.0** For the avoidance of doubt, where consent or waiver is not explicitly required to be in writing by the Puyallup Tribe of Indians Rules of Criminal Procedure or other applicable law, such consent or waiver may be obtained in whatever form is most practicable under the circumstances, so long as the defendant's consent or waiver is clearly reflected on the record.
- 10.0** This Order is effective July 8, 2020, and shall remain in effect until further order of the Court.

SO ORDERED this 8th day of July, 2020.



Darwin Long Fox
Chief Judge of the Puyallup Tribe of Indians