IN THE MUNICIPAL COURT OF SEATTLE, WASHINGTON OFFICE OF THE PRESIDING JUDGE

COURT OPERATIONS UNDER)
THE EXIGENT)
CIRCUMSTANCES CREATED)
BY COVID-19 AND)
RELATED CORONAVIRUS)
COVID-19 EMERGENCY LIMITED COURT OPERATIONS

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington, and on March 13, 2020, the President declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, consistent with these recommendations, Governor Inslee issued and extended a "Stay Home, Stay Healthy" order directing non-essential business to close, banning public gatherings, and requiring Washingtonians to stay home except to pursue essential activities; and

WHEREAS, on March 9, 2020, Presiding Judge McKenna issued GAO 2020 – 02 limiting court operations on infraction hearings due to the COVID-19 pandemic; and

WHEREAS, on March 11, 2020, as Acting Presiding Judge I issued GAO 2020 – 03 limiting court operations on contested infraction hearings, suspending IRLJ 2.6(a)(1) and suspending Jury Trials through at least April 9, 2020; and

WHEREAS, on March 13, 2020, as Acting Presiding Judge I issued GAO 2020 – 04 closing the court due to emergency with the limited exception of in-custody cases at courtroom KCJ2 and limiting court operations at the courthouse to mandatory appearances.

WHEREAS, on March 14, 2020, Presiding Judge McKenna issued GAO 2020 – 05 closing the court due to emergency from March 14 through March 20, 2020 including the in-custody KCJ2 calendar at the King County Jail. All mandatory appearances during this time were handled electronically and telephonically for the purposes of determining probable cause and conducting arraignments.

WHEREAS, on March 19, 2020, as Acting Presiding Judge I issued GAO 2020 – 06 resuming a limited emergency court closure consolidating all court operations to courtroom 2 at the King County Jail in accordance with direction provided in order No. 25700-B-606 of the Supreme Court of Washington. All out-of-custody hearings affected by this closure were continued.

WHEREAS, on April 15, 2020, as Presiding Judge I issued GAO 2020 – 07 continuing emergency limited court closure operations consolidated to courtroom 2 of the King County Jail in accordance with the direction provided in orders No. 25700-B-606 and No. 25700-B-615 of The Supreme Court of Washington. Additionally, pursuant to Washington Supreme Court direction in the interest of the safety of the public, attorneys and court employees defendant signatures ceased to be required on any forms, notices, orders or pleas handled on the consolidated in-custody calendar. GAO 2020 - 07 also provided direction suspending all out-of-custody filings on criminal matters and finding good cause under CrR 4.1 and CrRLJ 4.1 to extend arraignment dates as necessary in accordance with available calendar space when the court resumes phasing in regular operations. Additionally, this emergency order cancelled all out-of-custody hearings set from March 16, 2020 through July 31, 2020 to avoid continually resetting hearings during the court's emergency closure and to reset hearings in a deliberate manner when the court resumes operations. GAO 2020 - 07 also establishing the next hearing date on all criminal matters as the commencement date for purposes of establishing the time for trial under CrR 3.3(c)(1) and CrRLJ(c)(1).

WHEREAS, the Court's emergency limited closure since March 16, 2020, has created significant backlog on criminal and infraction hearings at sizes unique to the Municipal Court of Seattle due to our annual caseload filing numbers.

More than 5,100 hearings have been affected by the Court's closure. Of these approximately 5,100 hearings:

- 4,100 are criminal matters; 1,000 are traffic and civil infractions;
- Of the 4,100 affected criminal matters, over 3,500 hearings are predisposition;
- Approximately 275 of these pre-disposition criminal cases are set for jury trials and have pending Motion Hearings, Readiness and Master Calendar dates that must be rescheduled;

In addition to having more than 5,100 hearings that need to be rescheduled, there are more than 1,000 new criminal out-of-custody matters waiting to be filed once the Court resumes limited operations.

This backlog of criminal matters is unprecedented, and the Court's ability to reschedule these hearings once limited operations resume will be greatly impacted by social distancing requirements and other public health guidelines. Additionally, the Court anticipates a significant administrative workload for staff and Judges through the Court's electronic portal which will likely be overwhelming as over 5,100 hearings start being set due to correspondence, continuances and motions.

