

FILED

MAY 05 2020

**KIMBERLY A. ALLEN
GRANT COUNTY CLERK**

SUPERIOR COURT OF WASHINGTON IN AND FOR GRANT COUNTY

IN MATTER OF RESPONSE TO PUBLIC)
HEALTH EMERGENCY RE:) EMERGENCY ADMINISTRATIVE
CORONAVIRUS/COVID-19) ORDER NO. 6
_____)

WHEREAS, the Chief Justice of the Washington State Supreme Court issued an emergency order on March 4, 2020 in response to a public health emergency, caused by the coronavirus/COVID-19, that affects the operations of the trial courts in the State of Washington; and

WHEREAS, in the past two months the Washington State Supreme Court has adopted additional emergency orders including Order Nos. 25700-B-602, 25700-B-607, 25700-B-614, 25700-B-615, 25700-B-618, 25700-B-620, and 25700-B-622, all of which affect trial court operations and grant emergency authority to trial courts to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, the Grant County Health District stated on March 20, 2020,

We expect the virus present throughout our county and are urging resident to protect themselves and their families by limiting their public exposure to anyone outside of their immediate family.

In addition to staying at least 6ft away from others, **if you must go out in public, it is now appropriate and recommended to cover your mouth and nose with some type of face mask.** ...

WHEREAS, the Grant County Superior Court has issued prior administrative orders (and may possibly issue further administrative orders) in response to the public health emergency; and

WHEREAS, on April 2, 2020, the Governor extended the Stay Home -- Stay Healthy Proclamation to May 4, 2020, and further extended significant portions of it to June 1, 2020; and

WHEREAS, an important part of the justice system of Washington State is public access to the Courts; and

WHEREAS, in response to the public health crisis and the Orders of the Washington State Supreme Court, the Grant County Superior Court has been conducting video and telephone hearings using an internet platform known as Webex, which allows for parties and the public to participate and/or view the proceedings using a computer, smartphone or normal telephone; and

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **Webex Platform**. Through June 1, 2020 (unless extended by subsequent order), Attorneys and litigants (and the public) may access Court proceedings using the Webex platform. Attorneys and litigants will be responsible for familiarizing themselves with the Webex platform. The public also can view court proceedings using the Webex platform, but will not be allowed to participate.

Attorneys and litigants (and the public) can go to www.grantcountywa.gov. On the left hand side you will find a link for the Grant County Superior Court. After clicking on the link for the Grant County Superior Court, you will be directed to the Superior Court webpage. On the Superior Court webpage will be found a link entitled: "Grant County Superior Court – Webex Video Hearings." Clicking on this link will allow you to access the "virtual" courtrooms to participate and/or view proceedings.

Attorneys and litigants must follow the "Instructions for Attorneys and Litigants Appearing Before The Court Via Webex." A link to these instructions is located on the Superior Court website on the same page where the "virtual" courtrooms are located.

Attorneys using the Webex platform must appear by video, unless prior permission is granted by the Court allowing an attorney to appear by telephone. Individual parties or pro se litigants may appear by telephone if they do not have the ability to appear by video. The telephone number used to participate in a Webex hearing for each courtroom is identified on the Superior Court website.

Subject to the exceptions identified in this order, in person appearances are not allowed until after June 1, 2020 (or as may be extended by subsequent order).

2. **Civil Matters – General**.
 - a. All civil jury trials are suspended until after July 6, 2020.
 - b. Attorneys/litigants in civil matters (including domestic matters) may file motions and engage in other proceedings, including nonemergency matters, that can appropriately be conducted and heard by the Grant County Superior Court using the Webex platform, with the exception of the following:
 - i. In person hearings are not allowed until after June 1, 2020. However, if a pro se party is unable to participate in a hearing using the Webex platform,

the pro se party may appear in person. In such case, the Court will enforce strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).

- ii. Supplemental proceedings remain suspended until after June 1, 2020.
 - iii. Hearings on filings related to garnishments that are the subject of Governor Jay Inslee's April 14, 2020 Proclamation 20-49 remain suspended until lifted by the Governor.
 - iv. Motions and trials on residential eviction matters subject of Governor Jay Inslee's April 16, 2020 Proclamation 20-19.1 remain suspended until lifted by the Governor.
 - v. Agreed orders should continue to be presented ex parte and not scheduled for hearing.
 - vi. Bench trials may be conducted via the Webex platform at the discretion of an individual judge or commissioner, and so long as the parties and the judge or commissioner are able to agree on the procedure for the presentation, use and admission of exhibits at trial.
- c. Attorneys/litigants must file a notice of hearing, motion and supporting documents directly with the Clerk for a matter to be heard via Webex on the appropriate docket. Parties are encouraged to file documents with the Clerk's office by mail rather than in person. In addition, the following will apply:
- i. The Court finds good cause to alter the time limits contained in Grant County Superior Court LCR 7. Through June 1, 2020 (unless extended by subsequent order), the time for filing motions is now **nine court days**. The moving party shall serve and file all motion documents no later than **nine court days** before the date the party wishes the motion to be considered; all opposing documents must be filed and served no later than 4:30 p.m. **four court days** before the motion is to be considered; and any optional strict reply must be filed and served no later than 4:30 p.m. **two court days** before the hearing.
 - ii. As part of the motion and supporting documents served on an opposing party, the moving party must also serve the following notice on the opposing party:

