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SUPERIOR COURT

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BY _____

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

IN RE THE MATTER OF THE RESPONSE
BY COWLITZ COUNTY SUPERIOR
COURT TO THE PUBLIC HEALTH
EMERGENCY IN COWLITZ COUNTY
AND THE STATE OF WASHINGTON

No.: 2020-003-08

EMERGENCY ORDER No. 4-A
(MODIFICATION #4)

RE: COURT OPERATIONS

WHEREAS, the risks from the time the pandemic began in the state of Washington still exist, and are even greater, as the pandemic continues to threaten the life and health of our community, including those that come to our Court; and

WHEREAS, like many courts, we serve a vulnerable population of people. In addition, whether people come to the court as a party, witness, juror, legal counsel, or as court personnel, the courtrooms are compact, jury rooms are small, jury pools can only be maintained in a small area, there are limited restrooms, and seating is compact; and

WHEREAS, the judiciary has worked to mitigate, and provide limited hearings and trials that meet the criteria of the CDC, including masking, limitations on numbers, sanitizing, social distancing; and

WHEREAS, even with those mitigating factors, given the current air flow, limited space, and now the very substantial increase in the number of positive COVID-19 cases in our County, the Judges cannot find, with the significant limitations of our court, they can safely provide in person hearings at any of the courtrooms located at the Hall of Justice, Cowlitz County Jail, and Youth Services Center at this time, except with significant limitations that can be addressed on a case by case basis; and

THEREFORE, based on the above, the significant number of individuals at risk of contracting COVID-19 in Cowlitz County and the severity of risk posed to the public, court personnel and litigants; the significant limitations of our courts to comply with recommendations of the CDC, Washington State Health Department and the Cowlitz County Health Department; and given the recommendations from these departments:

It is hereby ORDERED, after finding good cause as the least restrictive alternative, and pursuant to the authority of the Washington State Supreme Court Orders in response to the COVID-19 public health emergency, and the authority as Presiding Judge of Cowlitz County Superior Court, ***Emergency Order No. 4-A, and subsequently modified by No. 4-A (modifications #2 and #3) is further modified as follows:***

1. **Page 2, paragraph 1(a):** The date all jury summons are suspended from shall be updated and changed to “November 30, 2020 through February 28, 2021.”
2. **Page 2, paragraph 1(b):** The date criminal trials are stricken and continued until shall be updated and changed to “November 30, 2020 through February 28, 2021, except in person bench trials if approved and ordered by the Court.”
3. **Page 2, paragraph 1(c):** The date all civil jury trials are stricken shall be updated and changed to “through February 28, 2021. The party shall renote the matter for a new date on the Trial Scheduling docket.”
4. **Page 3, paragraph 1(d):** The paragraph shall be amended to add an allowance for in-person civil bench trials if ordered by the Court.

5. **Page 3, paragraph 1(e), last sentence:** The sentence regarding time exclusion will be modified in part to read ".....March 20, 2020 through at least February 28, 2021, or as determined by further court order."
6. **Page 3, paragraph 2(a):** The paragraph shall be amended to read, "All other out of custody criminal matters shall be heard solely by the ZOOM platform. If the parties are wanting to have a Defendant plea, then it must be by the ZOOM platform or alternatively continued to a date after February 28, 2021 to have the matter heard in-person. All out of custody pleas shall be set in accordance with the Court's latest adopted safety protocols and schedule as found on the Court's website, <https://www.cowlitzsuperiorcourt.us/>"
7. **Page 3-4, paragraph 2(b), line 7:** The sentence will be modified to read "The Court will be setting all in-custody arraignments and in-custody pleas in accordance with the Court's latest safety protocols and adopted schedule as found on the Court's website, <https://www.cowlitzsuperiorcourt.us/>."

Emergency Order No. 4-A (Modification), dated June 29, 2020, is hereby modified as follows:


1. **Page 4, paragraph 2:** The date for in-person juvenile criminal trials shall be updated and changed to "November 30, 2020 through February 28, 2021."

The **effective date of this Order is December 16, 2020**. This Emergency Order No. 4-A (Modification #4) modifies and updates this Court's prior Emergency Order 4-A, (dated and filed June 25, 2020), Emergency Order No. 4-A (Modification #2) (dated and filed September 29, 2020) and Emergency Order No. 4-A (Modification #3) (dated and filed November 23, 2020) . This Court may extend the time frames in this Order as required by continuing public health emergency, and if necessary, will do so by further order.

All paragraphs not specifically modified herein shall remain as currently ordered by the Court.

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DATED this 15th day of December, 2020.



JUDGE GARY B. BASHOR
PRESIDING JUDGE OF
COWLITZ COUNTY SUPERIOR COURT