PURSUANT TO order No. 25700-B-626 of The Supreme Court of Washington and GR 21, as Presiding Judge of the Seattle Municipal Court, in the interest of both public safety and public health during the COVID-19 crisis, and in the interest of the health and safety of potentially exposed court employees, court partners and the public,

IT IS HEREBY ORDERED THAT:

- 1. The Court will resume limited court operations in accordance with our phased reopening plan (<u>Appendix A</u>), which provides the framework for setting out-of-custody criminal matters beginning on July 6, 2020.
- 2. In-custody only appearances at Courtroom 2 of the King County Jail ("KCJ2") in accordance with the direction provided in orders No. 25700-B-606, No. 25700-B-615 and 25700-B-262 of The Supreme Court of Washington and Seattle Municipal GAO 2020-06 will continue to operate Monday through Saturday until July 3, 2020. Beginning July 6, 2020, this calendar shall return to hearing in-custody arraignments and warrant appearances only.
- 3. Protective face coverings: For the health and safety of our employees, justice partners and those who interact with the court, all persons entering the Courthouse are required to wear protective face coverings when interacting with others, in high traffic areas and in areas where physical distancing cannot be maintained. This requirement is consistent with Mayor Durkan's guidance for public buildings in the City of Seattle and Washington Department of Health recommendations.
- 4. <u>Defendant signatures</u>: Pursuant to direction provided in orders No. 25700-B-606, No. 25700-B-615 and 25700-B-262 of The Supreme Court of Washington and in the interest of the safety of the public, attorneys and court employees, defendant signatures shall not be required on any forms, notices, orders or pleas on all matters unless specifically directed by a Judicial Officer or to execute a Release of Confidential Information form.
- 5. <u>Filing backlog</u>: Due to the Court's emergency court closure beginning March 16, 2020, all new out-of-custody filings on criminal matters were suspended. Pursuant to the Court's phased reopening plan, the Court will begin to resume some regular court operations on or after June 22, 2020,

- when employees will be allowed to return to the Courthouse to perform limited in-person duties. Among these duties shall be the processing of case filing backlogs. The filing date on out-of-custody criminal matters filed with the court on or after March 16, 2020, shall be on or after June 22, 2020, consistent with when court employees process a specific case's filing.
- 6. Agreed continuances: The Court will grant agreed continuance requests on out-of-custody matters for non-mandatory hearings upon agreement of the parties and filing notice upon the Court. The Court has approved an Agreed Continuance Form (<u>Appendix B</u>) for this purpose. This form will be accepted until further order of the Court. For the purposes of speedy trial, the next hearing date shall serve as the commencement date in these matters.
- 7. Case setting: Pursuant to GAO 2020-07, the Court proactively cancelled all out-of-custody criminal hearings including out-of-custody arraignments scheduled up through July 31, 2020. This action was taken because of the uncertainty of when the court would resume regular operations, and to avoid continually resetting hearings during the emergency court closure. This action also provided the Court with the ability to resume case setting in a deliberate manner at the time regular court operations resume.
- 8. Arraignments: Pursuant to this order, the Court anticipates opening the Courthouse for limited out-of-custody operations on July 6, 2020. New court dates will be administratively selected for all cancelled out-of-custody hearings including out-of-custody arraignments. Good cause exists under CrR 4.1 and CrRLJ 4.1 to extend the arraignment dates as necessary to accommodate the substantial case backlog noted above and the Court's limited capacity to set hearings during the Court's phased reopening. The new arraignment date shall be considered the initial commencement date

- for purposes of establishing the time for trial under CrR 3.3(c)(1) and CrRLJ 3.3(c)(1). For all other out-of-custody pretrial hearings the new court date shall be considered the initial commencement date for purposes of establishing the time for trial under CrR 3.3(c)(1) and CrRLJ 3.3(c)(1).
- 9. <u>Notices</u>: New notices will be mailed to the defendant and counsel-of-record at the time the new court date is administratively rescheduled.
- 10. <u>Jury trial setting</u>: All jury trials affected by this emergency court closure were cancelled pursuant to GAO 2020-03 and 07. All trial motion hearings, readiness hearings and jury trial settings set during the period of the court closure starting on March 16, 2020, and those currently set through July 31, 2020 were cancelled pursuant to GAO 2020-07. This action provided the Court with the ability to resume case setting in a deliberate manner at the time regular court operations resume.
- 11. <u>Jury trials</u>: In accordance with the Court's phased reopening plan, Jury Trials will resume no earlier than August 26, 2020. All cases awaiting trial shall be administratively set for a readiness hearing. The new readiness hearing date shall be considered the initial commencement date for purposes of establishing the time for trial under CrR 3.3(c)(1) and CrRLJ 3.3(c)(1). New notices shall be mailed to the defendant and counsel-of-record when the readiness hearing is rescheduled. Priority shall be given to in-custody matters awaiting trial. In the event the Court cannot safely convene an adequate number of jurors within time for trial, this period of time shall be deemed an excluded period under CrRLJ 3.3(e)(8).
- 12. Affidavits of Disqualification of Judge pursuant to CrRLJ 8.9: Under the Court's phased reopening plan, Seattle Municipal Court will be operating a limited number of courtrooms with reduced calendar sizes to ensure safe social distancing practices. During this time of limited court operations, there is good cause to suspend CrRLJ 8.9(c) as it may relate to the

immediate transfer of a case to another courtroom. On out-of-custody cases, whenever a judge is disqualified, the judge shall make an order rescheduling the case to be heard by another judge on the next available calendar. This period of time shall be deemed an excluded period under CrRLJ 3.3(e)(9), and may be extended beyond five days if good cause is shown. When an affidavit is filed on in-custody matters in KCJ2, the case shall be set over to the next judicial day in KCJ2.

