

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 - 02 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 having moved into Phase 3 of Washington State Governor Jay Inslee’s “Heathy Washington” plan,

IT IS HEREBY ORDERED THAT:

1. Suspension of In-Person Hearings: Except as otherwise noted in this order, all in-person appearances on out-of-custody matters will remain suspended until May 21st, 2021. 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. Return of In-Person Hearings: Beginning May 21st, 2021, in-person appearances on all out-of-custody criminal matters and contested infraction hearings in Courtroom 301 may resume. Unless directly ordered to appear in person by a Judicial Officer, the parties may appear in-person or

remotely for all proceedings with the exception of jury trials and criminal motion hearings that require the presentation of video or other physical evidence.

3. Intake: The Court's out-of-custody arraignment Intake calendar for non-DV and non-DUI cases has resumed, but there remains a sizeable backlog in new filings as well as a reduced calendar size for Intake. 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.
4. Criminal Motion Hearings: Criminal motion hearings that require the presentation of video or other physical evidence shall continue to be conducted with the parties and witnesses appearing in person until further order of the Court. 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.
5. Jury Trials: Due to the Court's reduced ability to obtain an adequate spectrum of jurors, the necessity of counsel and court staff to be present in the courtroom, and the health and safety of potential jurors, jury trials are suspended through June 15th, 2021. Unless otherwise ordered by the court, jury trials shall resume on Wednesday, June 16th, 2021. All cases awaiting trial shall be administratively scheduled for a readiness hearing during

“readiness week” starting May 21st, 2021 and continuing through the following week until all pending cases have been addressed and given an assigned trial date. The 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. Unless directly ordered to appear in person, parties or their counsel may appear remotely for the readiness hearing. In-custody matters shall be given priority for scheduling jury trials. 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).

6. Mental Health Court Out-of-Custody Evaluations: Out-of-custody competency evaluations will continue to be held in the courthouse as scheduled, and defendants are required to appear in-person unless a remote option is made available.
7. Contested Infraction Hearings and Impound Hearings: Remote appearances are required on all contested infraction and impound hearings scheduled in Courtroom 301 until May 21st, 2021. If a defendant appears at the courthouse or if a defendant is otherwise unable to appear remotely for their matter, the defendant may contest their infraction 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). Beginning May 21st, 2021, in-person appearances for contested infraction and impound hearings in Courtroom 301 may resume. Unless directly ordered to appear in person by a Judicial Officer, the parties may appear in-person or remotely for all proceedings.

8. SMCLIR 3.5(b): General Administrative Order 2020 – 02 amended SMCLIR 3.5(b) to allow for the defendant’s appeal of a decision based on written statements for a contested hearing. This action was taken due to the closure of Courtroom 301 and now that the Court has resumed contested hearings, this amendment is stricken and there shall be no appeal from a decision based on written statements.
9. 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.
10. Non-Infraction Civil Hearings and Trials: Non-Infraction Civil Pre-settlement Conferences will continue to be scheduled and handled remotely until May 21st, 2021. Civil trials shall be conducted with the parties and witnesses appearing in person. 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.
11. Youth Traffic Court: Youth Traffic Court hearings will continue to be conducted remotely through the remainder of the 2020/2021 school year. Youth Traffic Court will resume in-person hearings in September 2021.
12. Telephonic or Video Conference Mitigation Hearings: Pursuant to IRLJ 3.5(b) the Court may permit defendants to appear at mitigation hearings by telephone or video conference in lieu of an in-person appearance.
13. 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.

14. 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.
15. DNA Collection: The collection of DNA samples on required convictions shall be suspended until May 21st, 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). Beginning May 21st, 2021, the Court will administratively schedule hearings for the defendant to appear after May 21st, 2021, to provide their DNA sample.
16. The Court may extend the timeframes in this order as required due to the 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.

17. 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 23rd day of April, 2021



Willie Gregory, PRESIDING JUDGE