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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

No. 23-0-12050-0

IN THE MATTER OF THE RESPONSE BY  
KING COUNTY SUPERIOR COURT TO THE  
PUBLIC HEALTH EMERGENCY IN  
WASHINGTON STATE

**EMERGENCY ORDER 37 RE:  
PUBLIC HEALTH – MASKING / FACIAL  
COVERING**

This matter comes before the Court on the public health emergency in Washington State due to the COVID-19 pandemic.

**The Court finds and concludes as follows:**

1. COVID-19 cases have dropped and stabilized in King County. There were 62 new COVID-19 cases per 100,00 population in King County in the past seven days. The current COVID-19 community level in King County is low (defined as limited impact on healthcare system, low levels of severe illness).
2. Hospitalizations due to COVID-19 have dropped and stabilized in King County. There were 3.9 new COVID-19 hospital admissions per 100,000 population in King County in the past seven days
3. On October 31, 2022, Governor Jay Inslee ended State of Washington COVID-19 emergency proclamations and state of emergency.
4. On November 1, 2022, Mayor Bruce Harrell ended the City of Seattle COVID-19 emergency orders.

- 1 5. On February 6, 2023, King County Executive Dow Constantine ended King County  
2 COVID-19 Emergency Proclamation and Orders.
- 3 6. King County Superior Court is a state court and is part of a separate branch of  
4 government. The Washington State Supreme Court COVID-19 emergency orders are  
5 still in effect.
- 6 7. The Court has considered the input of professors from the University of Washington  
7 School of Public Health, the Court's Public Health Committee, and court partners  
8 (Prosecuting Attorney's Office, Department of Public Defense, Department of  
9 Judicial Administration, and Department of Adult and Juvenile Detention).

10 **IT IS ORDERED:**

- 11 1. This order is effective *February 23, 2023*.
- 12 2. Except as modified below, all persons over the age of three must continue to wear  
13 a mask / facial covering at all times regardless of vaccination status while in (i)  
14 courtrooms, or (ii) areas where court business is conducted with members of the  
15 public at the Maleng Regional Justice Center, the King County Courthouse, the  
16 Clark Children and Family Justice Center, or Harborview ITA Court.
- 17 3. The Court will engage in a masking / facial covering step-down period as set forth  
18 in paragraphs 4 and 5 of this order. The step-down period will be *February 23,*  
19 *2023 through March 19, 2023*.
- 20 4. When there are ten (10) or fewer individuals in a courtroom, including a judicial  
21 officer and staff, masking / facial covering will be left to the discretion of the  
22 judicial officer.
- 23 5. During in-person jury trials, all individuals in the courtroom will be required to  
wear a mask / facial covering, except for: (i) witnesses while testifying; (ii)  
counsel while making opening/closing statements, questioning the witness, or

1 addressing the Court outside the presence of the jury, and (iii) judicial officers  
2 when speaking to jurors or counsel.

- 3 6. Except as set forth in paragraph seven (7) of this order, effective **March 20, 2023**,  
4 masking / facial covering in courtrooms and areas where court business is  
5 conducted with members of the public at the Maleng Regional Justice Center, the  
6 King County Courthouse, the Clark Children and Family Justice Center, and  
7 Harborview ITA Court will become **optional**.
- 8 7. A judicial officer may require masking / facial covering in their courtroom, in  
9 their discretion, based on particularized findings related to the judicial officer,  
10 staff, parties, case, and/or public health circumstances and issues.
- 11 8. Any person, other than a witness while testifying, may still chose to wear a mask.
- 12 9. This order shall not apply to secure detention space in courthouses managed by  
13 the King County Department of Adult and Juvenile Detention (DAJD) where  
14 masking/facial covering policies will be the purview of DAJD.

15 This Order supersedes Emergency Order #36.

16 **IT IS SO ORDERED.**

17 Dated: February 21, 2023

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20 JUDGE PATRICK OISHI  
21 Presiding Judge  
22  
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King County Superior Court  
Judicial Electronic Signature Page

Case Number: 23-0-12050-0  
Case Title: General Admin Policy Orders  
Document Title: ORDER

Signed By: Patrick Oishi  
Date: February 21, 2023



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Judge: Patrick Oishi

This document is signed in accordance with the provisions in GR 30.

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