

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)	GENERAL ADMINISTRATIVE ORDER No. 2021 - 01 COVID-19 EMERGENCY LIMITED COURT OPERATIONS
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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, given the significant number of COVID-19 cases in the greater King County area, and the region moving into Phase 2 of Washington State Governor Jay Inslee’s “Heathy Washington” plan on February 1st, 2021,

IT IS HEREBY ORDERED THAT:

1. Suspension of Scheduled In-Person Hearings: Except as otherwise noted in this order, all in-person appearances on out-of-custody matters will remain suspended until further order of the Court. Remote Appearances are required on all out-of-custody criminal matters. If a defendant appears at the courthouse, the Court has public computer access terminals located in the building outside of the courtrooms. If a defendant is unable to use the terminals or a defendant is otherwise unable to appear remotely for their matter, the case may be set over to a specific date or suspended until further order of the court. The future date shall be considered the initial commencement date for purposes of establishing time for trial under CrR 3.3(c)(1) and CrRLJ 3.3(c)(1).
2. Intake: The Court’s out-of-custody arraignment Intake calendar for non-DV and non-DUI cases will resume on March 3rd, 2021, with all hearings conducted remotely. For the purposes of speedy trial, the next hearing date

will serve as the commencement date on all out-of-custody arraignment cases that have been suspended during the period where the Intake calendar was closed as well as cases not able to be set for timely arraignment due to the extensive Court backlog in processing new filings.

3. Criminal Motion Hearings: Criminal motion hearings that require the presentation of video or other physical evidence shall be conducted with the parties and witnesses appearing in person effective February 22nd, 2021. If the parties are unable to appear in person due to the pandemic or an in-person hearing is not feasible, the parties may file a motion to continue. The Court may grant a motion to hold a hearing virtually, or to allow an individual witness to appear remotely, if the parties attest that they have reviewed the anticipated evidence and have a good faith belief the motion hearing or the witness testimony can be conducted virtually. The motion to allow the presentation of virtual evidence must be filed with the Court five (5) days in advance of the hearing.
4. Jury Trials: Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the necessity of counsel and Court staff to be present in the courtroom, Jury Trials are suspended through at least May 21st, 2021. All cases awaiting trial shall be administratively set for a readiness hearing when it is determined safe to resume Jury Trials. 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).

5. Mental Health Court Out-of-Custody Evaluations: Out-of-custody competency evaluations will continue to be done in the courthouse as scheduled, and defendants are required to appear in-person unless a remote option is made available.
6. Contested Infraction Hearings and Impound Hearings: Remote Appearances are required on all contested infraction hearings scheduled in Courtroom 301 until further order of the Court. If a defendant appears at the courthouse or if a defendant is otherwise unable to appear remotely for their matter, the defendant may contest in writing, the case may be set over to a specific date or it may be suspended until further order of the Court. The future date shall be considered the initial commencement date for purposes of establishing time for trial under IRLJ 2.6(a).
7. In-custody Matters: All in-custody matters will continue to be scheduled at Courtroom #2 of the King County Jail and in-person as scheduled in the Seattle Justice Center.
8. Agreed Continuance Form: The Agreed Order of Continuance Form created in June as part of GAO 2020-08 will no longer be accepted by the Court effective February 16th, 2021.
9. Non-Infraction Civil Hearings and Trials: Non-Infraction Civil Pre-settlement Conferences will continue to be scheduled and handled remotely. Civil trials shall be conducted with the parties and witnesses appearing in person effective March 3rd, 2021. If the parties are unable to appear in person due to the pandemic or an in-person hearing is not feasible, the parties may file a motion to continue. The Court may grant a motion to hold a hearing virtually, or to allow an individual witness to appear remotely, if the parties attest that they have reviewed the anticipated evidence and have a good faith belief the trial or witness testimony can be conducted virtually. The motion to allow the presentation of virtual

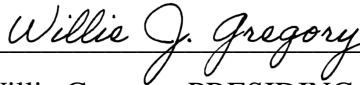
evidence must be filed with the Court five (5) days in advance of the hearing.

10. Youth Traffic Court: Youth Traffic Court hearings will continue to be conducted remotely until further order of the Court.
11. Motions to Set Aside Default Judgment on Infractions: SMCLIR 3.2(b) remains suspended until further order of the Court. The Court may consider a request to set aside a default judgment entered upon a defendant's failure to appear or failure to respond as provided in IRLJ3.2(b) and CRLJ60(b). If the request is made while this order is in effect, the Court may administratively schedule a hearing to determine "good cause" to set aside the default judgment or a hearing to mitigate or contest the infraction.
12. Default Penalty: During the period of the Court's closure, the automated default program in the Municipal Court Information System (MCIS) that imposes the default penalty for failure to appear, respond and pay was suspended. The automated program has remained suspended as the Court resumed mitigation and contested hearings post-closure. Due to ongoing limitations to the Court's calendars and difficulties presented by the worsening pandemic, the default program will continue to be suspended until further order of the Court.
13. DNA Collection: The collection of DNA samples on required convictions shall be suspended through May 3rd, 2021. Due to the in-person nature of DNA collection, the Court finds the suspension of DNA collection until May is a reasonable period of time under RCW 43.43.754(5)(d). The Court will administratively schedule hearings for the defendant to appear and provide a DNA sample after May 3rd, 2021.
14. 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. All orders listed in previous General Administrative Orders not specifically amended in this order hereby stand.

15. Nothing in this order prevents a judicial officer from ordering a person to appear in-person on a specific matter should the Court deem it necessary in the interests of justice or community safety.

DONE this 18th day of February, 2021



Willie Gregory, PRESIDING JUDGE