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IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLARK AND THE CITIES OF VANCOUVER,  
WASHOUGAL AND CAMAS

In Re

COURT OPERATIONS UNDER THE  
EXIGENT CIRCUMSTANCES CREATED  
BY COVID-19 AND RELATED  
CORONOVIRUS

COURT OPERATIONS ORDER  
NO. 2020-01

WHEREAS, on February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the novel coronavirus (COVID – 19); and,

WHEREAS, the novel coronavirus is highly contagious with no known treatments or vaccine available, and in response, federal, state, and local governments have enacted unprecedented restrictions on the movement and gathering of the population; and,

WHEREAS, in response to the COVID-19 pandemic, the U.S. Centers for Disease Control and Prevention (CDC) and the Washington State Department of Health have recommended strict social distancing measures of at least six feet between people, the wearing of face masks, and encouraged vulnerable individuals to stay at home to mitigate the spread of the virus; and,

WHEREAS, consistent with these recommendations, Governor Inslee has taken statewide emergency actions to mitigate the spread of the virus, and many restrictions on movement, social gatherings, and business operations remain in place; and,

1           WHEREAS, Chief Justice Debra Stephens of the Washington State Supreme  
2 Court has adopted several Emergency Orders granting authority upon all Washington  
3 courts to adopt, modify, and/or suspend court rules and orders, and to schedule hearings  
4 and take further action, as warranted, to address the public health threat posed by  
5 COVID-19 in a manner consistent with all CDC and public health guidelines to safely  
6 continue court operations; and,

7           WHEREAS, courts are an independent and essential branch of government  
8 integral to a functioning democracy and provide for the orderly and lawful resolution of  
9 disputes, and play an essential role in maintaining public safety and in protecting and  
10 ensuring the equal and unbiased application of the law and adherence to the State and  
11 Federal Constitutions; and,

12           WHEREAS, the novel coronavirus presents a significant danger to the public at  
13 large and constitutes an unavoidable and unforeseen circumstance beyond the control of  
14 the court or the parties that appear before the court; and,

15           WHEREAS, during this public health emergency, the health and welfare of all  
16 individuals must be considered in the continued operations of courts, and the following of  
17 public health and CDC guidelines are critical to providing a safe environment for all who  
18 enter or work in courthouse facilities; and,

19           WHEREAS, providing for alternatives to in-person court appearances whenever  
20 appropriate, and reducing the number of people who come into the courthouse, is  
21 necessary to reduce the spread of the virus and protect persons who are deemed to be  
22 particularly vulnerable to COVID-19; and,

23           WHEREAS, the Clark County District Court is a high volume court where it is not  
24 possible to adequately follow public health guidelines regarding cleaning and social  
25 distancing without modifications to court operations and facilities, therefore, Clark County  
26 District Court must modify its court operations in order to meet the directives of the  
27 Washington State Supreme Court, the governor, and public health officials;

28           NOW, THEREFORE, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY:

1. District Court emergency administrative orders 20-09 and 20-10 remain in full  
force and effect except as modified herein.

1           2. The serious risk of COVID to high risk populations does not justify placing the  
2 population at risk by entering a courthouse. All persons within this population are  
3 strongly encouraged not to enter the Clark County Courthouse. Additionally, no one  
4 who feels sick shall enter the Clark County Courthouse. Anyone deemed by District  
5 Court personnel to be exhibiting illness symptoms may be ordered to leave the building.

6           3. Anyone entering District Court public locations within the Clark County  
7 Courthouse shall maintain stringent social distancing measures of at least six feet  
8 between people. Anyone failing to do so may be ordered by authorized personnel to  
9 leave the building.

