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5 **IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON**
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7 IN THE MATTER OF:

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9 THE RESPONSE BY ISLAND COUNTY
10 SUPERIOR COURT TO THE COVID-19
11 PUBLIC HEALTH EMERGENCY IN
12 WASHINGTON STATE AND ISLAND
13 COUNTY

No. 20-2-00007-15

EIGHTH AMENDED EMERGENCY ORDER

COURT OPERATIONS

No. 2021-1

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16 This matter comes before the Court on the continuing public health emergency in Washington
17 State and Island County related to COVID-19.

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19 The Court incorporates, by this reference and as the basis for the following order, the orders
20 and guidance of the Washington State Supreme Court relating to the pandemic, this court's prior
21 emergency orders based thereon (to the extent that they are consistent with this order), the mandates
22 and guidance from the Washington State Governor, and the binding and suggested directives and
23 guidance from federal, state, and local health and public safety officers.

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25 The Fourth Revised and Extended Order Regarding Court Operations, Case No. 25700-B-
26 646, issued by the Washington Supreme Court on October 13, 2020 (hereinafter, "Fourth Washington
27 Supreme Court Order"), expressly encouraged courts in Washington State to, "move toward
28 conducting as much court business as can be done consistent with public health and safety." This
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1 court has resumed proceedings of all kinds, while taking significant steps to safeguard the health of
2 all participants, including the installation, upgrading, and/or increased use of telephonic and video
3 equipment and the adoption of associated procedures to permit and facilitate remote access to court
4 proceedings, as well as the adoption of requirements for masking, social distancing, and enhanced
5 sanitation measures for persons who choose to appear in person for non-jury trials, hearings, and other
6 court matters.
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9 As regards jury trials, the Fourth Washington Supreme Court Order expressly recognized that,
10 "... planning for and resuming jury trials is essential," so long as courts to follow the most protective
11 health guidance applicable in their jurisdiction. In accordance therewith, and pursuant thereto, this
12 court has resumed conducting jury trials, having taken significant steps to safeguard participants in
13 jury trials in Island County, including the following:
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- 16 1. Allowing potential jurors at higher risk of COVID-19 based on the criteria in the Order
17 re: Modification of Jury Trial Proceedings, Case No. 25700-B-631, issued by the
18 Washington Supreme Court on June 18, 2020 (hereinafter, "Washington Supreme Court
19 Jury Trial Order"), to postpone their jury service;
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- 21 2. Rearranging its location for jury selection and using additional courtrooms as needed to
22 allow for physical distancing to be maintained during the jury selection process;
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- 24 3. Altering the traditional configuration of its courtrooms, and the use of seating areas with
25 those courtrooms, to allow jurors, parties, and witnesses to maintain physical distancing;
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- 27 4. Using video equipment to transmit proceedings to an alternate location to enable
28 attendance by members of the press and public in excess of the number who can be safely
29 accommodated in the trial courtroom itself consistent with social distancing requirements;
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5. Conducting jury trials one at a time, to allow for the additional demands on available space within the courthouse resulting from physical distancing requirements;
 6. Requiring the use of masks and other personal protective equipment by all participants in jury trials, except as regards a witness when he or she is testifying and, where necessary to enable confidential communications or to facilitate effective courtroom presentation, as regards participating attorneys;
 7. Installing physical barriers at various places in its courtrooms to further limit airborne transmissions;
 8. Educating potential jurors on CDC recommendations to reduce the risk of transmission, securing their commitments to self-screen for symptoms of infection during their terms of service, and placing a sign at the public entrance to the courthouse to limit entry by any experiencing such symptoms;
 9. Regularly monitoring publicly available information regarding the transmission of COVID-19 in Island County, as provided by the Island County Department of Public Health and the Washington State Department of Health, and other public sources of such information.

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Within this context, the Court has carefully considered the relatively low and stable number of Island County citizens testing positive for COVID-19 in the last several weeks, as compared with many other counties in Washington State;

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NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

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The Island County courthouse, and its courtrooms, continue to remain open. Participants may attend all non-jury trials and hearings in person, and such proceedings will be conducted with strict

1 observance of facial coverings/masking, social distancing, and sanitation measures. However, the
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3 Court encourages remote appearances via video or telephone using the court's StarLeaf system for all
4 non-jury trials and hearings, in accordance with the provisions set forth in its prior orders and as
5 summarized on the Court's website; provided, however, that in cases involving petitions for orders
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7 for protection, persons shall appear in person or by video conference except for good cause shown.

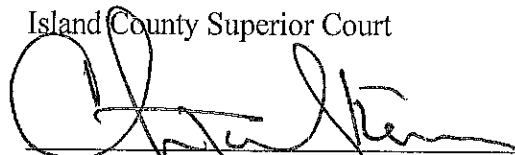
8 Jury trials shall be conducted in Island County pursuant to this Court's policy providing for
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10 masking/facial coverings, social distancing, enhanced sanitation measures, and modified operations
11 to safeguard the health of participants. This policy was adopted pursuant to the Washington State
12 Supreme Court Jury Trial Order, and the current version is available on the Court's website. Minor
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14 modifications to this policy based on the Court's experience in conducting jury trials during the
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16 pandemic are anticipated shortly. When completed, the modified policy will also be posted on the
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18 Court's website.

19 This order shall be in effect until March 1, 2021, or until further order of this Court or the
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21 Washington State Supreme Court.

22 DATED this 14th day of January, 2021.

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CAROLYN CLIFF
Island County Superior Court

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CHRISTON C. SKINNER
Island County Superior Court