

BAINBRIDGE ISLAND MUNICIPAL COURT  
COUNTY OF KITSAP, STATE OF WASHINGTON

IN THE MATTER OF THE EMERGENCY  
RESPONSE TO THE CORONAVIRUS  
(COVID-19) PUBLIC HEALTH THREAT.

EMERGENCY  
ADMINISTRATIVE ORDER

NO. 2020-4

THIS MATTER comes before the court on the public health emergency in the City of Bainbridge Island, Kitsap County, State of Washington:

1. 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 coronavirus (COVID-19). COVID-19 is a virus that spreads from person to person easily and has grown into a worldwide pandemic. COVID-19 poses a high-risk to vulnerable populations and can cause serious illness and death.
2. On March 4, 2020, Chief Justice Debra Stephens of the Washington State Supreme Court adopted emergency order No. 25700-B-602, granting authority to all Washington courts to adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency, issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State.
3. On March 9, 2020, the City of Bainbridge Island issued a Proclamation of Local Emergency. The proclamation allows the City to use all resources necessary to prepare for and respond to an outbreak and to adjust City policies and operations.
4. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency.
5. On March 16, 2020, the Bainbridge Island Municipal Court issued an order modifying operations in order to protect the health and safety of litigants, attorneys, court staff, and the public.
6. On March 18, 2020, Washington Supreme Court issued an emergency order requiring trial courts to modify operations by continuing most criminal and civil matters and prohibiting all in-person appearances, unless impossible, through April 24, 2020. The order was amended on March 20, 2020 to clarify the handling of some civil matters.
7. On March 19, 2020, the federal government issued a Level 4, Do Not Travel Global Health Advisory. Due to public health measures to limit the spread of

- COVID-19, effective March 20, 2020, the United States Department of State is only offering expedited passport service to customers with a qualified life-or-death emergency who need a passport for immediate international travel within 72 hours. No other expedited services are offered, and mail-in applications are delayed beyond the typical 6-8 processing window.
8. On April 13, 2020 and on May 29, 2020, the Washington Supreme Court issued an emergency orders extending the time frames of prior orders and clarifying other court operations. The Supreme Court requires that any person hearings must strictly comply with social distancing measures and other public health requirements.
  9. During this public health emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, the wearing of masks, and encouraging vulnerable individuals to avoid public spaces.
  10. On June 23, 2020, Governor Inslee issued a proclamation requiring masks in indoor spaces, with limited exceptions.
  11. Washington Governor Inslee has required a phased reopening of the economy with strict limitations. The phased reopening is called "Safe Start Washington." Currently Kitsap County remains in Phase 2 and has applied for Phase 3, but not yet been approved.
  12. The Bainbridge Island Municipal Court is a very small courthouse. The courtroom requires litigants, attorneys, and court staff to work in extremely close quarters while attending court hearings. Social distancing in the courthouse, as recommended by public health agencies, is only possible for a very limited number of people. With six-foot social distancing requirements, only two people may sit at counsel tables and four people may sit in the gallery to observe court hearings. Two additional parties may attend and participate in the hearings in the court's two small rooms that have a computer connected to the Zoom hearings.
  13. In-person appearances for court hearings jeopardizes the health and safety of the litigants, attorneys, the court staff, and members of the public. In order to promote the public health goals identified by public officials, promote the health and safety of users and staff at the court, it is necessary to continue hearings by video and teleconferencing and allow only limited in-person attendance at the Bainbridge Island Municipal Court during the declared public health emergency.
  14. The court incorporates by reference the findings and orders of the Washington Supreme Court in emergency orders No. 25700-B-615 (issued April 13, 2020), No. 25700-B-607 (issued March 20, 2020), No. 25700-B-606

(issued March 18, 2020), No. 25700-B-602 (issued March 4, 2020), No. 25700-B-626 (issued May 29, 2020).

15. Pursuant to State v. Bone-Club, 128 Wn.2d 254 (1995), the court makes the following findings:

- a. The court is open to the public and litigants, but only available for a limited number of users and attendees due to physical distancing requirements. (Total allowed: 4 people in the gallery, 2 people at counsel tables, and 2 parties in the exterior computer rooms that connect to video conferencing.)
- b. A compelling interest has been demonstrated that requires the court to conduct hearings by video and teleconference for most hearings and to limit the physical public interaction with the parties and court staff.
- c. Anyone who objects to the court's findings related to a specific hearing may attend in person or via telephone or videoconference and request permission to address the court on the issue.
- d. The court finds that the means provided for the public to observe and listen to the court hearings is the least restrictive means available for protecting the public, the parties, and the court staff.
- e. The court has weighed the importance of open proceedings against the present health risks and has determined that it is appropriate to defer to the guidance of public health experts during this pandemic. The risk of further spread of COVID-19 and possible infection of court staff and users outweighs the public interest in a greater number of people being physically present in an open court at this time.
- f. This order is in place for all matters scheduled now or in the future before the court, until further order of the court. This order will be reconsidered daily as public health data, directives, and advice are issued. This order is narrowly tailored as to address current health risks. No less restrictive alternative is available that will sufficiently protect the health of all present.

THEREFORE, IT IS HEREBY ORDERED:

1. Effective July 13, 2020, the court will schedule all criminal and civil matters for video and telephonic hearings through the Zoom platform. Any litigant, attorney, interested party, or member of the public may attend in-person at the courthouse. However, all persons are encouraged to appear remotely by telephone or video appearance. Any matters that cannot be successfully completed through these means may be continued to a future date by the Judge.

2. Any member of the public may observe a court hearing via video or teleconferencing on the Zoom platform or by attending in-person at the courthouse.
3. Any person desiring entry to the courthouse must pass a health screening, a weapon screening, and comply with social distancing and mask requirements.
4. It is further ordered that passport processing services by the court staff are suspended until further order of the court.
5. The doors to the courthouse are open to the public during hearings. Court hearings are typically held on Mondays and Tuesdays within the hours of 8 am and 4 pm. The court is open for walk-in clerk window service on Wednesday through Friday from 9 am to noon and by appointment.
6. It is preferred that paperwork be delivered to the court through mail, fax, or email. Paperwork may be dropped off at the court during walk-in hours or as arranged with the clerk. All hearing paperwork must arrive by noon the day before the hearing and copies must be served on the other parties or the information may not be considered by the court at the hearing.
7. The court is open for business Monday through Friday from 8 am to 4 pm. Clerks may be contacted during business hours by telephone, email, fax, and mail. The court website at [www.bainbridgewa.gov/court](http://www.bainbridgewa.gov/court) will be regularly updated with announcements, forms, instructions, and contact information.

This order will continue in full force and effect until terminated. This order may be modified consistent with the Court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 13<sup>th</sup> day of July, 2020.



---

Judge Sara McCulloch