

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

8 WHEREAS, on July 28, 2020, Governor Insee indefinitely paused re-openings
9 for all counties under the "Safe Start – Stay Healthy" County by County Phased
10 Reopening proclamation; and

11 WHEREAS, this fall, the spread of COVID-19 has begun to accelerate and new
12 projections as of December 23, 2020 indicated the rise in infections, daily deaths and
13 use of hospital beds is not projected to ease until mid-February 2021.

14 [https://covid19.healthdata.org/united-states-of-america/washington?view=infections-](https://covid19.healthdata.org/united-states-of-america/washington?view=infections-testing&tab=trend&test=infections)
15 [testing&tab=trend&test=infections](https://covid19.healthdata.org/united-states-of-america/washington?view=infections-testing&tab=trend&test=infections); and

16 WHEREAS, on November 15, 2020, Governor Inslee issued a new proclamation,
17 imposing new restrictions on social gatherings and other behavior and stated, "positive
18 COVID-19 related cases and hospitalizations have been on a steady rise since early
19 September; and, most alarmingly, from the latter part of October through the first two
20 weeks of November, 2020, COVID-19 cases have doubled in Washington, and COVID-
21 19 related hospitalizations have risen sharply, putting our people, our health system,
22 and our economy in as dangerous a position as we faced in March 2020." State of
23 Wash. Office of the Governor, Proclamation 20-25.8 "Stay Safe – Stay Healthy"

1 Rollback of City-by City Phased Reopening Responding to a COVID-19 Outbreak Surge
2 (Nov. 15, 2020). Klickitat and Skamania County numbers have increased significantly
3 over the past month (60% increase since 11/30/20; as of 12/30/20); and

4 WHEREAS, the Governor noted in the Proclamation that “a significant risk factor
5 for spreading the virus is prolonged, close contact with an infected person indoors,” and
6 that “several factors increase the risk for person-to-person COVID-19 transmission,”
7 including: (1) “the more that people and groups interact”; (2) “the longer those
8 interactions last”; (3) “the closer the contact between individuals”; and (4) “the denser
9 the occupancy for indoor facilities”; and

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11 WHEREAS, on November 20, 2020, Washington Supreme Court Chief Justice
12 Debra Stephens issued a message to all Washington courts, acknowledging the
13 dramatic rise of COVID-19 activity in the State and requesting that all courts reassess
14 “the risk of in-person proceedings and the present ability to mitigate those risks
15 consistent with public health guidance”;

16 WHEREAS as limited options exist within Klickitat and Skamania County exist to
17 safely gather large groups of potential jurors to allow for proper social distancing; and

18 WHEREAS, as of December 28, 2020, the Washington State Department of
19 Health shows that Klickitat County has had 441 probable cases, 20 hospitalizations and
20 3 deaths and Skamania County has had 181 probable cases, 7 hospitalization and 1
21 death; and

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23 WHEREAS, due to the rise in cases and predictions that case numbers will
24 continue to rise, the court determines that it is not reasonably feasible or safe to conduct
25 jury trials under current conditions wherein jurors are required to travel to court and

1 congregate all day in indoor facilities and would pose an unreasonable risk to the health
2 of all participants in the court proceedings. Due to these circumstances and the serious
3 danger of COVID-19, continuance of all jury trials is supported by good cause, required
4 in the administration of justice and an unavoidable circumstance.

5 It is hereby ORDERED, pursuant to the authority of Washington State Supreme
6 Court Orders related to court operations during the COVID-19 pandemic and the
7 authority as the Presiding Judge of both the Klickitat County and Skamania County
8 Superior Courts, as follows:

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10 GENERAL ORDERS:

11 1. This order shall supersede all previously issued emergency orders of the
12 court, which conflict with the terms of this order. The provisions of this order
13 are effective until June 1, 2021, unless otherwise noted.

14 2. Courtroom access.

15 A. Covid-19 Symptoms.

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

20 (ii) Persons who are precluded from entering the courtroom or those
21 individuals at high risk for serious illness related to the COVID-19 outbreak
22 shall contact the court administrator of the respective court to request
23 alternative arrangements to conduct their desired courtroom business.
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1 B. Masking. All persons entering the Klickitat County and Skamania County
2 Superior Court rooms shall wear a facial covering that covers their nose and
3 mouth.

