

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. 21-5

WHEREAS, the Governor of the State of Washington has previously 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 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 authorizing certain specific emergency measures to address the safety of litigants, the public and of court employees; and

WHEREAS, the COVID-19 disease cases and hospitalizations are declining in Washington State and Skagit County such that Governor Inslee has allowed further gradual opening of public offices and businesses, and;

WHEREAS continued adherence to public health guidelines to further slow the spread of COVID 19 is warranted, and;

WHEREAS expanded in-person court appearances can continue with appropriate COVID safety practices in place; and

WHEREAS, the Presiding Judge has determined that all reasonably necessary steps to protect the health and welfare of court participants and the public must be maintained; and;

WHEREAS, the gradual resumption of jury trials, with appropriate public health protocols in place, can begin as described in number one of this order, under **Criminal Jury Trials**;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor 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:

1. **CRIMINAL JURY TRIALS:** Criminal jury trials shall resume as follows:
 - a. July 1st in the City of Anacortes Division.
 - b. June 23rd in the City of Burlington Division.
 - c. July 1st in District Court, and
 - d. July 14th in the City of Mount Vernon Division,

2. **LOCATION OF JURY TRIALS FOR DISTRICT COURT DIVISION:** In order to allow sufficient social distancing for District Court jury trials, such trials shall be held either in the Burlington or Mount Vernon Municipal Courtrooms on weeks when those courtrooms are available. The location of a specific District Court trial will be determined at the readiness hearing.

3. **PUBLIC HEALTH MEASURES:** In order to provide for the safety of litigants and jurors, public health measures shall be followed during jury trials. These measures may include but not be limited to the requirement for surgical masks, social distancing, and health screenings prior to entering the courtroom.

4. **TIME FOR TRIAL:** The inability to provide sufficient public health protocols for jury trials in the District Court courtrooms and the necessity to resume jury trials on a gradual basis across the various municipal courtrooms in order to review and adjust public health measures so as to insure adequate safety of courtroom participants constitute an unavoidable circumstance under CrRLJ 3.3(e)(8) constituting good cause to continue District Court jury trials in the administration of justice. The time period from May 31, 2021 to close of business June 30, 2021 shall be excluded for purposes of calculating time for trial under CrRLJ 3.3 for District Court jury trials.

5. **GUILTY PLEAS:** Guilty pleas shall continue to be in person hearings unless a judicial officer grants prior written approval for a plea via virtual platform. Pleas will continue to be special set at 15 to 30 minute intervals at readiness and trial confirmation calendars.

6. **DUI AND DV ASSAULT ARRAIGNMENTS:** Beginning 5-3-2021, arraignments for Driving Under the Influence, Physical Control of a Motor Vehicle while Under the Influence, and domestic violence charges will continue as in person appearances only absent prior written approval of a judicial officer upon good cause shown for arraignment via Zoom or other virtual platform.
7. **AGREED TRIAL CONTINUANCES:** Agreed Continuances of readiness, motion hearings, and trial dates **shall** continue to be completed ex parte and submitted in advance, and defendants are not required to appear either in person or by virtual platform at readiness hearings unless specifically ordered by the court for good cause shown.
8. **CIVIL JURY TRIALS:** In order to address the backlog of criminal jury trials which occurred during the COVID emergency, civil jury trials will not resume prior to October 1, 2021.
9. **COURT CLERKS' OFFICES:** The Skagit County District Court Clerk's office and Municipal Court Clerk's Offices remain open for in person service. Whenever possible individuals should access court clerk services by phone, email, fax, drop box, or regular mail. Anyone coming in person to the clerk's counter for assistance must follow all public health guidelines.
10. **CRIMINAL PRETRIAL MOTIONS:** Pretrial criminal motions shall continue to be held as in person hearings. Motion hearings shall be conducted one at a time, with only the participants and witnesses necessary for an individual hearing present in the courtroom during the hearing. Participants in a subsequent hearing shall not enter the courtroom until the participants of a prior hearing have left the courtroom.
11. **HEALTH SCREENINGS:** Parties appearing for in person hearings may be required to submit to health screenings at the discretion of the Judicial Officer prior to being admitted to the courtroom. Anyone exhibiting symptoms of illness (fever, cough, body or muscle aches, recent loss of taste or smell, runny nose, sneezing, fatigue not associated with other known conditions, headache, or sore throat) shall not be permitted in the courtroom and shall be required to leave the courtroom if such symptoms are observed.
12. **APPROVED FACIAL COVERINGS:** Surgical masks (available from the court clerk) may be required of all participants at the discretion of the Judicial Officer conducting any calendar, hearing, or trial. Certain face

coverings, such as single ply face masks, masks with vents, bandanas, and neck gaiters are ineffective, do not satisfy the face covering requirement, and are not allowed unless worn over a surgical mask. All parties shall observe public health protocols as required by the Judicial Officer conducting a specific calendar, hearing, or trial

A complete schedule of calendars and information on accessing courts via Zoom is available on the District Court and Municipal Court websites. Any provisions of Administrative Order 21-4 which are not inconsistent with this order shall remain in full force and effect.

DATED THIS 24th day of May, 2021.



Dianne Edmonds Goddard, District
Court Judge, Presiding