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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:
January 5, 2022

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 Washington State Department of Health, and Public Health and Social Services for Lewis County, guidance from the Washington State Supreme Court, the Lewis County Superior Court is taking the following actions (Orders):

CIVIL MATTERS

1. All civil jury trials scheduled for the weeks of January 10, January 17, and January 24, 2022 are hereby stricken. No civil jury trials will occur until **at least** the week of **January 31, 2022**.
2. Civil Jury trials (excluding those under the Involuntary Treatment Act) shall be rescheduled through Court Administration.
3. Any scheduled 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, masking 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 b. Remote attendance must be arranged in advance with Court
Administration.

2 c. The Court, at its discretion, may direct remote appearance.

3 d. The Court, at its discretion may direct matters be considered solely upon
4 written submissions of the parties.

5 6. Any in-person appearance shall be under strict adherence to social-distancing, and
6 strict adherence to the masking requirements.

7 7. The Court will be available for emergency civil matters and will strictly observe
8 social distancing mandates, masking mandates, and other public health measures.

9 8. The Court and Clerk will continue to provide access to the courts and the Clerk's
10 office and address accessibility issues on a case by case basis that, at least, will
11 strictly observe social distancing mandates, masking mandates, and other public
12 health measures.

13 9. This Court shall exercise discretion in setting hearing dates, extending temporary
14 orders and making other accommodations to ensure sufficient notice and
15 reasonable accommodations and restrictions to address the social distancing
16 mandates, masking mandates, and other public health measures.

14 CRIMINAL/JUVENILE MATTERS

15 1. All criminal jury trials scheduled for the weeks of January 10, January 17, and
16 January 24, 2022 are hereby stricken. No criminal jury trials will occur until **at least**
17 the week of **January 31, 2022**.

18 2. Out of custody criminal and juvenile matters can be heard as scheduled under the
19 following conditions:

20 1. Parties are encouraged to participate remotely to the greatest extent
21 possible.

22 2. Remote attendance must be arranged in advance with Court
Administration.

23 3. The Court, at its discretion, may direct remote appearance.

24 4. Witness are encouraged, to the extent practicable, appear remotely to
provide testimony for non-trial hearings requiring their appearances with
prior approval of the Court.

25 5. Any in person appearance shall be under strict adherence to social-
26 distancing, strict adherence to the masking requirements.

- 1 6. The Court and Clerk will continue to provide access to the courts and the
2 Clerk's office and address accessibility issues on a case by case basis that,
3 at least, will strictly observe social distancing mandates, masking mantes,
4 and other public health measures.
- 5 7. Arraignment on out of custody matters (criminal and juvenile) filed between
6 the issuance of this Order and January 28, 2022 may be deferred until 45
7 days after filing of charges. The arraignment date shall be considered the
8 initial commencement date for purposes of establish the time for trial under
9 the Criminal Rules (CrR and JuCrR).
- 10 8. Therapeutic Courts may continue to operate under circumstances and
11 restrictions that, at least, will strictly observe social distancing mandates,
12 masking mandates, and other public health measures.
- 13 9. Priority will be given to hearings to address bail/conditions of release, plea
14 and sentencing hearings where release may occur within 30 days of the
15 hearing.
- 16 10. Motions to shorten time are not required for these hearings.
- 17 11. The hearings and trials of criminal matters continued under these, or
18 previous, orders are required in the administration of justice based upon a
19 good cause finding. Time between the date of this Order, January 5, 2022
20 and up to and including the defendant's first post-January 28, 2022
21 appearance are hereby **excluded** when calculating time for trial under
22 applicable rules.
- 23 12. Obtaining signatures under the current circumstances may be
24 burdensome and/or endanger the health of participants. Hearings may
25 be continued without written/signed orders.
- 26 13. Defense counsel is not required to obtain defendants'/respondents'
signatures on matters through January 28, 2022.
14. If new hearing dates are created **outside** of the defendant's presence,
the defendant's attorney shall be responsible for providing written notice
to the defendant. If the defendant is **pro se** the Court, or its designee,
shall provide notice to the defendant.
15. This Court shall continue to consider matters on a case by case basis as
other needs arise. Prosecution and defense have taken appropriate steps
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.

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

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

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

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

16 i. Beginning with trial scheduled the week of January 28, 2022, jury
17 trials shall be limited to a schedule of 30 per week.

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

19 1. The County has the ability to hold jury selection in only two
20 (2) locations which is shared by the Lewis County District and
21 Superior Courts.

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

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

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.

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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 5th day of January 2022.



J. ANDREW TOYNBEE
SUPERIOR COURT PRESIDING JUDGE