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

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

No. 20-2-00007-15

ELEVENTH AMENDED EMERGENCY ORDER
COURT OPERATIONS

No. 2021-4

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16 This matter comes before the Court in connection with the continuing public health
17 emergency in Washington 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 The Fourth Washington Supreme Court Order also expressly recognized that, "... planning
10 for and resuming jury trials is essential," so long as courts to follow the most protective health
11 guidance applicable in their jurisdiction. This Court resumed jury trials in August of 2020, having
12 taken significant steps to safeguard all participants, including, but not limited to the following:
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- 14 1. Allowing potential jurors at higher risk of COVID-19 based on the criteria in the Order
15 re: Modification of Jury Trial Proceedings, Case No. 25700-B-631, issued by the
16 Washington Supreme Court on June 18, 2020 (hereinafter, "Washington Supreme Court
17 Jury Trial Order"), to postpone their jury service;
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- 19 2. Rearranging its location for jury selection and using additional courtrooms as needed to
20 allow for physical distancing to be maintained during the jury selection process;
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- 22 3. Altering the traditional configuration of its courtrooms, and the use of seating areas with
23 those courtrooms, to allow jurors, parties, and witnesses to maintain physical distancing;
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- 25 4. Using video equipment to transmit proceedings to an alternate location to enable
26 attendance by members of the press and public in excess of the number who can be safely
27 accommodated in the trial courtroom itself consistent with social distancing requirements;
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- 1 5. Conducting jury trials one at a time, to allow for the additional demands on available space
2 within the courthouse resulting from physical distancing requirements;
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- 4 6. Requiring the use of masks and other personal protective equipment by all participants in
5 jury trials, except as regards a witness when he or she is testifying and, where necessary
6 to enable confidential communications or to facilitate effective courtroom presentation,
7 as regards participating attorneys;
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- 9 7. Installing physical barriers at various places in its courtrooms to further limit airborne
10 transmissions;
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- 12 8. Educating potential jurors on CDC recommendations to reduce the risk of transmission,
13 securing their commitments to self-screen for symptoms of infection during their terms of
14 service;
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- 16 9. Regularly monitoring publicly available information regarding the transmission of
17 COVID-19 in Island County, as provided by the Island County Department of Public
18 Health and the Washington State Department of Health, and other public sources of such
19 information.
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21 Within this context, the Court has been monitoring COVID-19 infection and hospitalization
22 rates in Island County and surrounding areas, as well as COVID-19 related decisions being made in
23 other area courts. The Court has also been mindful of the decision of the Washington State Secretary
24 of Health to reinstitute face covering requirements for all individuals, vaccinated or unvaccinated, in
25 indoor public spaces as of August 23, 2021. The Court has continued to seek guidance from the Island
26 County Health Department regarding the public safety implications of the Court's continued
27 operations.
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1 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:
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- 3 1. The Island County Superior Court shall continue to remain open. Except as otherwise
4 provided in the Court's policy for jury trials, all participants and members of the public
5 may attend, in person, all court proceedings. Court proceedings will be conducted with
6 strict observance of required facial coverings/masking, social distancing, and sanitation
7 measures. All persons entering Island County Superior Courtrooms shall adhere to the
8 rules and regulations created in response to the pandemic.
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- 10 2. Notwithstanding the provisions of paragraph 1 above, the Court continues to encourage
11 remote attendance and court appearances via video or telephone using the court's StarLeaf
12 system, as summarized on the Court's website. **In cases involving petitions for orders
13 for protection, trials, and all other evidentiary proceedings, however, participants
14 and all who are expected to testify shall appear in person or by video conference and
15 not by telephone, except upon leave of court and for good cause shown.**
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- 18 3. Jury trials shall be conducted in Island County pursuant to this Court's policy providing
19 for masking/facial coverings, social distancing, enhanced sanitation measures, and
20 modified operations to safeguard the health of participants. A copy of the Court's revised
21 Jury Trial Policy, revised effective September 13, 2021 has been posted on the Court's
22 website.
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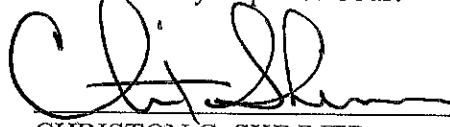
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This order shall be in effect until December 31, 2021, or until further order of this Court or the Washington State Supreme Court.

DATED this 9th day of September, 2021.



CAROLYN CLIFF
Island County Superior Court



CHRISTON C. SKINNER
Island County Superior Court