

IN THE KING COUNTY DISTRICT COURT
FOR THE STATE OF WASHINGTON AND THE CITIES OF AUBURN, BEAUX ARTS,
BELLEVUE, BURIEN, CARNATION, COVINGTON, DUVALL, KENMORE, REDMOND,
SAMMAMISH, SHORELINE, AND SKYKOMISH

IN THE MATTER OF THE EMERGENCY)	EMERGENCY
RESPONSE TO THE THREAT TO PUBLIC)	ADMINISTRATIVE ORDER
HEALTH.)	
)	NO. 11-2021

This matter comes before the Court on the public health emergency in King County:

WHEREAS, the King County District Court continues to operate under a State of Emergency due to the continuing COVID-19 health pandemic;

WHEREAS, the novel coronavirus that causes COVID-19 is highly contagious and the implementation of protective measures have necessitated changes to King County District Court operations;

WHEREAS, King County District Court recognizes the essential nature of court operations and the importance of ensuring access to courts during this health pandemic and has implemented safety measures and procedures as recommended by the Washington State Department of Public Health, infectious disease experts, and other public health officials to continue its operations while mitigating the risk to King County District Court staff and all court users;

WHEREAS, tracking of positivity rates for COVID-19 and other public health indicators are beginning to show signs of improvement, but continue to be high, and Governor Inslee has ordered that restrictions put in place in November of 2020 on certain business activities and indoor gatherings remain until the rate of infection, hospitalizations, and other designated public health markers improve;

WHEREAS, pursuant to the Washington State Department of Health Guidelines regarding court safety protocol and operations, courts are encouraged to also consider the Governor's current guidelines and other relevant public health information when making their independent operational decisions;

WHEREAS, holding in-person jury trials brings larger groups of people into a courthouse which can contribute to the spread of the virus, therefore additional

temporary measures are needed to protect the health of jurors, staff, and other court users until such time as the court can reasonably assure the safety of all courthouse occupants based on established safety guidelines and protocols;

WHEREAS, the health pandemic and necessary safety protocols continue to significantly impact King County District Court operations, staffing, and courtroom and calendar capacity. The prolonged duration of the current health emergency has also negatively impacted financial and other court resources necessitating further reductions and suspensions of valuable court programs and calendars;

NOW, THEREFORE, it is hereby ORDERED:

1. Criminal Jury Trials:

King County District Court is extending its temporary suspension of in-person jury selection and conducting of criminal jury trials from January 29, 2021, through February 12, 2021, and will continue to assess the suspension period on a bi-weekly basis. The bi-weekly evaluation could result in a further extension of the suspension as conditions warrant. Jury trials may commence, and pretrial motions be conducted, but then must be continued for jury selection and completion until it is again reasonably safe to bring jurors back into our court locations.

The increase in the spread of the virus is an unavoidable circumstance that necessitates the exclusion of any suspension period from speedy trial calculations until such time as the jury trial can safely be conducted consistent with CrRLJ 3.3.

King County District Court will continue all other calendar operations as currently scheduled, and encourages video hearings, whenever possible and appropriate. Those unable to participate by video may still physically appear for their court hearing. Parties should continue to appear for all scheduled hearings and trial dates unless ordered otherwise by the trial judge.

2. Video Hearings in Criminal Cases

Except for arraignments for the crimes of impaired driving, domestic violence, stalking, harassment, or assault; criminal motion hearings requiring witness testimony; and certain bench warrant quash hearings, all out-of-custody criminal hearings may be conducted by video in a manner consistent with CrRLJ 3.4 and the Washington State Supreme Court's applicable Emergency Orders. A judge may still require a party to

physically appear in court as necessary to move the case forward or as otherwise required in the interest of justice or public safety.

Defendants may continue to appear for criminal pretrial hearings and jury call hearings by telephone or video or through their attorney unless otherwise ordered by the court. All other criminal hearings may be conducted with the defendant appearing by video in which their image can clearly be seen, or with the defendant appearing in-person. All in-person hearings will be conducted in accordance with Washington State Department of Health guidelines and Orders of the Washington State Supreme Court.

All in-custody hearings, except for trials or testimonial motions, will be conducted by video unless otherwise ordered by the court.

3. Video Hearings for all non-criminal cases:

All non-criminal hearings or bench trials shall be conducted by video or telephone unless it is impossible for a party to appear by video or telephone or the court orders or authorizes the parties to appear in-person.

4. Bench Warrant Walk-In Hearings:

Bench Warrant quash hearings may be conducted by video (no telephone) if the warrant was issued in an amount of \$5000 or less and the court is able to confirm the defendant's identity. Hearings for warrants issued in an amount over \$5000 shall still require the physical appearance of the defendant unless otherwise authorized by the judge prior to the hearing.

5. Strict Enforcement of Safety Protocol for all In-Person appearances:

All in-person hearings shall be conducted in accordance with Washington State Department of Health guidelines and Orders of the Washington State Supreme Court. All persons entering or remaining in any King County District Court location must strictly comply with all King County District Court safety protocols as previously ordered or hereafter amended, including the wearing of appropriate facial coverings, except for children two years of age or younger, and strict compliance with social distancing requirements and markings. Anyone who is ill or feeling ill, or who is caring for someone who is ill, or who has had recent close contact with someone who is confirmed to have contracted the COVID virus, should stay home and call the court at 206-205-9200 to reschedule your court date.

6. Civil Jury Trials

Civil Jury Trials remain suspended until such time as the court can safely have jurors return to the courthouse and as staffing and courtroom capacity allow. All efforts will be made to resume civil jury trials as soon as possible. Civil motions and bench trials may continue to be held via video.

7. Small Claims Mediation

LSC 0.3 regarding mandatory participation in mediation is hereby suspended until such time as the court is again able to fully support the mediation program. This suspension shall continue through June 30, 2021, and may be extended as circumstances warrant.

8. Application of Prior King County District Court Emergency Orders

Unless otherwise specified herein or subsequently amended by further Order of the Court, this Order continues in effect through June 30, 2021, and may be amended as circumstances warrant. The provisions of Emergency Orders 1-2020 through 10-2021 remain in effect unless superseded by a subsequent Order. To the extent that any of the provisions of Emergency Orders 1-2020 through 11-2021, have been amended or are inconsistent with another, the provision in the most recently issued Order shall control.

Entered this 26th day of January, 2021.

/s/ ***Susan Mahoney***

Susan Mahoney
Chief Presiding Judge
King County District Court