

IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS
OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF

ADMINISTRATIVE ORDER

EMERGENCY RESPONSE TO
COVID-19 OUTBREAK

NO. 21-9

WHEREAS, on February 29, 2020, Governor Inslee declared a state of emergency due to the public health emergency caused by the Coronavirus Disease (COVID-19); and on March 13, 2020 President Trump declared a national emergency due to the same public health emergency; and on February 24, 2021 President Biden continued the national emergency; and

WHEREAS, the Commissioners of Skagit County have declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders authorizing certain specific emergency measures to address the safety of the public and of court employees; and

WHEREAS, the COVID-19 pandemic remains an ongoing threat to the health of the people of Skagit County; and

WHEREAS, the infection and hospitalization rate for COVID-19 cases has increased substantially over the past month; and

WHEREAS, the Pfizer COVID 19 vaccine has been fully approved by the FDA, which may result in an increase in vaccination rates in the county; and

WHEREAS, the Skagit County District and Municipal Courts are ill equipped to effectively comply with social distancing and other public health requirements for large gatherings such as selection and impaneling juries, and therefore in-person court appearances for certain court functions jeopardize the health and safety of litigants, attorneys, judges, court staff, and members of the public. Yet court operations are recognized as essential and may often be conducted by alternative means, in alternative settings, and with extra measures taken for public safety; and

WHEREAS, the coordinated response from Washington courts to prevent the further spread of COVID 19 must be continued; and

WHEREAS in order to prevent the spread of COVID-19 as much as possible, further public health measures, in addition to those required under previous emergency administrative orders, should be implemented;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor and County Commissioners combined with a statewide plan for gradual reopening of government and business facilities, and, so long as the following orders remain consistent with Washington State Supreme Court Administrative Orders, the following schedule will be observed by Skagit County District Court:

1. **OPEN COURTS:** All courtrooms in all departments of Skagit County District and Municipal Courts are open to litigants and to the public. Beginning September 1, 2021, anyone appearing in person in any courtroom in Skagit County must first provide proof of vaccination against COVID 19 or qualify for an exemption from COVID 19 vaccination. Proof of COVID 19 vaccinations must be provided in one of the following ways:
 - a. COVID 19 Vaccination Record Card or photo of the card;
 - b. Documentation of vaccination from a health care provider or electronic health record;
 - c. State immunization information system record;
 - d. A sworn or attested statement made under penalty of perjury that the individual is fully vaccinated.
 - e. Other form which may be approved by the court in subsequent orders.
2. **VACCINATION EXEMPTION REQUIREMENT:** Vaccination exemption requirements are set forth in Administrative Order 2021-A, attached hereto and incorporated by reference herein.
3. **APPEARANCE VIA VIRTUAL PLATFORM:** Given the rise in COVID 19 Delta Variant infections and hospitalizations, individuals accused of a crime may appear via virtual platform for arraignment on cases other than DUI, Physical Control, and Assault 4th degree Domestic Violence charges.
4. **CRIMINAL JURY TRIALS:** Criminal and civil jury trials are temporarily suspended through October 4, 2021.

5. **TIME FOR TRIAL:** COVID-19 disease continues to present a serious danger in congregate settings, and the rapid increase in COVID 19 cases together with the increased transmissibility of the Delta Variant exacerbates a public health emergency and is an unavoidable circumstance under CrRLJ 3.3(e)(8) constituting good cause to continue all jury trials in the administration of justice. The time period from August 25, 2021 to close of business October 3, 2021 shall be excluded for purposes of calculating time for trial under CrRLJ 3.3.

6. **GUILTY PLEAS:**

- a. Guilty pleas shall continue as in person hearings only unless **prior written approval** of a judicial officer upon good cause shown for allowing the plea via virtual platform. Attorneys should continue to consult with the calendaring clerk to schedule guilty pleas.
- b. Guilty pleas for individuals represented by the Office of Public Defense who do not require the services of an interpreter shall be scheduled only on Thursday afternoons at 1:30 pm in District Court Courtroom 1. Cases will be scheduled at 15 minute intervals. Individuals requiring the services of an interpreter shall continue to resolve their cases on the 8:30 am Wednesday interpreter calendar.
- c. Guilty pleas for private attorney criminal matters shall continue to be scheduled at 15 minute intervals on Tuesday mornings, beginning at 8:45 am. Parties wishing to schedule a guilty plea should contact the calendaring clerk to obtain a time slot. Private attorney criminal matters, where the defendant requires the services of an interpreter, shall be heard on the 8:30 am Wednesday interpreter calendar at the Criminal Justice Center.
- d. Guilty pleas for individuals represented by the Office of Public Defense may be scheduled on the Tuesday morning private attorney calendar if time slots are available. Parties wishing to schedule a guilty plea should contact the calendaring clerk to obtain a time slot.
- e. Individuals entering a guilty plea via virtual platform shall use a device which allows video as well as audio transmission, shall have access to a scanner in order to sign and return paperwork during the hearing, and shall abide by all other requirements for remote guilty pleas.

