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KLICKITAT COUNTY CLERK

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SUPERIOR COURT OF WASHINGTON
IN AND FOR KLICKITAT/SKAMANIA COUNTY

IN RE THE KLICKITAT/SKAMANIA
COUNTY SUPERIOR AND THE
PANDEMIC OUTBREAK OF THE NOVEL
CORONAVIRUS DISEASE (COVID-19)

Case No.: 21-1-00001-20
NINTH EMERGENCY
ADMINISTRATIVE ORDER (2021-01)

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a "Stay Home, Stay Healthy" order directing non-essential businesses to

1 close, banning public gatherings, and requiring Washingtonians to stay home except to
2 pursue essential activities; and

3 WHEREAS, many court facilities in Washington are ill-equipped to effectively
4 comply with social distancing and other public health requirements and therefore
5 continued in-person court appearances jeopardize the health and safety of litigants,
6 attorneys, judges, court staff, and members of the public. Yet, court operations are
7 recognized as essential, and may often be conducted by alternative means, in
8 alternative settings, and with extra measures taken for public safety; and

9
10 WHEREAS, pursuant to this Court's prior orders, many Washington courts have
11 taken important steps to protect public health while ensuring continued access to justice
12 and essential court services, including by strictly observing social distancing measures,
13 holding proceedings remotely, suspending many in-building operations, and
14 promulgating emergency rules as necessary; and

15 WHEREAS, the Governor noted in the Proclamation that "a significant risk factor
16 for spreading the virus is prolonged, close contact with an infected person indoors," and
17 that "several factors increase the risk for person-to-person COVID-19 transmission,"
18 including: (1) "the more that people and groups interact"; (2) "the longer those
19 interactions last"; (3) "the closer the contact between individuals"; and (4) "the denser
20 the occupancy for indoor facilities"; and

21
22 WHEREAS, on November 20, 2020, Washington Supreme Court Chief Justice
23 Debra Stephens issued a message to all Washington courts, acknowledging the
24 dramatic rise of COVID-19 activity in the State and requesting that all courts reassess

1 "the risk of in-person proceedings and the present ability to mitigate those risks
2 consistent with public health guidance";

3 WHEREAS as limited options exist within Klickitat County exist to safely gather
4 large groups of potential jurors to allow for proper social distancing; and

5 WHEREAS Klickitat County has restricted public access to the Klickitat County
6 Courthouse; and

7 WHEREAS, as of February 22, 2021, the Washington State Department of
8 Health shows that Klickitat County has had 659 probable cases, 30 hospitalizations and
9 8 deaths (an increase of 218 cases, 10 hospitalizations and 5 deaths since 12/28/2020;
10 and
11

12 WHEREAS, due to the significant rise in cases, hospitalizations and deaths in
13 Klickitat County since December 28, 2020 and ongoing risk from new and different
14 strains of the virus, the court determines that it is not reasonably feasible or safe to
15 conduct jury trials in Klickitat County under current conditions wherein jurors are
16 required to travel to court and congregate all day in indoor facilities and would pose an
17 unreasonable risk to the health of all participants in the court proceedings. Due to these
18 circumstances and the serious danger of COVID-19, continuance of all jury trials in
19 Klickitat County is supported by good cause, required in the administration of justice
20 and an unavoidable circumstance.
21

22 It is hereby ORDERED, pursuant to the authority of Washington State Supreme
23 Court Orders related to court operations during the COVID-19 pandemic and the
24 authority as the Presiding Judge of both the Klickitat County and Skamania County
25 Superior Courts, as follows:

1 **GENERAL ORDERS:**

2 1. This order shall supersede all previously issued emergency orders of the
3 court, which conflict with the terms of this order. The provisions of this order
4 are effective until June 30, 2021, unless otherwise noted.

5 2. **Courtroom access.**

6 A. **Covid-19 Symptoms.**

7 (i) Any persons exhibiting symptoms of COVID-19, including fever,
8 persistent cough, or shortness of breath SHALL NOT enter either the Klickitat
9 County Courtroom or the Skamania County Courtroom. Any persons
10 exhibiting these symptoms shall be refused entry into the courtroom.

11 (ii) Persons who are precluded from entering the courtroom or those
12 individuals at high risk for serious illness related to the COVID-19 outbreak
13 shall contact the court administrator of the respective court to request
14 alternative arrangements to conduct their desired courtroom business.

15 B. **Masking.** All persons entering the Klickitat County and Skamania County
16 Superior Court rooms shall wear a facial covering that covers their nose and
17 mouth.
18

19 C. **Social Distancing.**

20 (i) All persons attending court proceedings at the Klickitat and Skamania
21 County Superior Court courtrooms shall adhere to social distancing
22 requirements to the extent practicable. Social distancing (also called
23 "physical distancing") shall require all persons to maintain at least 6 foot
24 distance from all other persons other than those in your household.
25

1 (ii) Social distancing requirement does not strictly apply to an attorney
2 and their client. Efforts should be made by attorney and client to adhere to
3 the social distancing requirement.

4 D. Enforcement. Court staff shall have the authority to (a) exclude persons
5 exhibiting symptoms of COVID-19, including fever, persistent cough, or
6 shortness of breath; (b) direct persons entering the courtroom the locations
7 within the courtroom where they may and may not be seated; and/or (c)
8 temporarily deny access to the courtroom for individuals refusing to comply
9 with the terms of this order or in an effort to ensure masking and social
10 distancing requirements within the courtroom.

