

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON IN

AND FOR THE COUNTY OF THURSTON

Judge M. Brett Buckley

Judge Samuel G. Meyer

Judge Kalo Wilcox

Commissioner Paul Wohl

)

In the Matter of Emergency Response) Administrative Order

Order to a Threat to Public Health) 2020-009

) **Effective 15 October 2020**

) **Superseding Administrative Order 2020-008**

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WHEREAS, Washington has been in a state of emergency since Governor Inslee's proclamation of 29 February 29 2020, due to the novel coronavirus pandemic (COVID-19); and

WHEREAS, during this pandemic, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent physical distancing measures of a minimum of six (6) feet, encouraged vulnerable individuals to avoid public spaces, and encouraged everyone to wear facial coverings in public areas.

WHEREAS, Thurston County continues in Phase 3 of the Governor's "Safe Start Phased Reopening" plan which includes mandated facial coverings in all public areas, physical distancing of six (6) feet or more, and limited gatherings of ten (10) persons or fewer; and

WHEREAS, Thurston County Public Health and Social Service's current recommendations include wearing face coverings in all public areas, maintaining physical distancing of six (6)

feet or more between non-household members, and limiting the number of people outside of your household you are exposed to in a given week; and

WHEREAS, as of 15 October 2020, Thurston County Public Health and Social Services had confirmed 1501 cases of COVID-19 and expects number to continue to rise; and

WHEREAS, Thurston County District Court serves Thurston County and the cities of Lacey, Tumwater, and Rainier and frequently serves over 150 litigants per day who appear with family, friends, and attorneys in a confined lobby space and inadequately sized courtrooms making recommended physical distancing impossible to maintain; and

WHEREAS, as of 15 October 2020, Thurston County District Court has a backlog of 1,992 pretrial proceedings and 375 criminal trials and does not anticipate trials beginning prior to 16 November 2020; and

WHEREAS, on 29 May 2020, the Washington State Supreme Court issued order 25700-B-626, limiting trial court operations, modifying court rules and procedures to allow for physical distancing and compliance with public health directives, and encouraging courts to follow the most protective public health guidance applicable in their jurisdiction, as well as to continue to use remote proceedings; and

WHEREAS, on 13 October 2020, the Washington State Supreme Court issued order 25700-B-646, excluding the time between 29 May 2020 and the next scheduled hearing date after 15 October 2020 from time to trial calculations and authorizing courts to further exclude time based on individual findings of “unavoidable circumstances” due to COVID-19 or other circumstances;

NOW THEREFORE, pursuant to the District Court's authority to administer justice and to ensure the safety of the general public, litigants, and court personnel,

IT IS HEREBY ORDERED:

With Respect to Court Operations:

1. All jury trials are suspended until 16 November 2020 and time for trial is stayed pursuant to CrRLJ 3.3(e)(8) regarding excluded periods. Time for trial will continue to be suspended for as long as the effects of COVID-19 are present.
2. To effectuate the continuances of criminal matters and civil infractions, the following are suspended: CrRLJ 3.3, time for trial in criminal matters; CrRLJ 4.1, time for arraignment in criminal matters; and IRLJ 2.6, time for hearing on civil infractions. The Court finds that continuances of these criminal matters and civil infraction matters is required in the administration of justice due to the unforeseen and unavoidable circumstances caused by the COVID-19 pandemic.
3. The suspension of CrRLJ 3.3, CrRLJ 4.1 and IRLJ 2.6 will remain until the COVID-19 related backlog of proceedings is cleared. The Court will review the backlog quarterly and give advance notice of the lifting of the suspension.
4. Mitigation and contested hearings will continue to be heard by email, remote platform and mail.

With Respect to the Public's Access to Courtrooms:

5. All persons present in the District Court building, including the lobby, offices, and courtrooms, must wear face coverings and observe physical distancing. The Court will address any requests to proceed without a face covering.
6. Anyone exhibiting any symptom of COVID-19 may not enter the District Court building. The Court may order anyone to leave who is exhibiting symptoms of COVID-19. If a party to a scheduled case is denied entry or requested to leave, the Court will reschedule the hearing.
7. The District Court courthouse is in partial closure. Access to the courtrooms is limited to the following: named parties and attorneys to a scheduled case, those under court order

to be present, and court staff. The general public is prohibited from being physically present in the courtrooms.

8. The Court finds that the public health interest in suppressing the transmission of COVID-19 significantly outweighs the public's interest in being physically present in the courtrooms during court proceedings.
9. All court hearings will be live streamed to YouTube, recorded, and then stored on the Thurston County local area network. Archived hearings are available by written request made to the Thurston County District Court's Public Records Officer.
10. Any party to a proceeding or any member of the public who wishes to raise an objection to the Court's partial closure may do so by sending an email to the Court. The Court has provided a link to do so on our website, <https://www.co.thurston.wa.us/distcrt/>. The objection should state the nature of the proceeding, the basis for the objection, the status of the person making the objection, and the interest they believe has been violated by the partial court closure.
11. Notice that all court hearings of the Court are being live streamed to YouTube is provided on the Thurston County District Court website and Facebook page, through daily Twitter announcements, by a posting on the front door of the District Court building, and by notice to representatives of local print and broadcast media.
12. This order partially closing the District Court courthouse, is not case specific. It applies to all criminal and civil proceedings. This order will continue for as long as necessary to accomplish the goals of suppressing COVID-19 and safely reopening the Court. In making this determination, the Court will take guidance from federal, state, and local authorities and follow the most protective public health guidance applicable to our jurisdiction.

General Provisions:

13. All other provisions of Washington State Supreme Court Orders are adopted herein by reference.

Dated this 16th day of October 2020



M. Brett Buckley, Presiding Judge