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Original Filed
MAY 21 2021

TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK



**SUPERIOR COURT OF WASHINGTON
FOR SPOKANE COUNTY**

IN THE MATTER OF THE RESPONSE BY
SPOKANE COUNTY SUPERIOR COURT TO
THE PUBLIC HEALTH EMERGENCY IN
WASHINGTON STATE

No. 94-2-06940-8
EMERGENCY ORDER #15
Spokane Superior Court
Response to CDC Guidelines
Issued 5/13/2021

WHEREAS, on February 29, 2020 the Governor of the State of Washington declared a state of emergency in all counties of Washington due to the public health emergency caused by the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, The Commissioners of Spokane County, the Mayor of the City of Spokane and the Spokane Regional Health District have also declared a state of emergency in Spokane County due to the same public health concerns; and

WHEREAS, on March 23, 2020, April 2, 2020, May 1, 2020, November 15, 2020 and again on January 5, 2021, the Governor of the State of Washington has added additional restrictions on the citizens of the State of Washington due to the declared state of emergency concerning COVID-19 with proclamations; and

1 WHEREAS, the Washington State Supreme Court issued the Fifth Revised and
2 Extended Order No. 25700-B-658 on February 19, 2021 directing that in all court
3 operations, courts should follow the most protective public health guidance applicable
4 in their jurisdiction; and
5

6 WHEREAS, The Governor recognized in the Proclamation that “a significant risk
7 factor for spreading the virus is prolonged, close contact with an infected person
8 indoors,” and that “several factors increase the risk for person-to-person COVID-19
9 transmission,” including: (1) “the more that people and groups interact”; (2) “the longer
10 those interactions last”; (3) “the closer the contact between individuals”; and (4) “the
11 denser the occupancy for indoor facilities.”
12

13 WHEREAS, the Washington State Department of Health issued Order 20-03.2
14 amending the general face covering requirement exempting fully vaccinated individuals
15 from wearing facial coverings or social distancing; and
16

17 WHEREAS, Spokane Superior Court has taken important steps to protect public
18 health while ensuring continued access to justice and essential court services, including
19 by strictly observing social distancing measures, holding proceedings remotely, and
20 requiring facial coverings by those entering the Courtrooms; and
21

22 WHEREAS, this Court issued its Emergency Orders #1 through #14 to respond
23 to the state of emergency and mitigate the effect of COVID-19; and
24

25 NOW, THEREFORE, IT IS HEREBY ORDERED, EFFECTIVE IMMEDIATELY:
26

- 27 1. All persons entering the Superior Court Courtrooms shall be required to wear a
28 facial covering, unless exempted under paragraph #2 below. If an individual does
29

1 not have a facial covering, one will be provided for them upon entering the
2 Courtroom. Individuals actively participating in a court proceeding may remove
3 their facial covering if they wish. The Court may also direct the removal of facial
4 coverings worn by active participants to facilitate clear communication and due
5 process. "Active participant" includes those seated at counsel tables, witnesses,
6 judge and court staff.

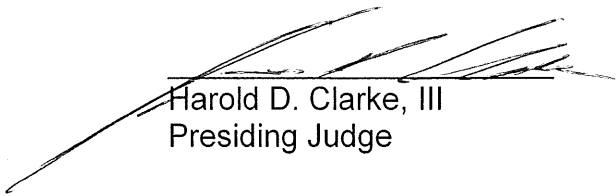
7 2. Pursuant to the face covering directive issued by the local health office order, the
8 following individuals do not need to wear a mask:

- 9 a) Any child aged two years or less;
- 10 b) Any child aged 2-5 years old unless parents and caregivers supervise the
11 use of face coverings by children to avoid misuse;
- 12 c) Any individual who has a physical disability that prevents easily wearing or
13 removing a face covering;
- 14 d) Any individual who is deaf and uses facial and mouth movements as part
15 of communication or an individual who is communicating with a person
16 who is deaf and uses facial and mouth movements as part of
17 communication;
- 18 e) Any individual who has been advised by a medical professional that
19 wearing a face covering may pose a risk to that individual for health-related
20 reasons;
- 21 f) Any individual who has trouble breathing or is unconscious, incapacitated,
22 or otherwise unable to remove the face covering without assistance.

23 3. All jurors are required to wear a facial covering while in the Courtroom, Jury
24 Assembly Room or Deliberation Room. Jurors may wear their own personal facial
25 covering, a disposable mask provided by the Court, or a KN95 mask provided by
26 the Court.
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4. All Spokane Superior and Juvenile Court staff will strictly adhere to the guidelines of the CDC and the Washington State Department of Health regarding any exemption from the general facial covering requirement.
 5. Spokane County Superior Court may adopt further restrictions as necessary to respond to the current state of emergency in order to mitigate the effect of COVID-19 and will do so by further court order.

Dated: May 21st, 2021.



Harold D. Clarke, III
Presiding Judge