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2
3 IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR LEWIS COUNTY

4 In Re:

5 EMERGENCY NOTIFICATION LIMITING
6 COURT OPERATIONS RESULTING
7 FROM PUBLIC HEALTH EMERGENCY

GENERAL ORDER DATED:
February 9, 2022

GR 21

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

11 Based upon information from the Center for Disease Control (CDC), the Washington
12 State Department of Health, and Public Health and Social Services for Lewis County,
13 guidance from the Washington State Supreme Court, the Lewis County Superior Court is
taking the following actions (Orders):

14 **CIVIL MATTERS**

- 15 1. All civil jury trials scheduled for the weeks of February 28 and March 7 , 2022 are
16 hereby stricken. No civil jury trials will occur until **at least** the week of **March 14,**
2022.
- 17 2. Civil Jury trials (excluding those under the Involuntary Treatment Act) shall be
18 rescheduled through Court Administration.
- 19 3. Any scheduled Jury Trials under the Involuntary Treatment Act are stricken and
shall be placed on the Tuesday calendar for consideration.
- 20 4. Non-jury trials may be conducted under circumstances and restrictions addressed
21 on a case by case basis that, at least, will strictly observe social distancing
mandates, masking mandates, and other public health measures.
- 22 5. Civil matters will continue to be heard under the following conditions:
- 23 a. Parties are encouraged to participate remotely to the greatest extent
24 possible.

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

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

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

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

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

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

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

18 CRIMINAL/JUVENILE MATTERS

19 1. All criminal jury trials scheduled for the weeks of February 28 and March 7, 2022,
20 are hereby stricken. No criminal jury trials will occur until at least the week of
21 **March 14, 2022.**

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

24 1. Parties are encouraged to participate remotely to the greatest extent
25 possible.

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

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

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.

5. Any in person appearance shall be under strict adherence to social-
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 **March 11 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, February 9, 2022
20 and up to and including the defendant's first post-March 11, 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 March 11, 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 March 14, 2022, jury trials
17 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.

1 a. In the case of prosecution and defense, they too need
2 to be able to properly evaluate and address the
3 matters on their caseloads to address the unique
4 circumstances and the people that are being
5 impacted.

6 b. In the case of Clerk and Court staff, the unique
7 pressure imposed by COVID (pandemic, restrictions,
8 and stresses) require additional preparation
9 measures and time to be taken.

10 6. These limits, when taken together, or individually, are such
11 that the limit of setting 30 jury trials per week is exceedingly
12 reasonable. This limitation will be reviewed and adjusted as
13 needed.

14 20. The time periods set forth in this General Order are excluded periods for
15 the purposes of computing time for trial. See CrR 3.3(e)(3).

16 21. At this time, no other hearing will be impacted.

17 22. The Court remains available for criminal bench trials.

18 23. The Lewis County Superior Court remains open and staff will be available.

19 DATED this 9th day of February, 2022.

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21 J. ANDREW TOYNBEE
22 SUPERIOR COURT PRESIDING JUDGE