This matter is scheduled to be heard via the Grant County Superior Court's Webex platform. The Webex platform allows you to appear by video or by telephone. Attorneys are required to appear by video. Pro se litigants (and an

attorney's clients) may appear by telephone only if they do not have the ability to appear by video.

To access the Webex platform you must go to www.grantcountywa.gov. On the left hand side is a link for the Grant County Superior Court. After clicking on the link for the Grant County Superior Court, you will be directed to the Superior Court webpage. On the Superior Court webpage will be found a link entitled: "Grant County Superior Court – Webex Video Hearings." Clicking on this link will allow you to access the "virtual" courtrooms on the date and time of the scheduled hearing. You will also see a telephone number and access code that can be used if you are unable to appear by video.

- d. Attorneys and litigants must provide a working copy of the documents filed to the Court Administrator. Working copies will **not** be accepted by facsimile or electronic mail. Working copies must be mailed to the Court Administrator or can be delivered in person by being left in the basket identified for working copies outside of the Court Administrator's office. If working copies are not provided with sufficient time for a judicial officer to review the matter before the scheduled hearing, the Court reserves the right to decide the matter without oral argument, to continue the matter, or to strike the matter without prejudice.
- e. Each party must submit a copy of their proposed order to the Court Administrator. The proposed order can be mailed directly to the Court Administrator or delivered in person by being left in the basket identified for working copies outside of the Court Administrator's office. The failure to provide a proposed order could result in the matter being continued or stricken without prejudice. Proposed orders will **not** be accepted by facsimile or electronic mail.
- f. Attorneys and litigants are advised that the Court in its discretion may decide a matter without oral argument, may continue a matter, or may strike a matter without prejudice to alleviate court congestion if too many matters are scheduled on any particular docket. Regarding domestic matters, it is within the discretion of the commissioner to continue a matter to a day of the week other than a Friday.
- g. Attorneys and litigants appearing via Webex must be available during the entire docket calendar until the case is called. If the court calls a matter and a party is not present, the Court may decide the matter without oral argument, may continue the matter, or may strike the matter without prejudice.
- h. The party(ies) are responsible for obtaining from the Clerk's office a copy of orders entered by the Court after hearings conducted via the Webex platform.

- i. Motions for summary judgment, adoptions, or other special set matters, shall continue to be scheduled directly with the Court Administrator.
3. **Civil Matters – Protection Orders, Restraining Orders and Anti-Harassment Orders.** Parties are encouraged to use the Webex platform to appear by video or telephone at hearings for protection orders, restraining orders, and anti-harassment orders. However, the Court recognizes that some individuals may be unable to access the Webex platform for these type of hearings. Accordingly, in court appearances are allowed if deemed necessary by a party. In such case, the presiding judicial officer may limit the number of individuals in the courtroom during the proceedings and will enforce strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).
4. **Civil Matters – Dependency/Termination Matters.** Attorneys involved in dependency and termination matters may schedule those matters on the regular Tuesday docket and shall contact the Court Administrator to schedule any emergency shelter care hearings via the Webex platform. Through June 1, 2020, all hearings should be conducted using the Webex platform. In addition, all hearings regarding dependency and termination matters shall comply with the requirements contained in the State Supreme Court Order No. 25700-B-622 (or any applicable order subsequently issued by the State Supreme Court).
5. **Criminal Matters – Adult.**
 - a. All criminal jury trials remain suspended until after July 6, 2020.
 - b. Nonjury trials may be conducted by remote means or in person with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom). Defendants willing to have their matter proceed to trial before a Superior Court Judge without a jury will need to sign and file a waiver of jury trial.
 - c. Time for trial for in custody and out of custody defendants under the applicable Superior Court Criminal Rules are suspended in accordance with State Supreme Court Order No. 25700-B-618.
 - d. Criminal dockets will be conducted on Monday, Tuesdays, and Wednesdays during the months of May and June, 2020. They will begin at 9:00 a.m. or 1:30 p.m. as designated. In custody matters scheduled on Wednesdays may be called after 9:00 a.m. depending on potential scheduling conflicts that may occur as a result of District Court in custody matters commencing at 9:00 a.m.
 - e. CrR 3.5 and CrR 3.6 hearings may be scheduled on Wednesdays and Thursdays during the months of May and June, 2020. Through June 1, 2020, CrR 3.5 and CrR 3.6 hearings shall be conducted only via the Webex platform and not in person. However, the assigned judge scheduled to hear the matter must agree to conduct the hearing via Webex.

