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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

TENTH AMENDED EMERGENCY ORDER

COURT OPERATIONS

No. 2021-3

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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 and securing their commitments to self-screen for symptoms of infection during their
14 terms of service;
- 15
- 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.
- 20

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. In addition, the Court has received and is receiving guidance from the Island County
24 Health Department regarding the public safety implications of the Court's continued operations.

25 The Court is mindful of the new CDC guidelines adopted by the State of Washington in May
26 of 2021 and the updated guidance relaxing mask and distancing requirements for fully vaccinated
27 individuals issued by the Washington State Department of Labor & Industries ("L&I") issued May
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1 21, 2021. The Court is also mindful that the Board of Island County Commissioners has adopted those
2 policies and has placed signs on Island County Buildings, including the building in which the Court
3 is located, advising the public that they do not have to wear masks if fully vaccinated and that
4 compliance is based on the honor system. Updated guidance from L & I (and/or the Washington State
5 Department of Health) pertaining specifically to court operations – including courtrooms, court staff,
6 jurors and all participants in court proceedings – is expected soon and will be considered by the Court
7 upon receipt.

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10 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:


- 11 1. The Island County Superior Court shall continue to remain open. Except as otherwise
12 provided in the Court’s policy for jury trials, all participants and members of the public
13 may attend, in person, all court proceedings. Court proceedings will be conducted with
14 strict observance of required facial coverings/masking, social distancing, and sanitation
15 measures. All persons entering Island County Superior Courtrooms shall adhere to the
16 rules and regulations created in response to the pandemic.
- 17 2. Notwithstanding the provisions of paragraph 1 above, the Court continues to encourage
18 remote attendance and court appearances via video or telephone using the court’s StarLeaf
19 system, as summarized on the Court’s website. **In cases involving petitions for orders
20 for protection, trials, and all other evidentiary proceedings, however, participants
21 and all who are expected to testify shall appear in person or by video conference and
22 not by telephone, except upon leave of court and for good cause shown.**
- 23 3. Jury trials shall be conducted in Island County pursuant to this Court’s policy providing
24 for masking/facial coverings, social distancing, enhanced sanitation measures, and
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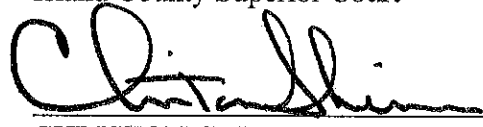
modified operations to safeguard the health of participants. A copy of the Court's revised Jury Trial Policy, adopted March 19, 2021, has been posted on the Court's website.

This order shall be in effect until July 6, 2021, or until further order of this Court or the Washington State Supreme Court.

DATED this 27 day of June, 2021.



CAROLYN CLIFF
Island County Superior Court



CHRISTON C. SKINNER
Island County Superior Court