7. **DUI AND DV ARRAIGNMENTS:** Arraignments for Driving Under the Influence, Physical Control of a Motor Vehicle while Under the Influence, and all Domestic Violence charges shall continue as in person appearances only absent **prior written approval** of a judicial officer upon good cause shown for allowing the arraignment via virtual platform.
8. **PROBATION REVIEW HEARINGS:**
 - a. Public defender probation hearings will be scheduled at 1:30 pm on the 1st through 4th Wednesdays until further notice.
 - b. Ex parte continuances for first and second probation review hearings may be entered by agreement of the parties if consistent with the recommendation of the probation officer.
 - c. Pro se probation review hearings, other than those requiring the services of an interpreter, will be held as in person hearings on Tuesdays at 2:00 pm.
 - d. Private attorney probation review hearings, other than those requiring the services of an interpreter, will be held as in person hearings on the first Wednesday of each month at 8:30 am and 1:30 pm.
9. **MOTIONS TO RESCIND NO CONTACT ORDERS AND MOTIONS TO QUASH BENCH WARRANTS:** Motions to rescind no contact orders and motions to quash bench warrants shall be scheduled on the 1:30 motion calendar the 1st and 3rd Mondays of each month as in person hearings absent prior written approval by a judicial officer upon good cause shown for allowing the hearing via virtual platform. Temporary Emergency Policy No. 20-02 has been rescinded.
10. **AGREED CONTINUANCES:** Agreed Continuances of readiness, motion hearings, and trial dates shall continue to be completed ex parte and submitted at least 48 hours in advance of the readiness hearings.
11. **READINESS HEARINGS:** Readiness hearings will be scheduled at 9:30 am on the 1st through 4th Wednesdays and remain in person hearings only absent prior written approval of a judicial officer upon good cause shown for allowing the arraignment via virtual platform.

12. **RELICENSING CLINIC:** The District Court relicensing clinic will be held as an in –person clinic on the 2nd and 4th Wednesdays of each month at 1:30 pm in courtroom 1.
13. **FTAs FOR CRIMINAL CHARGES AND TRAFFIC INFRACTIONS:** The court has resumed reporting of FTAs on criminal cases and traffic infractions to the appropriate state agencies as of July 1, 2021. Unpaid fines will be assigned to collections and late fees and penalties imposed pursuant to policies in place prior to the COVID 19 emergency.
14. **COMMUNITY COURT:** Community court will continue to be conducted in person in all departments with social distancing, and any other public health practice required by the judicial officer.
15. **CIVIL JURY TRIALS:** Civil jury trials are paused until October 4, 2021.
16. **COURT CLERKS' OFFICES:** The Skagit County District Court Clerk's Office and Municipal Court Clerk's Offices remain open for in person service. People are encouraged to access court clerk services by phone, email, fax, drop box, or regular mail if possible. Anyone coming in person to the clerk's counter for assistance shall follow all public health guidelines issued by the Skagit County Department of Public Health and as directed by signage and/or court personnel.
17. **CRIMINAL PRETRIAL MOTIONS:** All pretrial criminal motions, including motions which do not require live testimony, shall be held as in person hearings. Motion hearings shall be scheduled at set intervals, and parties shall wait to enter the courtroom until the time designated for their hearing. The courtroom will be open to individuals who provide proof of vaccination and follow all required public health guidelines. Proceedings will also be available for observation via Zoom or other virtual platform.
18. **SMALL CLAIMS FIRST APPEARANCES:** Small claims appearance and review hearings are being held as in-person hearings only with all parties to comply with vaccination and public health requirements. Zoom or other virtual platform may be permitted for small claims first appearance or review hearings with **prior written approval** of a judicial officer upon good cause shown.
19. **CIVIL MOTIONS:** Civil motions shall continue as in person appearances only unless prior written approval of a judicial officer upon good cause shown for allowing the hearing via virtual platform.

