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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

AMENDED EMERGENCY
ORDER #16

Trials in Spokane Superior Court

The health conditions that have impaired Court proceedings around the State remain. For all the reasons previously stated in prior emergency orders related to the public health crisis brought on by COVID-19 issued by the Washington State Supreme Court, Spokane County Superior Court and various proclamations by Governor Inslee, Washington State Courts are still in the midst of a public health emergency. Specifically, the Omicron Variant of COVID-19 presents new and unresolved challenges to the general health and welfare of the citizenry and the justice system in particular. In addition to being highly transmissible, vaccine protection against the Omicron Variant is diminished. To relieve the strain on health care systems, Governor Inslee deployed the National Guard to assist local hospitals and paused all non-urgent medical procedures.

The Court has been characterized as an "essential function" by Governor Inslee. Unlike many other agencies and organizations, Courts may compel citizens to appear in the County Courthouse for jury service. Up to two hundred jurors per week routinely cycle through Superior Court's jury management office.

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2 Spokane Superior Court has worked diligently to create a safe and stable
3 courthouse. It continues to actively monitor published data and coordinate with public
4 health officials. The Court has safely conducted well over 100 in person criminal and
5 civil jury trials since July of 2020 without significant incident.

6 In the continued and expanding effort to reduce the incidents of close contact
7 between employees of Spokane County Superior Court, members of the Bar, members
8 of the public and any other entity or agency accessing the Court, the Court has
9 implemented certain court procedures that can accomplish justice without the actual
10 presence of parties in the courtroom. The use of video and audio technology has
11 allowed for remote trials and hearings that do not involve juries. Through these means,
12 the Court has effectively dispensed justice in many hundreds of cases not requiring
13 juries since the health emergency was declared. The expectation is that those
14 proceedings should and will continue as they have.

15 However, technology and staffing limitations in Spokane County Superior Court
16 require that most aspects of jury trials, whether criminal or civil, be done in person.

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

- 18 1. Effective Monday, February 7, 2022 all in-person criminal jury trials are hereby
19 suspended until February 22, 2022 or further order of the Court.
- 20 a. For all pending Spokane County Superior Court criminal cases, under
21 CrR 3.3, it is the Court's obligation to ensure compliance with the
22 applicable time for trial rules;
 - 23 b. The Court, upon its own motion, and pursuant to Washington State
24 Supreme Court Order 25700-B-646 ¶12, concludes a continuance in
25 these criminal jury trials is necessary for the administration of justice;
 - 26 c. All criminal jury trials presently scheduled for trial prior to February 7, 2022
27 are continued by operation of this order to that date unless by agreement
28 of the parties the trial date is continued to a later date.

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d. The Court finds that as of February 3, 2022 the serious danger posed by the virus is good cause to continue criminal jury trials and constitutes an unavoidable circumstance under CrR 3.3(e)(8).

e. Based upon the court's finding that the serious danger posed by the virus remains good cause to continue criminal jury trials and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between the initial suspension date of January 14, 2022 and the date of the next scheduled trial date is EXCLUDED when calculating time for trial.


2. All in-person civil jury trials not currently in progress are hereby suspended until February 22, 2022 or further order of the Court.

3. The Courthouse remains open to the public, but the Court strongly encourages all hearings and non-jury trials to be conducted by telephonic or remote conferencing (such as Zoom) rather than by in-person appearance at the Courthouse. Attorneys and litigants are directed to conduct Court proceedings remotely whenever feasible and practicable under the circumstances. All in-person proceedings shall continue to be conducted with strict adherence to health and safety standards set by the Center for Disease Control, Washington State Health Department, Spokane Regional Health District, and the Court pursuant to its own Orders and direction.

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4. Spokane County Superior Court may adopt further restrictions as necessary to respond to the current state of emergency to mitigate the effect of COVID-19 and will do so by further court order.

Dated: February 3, 2022.



Julie M. McKay
Presiding Judge