

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. 20-7

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 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

NOW THEREFORE, So long as this order remains 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

Beginning September 1, 2020, the following changes will take place:

1. The District Court criminal motion calendar will change to motions with testimony at 8:30 am every Monday and motions without testimony at 1:30 pm on the first and third Monday. Criminal motions with testimony must be in person. Criminal motions without testimony may be held by video court or in person.

- 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. Attorneys who need to have a motion scheduled in person shall contact the court for a time. Please inform the court of the approximate duration of the motion. Hearings will be scheduled at intervals of 15 minutes to one hour, depending on the complexity of the issues to be resolved.
 - c. 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. The District Court civil motion calendar will resume by video court on the second and the fourth Monday at 2:00 pm. Petitions for dangerous dog and vehicle impound hearings will be held at 2:30 pm.
3. The District Court name change calendar will continue as an in person calendar. The name change calendar will not be available by video. No more than five cases shall be scheduled per calendar. 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.
4. District Court small claims trials will continue by video court. Small claims trials will not be available by video unless all of the parties agree and the court approves. 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. Small claim review hearings will be held by video on the first and third Tuesday at 3:30 pm.
5. The District Court criminal arraignment calendar will resume by video court on Tuesdays at 9:30 am.
6. The District Court DUI arraignment calendar will continue daily at 1:00 pm by video court. There will no longer be a 2:00 pm arraignment calendar.
7. The District Court private attorney pre-trial calendar will continue by video court on Tuesdays at 8:30 am. This will replace the video hearings previously scheduled on Tuesdays, Wednesdays & Thursdays.

- 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.

8. The District Court trial setting calendar will continue by video court.
 - a. The defendant's presence at trial setting shall be waived, only attorneys are to appear unless the hearing is being held by video.
 - b. The trial setting calendar will be staggered with five cases set at 10:30 am and another five cases set at 11:00 am.
 - c. The court will make a reasonable effort to schedule attorneys at one time slot only.
 - d. When jury trials resume, they 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.

9. The District Court jury trial confirmation calendar will resume on Mondays by video court beginning September 21, 2020 at 1:30 pm.

10. What was formerly known as the District Court bench warrant calendar is being changed to the book & release calendar. It will be held on Tuesdays at 1:30 pm by video court.

11. The District Court public defender calendars will continue by video court.
 - 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.

12. The District Court private attorney probation review calendar will continue by video court.

- 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.

13. Community Court will change as follows:

- a. An option for video court will be made available in District Court.
- b. Attorneys shall, after coordination with the prosecuting attorney, e-mail the court clerk to add a person to a Community Court calendar held every Tuesday at 11:00 am.
- c. Attorneys shall copy the Community Court Coordinator e-mail when adding a person to a Community Court calendar. The court may also add a person sua sponte to a Community Court calendar following arraignment if after being informed of Community Court the person expresses an interest in the program.
- d. Participants for cases not being immediately heard may be asked to wait outside the courthouse to maintain appropriate social distancing. Masks shall be worn at all times.
- e. Any attorney wishing to refer a person to Community Court on a pending case may e-mail the Community Court Coordinator, Cara Lorenzo, at CaraL@co.skagit.wa.us to inquire as to whether the person is a suitable candidate.

14. The infraction calendar for pro se defendants will continue by video court.

15. The infraction calendar for defendants represented by private attorneys will continue by video court.

16. If an individual is unable to appear by video court they must contact the District Court for instructions on how to proceed.

17. 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 the defendant shall appear in person.

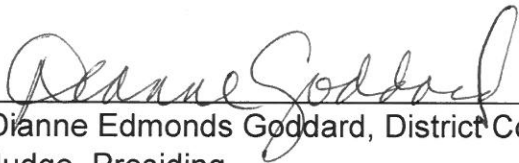
18. Although the courtrooms will be open to the public for the limited in person calendars as set forth above, in addition to the judge and clerk, only the defendant, defense counsel, and prosecutor involved in a specific case shall be allowed at the bar. If members of the public wish to observe court proceedings, they will cooperate with screening for symptoms of illness, wear a mask at all times, and observe all social distancing requirements.

19. 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 at all times.
20. 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.
21. 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.
22. 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.
23. Because hearings are resuming either in person or by video court, 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.
24. 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.
25. 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.
26. 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.

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 hearings will be set as video hearings. Attorneys and litigants should consult the Court websites for information about video hearings and other resources available.

DATED this 25 day of August, 2020.



Dianne Edmonds Goddard, District Court
Judge, Presiding