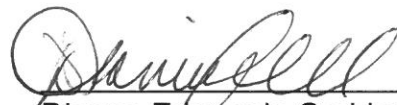
20. **ANTI-HARASSMENT HEARINGS:** All hearings for anti-harassment orders shall be conducted in person and not on a virtual platform unless a party has obtained prior written approval of a judicial officer upon good cause shown.

21. **INDIVIDUALS EXHIBITING SYMPTOMS OF ILLNESS:** Anyone exhibiting symptoms of illness (fever, cough, body or muscle aches, recent loss of taste or smell, runny nose, sneezing, fatigue not associated with other known conditions, headache, or sore throat) shall not be permitted in the courtroom, irrespective of whether or not that individual is vaccinated, and shall be required to leave the courtroom if such symptoms are observed.

22. **APPROVED FACIAL COVERINGS:** All parties appearing in the courtroom shall wear approved face coverings at all times. Surgical masks or N-95 masks are preferred; however, double thickness cloth masks are permitted. Surgical masks are available from the court clerk. Certain face coverings, such as single ply face masks, masks with vents, bandanas, face shields, and neck gaiters are ineffective, do not satisfy the face covering requirement, and are not allowed unless worn over a surgical mask. All parties shall observe public health protocols as required by the judicial officer conducting a specific calendar, hearing, or trial. Individuals refusing to comply with public health mandates may be subject to contempt of court sanctions.

Additional information on court schedules and accessing court services is available on the various websites for all court departments. Any provisions of prior Administrative Orders which are not inconsistent with this order shall remain in full force and effect.

DATED THIS 27th day of August, 2021.

A handwritten signature in black ink, appearing to read "Dianne Edmonds Goddard", written over a horizontal line.

Dianne Edmonds Goddard, District
Court Judge, Presiding

IN THE DISTRICT COURT FOR SKAGIT COUNTY and in the MUNICIPAL COURTS
OF ANACORTES, BURLINGTON, and MOUNT VERNON, WASHINGTON

IN THE MATTER OF COVID-19
VACCINATIONS FOR EMPLOYEES OF
THE SKAGIT COUNTY DISTRICT AND
MUNICIPAL COURTS

ORDER

NO. 2021-A

WHEREAS, on February 29, 2020, Governor Inslee declared a state of emergency due to the public health emergency caused by the Coronavirus Disease (COVID-19); and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 pandemic across the United States; and on February 24, 2021 President Biden continued the national emergency; and

WHEREAS, the Commissioners of Skagit County have declared a state of emergency in Skagit County due to the same public health concerns; and

WHEREAS, the Washington State Supreme Court has adopted various administrative orders authorizing certain specific emergency measures to address the safety of the public and of court employees; and

WHEREAS, the COVID-19 pandemic remains an ongoing threat to the health of the people of Skagit County; and

WHEREAS, the infection and hospitalization rate for COVID-19 cases has increased substantially over the past two months; and,

WHEREAS, the percentage of the Skagit County population who are fully vaccinated remains at approximately 55% of the total population and 67% of individuals over the age of 18; and

WHEREAS, court operations are recognized as essential, and may often be conducted by alternative means, in alternative settings, and with extra measures taken for public safety; and

WHEREAS, pursuant to prior orders of this Court many important steps to protect public health while ensuring continued access to justice and essential court services, including by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and promulgating emergency rules and orders as necessary; and

WHEREAS, after months of improving COVID-19 epidemiological conditions in Washington State, the emergence of highly contagious COVID-19 variants, including

the “delta variant” that is at least twice as transmissible as the virus that emerged in late 2019, coupled with the continued significant numbers of unvaccinated people, have caused COVID-19 cases to rise sharply among unvaccinated populations and have resulted in breakthrough infections in some fully vaccinated individuals; and

WHEREAS, COVID-19 vaccines are effective in reducing infection and serious disease, the Pfizer vaccine is approved by the FDA, widespread vaccination is the primary means we have to protect everyone, including people who cannot be vaccinated for medical reasons, youth who are not eligible to receive a vaccine, immunocompromised individuals, and vulnerable persons from COVID-19 infections, and

WHEREAS, widespread vaccination is also the primary means we have as a state to protect our health care system, to avoid the return of stringent public health measures, and to put the pandemic behind us; and,

WHEREAS, COVID-19 vaccinations have been available in Washington State from December 2020 to the present, and since April 15, 2021, all Washingtonians over the age of 16 have been eligible to receive free COVID-19 vaccinations from a wide variety of providers at many locations; and,

