

SEP 07 2021

FILED

IN THE LOWER DISTRICT COURT
FOR THE COUNTY OF KITTITAS

IN THE MATTER OF) ADMINISTRATIVE ORDER
EMERGENCY RESPONSE TO A)
THREAT TO PUBLIC HEALTH) NO. 2021-02

WHEREAS, on February 29, 2020, the Governor for Washington State declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID-19); and

WHEREAS, on March 4, 2020, the Chief Justice of the Washington State Supreme Court adopted Order No. 25700-B-602, granting emergency authority upon all Washington courts to adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of public health emergency that affects operations of trial courts in Washington State; and

WHEREAS, on March 16, 2020, this court issued the first of several subsequent administrative orders which detailed the manner in which court proceedings would occur while the public health emergency existed; and

WHEREAS, there have been numerous subsequent orders, declarations, proclamations and advisories issued by the Governor, the Washington State Supreme Court and the Kittitas County Health Officer that have affected court proceedings, both locally and statewide, while still recognizing the doctrine of separation of powers and the independence of the judiciary; and

WHEREAS, the March 6, 2020, Kittitas County Board of County Commissioners declaration of a state of emergency due to the public health emergency posed by the spread of COVID-19 has been lifted; and

WHEREAS, the April 14, 2020, the health order issued by the Kittitas County Health Officer that required all residents of Kittitas County to stay at home has been lifted; and

WHEREAS, the Lower Kittitas County District Court is a high-volume court that operates in a relatively small physical space that is not large enough to conduct a jury trial with the recommended social distancing for participants in both the courtroom and the jury deliberation room; and

WHEREAS, the Washington State Department of Health has updated its Public Health Risk Reduction Recommendations for COVID-19 and the Washington State Courts, and the most recent recommendations allow for jurors to be three feet apart in situations where the available courtroom does not allow for six feet of separation or in deliberation rooms as long as jurors wear a mask that matches the risk level at all times, and are given more frequent breaks that are socially distanced by six feet¹; and

WHEREAS, the Kittitas County Public Health officer reported to the public on September 2, 2021, that the Kittitas County incident rate for Covid infections is greater than 500 per 100,000 people; and

WHEREAS, additional action by the court is required beyond this court's Administrative Orders No. 2020-01, -02, -03, -04, -05, -06, -07 and 2021-01.

NOW, THEREFORE, THE FOLLOWING IS HEREBY ORDERED:

- 1) Administrative Order No. 2021-01 of this court is affirmed including the suspension of IRLJ 2.6, except as it pertains to Jury Trials.
- 2) The Emergency Local Rule dated April 20, 2020, pertaining to physical access to the courthouse and/or courtrooms remains in place.
- 3) Jury trials are hereby suspended, and all jury trials set for the month of September are cancelled. The court will conduct a monthly review of this suspension with assistance from Kittitas County Public Health on the third Friday of each month to determine whether the jury trial suspension can be lifted or if the following month's trials will also be cancelled. Local court rule LCrR 4.5 (A)


¹ <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/CourtGuidanceCOVID-19.pdf>

providing for the use of a stipulated pre-trial statement of readiness is suspended for the duration of the current state of emergency.

- 4) Prospective jurors who receive a jury summons for 2021 should continue to follow the instructions to call in prior to arriving for jury duty to be notified if the suspension of jury trials is still in effect. Once the suspension is lifted and jury trials resume, prospective jurors who are supposed to be in isolation or quarantine due to having COVID-19 or symptoms of COVID-19 or having been in close contact with someone diagnosed with COVID-19 should inform the court prior to arriving for jury if possible.
- 5) All other scheduled proceedings will use the procedures described in the document previously attached to Administrative Order No. 2021-01 (Lower Kittitas County District Court: COVID-19 Procedures updated 3/22/2021).
- 6) Case-by-case exceptions, including the use of WebEx for virtual proceedings may be ordered at the discretion of the Court after consultation with the parties involved.
- 7) This Order does not affect the Court's consideration of any matter that can be resolved without a hearing and parties are encouraged to do so when possible.
- 8) The above takes effect immediately and remains in place until further notice.

Lower Kittitas County District Court remains open and is available by email, telephone, or fax. Mail will be received and processed usually by the next business day after receipt. Both criminal and civil intake desks remain open for filings.

DATED this 7 day of September, 2021.


Paul R. Sander
Presiding Judge
Lower Kittitas County District Court