

FILED

JUN 24 2020

KLICKITAT COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
IN AND FOR KLICKITAT/SKAMANIA COUNTY

IN RE THE KLICKITAT/SKAMANIA
COUNTY SUPERIOR AND THE
PANDEMIC OUTBREAK OF THE NOVEL
CORONAVIRUS DISEASE (COVID-19)

:
: Case No.: *20-2-00001-20*
:
: THIRD REVISED AND EXTENDED
: EMERGENCY ADMINISTRATIVE
: ORDER

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of
emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington;
and on March 13, 2020, President Trump declared a national emergency due to the
COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and
Prevention and the Washington State Department of Health have recommended
increasingly stringent social distancing measures of at least six feet between people,
and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and
extended a "Stay Home, Stay Healthy" order directing non-essential businesses to
close, banning public gatherings, and requiring Washingtonians to stay home except to
pursue essential activities; and

1 WHEREAS counties within Washington State are still required to take necessary
2 steps to insure public safety as the progress through the stages of re-opening;

3 WHEREAS, many court facilities in Washington are ill-equipped to effectively
4 comply with social distancing and other public health requirements and therefore
5 continued in-person court appearances jeopardize the health and safety of litigants,
6 attorneys, judges, court staff, and members of the public; and

7 WHEREAS, pursuant to this Court's prior orders, the stakeholders in the justice
8 system have taken important steps to protect public health while ensuring continued
9 access to justice and essential court services, including by strictly observing social
10 distancing measures, holding proceedings remotely, suspending many in-building
11 operations, and promulgating emergency rules as necessary; and

12 WHEREAS, the coordinated response from our courts and other stakeholders in
13 the court and justice system is necessary to prevent the further spread of COVID-19
14 and those responses must be continued beyond the timeframes in this Court's prior
15 orders to allow the courts to operate effectively and maintain effective and equitable
16 access to justice;

17 WHEREAS given the significant number of identified and projected COVID-19
18 cases in Washington State, the severity of the risk posed to the public, court personnel
19 and litigants, and the child care needs of potential jurors, witnesses, and other parties,
20 and based upon the consistent and urgent advice of all public health experts that use of
21 facial coverings and proactive "social distancing" and limiting public gatherings is
22 essential to address the emergent healthcare concerns brought on by the COVID-19
23 outbreak:

24
25 It is hereby ORDERED, pursuant to the authority of Washington State Supreme
Court Orders related to court operations during the COVID-19 pandemic and the

1 authority as the Presiding Judge of both the Klickitat County and Skamania County
2 Superior Courts, as follows:

3 GENERAL ORDERS:

4 1. This order shall supersede all previously issued emergency orders of the
5 court, which conflict with the terms of this order. The provisions of this order
6 are effective until December 31, 2020, unless otherwise noted.

7
8 2. Courtroom access.

9 A. Covid-19 Symptoms.

10 (i) Any persons exhibiting symptoms of COVID-19, including fever,
11 persistent cough, or shortness of breath SHALL NOT enter either the Klickitat
12 County Courtroom or the Skamania County Courtroom. Any persons
13 exhibiting these symptoms shall be refused entry into the courtroom.

14 (ii) Persons who are precluded from entering the courtroom or those
15 individuals at high risk for serious illness related to the COVID-19 outbreak
16 shall contact the court administrator of the respective court to request
17 alternative arrangements to conduct their desired courtroom business.

18 B. Masking. All persons entering the Klickitat County and Skamania County
19 Superior Court rooms shall wear a facial covering that covers their nose and
20 mouth.

21 C. Social Distancing.

22 (i) All persons attending court proceedings at the Skamania County
23 Superior Court courtroom shall adhere to social distancing requirements to
24 the extent practicable. Social distancing (also called "physical distancing")
25

1 shall require all persons to maintain at least 6 foot distance from all other
2 persons other than those in your household.

3 (ii) Social distancing requirement does not strictly apply to an attorney
4 and their client. Efforts should be made by attorney and client to adhere to
5 the social distancing requirement.

6 D. Enforcement. Court staff shall have the authority to (a) exclude persons
7 exhibiting symptoms of COVID-19, including fever, persistent cough, or
8 shortness of breath; (b) direct persons entering the courtroom the locations
9 within the courtroom where they may and may not be seated; and/or (c)
10 temporarily deny access to the courtroom for individuals refusing to comply
11 with the terms of this order or in an effort to ensure masking and social
12 distancing requirements within the courtroom.

