

FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK

2021 MAR 19 AM 9:52

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6 **IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON**

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8 **IN THE MATTER OF:**

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. 2021-2

NINTH AMENDED EMERGENCY ORDER -
COURT OPERATIONS

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17 This matter comes before the Court in connection with the continuing, public health
18 emergency in Washington State and Island County related to COVID-19.

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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26 The Fourth Revised and Extended Order Regarding Court Operations, Case No. 25700-B-
27 646, issued by the Washington Supreme Court on October 13, 2020 ("Fourth Washington Supreme
28 Court Order"), expressly encouraged courts in Washington State to, "move toward conducting as
29 much court business as can be done consistent with public health and safety." This court has resumed
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Island County Superior Court
101 NE Sixth Street
Coupeville, WA. 98239
360-679-7361

1 court proceedings of all kinds, while taking significant steps to safeguard the health of all participants,
2 including the installation, upgrading, and/or increased use of telephonic and video equipment and the
3 adoption of associated procedures to permit and facilitate remote access to court proceedings. The
4 court has also adopted requirements for facial masking, social distancing, and enhanced sanitation
5 measures for persons who choose to appear in person for non-jury trials, hearings, and other court
6 proceedings.
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9 The Fourth Washington Supreme Court Order also expressly recognized that, "... planning
10 for and resuming jury trials is essential," as 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 ("Washington Supreme Court Jury Trial
17 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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5. Conducting only one jury trial at a time, to facilitate 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 been monitoring COVID-19 infection and hospitalization rates in Island County and surrounding areas, as well as COVID-19 related decisions being made in other area courts. In addition, the Court has received and is receiving guidance from the Island County Health Department regarding the public safety implications of the Court's continued operations.

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Now, therefore, it is hereby

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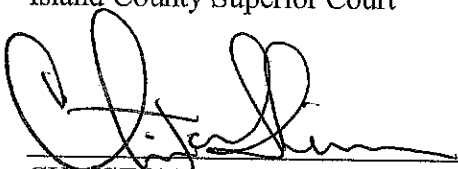
ORDERED AS FOLLOWS:

1. The Island County Superior Court courthouse, and its courtrooms, shall continue to remain open. Except as otherwise provided in the Court's policy for jury trials, all participants and members of the public may attend all court proceedings in person. Those proceedings will be conducted with strict observance of required facial coverings/masking, social distancing, and sanitation measures. Disposable surgical masks, respirator style masks and equivalent cloth facial masks are acceptable facial coverings; gaiters and scarves are not acceptable.
2. All persons entering the Island County Courthouse shall adhere to the rules and regulations created in response to the pandemic.
3. Notwithstanding the provisions of paragraph 1, above, the Court continues to encourage remote attendance and court appearances via video or telephone using the court's StarLeaf system, as summarized on the Court's website. **In cases involving petitions for orders for protection, trials, and all other evidentiary proceedings, however, participants and all who are expected to testify shall appear in person or by video conference and not by telephone, except upon leave of court and for good cause shown.**
4. Jury trials shall be conducted in Island County pursuant to this Court's policy providing for masking/facial coverings, social distancing, enhanced sanitation measures, and modified operations to safeguard the health of participants. A copy of the Court's revised Jury Trial Policy, effective upon entry of this order, is attached hereto, and a copy will be posted on the Court's website.

1 This order shall be in effect until June 1, 2021, or until further order of this Court or the
2 Washington State Supreme Court.
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4 DATED this 19th day of March, 2021.
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7 _____
8 CAROLYN CLIFF, Judge
9 Island County Superior Court

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11 _____
12 CHRISTON C. SKINNER, Judge
13 Island County Superior Court
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