

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. 20-6

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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 have or will resume as follows:

1. Beginning August 3, 2020, the District Court motion calendar will resume in the Skagit County District Courtroom 2 at 8:30 am until the afternoon if needed.
  - a. Motions involving legal issues where the decision on the motion will be dispositive of the case may be set at the attorney's request.
  - b. Criminal motions on legal issues such as CrR 3.5 and CrR 3.6 motions will be scheduled at trial setting.
  - c. Attorneys who need to have a motion scheduled shall contact the court for a time. Please inform the court of the approximate duration of the motion.
  - d. Hearings will be scheduled at intervals of 15 minutes to one hour, depending on the complexity of the issues to be resolved.
  - e. Motions to rescind no contact orders, quash warrants, or other motions not involving trial legal issues will not be heard on this calendar but will continue to be considered ex parte.
  
2. Beginning August 18, 2020, the District Court trial setting calendar will resume in the Skagit County District Courtroom 2 at 10:30 am.
  - a. The defendant's presence at trial setting shall be waived, only attorneys are to appear.
  - b. The trial setting calendar will be staggered with five cases set at 10:30 and another five cases set at 11:00.
  - c. The court will make every effort to schedule so that attorneys will not have cases at both times.
  - d. Jury trials shall not resume prior to September 1, 2020. Jury trials will be held at locations other than the District Court due to the inadequate size of court facilities at the Skagit County District Court building. Information about trial procedures will be posted on the District Court website as such procedures are implemented.
  
3. Beginning September 2, 2020, the District Court private attorney probation review calendar will resume in Skagit County District Courtroom 2 at 8:30 am.
  - a. The court will set cases where the defendant is out of compliance with District Court Probation or who have violated the terms of their probation.
  - b. In order to follow social distancing guidelines, no more than four cases per hour will be scheduled.

4. Beginning August 7, 2020, the District Court infraction calendar for pro se defendants shall resume via video hearing. Individuals with an infraction scheduled on that calendar shall be sent video court information by the court clerk. Pro se infraction defendants may also utilize the trial by mail option to resolve their cases. Forms to initiate a trial by mail are on the District Court website.
5. Beginning August 24, 2020, name change hearings will resume in person. No more than five cases shall be scheduled per half hour. Individuals participating in name change hearings shall not enter the courtroom prior to the time designated for their case and shall leave the courtroom as soon as they have received the certified copies of their order.
6. Beginning September 14, 2020, small claims trials will resume in person. Parties must have completed mediation with the Volunteers of America Dispute Resolution Center unless the court has ordered that mediation is not required. Documentation that mediation is complete shall be provided with the request to set the matter for trial. Requests for trial may be submitted to the District Court by e-mail, fax or mail.
7. Community Court will begin in the District and Municipal Courts as follows:
  - a. Anacortes Municipal Court beginning August 13, 2020.
  - b. Mount Vernon Municipal Court beginning August 3, 2020.
  - c. Skagit County District Court beginning August 3, 2020.
  - d. District Court and Mount Vernon Municipal Court cases will be scheduled either Monday at 11am or Friday at 3pm.
  - e. All Mount Vernon Municipal Court and District Court cases will be heard at Skagit County District Court. Only five participants shall be scheduled per calendar.
  - f. Attorneys shall, after coordination with the prosecuting attorney, email the Court Clerk to add a person to a Community Court calendar.
  - g. Attorneys shall copy the Community Court Coordinator the email adding a person to a Community Court calendar.
  - h. Participants for cases not being immediately heard will wait outside the courthouse until five minutes prior to their hearing time or until they are notified by their attorney to enter the courtroom.
  - i. Any attorney wishing to refer a person to Community Court on a pending case may email the Community Court Coordinator, Cara Lorenzo, at [Caral@co.skagit.wa.us](mailto:Caral@co.skagit.wa.us) to inquire as to whether the person is a suitable candidate.