- 13. <u>Civil Infractions</u>: IRLJ 2.6(a)(1)(i) is suspended until further order of the court. Written notice of the hearing may be sent more than 45 days from the notice of infraction.
- 14. <u>Infraction appeals</u>: SMCLIR 3.5(b) is amended to allow for the defendant's appeal of a decision based on written statements for a contested hearing.
- 15. <u>Civil Matters:</u> Non-infraction civil cases shall resume presettlement conferences and trial settings per the schedule designated in the Court's Phased Reopening Plan (<u>Appendix A</u>).
- 16. The Court may extend the time frames in this order as required by this continuing public health crisis and, if necessary, will do so by further order. This order and other applicable emergency general administrative orders may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case. This order supersedes the Court's previous general administrative orders.

Willie Gregory, PRESIDING JUDGE

Appendix A:

SMC Phased Reopening Plan and Phased Reopening Schedule

Appendix B:

Court-approved Agreed Continuance Form.

Date	Week	Calendars	Detail
6/10- 6/21	-	In-custody only at KCJ2	Presiding Judge Gregory has made the decision 6/10 for the Court to start week zero June 22 nd to provide employees and stakeholders with enough notice around moving forward with the phased reopening plan.
6/22	0	In-custody only at KCJ2	Week zero is when limited SMC staff returns to in person work. This gives in-custody hearings the first priority at trials and motions. The Courthouse continues to be closed to the public. Filings resume.
6/29	0	In-custody only at KCJ2	Limited SMC staff returns to in person work but the Courthouse continues to be closed to the public.
7/6	1	Disposition week	We are working with City and Defense to start identifying cases that have reached disposition.
7/13	2	Limited PTH & Reviews	Prioritizing PTH cases with conditions of release issues or reviews with public safety concerns.
7/20	3	DUIOCA & DVOCA	This would be the slow start to resuming arraignments. The consolidated calendar returns.
7/27	4	Readiness week, Reviews & Intake	Readiness week is a concept to reset the deck for all cases waiting for trial and determine priority.
8/3	5	Motions, more Dispositions	This would be the first week motions are set, all cases currently set for motions will be reverted back to PTH. MHC OOC "Compfest" returns.
8/10	6	Resume 7 Courts	Resume the regular Court calendar schedule of 7 Courts minus Jury Trials. Use blocks set aside for trials as special set calendars, civil and criminal bench trials. VTC & Community Court start. CTH cases return in 301/302. PSC returns.
8/17	7	Resume 7 Courts	Same as week 6.
8/24	-	Regular Operations	The 1 st week of potential jury trials. 7 Courtrooms on normal schedule.

WEEK						TUESE	OAY 7/7		WEDN	ESDAY 7/8		THUR	SDAY 7/9		FRIDAY 7/10			
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IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE

THE CITY OF SEATTLE, PLAI	NTIFF	_	er for Continua der GAO 2020 – 08 ns)	
, De	FENDANT	Case #		
□ MOTION FOR CONTINU	ANCE			
I,	,	of		
I,(Attorney)		(WSBA#)	(Agency/Firm)	
hereby request a continuance in the	above matter.			
Opposing Counsel: □ Does Not	t Object			
		(Signature of Opp	posing Counsel)	
□ ORDER AND NOTICE OF I have explained this waiver to my of to speedy trial and the new commen	NEXT COUF	RT DATE isfied that s/he understand	ds it and is voluntari	
				
☐ OPTIONAL/THIS SECTIONATE WILL BE SCHEDULED NOTICE TO THE PARTIES.	N IS WAIVE		RONICALLY. TH	HE NEXT COURT
The next court date is	at	am/pm in Court	for a	hearing.
My lawyer and I have discussed all	of the above para	agraphs and I understand	them all.	
Defendant		Defendant's	s Email Address	
Defendant's Street Address	City, State	& Zip Code	Cell Phone/Mes	ssage Phone

ORDER:

Pursuant to GENERAL ADMINISTRATIVE ORDER 2020-08 COVID-19 LIMITED COURT OPERATIONS this continuance is granted upon agreement of the parties and the filing of this document.