

OCT 06 2020

LISA A. HENDERSON
SAN JUAN COUNTY, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF SAN JUAN

IN THE MATTER OF THE RESPONSE BY)	No. 20-2-05001-28
SAN JUAN COUNTY SUPERIOR COURT TO THE)	FOURTH AMENDED
PUBLIC HEALTH EMERGENCY IN)	EMERGENCY ORDER
WASHINGTON STATE AND SAN JUAN COUNTY)	No. 2020 – 7
_____)	COURT OPERATIONS

This matter comes before the Court on the public health emergency in Washington State and San Juan County.

The Court reiterates its findings entered in its Emergency Order entered March 16, 2020 and corrected March 18, 2020, its First Amended Emergency Order entered March 20, 2020, its Second Amended Emergency Order entered April 23, 2020, and its Third Amended Emergency Order entered July 2, 2020.

In addition, on September 10, 2020, the Washington Supreme Court entered Order Extending Excluded Period in Calculating Time for Trial, No. 25700-B-642.

This Fourth Amended Emergency Order 2020-6 supplants and replaces all emergency orders previously entered by this Court.

The actions set forth herein will take effect on October 6, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the date may be extended by further order of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED:

CRIMINAL MATTERS

1. CRIMINAL JURY TRIALS may be scheduled consistent with the joint trial calendar shared by Superior Court and District Court or as otherwise instructed by the Superior Court

Administrator. Due to the reduced ability to obtain an adequate number and spectrum of jurors, the inherent public health risk of sufficient numbers of potential jurors gathering for jury selection, the inherent risk to court staff, parties, and counsel, and the effect of public health recommendations on the ability of court staff and counsel to be present in the courtroom as well as for the public to be invited into the courtroom: the time period from the effective date of Emergency Order No. 2020-1 (March 17, 2020) until the first hearing occurring in a given case after October 15, 2020, shall be excluded in computing time for trial pursuant to CrR 3.3(e)(3) and CrR 3.3(f)(2) and JuCR 7.8(e)(3) and JuCR 7.8 (f)(2). The Court further finds that the ends of justice served by continuing jury trials outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR 3.3(e)(8) and JuCR 7.8(e)(7).

2. ALL CRIMINAL MATTERS MAY PROCEED.

a. The following criminal matters shall be heard IN-PERSON unless otherwise ordered or stipulated: (1) preliminary appearances for out of custody defendants; (2) arraignments for out of custody defendants; (4) changes of plea and sentencing; (5) motion hearings; (6) Drug Court hearings; and (7) pre-trial conferences.

b. The following criminal matters regarding IN-CUSTODY defendants shall be presumed to be heard by video unless otherwise ordered or requested by the defendant or defense counsel: (1) preliminary appearances; (2) arraignments for out of custody defendants; (3) omnibus hearings; (4) status conferences; and (5) readiness hearings. The Court may require an in-person appearance for these proceedings if appropriate in an individual case.

c. The following criminal matters regarding OUT OF CUSTODY defendants shall be presumed to be heard by TELEPHONE unless otherwise ordered or requested by the defendant or defense counsel: (1) review hearings on legal financial obligations or sentence conditions; (2) omnibus hearings; (3) status conferences; and (4) readiness hearings. The Court may require an in-person appearance for these proceedings if appropriate in an individual case.

- d. All conditions of release previously ordered remain in effect.
- e. Defendants need not sign individual orders.

CIVIL MATTERS

3. NO CIVIL JURY TRIALS will be set prior to NOVEMBER 1, 2020.

4. EMERGENCY CIVIL MATTERS may be scheduled for in-person hearing at the option of the moving party. Parties may file a motion ex parte asking the Court to deem a given matter an “emergency” and to note it accordingly. The following types of civil matters will be presumed to be an emergency and do not require an ex parte motion to deem it as such:

- a. Shelter care hearings in dependency cases under Ch. 13.34 RCW; and
- b. Initial hearings on petitions for At Risk Youth or Child in Need of Services under Ch. 13.32A RCW.

5. CIVIL EVIDENTIARY HEARINGS AND BENCH TRIALS are presumed to occur in person and shall be scheduled for in-person hearing unless the parties stipulate or agree to have the matter heard via telephone or video.

6. CIVIL HEARINGS OTHER THAN EMERGENCY MATTERS OR EVIDENTIARY HEARINGS/BENCH TRIALS shall continue to occur by telephone or video only, unless a motion is brought specifically requesting in-person hearing and establishing good cause to proceed in-person. Such matters may be noted to occur by telephone or other means at a date/time consistent with the San Juan County Superior Court Local Court Rules and the Washington Civil Rules. The Court also will consider the following additional matters:

- a. EX PARTE: The Court will consider ex parte matters electronically, including presentation of agreed orders, without a fee, by telephone or video at the beginning of the Civil Law and Motion Calendar at 10:30a.m. on Fridays. The Court will consider ex parte matters with the required \$30 fee on a regular basis when submitted to the Clerk’s Office by e-mail, mail, or in-person drop off. Until further order, there is no in-person ex parte calendar. Ex parte requests should still be submitted through the Clerk’s Office for the Judge’s consideration. If the \$30 ex parte fee is paid, the Clerk’s Office will return the order(s) entered by e-

mail or via self-addressed-stamped-envelope. If the fee is not required because it is presented at the Civil Law and Motions Calendar, parties/counsel may obtain copies online in Odyssey or from the Clerk's Office. The San Juan County Clerk has a detailed ex parte policy available here:

<https://www.sanjuanco.com/DocumentCenter/View/21163/Ex-Parte-Process---COVID>

- b. MOTIONS WITHOUT ORAL ARGUMENT: The Court will consider any civil motion filed where the Note for Motion indicates that the party seeking relief has elected to have the matter heard without oral argument. The motion should still be noted for a date certain (not limited to regularly scheduled court calendars noted in LCR 77) with the notice required by applicable civil and local court rules. Proposed orders should be lodged by providing them to the Court Administrator in PDF format by email to JaneS@sanjuanco.com. The Court will issue a decision as soon after the date noted for consideration as possible, and the Court Administrator will circulate the decision to counsel by email and unrepresented parties by mail or email if an email address has been provided.

GENERAL COURT ADMINISTRATION

7. FOR ANY HEARING WHERE PARTICIPANTS OR MEMBERS OF THE PUBLIC APPEAR IN-PERSON IN THE COURTROOM, the following rules apply:

- a. Each person in the gallery must sit at least six (6) feet apart, in locations designated on the courtroom benches. Once the designated locations are occupied, YOU MUST WAIT OUTSIDE THE COURTROOM UNTIL THERE IS SUFFICIENT SPACE.
- b. Each person in the Courtroom must cover their face with a mask unless they cannot do so for a medical or religious reason.
- c. Each person must use the hand sanitizer at the counsel tables (or their own sanitizer) before addressing the Court or signing papers.
- d. The Court will not provide water to participants, but participants are invited to bring their own water bottles or to take a paper cup provided and fill it at the public water fountain in the hallway.