



SUPERIOR COURT OF THE STATE OF
WASHINGTON
FOR CLARK COUNTY

GENERAL ORDER 20-05

**CLARK COUNTY SUPERIOR COURT
EMERGENCY ORDER**

Adopted: March 16, 2020

The actions set forth herein will take effect on Monday, March 16, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the coronavirus 2019 (hereafter COVID-19).
2. On March 4, 2020, Washington Supreme Court Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

WHEREAS, during this state of emergency, it may become necessary for court in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants, and the public, IT IS HEREBY ORDERED THAT:

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CLARK COUNTY SUPERIOR COURT
1200 FRANKLIN STREET
VANCOUVER, WA 98660

Superior Court of Clark County

1. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
 2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
 3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable.
3. On March 13, 2020, the Clark County Council announced a state of emergency resolution for Clark County regarding COVID-19. This resolution will be presented to the full council for approval. Similar emergency declarations have been issued in Washington, Multnomah, and Clackamas counties in the Portland metropolitan area.
 4. On March 13, 2020, Eric Holmes, Vancouver City Manager, issued a Declaration of Civil Emergency for the City of Vancouver. This declaration included a suspension of all meeting of 20 or more people in city facilities and closed a number of public facilities, effective on March 14, 2020. The mayor of Portland, Oregon had declared a state of emergency on March 12, 2020.
 5. On March 13, 2020, the Fort Vancouver Regional Library closed all facilities to the public from March 14, 2020 through at least March 29, 2020. A similar closure was announced by the library system in Multnomah County, Oregon.
 6. On March 13, 2020, Governor Inslee ordered all K-12 public and private schools in Washington State to close by no later than March 17, 2020 and remained closed through April 24, 2020. Governor Inslee further ordered a ban on all public gatherings of more than 250 people in Washington State.
 7. On March 13, 2020, President Donald Trump declared a national emergency in the United States of America related to the COVID-19 outbreak.
 8. As of March 14, 2020, the Washington State Department of Health reported a total of 642 confirmed cases of COVID-19 with 40 resulting deaths. As of March 14, 2020, at least 3 confirmed cases of COVID-19 have been reported in Clark County.
 9. However, as reported by the Washington State Department of Health:
Public health experts agree that the true number of people who have been infected with COVID-19 in Washington greatly exceeds the number of COVID-19 infections that have been laboratory-confirmed. It is very difficult to know exactly how many people in Washington have been infected to date since most people with COVID-19 experience mild illness and the ability to get tested is still not widely available.

Superior Court of Clark County

10. Public health experts with the Washington State Department of Health, Clark County Public Health Department, and the Center for Disease Control report that, though most persons contracting COVID-19 suffer mild symptoms, persons at a higher risk of serious illness from COVID-19 include people:
 - older than 60.
 - who have serious chronic medical conditions such as diabetes, heart disease, and lung disease.
 - who have weakened immune systems.
11. On March 16, 2020 Governor Inslee announced a statewide emergency proclamation to temporarily shut down restaurants, bars, and entertainment and recreational facilities. In addition, all gatherings with over 50 participants are prohibited and all gatherings under 50 participants are prohibited unless previously announced criteria for public health and social distancing are met.
12. Pursuant to Chief Justice Stephen's March 4 order, many Washington courts have instituted emergency procedures such as cancelling jury panels, limiting court hearings, or instituting "social distancing" in the courtroom.

Given the significant number of identified and projected COVID-19 cases in Washington State, the severity of the risk posed to the public, court personnel and litigants, and the child care needs of potential jurors, witnesses, and other parties, and based upon the consistent and urgent advice of all public health experts that proactive "social distancing" and limiting public gatherings is essential to slow the spread of the outbreak and avoid overwhelming the healthcare system, it is hereby ORDERED, pursuant to the authority of the Washington State Supreme Court Order No. 25700-B-062 and the authority as Presiding Judge of the Clark County Superior Court, that the following shall be in effect as of March 16, 2020:

- A. Persons exhibiting symptoms of COVID-19, including fever, persistent cough, or shortness of breath SHALL NOT enter the Clark County Courthouse, Juvenile Courthouse, or the Family Law Annex. Any such person who does appear shall be refused entry by Courthouse Security staff.

