SCHEDULE CHANGES AND RULES UPON REOPENING OF DISTRICT COURT

At District Court, once the Governor’s Stay Home, Stay Healthy order is rescinded or modified and consistent with any orders from the Washington Supreme Court to reopen our courts for in person hearings, the following tentative schedule will be in place. Please be advised that this schedule could change depending on orders from the Washington State Supreme Court.

1. All jail arraignment calendars will continue to be held via video court as has been done during the Stay Home, Stay Healthy order. This means that defense counsel will continue to appear in the District Court courtroom rather than the small video studio at the jail in order to continue social distancing for defense counsel.
2. The Monday morning criminal motion calendar with testimony will resume as normal except that, rather than having several motions scheduled for 8:30 am, we will be scheduling hearings at discrete intervals, probably hourly.
3. Monday morning hearings for a permanent anti-harassment order will continue to occur telephonically.
4. The Monday afternoon criminal motion calendar without testimony will not be rescheduled as an in-person calendar initially. Motions to quash warrants will be reviewed ex parte. Motions to rescind no contact orders will continue to be filed and reviewed electronically under the COVID 19 emergency procedure. Agreed orders on restitution will be signed ex parte. Contested restitution hearings will be special set in order to preserve social distancing.
5. The Monday afternoon civil motion calendar and name change calendar will not be reinstated immediately. At such time as the civil motion and name change calendar resumes, name changes will be at 1:30 and 2:00 with a maximum of 5 cases per calendar. Civil motions will be scheduled in ½ hour intervals until 4:00 p.m. with a maximum of 5 cases per calendar.
6. Pursuant to the Governor’s Emergency Order #20, garnishments will not be processed prior to 11:59 pm May 14, 2020.
7. The Monday afternoon traffic infraction private attorney calendar will not be available for in person hearings before June 1 at the earliest. Traffic infractions can still be resolved by agreement ex parte.
8. The Tuesday arraignment and further arraignment calendars will have in person hearings only for individuals charged with alcohol related driving offenses and domestic violence gross misdemeanor offenses. All other charges will be set over for at least 45 days with a direct appointment of a public defender and instructions to the defendant to contact the Public Defender for an appointment if the defendant wishes to be represented by the Public Defender.
9. The Tuesday 8:30 private attorney criminal calendar will resume at the normal time, with the following revisions: (1) Instead of one calendar at 8:30, there will be two calendars – 8:30 and 9:30 – with a maximum of 6 cases per hour; and (2) only final dispositions or contested motions for continuance will be calendared. All normal continuances will be submitted ex parte with the appropriate waivers or exclusions for speedy trial.
10. The Tuesday afternoon municipal in custody calendar will occur at 1:30 pm at the CJC courtroom as was done prior to the COVID 19 emergency closure.
11. The Tuesday afternoon warrant quash calendar will not resume immediately. Motions to quash warrants will continue to be handled ex parte. The Tuesday afternoon pro se probation review calendar will not resume immediately. At such time as that calendar does resume, it will begin at 1:30 with discrete calendars scheduled every hour, no more than 6 cases per hour, in order to preserve social distancing.
12. The Wednesday public defender criminal calendar will be held at the Community Justice Center courtroom and not at District Court. This courtroom is considerably larger than our District Court courtrooms and will allow for more social distancing. The only matters which will be heard on this calendar will be matters ready for resolution or contested motions for continuance. In other words, only final resolutions (guilty pleas, amendments to an infraction, dismissals) will be heard or motions for continuance that are either (a) not agreed to by both parties or (b) not accompanied by a proper waiver of speedy trial and waiver of appearance of the defendant.
13. The Friday pro se traffic infractions calendar will not resume as an in person calendar before June 1 at the earliest. Traffic infractions can be resolved through the trial by mail process.
14. All continuances on criminal cases, whether defendants are represented by private counsel or by a public defender, will be done ex parte with the appropriate waiver of speedy trial. In cases where the defendant declines to agree to a waiver of speedy trial or an exclusion of the time between one hearing and the next, an in court motion for continuance will be heard on a date set by the clerk.
15. Arraignments for DUI and other alcohol related offenses normally heard at 1:00 p.m. will continue to be heard at the normal 1:00 p.m. daily time; however, defendants will be required to observe social distancing at all times in the courtroom.
16. Small Claims first appearances, normally scheduled for 4:30 on the first and third Tuesdays of the month, will not be held until further notice. Small claims cases where the defendant has been served will be required to participate in mediation through the Volunteers of America prior to any appearance. Once the parties have mediated, they will provide to the court either a signed agreement setting out their settlement or a certificate from VOA indicating they participated in mediation and were unable to reach an agreement. Upon receipt of either of these documents, the court will assign a trial date or a review date to determine if the mediated agreement was carried out. If mediation is not possible either due to lack of necessary technology to participate in a remote meeting or because of a history of violence between the parties, then either the plaintiff or defendant may file a written motion to request a waiver of the mediation requirement. If granted, the case will be assigned a trial date.
17. We do not anticipate being able to resume jury trials in the initial re-opening of the court due to the small size of our courtroom and jury deliberation room and the lack of a jury gathering room. However, we recognize this may change if the State Supreme Court directs all lower courts to resume jury trials at a specific date. We are looking into various sites that would allow us to conduct jury trials while still allowing social distancing for all parties, including prospective jurors during voir dire.
18. All parties will be required to maintain the 6 foot social distancing requirement and wear masks while in the courtroom. We will have a limited supply of masks for defendants who have no ability to purchase or make a mask. In this situation, defense counsel should let us know which defendant might need a county provided mask and encourage defendants who are able to make or otherwise obtain a mask to do so. Any defendant without a mask will not be allowed in the courthouse or courtrooms.
19. Our courtrooms and courtroom procedures are being modified to provide greater protection for court staff. Defendants will no longer be required to sign their sentence orders. Rather, the clerk will make a notation that a copy of the order was provided to the defendant in the courtroom. We have requested Plexiglas barriers to be installed, much like in the groceries, in front of the clerks’ stations. Defendants and attorneys will no longer have access to the clerks via sidebars. Only the prosecutor, defense counsel, and defendant will be allowed at counsel table or the podium during hearings or pleas.
20. **Any** individual showing **any** signs of **any** illness will not be permitted into the courthouse or courtrooms.
21. An appropriate waiver for agreed continuances is either (1) 90 days beyond the next court date or (2) exclusion of the time between the two court dates **AND** shall include the signature of the defendant on the agreed order indicating approval or a statement from defense counsel that approval was obtained telephonically.