WHEREAS, on July 6, 2021, the Office of Legal Counsel of the United States Department of Justice issued a legal opinion stating that federal and state governments were not prohibited by federal law from imposing vaccinations mandates, even when the only vaccines available are those authorized under U.S. Food and Drug Administration Emergency Use Authorization; and

WHEREAS, it is the duty of every employer to protect the health and safety of employees by establishing and maintaining a healthy and safe work environment and by requiring all employees to comply with health and safety measures; and

WHEREAS, court employees live in and provide services to the public in every geographic area of our county as well as adjacent counties, and many interact with the public on a regular basis, and they all interact with some portion of the community at large to varying degrees before and/or after court work hours; and

WHEREAS, on August 9, 2021, Governor Inslee issued a proclamation requiring all employees, on-site contractors, volunteers, goods and services providers, and appointees of designated state agencies to be fully vaccinated against COVID-19 on or before October 18, 2021, and

WHEREAS on August 18, 2021, the Supreme Court of the State of Washington issued an administrative order requiring vaccination of all State Supreme Court personnel and, in addition, strongly encouraged all other courts, agencies, and entities in the judicial branch to adopt and implement similar vaccination requirements for their workers;

NOW THEREFORE, Consistent with orders to all courts from the Washington State Supreme Court and in keeping with the applicable directions from the Governor and pursuant to the Court's authority to administer justice and to ensure the safety of courts, personnel, litigant, and the public during this public health emergency, it is hereby ORDERED:

1. **Prohibitions:** This order imposes additional public health safety measures for workers in the Skagit County District and Municipal Courts after November 1, 2021 if the worker has not been fully vaccinated against COVID-19. A worker must either be vaccinated or qualify for an exemption to be eligible for employment with the Skagit County District and Municipal Courts.
2. **Exemptions from Vaccine Requirement:**
 - a. Workers for the Skagit District and Municipal Courts are not required to get vaccinated against COVID-19 if they are entitled under the Americans With Disability Act (ADA), Title VII of the Civil Rights Act of 1964 (Title VII), The Washington Law Against Discrimination (WDAD), or any other applicable law to a disability-related reasonable accommodation or a sincerely held religious belief accommodation to the requirement of this order.
 - b. To the extent permitted by law, before providing a disability-related reasonable accommodation to the requirements of this order, the Skagit County District and Municipal Court must obtain from the individual requesting the accommodation documentation from an appropriate health care or rehabilitation professional authorized to practice in the State of Washington stating that the individual has a disability that necessitates the accommodation and the probable duration of the need for the accommodation.
 - c. To the extent permitted by law, before providing a sincerely held religious belief accommodation to the requirements of this order, the Skagit County District and Municipal Courts must document that the request for an accommodation has been made and the document must include a statement regarding the way in which vaccinations conflict with the religious observance, practice, or belief of the worker.
 - d. Reasonable accommodations will be determined on an individualized basis and, where an employee is exempt from this mandate, accommodations may include but are not limited to requirements to wearing a mask at all times when in any building including while working at one's desk, having breaks without other individuals in a

separate break room, obtaining viral testing regularly, and/or social distancing when in any office of the court. "Reasonable accommodation" does not include remote work unless an individual has been exposed to COVID-19 and must quarantine, is experiencing COVID-19 symptoms such that testing for the virus is required and quarantine required pending test results, or has confirmed COVID-19 such that quarantine is required.

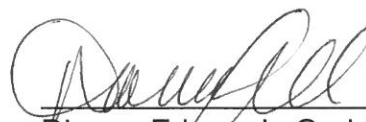
3. **Acceptable Proof of Full Vaccination Against COVID-19:** Where as required above, workers for the Skagit County District and Municipal Courts must provide proof of full vaccination against COVID-19. Acceptable proof may include:
- a. COVID-19 Vaccination Record Card or photo of the card;
 - b. Documentation of vaccination from a health care provider or electronic health record;
 - c. State immunization information system record;
 - d. Other form which may be approved by the court in subsequent orders.

4. **Definitions:**

- a. "Worker": For the purposes of this order, "Worker" includes a person engaged to work as an employee, independent contractor, service provider, volunteer, or through any other formal or informal agreement to provide goods or services, whether compensated or uncompensated, but does not include a visitor or patron;
- b. "Skagit County District and Municipal Courts": For purposes of this order, references to the "Skagit County District and Municipal Courts" includes the Skagit County District Court Probation Department.

This order will take effect immediately and shall remain in effect until further order of the Court.

DATED THIS 24th day of August, 2021.



Dianne Edmonds Goddard, District
Court Judge, Presiding