f. Through June 1, 2020 (unless extended by subsequent order), all in custody criminal matters shall be conducted with all participants appearing via the Webex platform. Hearings in person may be conducted only if allowed by State Supreme Court Order No. 25700-B-618 and only if the hearing is conducted with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).

i. Arraignments. Defense attorneys are required to submit completed advice of rights forms, indigency screening forms, and proposed scheduling orders to the Court no later than 8:30 a.m. the day of the arraignment. These forms may be delivered to the Jury Administrator (Lynette Henson), who will then provide such forms to the Court for review at the arraignment hearing. Please contact the Jury Administrator directly to discuss delivery of these forms. If these forms are given to the Clerk, they will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

ii. Omnibus Hearings. If the parties are ready to enter an omnibus order, the parties are required to submit a completed proposed omnibus order to the Court no later than 8:30 a.m. the day of the hearing. The proposed order may be delivered to the Jury Administrator (Lynette Henson), who will then provide such forms to the Court for review at the omnibus hearing. Please contact the Jury Administrator directly to discuss delivery of any proposed omnibus order. If the proposed omnibus order is given to the Clerk, it will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

iii. Plea and Sentencing. A hearing for entry of a plea and/or sentencing may be scheduled by filing a Note for Hearing without the need to file a motion to shorten time pursuant to paragraph 9 of State Supreme Court Order No. 25700-B-618. The Court finds that in the interests of justice in person attendance by interested persons (such as victims, family members, or others) shall be allowed. However, strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom) will be enforced.

The executed plea form and proposed judgment and sentence may be delivered to the Jury Administrator (Lynette Henson) no later than 8:30 a.m. the day of the scheduled hearing. The Jury Administrator will then provide

such forms to the Court for review at the hearing. Please contact the Jury Administrator directly to discuss delivery of these documents to the Jury Administrator. If the plea and proposed judgment and sentence is given to the Clerk, they will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- iv. Hearings on Other Motions. A Note for Hearing must be filed with the Clerk to schedule a matter on the court's criminal docket. Unless otherwise covered by paragraph 9 of State Supreme Court Order No. 25700-B-618, filing and service of the Note for Hearing (and supporting documents) must be timely filed in accordance with applicable court rules.

Proposed orders may be delivered to the Jury Administrator (Lynette Henson) no later than 8:30 a.m. the day of the hearing. The Jury Administrator will then provide the proposed orders to the Court for review at the hearing. Please contact the Jury Administrator directly to discuss delivery of any proposed order. If a proposed order is given to the Clerk, it will be filed before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- g. Through June 1, 2020 (unless extended by subsequent order), all **out of custody** criminal matters that have been scheduled shall be conducted with all participants appearing via the Webex platform. Defense attorneys shall contact their clients and inform each defendant they are required to appear by video or telephone using the Webex platform. Hearings in person may be conducted only if allowed by paragraph 7 of State Supreme Court Order No. 25700-B-618 and only if the hearing is conducted with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).
 - i. Arraignments. Defense attorneys are required to submit completed advice of rights forms, indigency screening forms, and proposed scheduling orders to the Court no later than 8:30 a.m. the day of the arraignment. These forms may be delivered to the Jury Administrator (Lynette Henson), who will then provide such forms to the Court for review at the arraignment. Please contact the Jury Administrator directly to discuss delivery of these forms. If these forms are given to the Clerk, they will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- ii. Omnibus Hearings. If the parties are ready to enter an omnibus order, the parties are required to submit a completed proposed omnibus order to the Court no later than 8:30 a.m. the day of the hearing. The proposed order may be delivered to the Jury Administrator (Lynette Henson), who will then provide such forms to the Court for review at the omnibus hearing. Please contact the Jury Administrator directly to discuss delivery of any proposed omnibus order. If the proposed omnibus order is given to the Clerk, it will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- iii. Plea and Sentencing. A hearing for entry of a plea and/or sentencing may be scheduled by filing a Note for Hearing. Filing and service of the Note for Hearing must be timely filed in accordance with applicable court rules. The Court finds that in the interests of justice, pleas and sentencing for out of custody matters shall be conducted in person and in person attendance by interested persons (such as victims, family members, or others) shall be allowed as well. Plea and sentencing hearings will be held with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).

