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

IN THE MATTER OF:

No. 2022-02

THE RESPONSE BY ISLAND COUNTY  
SUPERIOR COURT TO THE COVID-19  
PUBLIC HEALTH EMERGENCY IN  
WASHINGTON STATE AND ISLAND  
COUNTY

THIRTEENTH AMENDED EMERGENCY  
ORDER

**COURT OPERATIONS: RESUMPTION OF  
JURY TRIALS; REMOTE APPEARANCES**

This matter comes before the Court in connection with the continuing public health emergency in Washington State and Island County related to COVID-19. Island County recently experienced a sharp, steep increase of rapid community transmission of COVID-19, primarily related to the Omicron variant. On January 7, 2022, the Court entered its first order suspending jury trials since jury trials resumed in the Island County Superior Court in July of 2020. That increase in infection rates now appears to have abated, and community transmission appears to have entered into a corresponding period of sharp, steep decline.

The Court 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 such experiences pose a risk of transmission of COVID-19 and that many participants are concerned about

1 that risk. After consulting with the Health Officer for Island County regarding the specific  
2 circumstances before it, however, the Court concludes that jury trials may prudently and properly  
3 resume in Island County Superior Court, so long as all appropriate public health and safety measures  
4 are observed.  
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7 In entering this order, the Court incorporates by reference all of its findings set forth in its  
8 previous emergency orders as regards the COVID-19 public health emergency and now adopts an  
9 order restricting its operations in the interest of public health and safety, pursuant to Paragraph 23 of  
10 Washington State Supreme Court Order No. 25700-B-646 (Feb. 19, 2021).  
11

12 NOW, THEREFORE, pursuant to this Court's authority to administer justice and to ensure  
13 the safety of litigants, members of the public, court staff, attorneys, commissioners, and judges, IT IS  
14 HEREBY ORDERED AS FOLLOWS:  
15

- 16 1. Courthouse Stays Open. The Island County Superior Court shall continue to remain open.
- 17 2. Resumption of Jury Trials. Jury trial dates for any and all cases, whether civil or criminal,  
18 will resume on **February 15, 2022**.
- 19 3. Remote Participation – Criminal Proceedings. The Court encourages remote attendance  
20 and court appearances for pretrial hearings via video or telephone using the court's  
21 StarLeaf system (or other approved video and telephone systems) as summarized on the  
22 Court's website. But remote appearances by defendants are not permitted for proceedings  
23 where state and/or local criminal court rules, the U. S. Constitution, other laws, and/or a  
24 specific court order require a defendant's personal presence. Written consent of all parties  
25 or prior leave of Court is also required for any party, attorney, or witness to appear at a  
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1 trial or evidentiary proceeding remotely. When authorized, such appearances must include  
2 live video.  
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4 4. Remote Participation – Civil Proceedings. The Court encourages remote attendance and  
5 court appearances via video or telephone using the court’s StarLeaf system (or other  
6 approved video and telephone systems), as described on the Court’s website. The  
7 requirement for advance notice of intent to present testimony or to attend a trial or  
8 evidentiary proceeding remotely in Island County Local Rule 7(b)(5)(C) is suspended  
9 until further order of the Court. **In cases involving petitions for orders for protection,  
10 bench trials, and all evidentiary hearings or proceedings, participants and all who  
11 are expected to testify shall appear in person or by video conference and not by  
12 telephone, except upon leave of court and for good cause shown.**  
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16 5. Protocol for In-Person Appearances. With the exception of those who must be excluded  
17 from congregate settings by reason of symptoms of, illness with, and/or exposure to  
18 COVID-19 in accordance with applicable state and federal health guidance, participants  
19 and members of the public may continue to attend all open court proceedings during the  
20 time that this Order is in effect. The Court’s requirements for facial coverings/masking,  
21 social distancing, and sanitation measures adopted in its prior orders regarding this public  
22 health emergency must be strictly followed and will be strictly enforced. All persons  
23 entering Island County Superior Courtrooms shall adhere to this Court’s emergency  
24 orders created in response to the pandemic.  
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6. Suspension of Contrary Rules. To the extent that this Court has the power to do so, this order modifies or suspends any and all court rules, both Local Court Rules and State Court Rules that are inconsistent with the terms set forth herein.
  7. 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. Except as inconsistent with this order, prior orders of this Court regarding this public health emergency remain in effect.
  8. Effective Date. This order becomes effective upon signing and shall remain in effect until modified or terminated by court order.

13 DATED this 7<sup>th</sup> day of February, 2022.

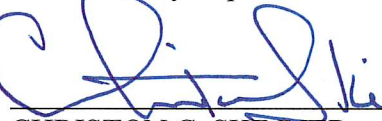
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CAROLYN CLIFF  
Island County Superior Court

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CHRISTON C. SKINNER  
Island County Superior Court