Persons at a higher risk of serious illness from COVID-19 may seek to avail themselves of the policies set forth in this Emergency Order.

Persons who cannot enter the Courthouse or those at high risk for serious illness who wish to avail themselves of this order SHALL contact the appropriate judicial department to request other arrangements to be made related to their court business.

Superior Court of Clark County

- B. All persons present in any courtroom of the Superior Court shall, to the extent practicable, observe social distancing and maintain a distance of at least 6 feet from any other person. The judicial officer presiding over the courtroom shall retain the authority to exclude any person failing to obey this directive.
- C. All criminal jury trials and civil jury trials not yet in session are CONTINUED until at least April 27, 2020. The status of any jury trial in sessions as of March 16, 2020 shall be decided by the assigned judicial department.

All jury panels are cancelled until at least April 27, 2020. Due to the reduced ability to obtain an adequate cross section of attentive and focused jurors and the effect of current public health recommendations on the likely availability of witnesses, court personnel, and trial counsel to be effectively present in the courtroom, the time period of continuances by this Emergency Order will be excluded in computing time for trial pursuant to CrR 3.3(e)(3), CrR 3.3(f)(2), and related local court rules.

The Court further finds that the ends of justice served by continuing these cases outweighs the defendant's right to a speedy trial. The Court further finds that any delays for time for trial are the result of the unavoidable and unforeseen circumstances and are therefore excluded from computing time for trial by CrR 3.3(e)(8).

Furthermore, the Court SUSPENDS CrR 3.3 and JuCR 7.8 regarding time for trial and CrR 3.4 and related local court rules requiring the presence of the defendant, effective March 16, 2020 to at least April 27, 2020.

- D. Beginning March 16, 2020, for **IN CUSTODY** criminal defendants/respondents all hearings except for first appearances, arraignments, bail reviews, change of pleas, sentencings, and readiness hearings shall be stricken until at least April 27, 2020.
- E. Beginning March 16, 2020, for **OUT OF CUSTODY** criminal defendants/respondents all hearings except for arraignments, change of pleas, sentencings, and release conditions reviews shall be stricken until at least April 27, 2020.

Out of custody criminal defendants/respondents need not appear for readiness hearings scheduled from March 16, 2020 to April 16, 2020, but these cases will be called and the non-appearance will be noted. No bench warrants will issue for not appearing at a readiness hearing during this time frame.

Any out of custody criminal defendant/respondent scheduled to appear for summons from March 16, 2020 to at least April 24, 2020 need not appear. No bench warrants will issue for not appearing for a summons during this time frame. Where a defendant/respondent does not appear for a summons, these matters will be recited for hearing by the Prosecuting Attorney no sooner than April 27, 2020.

- F. Beginning March 18, 2020, court will allow liberal use of telephonic appearances and participation in all civil and family law hearings.

Superior Court of Clark County

Self-represented litigants and/or attorneys shall provide a telephone number to the assigned judicial officer's department.

For 9:00 AM calendars, all parties must be available by phone from 9:00 AM until their matter is completed. For 1:30 PM calendars, all parties must be available by phone until their matter is completed.

- G. All Settlement Conferences scheduled between March 16, 2020 to April 27, 2020 are administratively CANCELLED. Settlement Conferences will be waived or rescheduled per future administrative direction.
- H. All Truancy matters are suspended until further Order of the Court.
- I. The Clark County Superior Court remains open.
- J. Any matters not addressed in this emergency order shall proceed in the manner consistent with all State and Local Court rules.

Dated this 16th day of March, 2020



Scott A. Collier, Presiding Judge