10           4. District Court courtrooms will remain open to the public; however, the seating  
11 capacity of these courtrooms are severely limited in order to maintain stringent six-foot  
12 social distancing measures. If courtroom seating capacity is reached, admittance to the  
13 courtroom is closed until additional seating capacity becomes available. Attorneys,  
14 criminal defendants, parties other than a criminal defendant, alleged victims, advocates,  
15 witnesses, jurors, interpreters, and security personnel will be given priority for in-court  
16 seating. District Court judges may modify this requirement as necessary and permit  
17 others to enter a courtroom so long as courtroom seating capacity is available. Members  
18 of the public denied access to the courtroom due to seating incapacity may view any  
19 District Court proceeding through livestreaming available on the Clark County District  
20 Court website. The maximum seating capacity not including courtroom staff is listed as  
21 follows for all district court courtrooms:

- 22           a) G-3: 8 persons;
- 23           b) G-2: 24 persons;
- 24           c) 2-1: 7 persons;
- 25           d) 2-2 and 2-5: 11 persons each;
- 26           e) 2-3 and 2-4: 17 persons each;
- 27           f) 2-6: 9 persons
- 28           g) Camas: 17 persons

          5. For the reasons stated above, most hearings shall be conducted by Zoom. A  
person appearing by Zoom video conferencing is appearing in open court. Individuals

1 are expected and required to comply with the following District Court courtroom decorum  
2 rules:

3 a) All attorneys appearing by Zoom shall wear professional business attire.

4 b) Appropriate dress is mandatory for all non-attorney participants. Sunglasses  
5 and offensive clothing will not be permitted. Participants should dress as if they are  
6 present in a courtroom because they are present in a courtroom.

7 c) A Zoom participant's actual or virtual background shall not be distracting nor  
8 contain inappropriate subject matter.

9 d) All persons appearing by Zoom shall find a quiet location. An adequate  
10 internet connection is also required. Participants shall prevent interruptions by children,  
11 a partner, pets, etc. If an internet connection is unstable or the surrounding environment  
12 is distracting, the hearing may be rescheduled to a later date.

13 e) All persons appearing by Zoom shall choose a location where they can sit still  
14 comfortably. Participants shall remain seated and still during an entire Zoom hearing.  
15 Participants shall not drive while attending a Zoom hearing.

16 f) All persons appearing by Zoom shall be on time. Zoom participants shall not  
17 leave the Zoom hearing until the Court recesses or the litigant has been released by the  
18 Court.

19 g) Except for the device being used to appear by Zoom, all other electronic  
20 devices (such as cell phones, pagers, personal computers) shall be turned off or set to  
21 vibrate and not in use during the hearing.

22 h) Upon entering a Zoom video courtroom, all participants will enter a waiting  
23 room until admitted into the proceedings by the Court. Participants shall remain in the  
24 waiting room until admitted into the courtroom. Participants should be muted upon  
25 entrance into a Zoom courtroom. The Court will unmute a participant when the person's  
26 case is called.


27 i) While court is in session, all Zoom participants shall not appear from a  
28 bathroom, sleep or lay down, chew gum, eat or drink, or smoke or vape. All participants  
shall behave appropriately and be sober.

6. Attorneys shall appear in person or through Zoom video conferencing and not  
solely by telephone unless granted special permission by the Court. A defendant in a  
COVID-19 COURT OPERATIONS ORDER - 4

1 criminal case shall appear in person or through Zoom video conferencing and not solely  
2 by telephone when entering a Change of Plea or Deferred Prosecution unless granted  
3 special permission by the Court. All other required participants in criminal and civil cases  
4 are strongly encouraged to appear through Zoom video conferencing. A party's  
5 appearance by telephone is disfavored. If a party is unable to appear through Zoom  
6 video conferencing, the Zoom telephone only feature is permissible.

7 Clark County District Court may adopt further restrictions and/or modifications as  
8 necessary to respond to the current state of emergency in order to mitigate the effect of  
9 COVID-19 and will do so by further court order

10 Dated this 22nd day of July, 2020.

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13 KELLI E. OSLER  
14 PRESIDING JUDGE