4 C. Social Distancing.

5 (i) All persons attending court proceedings at the Klickitat and Skamania
6 County Superior Court courtrooms shall adhere to social distancing
7 requirements to the extent practicable. Social distancing (also called
8 "physical distancing") shall require all persons to maintain at least 6 foot
9 distance from all other persons other than those in your household.

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

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

20 3. Electronic Signatures. Notwithstanding any provision of GR 30 to the
21 contrary, an electronic signature shall be deemed a reliable means for
22 authentication of documents and shall have the same force and effect as an
23 original signature to a paper copy of the document so signed. For purposes
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1 of this Order, "electronic signature" means a digital signature as described in
2 Supreme Court Order No. 25700-B-596 (July 16, 2019) and RCW
3 9A.72.085(5) (repealed); an electronic image of the handwritten signature of
4 an individual; or other electronic sound, symbol, or process, attached to or
5 logically associated with an electronic record and executed or adopted by a
6 person with the intent to sign the record, including but not limited to "/s/ [name
7 of signatory]. The court specifically waives provisions of GR 30(d) that
8 requires: (1) the issuance of a user ID and password to electronically file
9 documents with the court or clerk; (2) that a party who has filed electronically
10 or has provided the clerk with their email address must give consent to accept
11 electronic transmissions from the court. Electronic signatures filed in
12 compliance with this order shall bind the signer and function as the signer's
13 signature for any purpose, including CR 11.

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

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20 5. Remote Proceedings.

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

3 B. Recording prohibited.

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

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

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

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

18 CRIMINAL CASES:

19 6. All criminal jury trials are suspended through March 5, 2021.

20 7. A continuance of criminal trials for cases filed in Klickitat County and
21 Skamania County Superior Court is required in the administration of justice.

22 Based upon this court's finding that the serious danger posed by COVID-19 is
23 good cause to continue criminal trials, and constitutes an unavoidable
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1 circumstance under CrR 3.3(e)(8) & CrRLJ 3.3(e)(8), the time between this
2 order and the next scheduled trial date after March 5, 2021 shall be
3 EXCLUDED when calculating time for trial. CrR 3.3(e)(3) & CrRLJ 3.3(e)(3).

4 8. Klickitat County Jury Trials.

5 A. Jury Trials Scheduled for January 20, 2021 and February 3, 2021. All
6 criminal jury trials scheduled for January 20, 2021 and February 3, 2021 are
7 stricken and continued to March 17, 2021. Jury trials rescheduled for March
8 17, 2021 will have a status conference scheduled for March 1, 2021 at 10:00
9 AM, final review scheduled for March 15, 2021 at 9:00 AM and jury trial
10 scheduled for March 17, 2021 at 8:15 AM.

11 B. Jury Trials Scheduled for February 17, 2021 and March 3, 2021. All
12 criminal jury trials scheduled for February 17, 2021 and March 3, 2021 are
13 stricken and continued to April 7, 2021. Jury trials rescheduled for April 7,
14 2021 will have a status conference scheduled for March 15, 2021 at 10:00
15 AM, final review scheduled for April 5, 2021 at 9:00 AM and jury trial
16 scheduled for April 7, 2021 at 8:15 AM.

17 9. Skamania County Jury Trials Scheduled for January 11, 2021. All criminal
18 jury trials scheduled for January 11, 2021 are stricken and continued to March
19 8, 2021. Jury trials rescheduled for March 8, 2021 will have a status
20 conference scheduled for February 11, 2021 at 11:00 AM and jury trial
21 scheduled for March 8, 2021 at 8:00 AM.

22 10. Signatures of Defendants/Respondents. The Court finds that obtaining
23 signatures from defendants or respondents for orders continuing existing
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1 matters places significant burdens on attorneys, particularly public defenders
2 and all attorneys who must enter correctional facilities to obtain signatures in
3 person. Therefore, this Order serves to authorize continuing those matters
4 without need for further written orders.

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

13 11. All civil jury trials are suspended through March 5, 2021.

14 12. Non-jury trials may be scheduled through the court administrator.

15 13. Scheduling/Service/Discovery. The court strongly encourages parties to
16 stipulate in writing to reasonable modifications of existing case schedules and
17 methods of service and to conduct discovery by remote means whenever
18 possible.
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20 DATED this 30th day of December, 2020.

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