

FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK
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4 **IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON**
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6 IN THE MATTER OF:

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

No. 2022-03

**FOURTEENTH AMENDED EMERGENCY
ORDER**

COURT OPERATIONS: TRANSITION TO
NORMAL OPERATIONS

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13 This matter comes before the Court for the purpose of amending the Island County Superior
14 Court's emergency orders issued in response to the COVID-19 pandemic. This amended Order
15 follows and responds to the reduction or elimination of pandemic restrictions previously implemented
16 by the federal and state governments in response to the COVID-19 public health emergency that
17 began in approximately March of 2020.
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- 20 1. The Court incorporates, by this reference, its prior findings regarding COVID-19 and the
21 emergency declarations and guidelines as set forth in earlier emergency orders, including
22 its most recent order, Island County Superior Court Emergency Order No. 2022-2, entered
23 February 7, 2022.
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 - 25 2. Since July 6, 2020, the Court has implemented several public health and safety protocols
26 for conducting jury trials during the COVID-19 pandemic. The Court's most recent,
27 "Revised Jury Trial Plan" was adopted September 13, 2021.
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3. Since the Court adopted its most recent emergency order, the average daily number of individuals testing positive for COVID-19 has rapidly decreased, both in western Washington generally and specifically in Island County. More importantly, COVID-19 hospitalizations have fallen significantly. The surge of cases and hospitalizations predicted by local public health officials and attributed to the arrival of the Omicron variant has clearly ended. With the end of the Omicron surge and significant advancements in the number of vaccinated individuals and effective medical treatments for COVID-19, federal and local officials across the nation have lifted facemask requirements, social distancing requirements, and other disease reduction/preventative measures.

4. On February 28, 2022, Washington State Governor Jay Inslee announced that state indoor mask requirements would be lifted as of 11:59 p.m. on March 11, 2022.

5. The Court nonetheless recognizes the compulsory nature of hearing and trials, during which participants often sit in enclosed spaces for extended periods of time. The Court also recognizes that many participants have become accustomed to the protocols adopted by the Court during this emergency to protect public health and safety. Exercising its authority to restrict its normal operations in the interests of public health and safety, as described in Paragraph 23 of Washington State Supreme Court Order No. 25700-B-646 (Feb. 19, 2021), the Court has concluded that it is appropriate to maintain some of its public safety operational measures in this period of transition to more normal operations.

6. The Court desires to provide guidance and direction for future court operations consistent with the aforementioned changes and developments. Now, therefore it is

1 ORDERED that the jury trial procedures set forth in the Island County Superior Court Revised
2 Jury Trial Plan entered effective September 13, 2021, and all Island County Superior Court
3 Emergency Orders entered since March of 2020, shall be amended and superseded by the terms of
4 this Order, as of 12:01 a.m. March 12, 2022. After that day:
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7 A. Court Remains Open. The Island County Superior Court and its courtrooms will continue
8 to remain open to the public.

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10 B. Livestreaming Discontinued; Remote Appearances Generally. The Court will no longer,
11 “livestream” any of its courtroom proceedings. Although the Court is maintaining its
12 protocols authorizing remote appearances and participation as further detailed below
13 during this transition period, participants are urged to review and to abide by the Court’s
14 terms governing such appearances under LCR 7(b)(5)(C) and LCrR 8.2(b).
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16 C. Face Masks Generally. Face masks/coverings will no longer be required for any person
17 entering the courthouse or in attendance in the courtrooms. Facemasks are permitted in
18 and about the courthouse and courtrooms but are not mandatory. All individuals are free
19 to wear masks based on personal preference, informed by a personal risk assessment. An
20 individual with symptoms of COVID-19, a positive test, and/or close exposure to
21 someone with COVID-19 should wear a mask.
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24 D. Witnesses and Face Masks. Witnesses testifying on the stand are required to remove their
25 masks unless leave of court has been granted to proceed otherwise. Other persons
26 speaking in the courtroom may be directed to temporarily remove their masks if their
27 words cannot be understood by the court reporter or otherwise recorded accurately.
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1 E. Social Distancing. “Social distancing” shall no longer be mandatory. Given the continued
2 risk of COVID-19 transmission, however, the Court may limit the number of persons
3 allowed in the public gallery, the courtrooms, or the jury assembly room at the discretion
4 of the judge in whose court the case is proceeding.
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7 F. Criminal Case Appearances. Requirements for a defendant in a criminal case to appear
8 in court in person, rather than remotely, shall be governed by CrR 3.4. Proceedings such
9 as preliminary appearances, initial hearings, and arraignments may continue to be
10 conducted via audio and video conference technology available through the Court’s
11 StarLeaf system. Except with leave of Court provided for good cause shown, the
12 defendant shall appear in person at every stage of a trial. Except with leave of Court
13 provided for good cause shown, any person entering a guilty plea and any person being
14 sentenced in connection with a guilty plea or finding of guilt after trial, shall appear in
15 court in person.
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18 G. Protection Order Hearings. Remote appearances for the protection order calendar are
19 permitted only for case participants (parties and witnesses). **Such remote appearances**
20 **for the protection order calendar must be by video; telephone appearances on the**
21 **protection order calendar are not permitted.** Specific login information for remote
22 appearances in protection order cases shall be obtained from court administration by
23 calling 360-679-7361. During this transition period, the requirement for advance notice
24 of intent to present testimony or to attend a protection order hearing remotely set forth in
25 Island County Local Rule 7(b)(5)(C) remains suspended.
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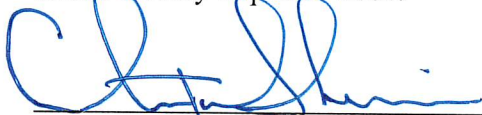
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- H. Remote Participation – Other Civil Proceedings. Remote attendance and appearances are permitted in other civil proceedings, including the Court’s Law & Motion Calendar, and special-set hearings, via video or telephone using the Court’s StarLeaf system. **Remote appearances for bench trials and other civil proceedings at which testimony will be given must be by video; telephone appearances at evidentiary proceedings are not permitted.** During this transition period, the requirement for advance notice of intent to present testimony or to attend a protection order hearing remotely set forth in Island County Local Rule 7(b)(5)(C) remains suspended.
- I. Jury Trials Scheduling. Only one jury trial will be commenced at a time. If a jury has been seated and trial begun in one department and that trial is ongoing at the time a second jury trial is scheduled to begin, the second trial may be commenced in the other department.
- J. Jury Trial Plan. The Revised Island County Superior Court Jury Trial Plan that became effective on September 13, 2021 is rescinded. Jury trial procedures will be conducted as provided in the Superior Court and Local Court Rules. Provided, however, that during the effective period of this Order (March 12, 2022 – June 30, 2022), the Island County Superior Court and Superior Court Administrator shall have the authority to implement such public safety procedures and precautions during jury trials as they deem necessary and appropriate under the circumstances.
- K. Conflicting Orders. In the event that this order conflicts in any way with an order of the Washington State Supreme Court, now in effect or hereinafter issued, the Supreme Court’s orders shall prevail.

1 L. Provisional Nature of Order. The Court may reinstate COVID-19 safety measures,
2 including the requirement of facemasks or the temporary suspension of jury trials or other
3 “in-court” proceedings if state or local public health guidance suggest that such measures
4 are necessary to protect the public.
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6 This order becomes effective as of March 12, 2022, and shall remain in effect until June 30,
7 2022, unless modified or terminated by further court order before that time.
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9 DATED this 10th day of March, 2022.
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13 CAROLYN CLIFF
14 Island County Superior Court

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17 CHRISTON C. SKINNER
18 Island County Superior Court
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