8. Anacortes, Burlington, and Mount Vernon Municipal Courts have resumed their previously scheduled calendars for final resolution of cases and contested motions for continuance. Defendants whose cases are being continued by agreement shall not enter the courtroom unless the Judge has specified that a hearing shall be held.
9. The District Court private attorney calendar has resumed as previously scheduled.
  - 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. In order to follow social distancing guidelines, no more than four cases per hour will be scheduled.
  - c. Participants for cases not being immediately heard will wait outside the courthouse until five minutes prior to their hearing time or until they are notified by their attorney to enter the courtroom.
10. The District Court public defender calendar has resumed in the Community Justice Center courtroom. Probation review cases shall be heard on the 4<sup>th</sup> Wednesday of the month.
  - 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. In order to follow social distancing guidelines, no more than four cases per hour will be scheduled.
  - c. Participants for cases not being immediately heard will wait outside the courthouse until five minutes prior to their hearing time or until they are notified by their attorney to enter the courtroom.
11. Overflow calendars for resolution of criminal cases remain available on Friday mornings and all day on the 4<sup>th</sup> Wednesday of the month to help reduce backlog. 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 four cases per hour will be scheduled.
12. 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 unless the Judge has specified that a hearing shall be held.
13. 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.
14. 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.
15. 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.
16. All parties entering the courtroom shall wear a mask. Defendants without a mask shall not be allowed into the courthouse, even if they have a hearing scheduled. Individuals unable to wear a mask due to health or other conditions shall notify their attorneys or contact the court clerk. The court will make appropriate accommodations for a virtual hearing, provide face shields or other alternative protective equipment, or otherwise arrange for a safe hearing.
17. Sentence orders shall be signed by all parties, either in court if the plea is entered at an in-person hearing or via electronic submission if the plea is conducted via a video hearing.
18. Because in person hearings are resuming, bench warrants may be issued for any defendant who fails to appear for an in person hearing and (a) who is in violation of the terms of their pretrial release or (b) based on the record, poses a danger to the community if not returned to custody. In addition, bench warrants may be issued based on an affidavit of detention filed by a District Court Probation Officer for defendants who are not in compliance with the terms of pretrial release and such lack of compliance poses a danger to the community.

19. Defense counsel shall notify the appropriate court clerk if their client requires the services of an interpreter. Interpreters will be scheduled by the clerk on a case by case basis rather than having a scheduled interpreter calendar.
20. The in custody calendars for District and municipal courts have resumed at the Community Justice Center courtroom on Tuesdays and Fridays. Final resolution of cases and contested motions for continuance are being heard. Agreed motions for continuance continue to be signed ex parte.
21. In person arraignments on certain gross misdemeanors shall continue to be held on Monday and Thursday afternoons at 1:00 and 2:00 in District Courtroom Two.
22. The infraction calendar for defendants represented by private attorneys continue to be held via video court. Defense counsel or pro se individuals appearing on that calendar should check the District Court website for instructions on how to access these hearings.
23. Video hearings to resolve out of custody criminal cases will continue to be held on Tuesdays, Wednesdays and Thursdays. Any attorney who wishes to resolve a case or appear for a video hearing due to health concerns, vulnerability to the COVID 19 virus, or simply an abundance of caution should contact the District Court clerk to arrange a video hearing.
24. Additional video calendars and in person hearings shall be added as the court moves toward re-opening the entire court schedule. The District and Municipal Court websites will provide updated information on the addition of new video calendars.
25. The clerk's office shall remain closed until further order of the court. Safe operation of the District Court Clerk's Office is not possible under the current COVID guidelines, given the size of the clerks' offices, the number of clerks working in the office, concerns about adequate sanitation of public spaces, and the need to provide social distancing until the pandemic crisis has passed. Clerks are available to assist the public via phone, e-mail, fax and mail. Additionally, drop boxes have been placed outside of the clerks' offices for those who wish to drop something off in person.
26. 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.
27. Any provision of the prior administrative order which is not inconsistent with the terms of this order shall remain in full force and effect.

28. Additional modifications to this order shall occur from time to time, with or without a new administrative order, and litigants in District or Municipal Courts should consult with court administration for updates on policies and procedures.

29. In the event the Governor orders a second Stay Home Order, all in person calendars shall be cancelled. The court will continue certain calendars using video court. Attorneys and litigants should consult the Court websites for information about video hearings and other resources available.

DATED this 20<sup>th</sup> day of July 2020.

  
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Dianne Edmonds Goddard, District Court  
Judge, Presiding