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IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR LEWIS COUNTY

In Re:

EMERGENCY NOTIFICATION LIMITING  
COURT OPERATIONS RESULTING  
FROM PUBLIC HEALTH EMERGENCY

GENERAL ORDER DATED:  
December 24, 2020

GR 21

This Order supplements and modifies the prior General Orders of this court issued in response to COVID-19. All other provisions of the Prior General Orders, not addressed within this Order remain in full force and effect.

Based upon information from the Center for Disease Control (CDC), the recommendations of the Public Health Officer for Lewis County, the Director of Public Health for Lewis County, guidance from the Washington State Supreme Court, and based upon other restrictions put in place by the Governor of the state of Washington, the Lewis County Superior Court is taking the following actions (Orders):

**CIVIL MATTERS**

1. All civil jury trials scheduled for November, December 2020, January ,and February 1 through 28, 2021 are hereby stricken. No civil jury trials will occur until **at least** the week of **March 1, 2021**.
2. Civil Jury trials (excluding those under the Involuntary Treatment Act) shall be rescheduled through Court Administration.
3. Jury Trials under the Involuntary Treatment Act are stricken and shall be placed on the Tuesday calendar for consideration.
4. Non-jury trials may be conducted under circumstances and restrictions addressed on a case by case basis that, at least, will strictly observe social distancing mandates and other public health measures.
5. Civil matters will continue to be heard under the following conditions:
  - a. Parties are encouraged to participate remotely to the greatest extent possible.



- 1 2. The Court, at its discretion, may direct remote appearance.
- 2 3. Witness are encouraged, to the extent practicable, appear remotely to
- 3 provide testimony for non-trial hearings requiring their appearances.
- 4 4. Any in person appearance shall be under strict adherence to social-
- 5 distancing, strict adherence to the masking requirements.
- 6 5. The Court and Clerk will continue to provide access to the courts and the
- 7 Clerk's office and address accessibility issues on a case by case basis
- 8 that, at least, will strictly observe social distancing mandates and other
- 9 public health measures.
- 10 6. Arraignment on out of custody matters (criminal and juvenile) filed
- 11 between the issuance of this Order and February 28, 2021 may be
- 12 deferred until 45 days after filing of charges. The arraignment date shall
- 13 be considered the initial commencement date for purposes of establish
- 14 the time for trial under the Criminal Rules (CrR and JuCrR).
- 15 7. Therapeutic Courts may continue to operate under circumstances and
- 16 restrictions that, at least, will strictly observe social distancing mandates
- 17 and other public health measures.
- 18 8. Ex Parte No Contact Orders may be entered by the court and served by
- 19 mail or electronic means.
- 20 9. Priority will be given to hearings to address bail/conditions of release, plea
- 21 and sentencing hearings where release may occur within 30 days of the
- 22 hearing.
- 23 10. Motions to shorten time are not required for these hearings.
- 24 11. The hearings and trials of criminal matters continued under these, or
- 25 previous, orders are required in the administration of justice based upon a
- 26 good cause finding. Time between November 16, 2020 (date of this
- Court's previous order) up to and including February 28, 2021 are hereby
- excluded** when calculating time for trial under applicable rules.
12. Obtaining signatures under the current circumstances may be
- burdensome and/or endanger the health of participants. Hearings may
- be continued without written/signed orders.
13. Defense counsel is not required to obtain defendants'/respondents'
- signatures on matters through February 28, 2021.

1 14. If new hearing dates are created **outside** of the defendant's presence,  
2 the defendant's attorney shall be responsible for providing written  
3 notice to the defendant. If the defendant is **pro se** the Court, or its  
designee, shall provide notice.

4 15. This Court shall continue to consider matters on a case by case basis as  
5 other needs arise. Prosecution and defense have taken appropriate steps  
6 to ensure availability and access for defendants/respondents and will  
continue to do so. Appropriate steps will be taken to ensure matters are  
heard as needed and in a timely fashion.

7 16. Such continuances will not prejudice any defendant impacted and each  
8 case impacted will, in addition to this order, be addressed on a case by  
case basis.

9 17. As to criminal jury trials, the court finds, pursuant to CrR 3.3(f), as well as  
10 guidance from the Washington State Supreme Court, the continuances  
11 are required in the administration of justice as the court has a reduced  
12 ability to obtain an adequate spectrum of jurors for trials as well as  
provided adequate facilities to carry out trials in a fashion that does not  
create a greater risk of spread of COVID-19.

13 18. All matters stricken under this Order shall be reviewed by the Court at the  
14 currently scheduled Trial Confirmation hearing, or other hearing that may  
be set currently, or in the future.

15 19. Defense counsel and the Prosecutor's Office is **strongly** encouraged to  
16 "pre-set" dates with Court Administration to help already congested Court  
calendars.

17 i. Beginning with trial scheduled the week of March 1, 2021, jury  
18 trials shall be limited to a schedule of 30 per week.

19 ii. Such restriction is necessary when considering the following  
20 factors:

21 1. The County has the ability to hold jury selection in only one  
(1) location which is shared by the Lewis County District  
22 and Superior Courts.

23 2. If social distancing is still in place, the Lewis County  
Superior Court has only one (1) courtroom of sufficient size  
24 to accommodate such restrictions.

25 3. If social distancing is not still in place, the Lewis County  
Superior Court is limited to three elected Judges. One must  
26 be available to attend to other proceedings if the remaining  
two (2) are in trial.

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- 4. Victims, witnesses, and defendants alike, in this time of uncertainty, are entitled to *reasonable* estimates of when their matters will proceed to trial.
  
- 5. The prosecution, defense, Clerk's Office staff, and the staff of this Court have, throughout this pandemic, labored under immense stress and strain.
  - a. In the case of prosecution and defense, they too need to be able to properly evaluate and address the matters on their caseloads to address the unique circumstances and the people that are being impacted.
  
  - b. In the case of Clerk and Court staff, the unique pressure imposed by COVID (pandemic, restrictions, and stresses) require additional preparation measures and time to be taken.
  
- 6. These limits, when taken together, or individually, are such that the limit of setting 30 jury trials per week is exceedingly reasonable. This limitation will be reviewed and adjusted as needed.

- 20. The time periods set forth in this General Order are excluded periods for the purposes of computing time for trial. See CrR 3.3(e)(3).
  
- 21. At this time, no other hearing will be impacted.
  
- 22. The Court remains available for criminal bench trials.
  
- 23. The Lewis County Superior Court remains open and staff will be available.

DATED this 24 day of Dec 2020.

James W. Sawler  
SUPERIOR COURT JUDGE