The executed plea form and proposed judgment and sentence may be delivered to the Jury Administrator (Lynette Henson) no later than 8:30 a.m. the day of the scheduled hearing. The Jury Administrator will then provide such forms to the Court for review at the hearing. Please contact the Jury Administrator directly to discuss delivery of these documents to the Jury Administrator. If the plea and proposed judgment and sentence is given to the Clerk, they will be filed in the Court file before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- iv. Hearings On Other Motions. A Note for Hearing must be filed with the Clerk to schedule a matter on the court's criminal docket. Filing and service of the Note for Hearing (and supporting documents) must be timely filed in accordance with applicable court rules.

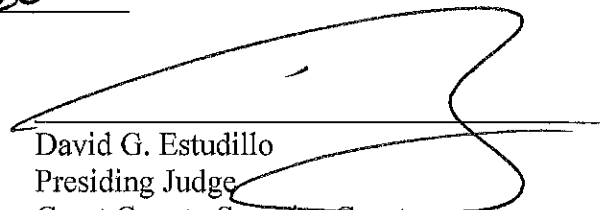
Proposed orders may be delivered to the Jury Administrator (Lynette Henson) no later than 8:30 a.m. the day of the hearing. The Jury Administrator will then provide the proposed orders to the Court for review at the hearing. Please contact the Jury Administrator directly to discuss delivery of any proposed order. If a proposed order is given to the Clerk, it will be filed before the Court has an opportunity to review or sign.

The Jury Administrator will not file any motions, pleadings, or other documents with the Court. Parties are responsible for filing all other documents with the Clerk's office.

- v. Miscellaneous Matters. Through June 1, 2020, attorneys must appear via the Webex platform. However, the Court recognizes that some out of custody defendants may be unable to attend their hearing by video or telephone conferencing, and/or that a defendant may inadvertently appear in person. Defense attorneys should be prepared to proceed with a hearing or request a continuance if a defendant happens to appear in person at a hearing in the Month of May. If a defendant happens to appear in person at a hearing, strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom) will be enforced.
 - h. The May 2020 Sentence Compliance Dockets are cancelled. The deputy prosecuting attorney and defense attorney assigned to the Sentence Compliance Docket will confer and determine the procedure to reschedule matters to a date after June 1, 2020. All agreed orders can be presented to the Court ex parte.
6. Juvenile Offender Matters. All juvenile offender matters shall be rescheduled to a date after June 1, 2020 with the following exceptions:
- a. All in custody matters will remain on calendar with all participants appearing via Webex. Hearings in person may be conducted only if allowed by State Supreme Court Order No. 25700-B-618 and only if the hearing is conducted with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).
 - b. Plea and disposition hearings for out of custody matters may be heard before June 1, 2020 in person. The Court finds in person appearances for these types of hearings allow defense counsel the ability to explain all rights, obligations, and consequences to a juvenile offender and to answer any questions the juvenile may have. It, therefore, would be in the interests of justice to conduct these hearings in person.
 - i. The defense counsel and/or State are responsible for timely noting for hearing a plea and/or disposition on the Court's regular juvenile docket.

- ii. Defense counsel, the State, and the Juvenile Department should make every effort to continue discussing and resolving matters to reduce backlogs after June 1, 2020.
 - iii. In person hearings will be held with strict observance of social distancing and other public health measures (which may include requiring a person to use mouth and nose coverings while in the courtroom).
7. **Ex Parte Filing Fees.** To encourage attorneys and litigants to file matters ex parte by mail rather than in person, the Superior Court Clerk has agreed to temporarily suspend and waive the ex parte filing fee for those parties who submit an ex parte matter by mail. Attorneys and litigants should contact the Clerk's office to discuss the correct procedure for filing ex parte matters.
8. All Webex hearings will not be recorded through the Webex platform and, therefore, will not be available for review through that medium. All hearings will continue to be audio recorded through the courtroom FTR system, or by court reporter, and records of those hearings shall be available to the parties and the public by normal means.
9. All administrative orders previously issued by the Grant County Superior Court in response to the Coronavirus/COVID-19 public health emergency are superseded by this Order and are no longer in effect.
10. This administrative order and other administrative orders previously issued by the Grant County Superior Court in response to the Coronavirus/COVID-19 public health emergency may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case.
11. The court understands the pending public health emergency created by the Coronavirus/COVID-19 is a fluid situation that continues to develop on a daily and sometimes hourly basis. Accordingly, the court will continue to review emerging developments and may issue further administrative orders as necessary.

ORDER DATED: 5/15/2020


David G. Estudillo
Presiding Judge
Grant County Superior Court