

IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS  
OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF

ADMINISTRATIVE ORDER

EMERGENCY RESPONSE TO  
COVID-19 OUTBREAK

NO. 20-5

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WHEREAS, the Governor of the State of Washington has declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease (COVID-19); and

WHEREAS, the Commissioners of Skagit County have also declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders closing all courts statewide except for certain specific emergency hearings and has authorized individual courts to take further actions concerning court operations, as warranted, to address the current state of emergency; and

WHEREAS, The Governor of the State of Washington has set forth a plan for gradual reopening of various government and business facilities, and

WHEREAS, The Governor of the State of Washington is now approving gradual reopening of certain counties based on lowering infection data; and

WHEREAS, The Presiding Judge has determined that all reasonably necessary steps to reduce Court population and protect the health and welfare of court participants must be taken; and

WHEREAS, Skagit County rates of infection are declining consistent with targets established by the Governor for easing restrictions on in person gatherings; and

WHEREAS, the Presiding Judge has determined that limited in person hearings on certain criminal cases can safely resume with appropriate public health safety measures in place;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the Governor's Stay Home, Stay Healthy order combined with a statewide plan for gradual reopening of government and business facilities, and, so long as the following orders remain consistent with Washington State Supreme Court Administrative Orders, the following schedule will be observed by Skagit County District Court:

## AMENDED SCHEDULE FOR PHASE TWO OF THE GOVERNOR'S ORDER

Limited in person (out of custody) criminal calendars will resume as follows:

1. Beginning June 16, 2020, the Tuesday afternoon Anacortes, Burlington, and Mount Vernon municipal court calendar will resume in the Community Justice Center courtroom.
  - a. Any defense attorney wishing to resolve a pending municipal criminal case shall, after coordination with the prosecuting attorney, contact the appropriate municipal court clerk to schedule the hearing. Resolution of gross misdemeanors shall be given preference in scheduling.
  - b. In order to follow social distancing guidelines, no more than four cases per hour will be scheduled.
  - c. Only one case will be heard at a time. Participants for cases not being immediately heard will wait outside the courthouse until notified by the clerk that their matter is ready.
  - d. Anacortes cases will be set at 1:30 pm Tuesdays; Burlington cases will be set at 2:30 pm Tuesdays; and Mount Vernon cases will be set at 3:30 pm Tuesdays.
  
2. Beginning June 16, 2020 the Tuesday District Court private attorney calendar will resume in the Skagit County District Courtroom 2.
  - a. Private defense attorneys wishing to resolve a pending district criminal case shall, after coordination with the prosecuting attorney, contact the District Court clerk to schedule the hearing.
  - b. The calendars shall be initially limited to DUI, Physical Control, Assault 4 (DV), Violation of NCO, and Harassment charges only.
  - c. In order to follow social distancing guidelines, no more than 4 cases per hour will be scheduled.
  - d. Only one case at a time will be heard. Participants for cases not being immediately heard will wait outside the courthouse until notified by the clerk that their matter is ready.
  
3. Beginning June 17, 2020 the Wednesday District Court public defender calendar will resume in the Community Justice Center courtroom. The fourth Wednesday of the month will be reserved for probation review hearings.
  - a. Public defense attorneys wishing to resolve a pending district criminal case shall, after coordination with the prosecuting attorney, contact the District Court clerk to schedule the hearing.