13
14 3. Electronic Signatures. Notwithstanding any provision of GR 30 to the
15 contrary, an electronic signature shall be deemed a reliable means for
16 authentication of documents and shall have the same force and effect as an
17 original signature to a paper copy of the document so signed. For purposes
18 of this Order, "electronic signature" means a digital signature as described in
19 Supreme Court Order No. 25700-B-596 (July 16, 2019) and RCW
20 9A.72.085(5) (repealed); an electronic image of the handwritten signature of
21 an individual; or other electronic sound, symbol, or process, attached to or
22 logically associated with an electronic record and executed or adopted by a
23 person with the intent to sign the record, including but not limited to "/s/ [name
24 of signatory]. The court specifically waives provisions of GR 30(d) that
25

1 requires: (1) the issuance of a user ID and password to electronically file
2 documents with the court or clerk; (2) that a party who has filed electronically
3 or has provided the clerk with their email address must give consent to accept
4 electronic transmissions from the court. Electronic signatures filed in
5 compliance with this order shall bind the signer and function as the signer's
6 signature for any purpose, including CR 11.
7

8 4. Judicial signatures. Until further order of this court, use of an electronic
9 signature as defined by Supreme Court Emergency Order is an acceptable
10 means for any judicial officer to sign any document requiring a judicial
11 signature.

12 5. Notes for Dockets. All court hearing dates rescheduled by this order shall be
13 reset to the corresponding date addressed by this order. Matters rescheduled
14 by this order shall not require the parties to file a note to have the matter
15 placed on the docket. If a matter is not addressed by this order, the parties
16 will need to contact the court administrator to find an appropriate date for any
17 requested hearing and the party requesting the hearing will be directed to file
18 an appropriate note for the docket.
19

20 6. Remote Proceedings.

21 A. Liberally allowed and procedure. Telephonic or video appearances are
22 strongly encouraged and liberally allowed by the court whenever appropriate.
23 All hearings that involve a critical stage of the proceedings, courts shall
24 undertake every effort for defendants and respondents to have the
25 opportunity for private and continual discussion with their attorney.

1 (i) Litigants and/or attorneys will email remote proceedings request to
2 court administrator of the respective court. Klickitat County telephonic
3 requests shall be made by emailing to either johnfv@klickitatcounty.org or
4 maryh@klickitatcounty.org or mailing request to Superior Court Administrator,
5 205 S. Columbus Avenue RM 206, Goldendale WA 98620. Skamania County
6 telephonic requests shall be made by emailing to bell@co.skamania.wa.us or
7 mailing request to Superior Court Administrator, PO Box 790, Stevenson, WA
8 98648.
9

10 B. Recording prohibited.

11 (i) All persons are prohibited from recording proceedings of the Superior
12 Court without prior permission and this extends to recording the audio or
13 video of remote proceedings streamed to the Internet.

14 (ii) All lawyers, litigants, participants, or observing members of the press
15 or public are prohibited from taking photographs or recording video or audio
16 during remote proceedings, except with prior written authorization by the
17 Presiding Judge or of the judge conducting the hearing.

18 (iii) No person participating in, or listening to, such a proceeding may
19 rebroadcast, live-stream, or otherwise disseminate any live or recorded audio
20 or video of the court proceeding, except with prior written authorization by the
21 Presiding Judge or of the judge conducting the hearing.

22 (iv) Enforcement. Any violation of this prohibition on recording remote
23 proceedings may subject the offender to removal, contempt of court, and
24 such other penalties as are provided by law.
25

1 CRIMINAL CASES:

2 7. All jury trials are suspended until at least August 10, 2020.

3 8. Defendants Detained in Jail as of July 6, 2020.

4 A. Klickitat County Superior Court. For defendants detained in jail as of
5 July 6, 2020, jury trials scheduled in Klickitat County Superior Court for July 22,
6 2020 shall be continued until August 19, 2020. Jury trials rescheduled for August
7 19, 2020 will be set for a status conference hearing on August 3, 2020 at 10:00
8 AM, final review hearing on August 17, 2020 at 9:00 AM and jury trial scheduled
9 for August 19, 2020 at 8:15 AM.

10 B. Skamania County Superior Court. For defendants detained in jail as of
11 July 6, 2020, jury trials scheduled in Skamania County Superior Court for July 13,
12 2020 shall be continued until August 10, 2020. Jury trials rescheduled for August
13 10, 2020 shall be set for a status conference on July 30, 2020 at 11:00 AM and
14 jury trial scheduled for August 10, 2020 at 8:15 AM.