11
12 3. Electronic Signatures. Notwithstanding any provision of GR 30 to the
13 contrary, an electronic signature shall be deemed a reliable means for
14 authentication of documents and shall have the same force and effect as an
15 original signature to a paper copy of the document so signed. For purposes
16 of this Order, "electronic signature" means a digital signature as described in
17 Supreme Court Order No. 25700-B-596 (July 16, 2019) and RCW
18 9A.72.085(5) (repealed); an electronic image of the handwritten signature of
19 an individual; or other electronic sound, symbol, or process, attached to or
20 logically associated with an electronic record and executed or adopted by a
21 person with the intent to sign the record, including but not limited to "/s/ [name
22 of signatory]. The court specifically waives provisions of GR 30(d) that
23 requires: (1) the issuance of a user ID and password to electronically file
24 documents with the court or clerk; (2) that a party who has filed electronically
25

1 or has provided the clerk with their email address must give consent to accept
2 electronic transmissions from the court. Electronic signatures filed in
3 compliance with this order shall bind the signer and function as the signer's
4 signature for any purpose, including CR 11.

5 4. Judicial signatures. Until further order of this court, use of an electronic
6 signature as defined by Supreme Court Emergency Order is an acceptable
7 means for any judicial officer to sign any document requiring a judicial
8 signature.

9 5. Remote Proceedings.

10 A. Liberally allowed and procedure. Telephonic or video appearances are
11 strongly encouraged and liberally allowed by the court whenever
12 appropriate. All hearings that involve a critical stage of the proceedings,
13 courts shall undertake every effort for defendants and respondents to
14 have the opportunity for private and continual discussion with their
15 attorney.

16 B. Recording prohibited.

17 (i) All persons are prohibited from recording proceedings of the Superior
18 Court without prior permission and this extends to recording the audio or
19 video of remote proceedings streamed to the Internet.

20 (ii) All lawyers, litigants, participants, or observing members of the press
21 or public are prohibited from taking photographs or recording video or audio
22 during remote proceedings, except with prior written authorization by the
23 Presiding Judge or of the judge conducting the hearing.
24
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1 (iii) No person participating in, or listening to, such a proceeding may
2 rebroadcast, live-stream, or otherwise disseminate any live or recorded audio
3 or video of the court proceeding, except with prior written authorization by the
4 Presiding Judge or of the judge conducting the hearing.

5 (iv) Enforcement. Any violation of this prohibition on recording remote
6 proceedings may subject the offender to removal, contempt of court, and
7 such other penalties as are provided by law.

8 **CRIMINAL CASES:**

- 9
- 10 6. All criminal jury trials in Klickitat County are suspended through May 14,
11 2021. Criminal jury trials in Skamania County are not affected by this order
12 and shall re-commence after March 5, 2021 pursuant to this court's order
13 entered on December 30, 2020.
- 14 7. A continuance of criminal trials for cases filed in Klickitat Superior Court is
15 required in the administration of justice. Based upon this court's finding that
16 the serious danger posed by COVID-19 is good cause to continue criminal
17 trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8) &
18 CrRLJ 3.3(e)(8), the time between this order and the next scheduled trial date
19 after May 14, 2021 shall be EXCLUDED when calculating time for trial. CrR
20 3.3(e)(3) & CrRLJ 3.3(e)(3).
- 21
- 22 8. Klickitat County Jury Trials.
- 23 A. Jury Trials Scheduled for March 17, 2021. All criminal jury trials
24 scheduled for March 17, 2021 are stricken and continued to May 19, 2021.
25 Jury trials rescheduled for May 19, 2021 will have a status conference

1 scheduled for May 3, 2021 at 10:00 AM, final review scheduled for May 17,
2 2021 at 9:00 AM and jury trial scheduled for May 19, 2021 at 8:15 AM.

3 B. Jury Trials Scheduled for April 7, 2021 and April 21, 2021. All criminal jury
4 trials scheduled for April 7, 2021 and April 21, 2021 are stricken and
5 continued to June 9, 2021. Jury trials rescheduled for June 9, 2021 will have
6 a status conference scheduled for May 17, 2021 at 10:00 AM, final review
7 scheduled for June 7, 2021 at 9:00 AM and jury trial scheduled for June 9,
8 2021 at 8:15 AM.

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10 9. Bench Trials. Bench trials for Klickitat County may be scheduled through the
11 court administrator prior to May 14, 2021.

12 10. Signatures of Defendants/Respondents. The Court finds that obtaining
13 signatures from defendants or respondents for orders continuing existing
14 matters places significant burdens on attorneys, particularly public defenders
15 and all attorneys who must enter correctional facilities to obtain signatures in
16 person. Therefore, this Order serves to authorize continuing those matters
17 without need for further written orders.

18 A. Additionally: (i). Defense counsel is not required to obtain signatures
19 from defendants or respondents on orders to continue criminal or juvenile
20 offender matters consistent with this order. (ii). Courts shall provide notice
21 of new hearing dates to defense counsel and unrepresented defendants.
22 (iii). Defense counsel shall provide notice to defendants and respondents
23 of new court dates.
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