

IN THE MUNICIPAL COURT FOR THE CITIES OF ISSAQUAH, SNOQUALMIE AND
NORTH BEND, COUNTY OF KING, STATE OF WASHINGTON

IN THE MATTER OF EMERGENCY RESPONSE) ADMINISTRATIVE ORDER
TO THREAT OF PUBLIC HEALTH) NO. 2022-2
)
)
) Court Operations
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WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington;

WHEREAS the Washington Supreme Court's State of Emergency for courts in the State of Washington is ongoing despite the availability of treatments and a vaccine to help prevent or mitigate the effects of the novel coronavirus if contracted;

WHEREAS Covid-19 remains a highly transmissible airborne disease posing serious health risks to certain vulnerable populations and to those who remain unvaccinated.

WHEREAS there has been a recent and ongoing spike in the occurrence of Covid 19 in the state of Washington and local community.

WHEREAS the Washington State Supreme Court has issued numerous orders in response to the public health emergency granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS the Washington State Supreme Court has deferred the authority to set safety guidelines and protocols to individual courts and encouraged the setting of safety protocols consistent with State and other available local public health guidance;

WHEREAS this court has the duty, broad authority and inherent discretion to enforce order in the courtroom, protect the safety of all those in the courtroom, remove distracting spectators or litigants, and to reasonable regulate access to courts. RCW 2.28.010. RCW 7.21, See, *Bly v. Henry*, 28 Wn.App. 469 (1980)(citing, *Sandstrom v. State*, 309 So.2d 17, 22 (Fla.App.1975); *Friedman v. District Court*, 611 P.2d 77 (Alaska 1980)), *State v. Elwood*, 193 Wash. 514 (1938), *State v. Lormer*, 172 Wn.2d 85 (2011), *State v Giordano*, 57 Wn.App. 74 (1990), *State v. Hartzog*, 26 Wn.App. 576 (1980). *State v. Basford*, 1 Wn.App. 576 (1970). *State v. S.H.*, 102 Wn.App 468 (2000), *State v. Caffrey*, 70 Wn.2d 120 (1966).

WHEREAS, the Issaquah Municipal Court is a high volume court and is not requiring persons to be vaccinated to enter the courthouse or to access essential court services; therefore, the court must continue to take precautions to keep all employees, jurors, court users, and all members of the general public who enter its locations safe;

WHEREAS, the State Department of Health (DOH) continues to provide guidance that the use of masks and social distancing remain the most effective means to protect unvaccinated

individuals against the novel coronavirus, and Department of Health and Labor and Industries continue to require unvaccinated persons to wear masks in public spaces;

WHEREAS, the Issaquah Municipal Court is an independent and essential branch of government integral to a functioning democracy and provides for the orderly and lawful resolution of disputes, and plays an essential role in maintaining public safety and in ensuring the equal and unbiased application of the law and adherence to the State and Federal Constitutions; and,

WHEREAS, the Issaquah Municipal Court is committed to the fair and equal treatment of all persons and to following principles of equity and social justice to ensure due process and equal access, free of economic, social, or procedural barriers, for all persons, regardless of their circumstances;

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1. The Issaquah Municipal Court continues to operate under a State of Emergency due to the novel corona virus health pandemic and its continued impact on court operations.
2. The Issaquah Municipal Court Clerk’s Office is open Monday thru Friday from 8:30 a.m. to 4:30 p.m. and staff are available during those hours by telephone, and both mail and email will be received. To protect the health and safety of the Issaquah Municipal Court staff, defendants, attorneys, witnesses and other persons having business with the court, until further court order the Issaquah Municipal Court will be closed to the public for in person business. Court staff can be reached by mail, phone and email.

Mailing Address: P.O. Box 7005, Issaquah, WA 98027

Phone: (425) 837-3170

Email: municipalcourt@issaquahwa.gov.

3. During the public health emergency related to the Covid-19 pandemic the court anticipates making daily findings under *State v. Bone-Club*, 128 Wash.2d 254, 906 P.2d 325 (1995) addressing whether there is a compelling interest requiring that hearings be held by way of a virtual courtroom and/or limiting physical access to the courtroom and limiting public interaction with the parties and court staff. Anyone who objects to the use of a virtual courtroom may contact the court at 425-837-3170 and request access to the hearing for the purpose of stating their objection, provided that permission to address the Court is requested and granted.
4. The court will hold all calendars virtually utilizing the Zoom platform, which will be livestreamed on YouTube. Persons may appear in the virtual courtroom utilizing their smart phone or computer’s audio/visual and/or by phone. The YouTube channel is accessible on the court’s website for purposes of those persons who are interested in watching court proceedings. Other persons who are interested in participating in the hearing will also be given access to the video courtroom. Video hearings are courtrooms and persons participating must remain quiet unless called upon to speak.

Recording of the livestream broadcast is prohibited without prior approval of the court.