15 9. Defendants Not Detained in Jail as of July 6, 2020

16 A. Klickitat County Superior Court. For defendants not detained in jail as
17 of July 6, 2020, jury trials scheduled in Klickitat County Superior Court shall be
18 continued until September 23, 2020. Jury trials rescheduled for September 23,
19 2020 shall be set for a status conference on September 8, 2020 at 10:00 AM,
20 final review on September 21, 2020 at 9:00 AM and jury trial on September 23,
21 2020 at 8:15 AM.

22 B. Skamania County Superior Court. For defendants not detained in jail
23 as of July 6, 2020, jury trials scheduled in Skamania County Superior Court shall
24 as of July 6, 2020, jury trials scheduled in Skamania County Superior Court shall
25

1 be continued until September 14, 2020. Jury trials rescheduled for September
2 14, 2020 shall be set for a status conference on August 27, 2020 at 11:00 AM
3 and jury trial on September 14, 2020 at 8:15 AM.

4 10. Juvenile Fact-Findings.

5 A. Klickitat County. Juvenile fact-findings scheduled in Klickitat County
6 Superior Court – Juvenile Division shall be set for review hearing on June 25,
7 2020.

8 B. Skamania County. Juvenile fact-findings scheduled in Skamania
9 County Superior Court – Juvenile Division shall be continued until August 12,
10 2020 at 1:30 PM. Juvenile fact-findings scheduled for August 12, 2020 shall be
11 set for a review hearing on July 15, 2020 at 1:30 PM.

12 11. A continuance of criminal and juvenile offender hearings and trials is
13 required in the administration of justice. Based upon this court's finding that the
14 serious danger posed by COVID-19 is good cause to continue criminal and
15 juvenile offender trials, and constitutes an unavoidable circumstance under CrR
16 3.3(e)(8), CrRLJ 3.3(e)(8), and JuCR 7.8(e)(7), the time between March 18, 2020
17 and September 1, 2020 shall be EXCLUDED when calculating time for trial. CrR
18 3.3(e)(3), CrRLJ 3.3(e)(3), JuCR 7.8(e)(3).

19 12. Signatures of Defendants/Respondents. The Court finds that obtaining
20 signatures from defendants or respondents for orders continuing existing matters
21 places significant burdens on attorneys, particularly public defenders and all
22 attorneys who must enter correctional facilities to obtain signatures in person.
23
24
25

1 Therefore, this Order serves to authorize continuing those matters without need
2 for further written orders.

3 A. Additionally: (i). Defense counsel is not required to obtain signatures
4 from defendants or respondents on orders to continue criminal or juvenile
5 offender matters consistent with this order. (ii). Courts shall provide notice of new
6 hearing dates to defense counsel and unrepresented defendants. (iii). Defense
7 counsel shall provide notice to defendants and respondents of new court dates.
8

9 13. Other Hearings. Any other criminal case hearings currently scheduled in
10 Superior Court that are not addressed by this order shall remain as scheduled.

11 14. Scheduling Procedure. Prior to scheduling any hearings not currently
12 scheduled on a docket, attorney or self-represented litigant must get agreement
13 from opposing party(s) and contact the court administrator for the respective
14 court and obtain approval from the court administrator. Prosecuting attorney
15 shall notify the court administrator when the parties reach a resolution on a
16 criminal case and requesting a plea hearing date. Priority for scheduling
17 hearings will be given for (i) pretrial release and bail modification hearings; and
18 (ii) plea hearings. Parties are not required to file motions to shorten time in
19 scheduling any of these matters and will be scheduled through the appropriate
20 court administrator.
21


22 CIVIL AND MISCELLANEOUS MATTERS:

23 15. All civil jury trials remain suspended until at least August 21, 2020. Any
24 civil jury trials scheduled between today's date and August 21, 2020 will be reset
25 by the court administrator of the respective court.

1 16. Civil Motion Hearings. Prior to scheduling any civil motion hearing, any
2 party or self-represented litigant shall contact the court administrator and receive
3 approval for setting the matter on the civil motion docket. Civil matters will be
4 scheduled by the court administrator as long as such matters can appropriately
5 be conducted by telephone, video or other remote means, or in person with strict
6 observance of social distancing and other public health measures.

7
8 17. Scheduling/Service/Discovery. The court strongly encourages parties to
9 stipulate in writing to reasonable modifications of existing case schedules and
10 methods of service and to conduct discovery by remote means whenever
11 possible.

12 DATED this 24th day of June, 2020.



Randall C. Krog, Presiding Judge of
Klickitat/Skamania County Superior
Courts