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

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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. 20-2-00007-15

TWELFTH AMENDED EMERGENCY ORDER
COURT OPERATIONS: **SUSPENSION OF**
JURY TRIALS

No. 2022-01

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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.
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20 Like the rest of Washington State – along with much of the rest of the country – Island County
21 has recently experienced a steep rise in COVID-19 transmission due to the Omicron variant of the
22 virus. The Court has consulted with the Health Officer for Island County regarding the specific
23 circumstances before it in light of this rapid community transmission. Although the rates of
24 hospitalizations and deaths due to COVID-19 have not had a corresponding increase, the rate of
25 community transmission, regardless of vaccination status, is at a level where continued operations for
26 conducting trials with jurors, parties, witnesses, attorneys, and court staff is likely to be significantly
27 interrupted due to required periods of isolation and quarantine for individuals with COVID-19
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1 symptoms, exposure, and/or positive test results. It also currently appears that the duration of the
2 current critical phase of this public health emergency may be comparatively short: that the recent
3 steep rise in COVID-19 transmission in Island County may be followed by a corresponding decline
4 within the next several weeks.
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6 The Court recognizes the compulsory nature of hearing and trials, during which participants
7 often sit in enclosed spaces for extended periods of time. The Court also recognizes that such
8 experiences pose a risk of transmission of COVID-19 and that many participants are concerned about
9 that risk, even if all appropriate precautions are taken. While the timely scheduling and completion of
10 jury trials in general, and criminal jury trials in particular, is one of this Court's essential
11 responsibilities, jury trials presents special risks because of the number of necessary participants. The
12 Court has consulted with other judicial officers whose courts are located in the same geographic
13 region and is thus aware of on-going disruption to the operations of other courts located in areas of
14 rapid COVID-19 transmission, both because of that rapid transmission and because of participants'
15 concerns about it.
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20 In entering this order, the Court incorporates by reference all of its findings set forth in its
21 previous emergency orders as regards the COVID-19 public health emergency and now adopts an
22 order restricting its operations in the interest of public health and safety, pursuant to Paragraph 23 of
23 Washington State Supreme Court Order No. 25700-B-646 (Feb. 19, 2021).
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25 NOW, THEREFORE, pursuant to this Court's authority to administer justice and to
26 ensure the safety of litigants, members of the public, court staff, attorneys, commissioners, and judges,
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28 IT IS HEREBY ORDERED AS FOLLOWS:

- 29 1. Courthouse Stays Open. The Island County Superior Court shall continue to remain open.
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2. Suspension of Jury Trials. Jury trial dates for any and all cases, whether civil or criminal, with an assigned trial date before February 8, 2022, are hereby STRICKEN. Unless an order is entered before that time providing otherwise, jury trials will resume on February 8, 2022.
 3. Criminal Jury Trials. This Court finds that the current critical phase of COVID-19 public health emergency presents a serious danger in congregate settings and that the current public health situation is an unavoidable circumstances under CrR 3.3(e)(8) constituting good cause to continue all jury trials in the administration of justice. The time period between January 7, 2022, and the close of business on February 7, 2022, shall be excluded for purposes of calculating time for trial. CrR 3.3. Counsel on criminal matters affected by this order shall provide the Court with proposed scheduling orders setting new dates.
 4. Civil Jury Trials. Counsel on non-criminal matters affected by this order shall re-note said matters for trial assignment.
 5. Remote Participation Encouraged. The Court encourages 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, bench trials, and all evidentiary proceedings, 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.**
 6. Protocol for In-Person Appearances. With the exception of those who must be excluded from congregate settings by reason of symptoms of, illness with, and/or exposure to COVID-19 in accordance with applicable state and federal health guidance, participants

1 and members of the public may continue to attend all open court proceedings during the
2 time that this Order is in effect. The Court's requirements for facial coverings/masking,
3 social distancing, and sanitation measures adopted in its prior orders regarding this public
4 health emergency must be strictly followed and will be strictly enforced. All persons
5 entering Island County Superior Courtrooms shall adhere to this Court's emergency
6 orders created in response to the pandemic.
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10 7. Suspension of Contrary Rules. To the extent that this Court has the power to do so, this
11 order modifies or suspends any and all court rules, both Local Court Rules and State Court
12 Rules, that are inconsistent with the terms set forth herein.

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14 8. Conflicting Orders. In the event that this order conflicts in any way with an order of the
15 Washington State Supreme Court, now in effect or hereinafter issued, the Supreme
16 Court's orders shall prevail. Except as inconsistent with this order, prior orders of this
17 Court regarding this public health emergency remain in effect.

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19 9. Effective Date. This order becomes effective upon signing and shall remain in effect until
20 modified or terminated by court order.

21 DATED this 7th day of January, 2022.

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CAROLYN CLIFF
Island County Superior Court

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CHRISTON C. SKINNER
Island County Superior Court