- b. The calendars shall be limited to DUI, Physical Control, Assault 4 (DV), Violation of No Contact Order, and Harassment charges only.
  - c. Other lesser charges may, upon motion be scheduled for resolution based on unusual circumstances (i.e. defendant moving, pleading on a felony and going to prison, etc.) The court will review the motion ex parte.
4. Beginning June 19<sup>th</sup>, 2020 and June 24<sup>th</sup> additional calendars for resolution of criminal cases may be scheduled to help reduce back log. These additional calendars are open to both private attorneys and public defense attorneys but are for District Court cases only.
  - a. So long as no jury trials are being held in Burlington Municipal Court, an additional calendar on the 4<sup>th</sup> Wednesday of the month may be scheduled *in Skagit County District Courtroom 2*.
  - b. An additional calendar on Friday mornings may be scheduled in the Community Justice Center courtroom.
  - c. Defense counsel shall contact the court clerk, after coordinating with the prosecuting attorney, to schedule a matter on these calendars.
  - d. In order to follow social distancing guidelines, no more than 4 cases per hour will be scheduled, and only one case shall be heard at a time.
5. All agreed continuances shall continue to be signed **only** ex parte. Criminal defense attorneys shall instruct their clients not to appear in court when there has been an agreed continuance signed by the defendant or approved telephonically.
6. Although the courtrooms will be open to the public for the limited in person calendars as set forth above, in addition to the judge and clerk, only the defendant, defense counsel, and prosecutor involved in a specific case shall be allowed at the bar. If members of the public wish to observe court proceedings, they will cooperate with screening for symptoms of illness, wear a mask at all times, and observe all social distancing requirements.
7. Defendants arriving at court for in person hearings shall not enter the courthouse until their defense attorney has either telephoned them or advised them in person that their hearing is ready to begin. Defendants shall wait in their vehicles in the parking lot adjacent to their assigned court or outside the court and shall observe social distancing guidelines if not waiting in a vehicle.
8. Anyone experiencing a cough, shortness of breath, difficulty breathing, fever, chills, muscle pain, new loss of sense of taste or smell, headache, sore throat, or repeated shaking with chills shall not be allowed to enter the courthouse.
9. Defendants and attorneys without a mask shall not be allowed into the courthouse even if they have a hearing scheduled.

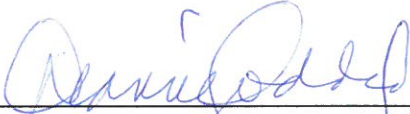
10. Sentence orders shall be signed by all parties whenever possible. However, electronic signatures may be allowed on a case by case basis consistent with Washington State Supreme Court Third Revised Order #25700-B-625.
11. Because in person hearings are resuming, a bench warrant may be issued for any defendant who fails to appear for their hearing and (a) who is in violation of the terms of their pretrial release or (b) where necessary for the immediate preservation of public or individual safety.
12. Interpreters will be scheduled by the clerk on a case by case basis rather than having a scheduled interpreter calendar. Consistent with the provisions of Washington State Supreme Court Third Revised Order #275700-B-625, interpreters will be scheduled to appear telephonically or by other remote means whenever possible. Defense counsel shall notify the appropriate court clerk if their client requires the services of an interpreter. Interpreters appearing in person in the court shall be required to provide and utilize audio equipment that allows them to interpret while observing social distancing. Such audio equipment shall have appropriate sanitation before and after use.
13. All in custody guilty pleas will continue to be heard on Tuesdays and Fridays only through video court with defense counsel in Skagit County District Courtroom 1.
14. Until such time as the backlog of arraignments for DUI, Physical Control, Assault DV, Malicious Mischief DV, and Harassment charges has been resolved, arraignments on these cases shall be heard every day at 1:00 (DUI, Physical Control) and 2:00 (Domestic Violence cases) in Courtroom Two at District Court. At such time as the volume of arraignments for new cases is at twenty or fewer new cases total per week, arraignments will be held on Monday and Thursday afternoons at 1:00 (DUI, Physical Control) and 2:00 (Domestic Violence) in Courtroom Two.
15. Beginning June 15, 2020 at 1:30 p.m. an infraction calendar for defendants represented by private attorneys shall be held via the Go to Meeting platform. Defense counsel or individuals appearing on that calendar pro se should contact the District Court website for instructions on accessing these hearings.
16. Video hearings to resolve out of custody criminal cases will continue to be held on Tuesdays, Wednesdays and Thursdays. Additional video hearing calendars held via Go to Meeting or other conferencing platform shall be calendared as the court moves toward normalizing the court schedule. Information concerning scheduling of additional video hearings will appear on the District Court website.
17. The clerk's office shall remain closed until further order of the court. Because of the limited space in the Skagit County District Court clerk's work area, it is not possible to have all court clerks safely in the courthouse at the same time. All

necessary work of the court clerks is currently being completed with the office remaining closed via email, phone, drop box, mail, and fax; however, if an attorney, defendant, or other litigant believes access in person to the clerk's window is necessary, that individual may request in person access to the clerk's window by motion, with said motion stating clearly the reasons why an in person appearance at the clerk's window is necessary. Said motion will be reviewed and ruled upon ex parte.

18. Screening for appointment of a public defender for District Court cases has resumed, and criminal defendants shall be screened for a public defender by the Office of Assigned Counsel.

19. Any provision of the prior administrative order which is not inconsistent with the terms of this order shall remain in full force and effect.

DATED this 1 day of June, 2020.

  
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Dianne Edmonds Goddard, District Court  
Judge, Presiding