5. Jury trials presently for set for the jury term during the month of January 2022 are continued until the court re-opens for in-person hearings. These continuances are made for a good cause emergency in light of the ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, and any other applicable court rule.
6. The Court is using OCOURT for the preparation of most court documents. Except in extraordinary circumstances, all attorneys appearing in the Issaquah Municipal Court are required to obtain an OCOURT account. Except in extraordinary circumstances, defense attorneys shall complete all necessary documents in OCOURT, select any future court dates and obtain necessary signatures, including either obtaining their client's signature or, where appropriate, signing on behalf of their client, prior to indicating that a case is ready to be addressed. Because we typically only have one or two prosecutors appearing at a calendar, defense counsel should not rely upon the prosecutor to complete OCOURT documents.
7. While it is not anticipated that any persons will be entering the courthouse during the period covered by this order, to protect the health and safety of the Issaquah Municipal Court staff, defendants, attorneys, witnesses and other persons having business with the court, should there be an extraordinary circumstance where a person is allowed into the courthouse, any such person will be required to comply with the following court rules which will be displayed on the courthouse doors:
 - Persons who are sick or experiencing flu-like symptoms such as a cough, fever, respiratory problems, or any symptoms associated with COVID-19 or its variants SHALL NOT enter the Issaquah Municipal Court Building.
 - Persons entering the courthouse shall wear a protective face covering of the type recommended by the Center for Disease Control regardless of their vaccination status
 - All persons shall use hand sanitizer prior to electronically signing any documents. The court may also request that persons disinfect the electronic Topaz pad after use. All persons are encouraged to use hand sanitizer as needed and, specifically, upon entering and exiting the courthouse.
 - Persons shall not approach the in-court clerk's desk without receiving permission from the judge.
 - Court staff, including court security, may direct persons to comply with social distancing and hygiene measures and persons entering the courthouse will be required to comply with any such directives. Any failure to comply with a direction from court staff will be grounds for removal from the courthouse and

may result in a finding that a defendant has failed to appear and in the issuance of a bench warrant. The above policies will remain in place until further notice.

- Please note that a person's compliance with the above social distancing and hygiene measures is not intended as a guarantee against them acquiring and/or spreading Covid-19. The best way to ensure that a court appearance does increase the risk of exposure to the virus is to sign into our virtual courtroom from a safe, sanitary environment.

The above policies will remain in place until further notice.

8. Person having arrest warrants out of the Issaquah Municipal Court, or their counsel, may file a written request to quash the warrant. The case will be set on a future calendar. The court will determine whether the warrant remains in place pending that court hearing.
9. Defendants will be allowed to apply for the public defender by phone or email by contacting the Issaquah Municipal Court at (425) 837-3170 or municipalcourt@issaquahwa.gov.
10. Probation appointments with Probation Officer Melanie Vanek will be conducted by Zoom video and/or phone at the discretion of Ms. Vanek unless otherwise ordered by the court.
11. The Court finds that obtaining signatures from defendants on court documents during the Covid-19 outbreak places significant burdens on defendants, defense attorneys, particularly public defenders and prosecutors, and further impacts the administration of justice. Therefore, defense counsel is not required to obtain signatures from defendants on court documents. Rather, an attorney's signature on behalf of his or her client will be sufficient. For guilty pleas, deferred prosecutions stipulated orders of continuance, waivers of jury trial and other documents later identified by the court it will also be necessary that a defendant verbally indicate that his or her attorney is authorized to sign on his or her behalf. Verbal notification of a future court date shall be considered sufficient notice. Notice can also be sent by email, where provided by a defendant, and or an email to defense counsel with the agreement that he or she will forward notice to their client.
12. During the Covid-19 outbreak, obtaining signatures on court pleadings and documents places significant burdens on defendants, defense attorneys, particularly public defenders, prosecutors, and further impacts the administration of justice. Therefore, to protect the health and safety of the Issaquah Municipal Court staff, persons having business with the Issaquah Municipal Court and the public at large, by this Administrative Order the court finds that an electronic signature shall be deemed a reliable means for authentication of documents and shall have the same force and effect as an original signature to a paper copy of any document so signed. An electronic signature shall include, but is not limited to, (1) an electronic image of a person's handwritten signature, (2) circumstances where a person during a recorded

open court session verbally authorizes that his or her signature be placed on a document by another person, or (3) any other process logically associated with an electronic record and executed or adopted by a person with the intent to sign the record, including but not limited to “/s/ [name of signatory]”, including circumstances where the signature is placed by the attorney at the request or direction of his or her client. This Administrative Order specifically suspends the requirement under CrRLJ 3.3(c)(2)(i) to the extent that it requires that a written waiver of the right to a speedy trial be signed by the defendant and authorizes the use of an electronic signature.

13. No part of this order suspends the defendant’s right to a public trial, or the general right of the public to be present at court proceedings under the constitutional provisions that require the open administration of justice.
14. The court may re-assess the terms of this administrative order daily on an as needed basis.
15. All hearings delayed as a result of this order are made for good cause Emergency in light of the ongoing health crisis and shall be excluded periods for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1 , IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule. Due to the pandemic, infraction hearings set beyond the 120-day time requirement shall not be dismissed unless the court determines that the dismissal is required in the interests of justice after weighing the unforeseen circumstances of the pandemic against any prejudice to the defendant.

Dated January 7, 2022.

A handwritten signature in black ink, consisting of three distinct, stylized cursive marks.

N. Scott Stewart, Presiding Judge