

FILED

2022 DEC 29 AM 10: 27

**HEIDI PERCY
COUNTY CLERK
SNOHOMISH CO. WASH**

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SNOHOMISH COUNTY**

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

)
) NO. **2022 7004 31 A**
)
) ORDER REGARDING COURT
) OPERATIONS AFTER OCTOBER
) 31, 2022 – COURT COMMISSIONER
) CALENDARS
)

PREAMBLE

WHEREAS, Washington courts have been operating under a series of orders issued by this Court following Governor Inslee’s proclamation of a state of emergency on February 29, 2020, due to the novel coronavirus disease (COVID-19) pandemic; and

WHEREAS, such orders have been necessary to ensure court operations could continue and justice could be administered safely and effectively during the COVID-19 pandemic; and

WHEREAS, the governor’s state of emergency proclamation will end on October 31, 2022, justifying the rescission in whole or in part of some of this Court’s orders modifying court operations; and

WHEREAS, on October 31, 2022, the Washington State Supreme Court declared that the ongoing challenges to court operations due to the COVID-19 pandemic required that some of that Court’s orders remain in place for the safe and effective administration of justice; and

WHEREAS, Supreme Court Order No. 25700-B-697 asserts that Courts should continue to allow telephonic or video appearance for all criminal and juvenile offender hearings

whenever appropriate, and authorized the continued use of remote proceedings in civil matters;
and

WHEREAS, Supreme Court Order No. 25700-B-697 authorizes the Presiding Judges of the Washington courts to adopt, modify, and suspend local court rules and orders, and to take further actions concerning court operations as warranted to address ongoing challenges presented by the COVID-19 pandemic; and

WHEREAS, Snohomish County Superior Court does not currently have in place a procedure for counsel and parties to request a remote appearance at hearings set in the Commissioner Departments, and such a procedure is necessary for the orderly administration of justice;

NOW, THEREFORE, pursuant to the authority granted by the Washington State Supreme Court, and the authority granted to the Presiding Judge of Snohomish County Superior Court pursuant to GR 29, and as necessary to implement Supreme Court Order No. 25700-B-697, IT IS HEREBY ORDERED:

1. REMOTE APPEARANCE ON COMMISSIONER CALENDARS GENERALLY:

Unless the Court has ordered in person appearance, parties and counsel may appear remotely on the Commissioner Civil Motions calendar pursuant to SCLCR 7(b)(2)(d)(10)(c)(2). For all other calendars, Court approval is required.

A. WRITTEN REQUEST REQUIRED: Any party or counsel may file a motion to appear remotely. Otherwise, a party or counsel requesting to appear remotely shall submit a written request to the court as follows:

- i. REQUEST MADE BY EMAIL: A party asking for approval for a remote appearance shall submit their request by email directed to SuperiorCourtRemoteAppearance@snoco.org. The request must be received by the court no later than 12:00pm two court days before the scheduled hearing, and, except for cases regarding civil protection orders, all opposing parties or counsel must be included as recipients on the email. The requests shall include the cause number, the date and time of the hearing, and the name and role of

each person for whom remote appearance is requested, and the reason for the request.

- ii. FAILURE TO FOLLOW RULE: Requests that do not follow to the requirements of this rule may not be considered. If a party is unable to follow this rule for any reason, they should contact Superior Court Administration for help.
- iii. EARLY REQUESTS ENCOURAGED: Parties are encouraged to make their requests as early as possible, so that they can plan to appear physically if the request is denied.
- iv. CONTEMPT HEARINGS; TESTIMONIAL HEARINGS: Unless all parties agree, the court is unlikely to grant a request for a remote appearance if the requestor is the subject of a contempt proceeding or will present testimony in a case other than a civil protection order hearing.

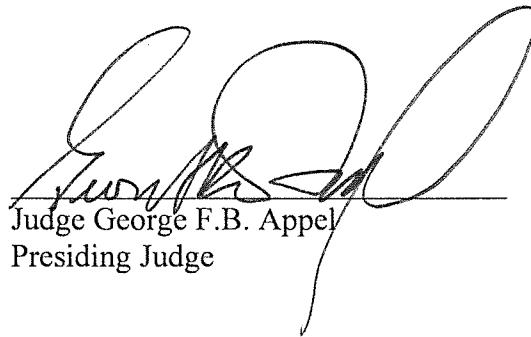
B. OBJECTIONS; WAIVER: A party objecting to a request for remote appearance shall do so in writing by responding “reply all” to the email requesting the remote appearance. The response must say there is an objection and give the reason for the objection. The response must be received by the commissioner within 24 hours of the requesting email. All parties or counsel, and SuperiorCourtRemoteAppearance@snoco.org must be included as recipients on the responding email. If an objection does not follow the requirements of this rule, or is untimely, the court may decide that the right to object has been waived. This section does not apply to civil protection order hearings.

C. RULING BY THE COURT: The court will consider the request and any objection and will notify both parties by email of the court’s decision no later than 5:00 pm the day before the hearing. In cases where objections are made, the judicial officer shall make a record at the hearing regarding reasons for granting or denying the request. In

cases where no objection is made and the court does not deny the request by 5:00pm the day before the hearing, the request is deemed approved.

D. EMERGENT CIRCUMSTANCES: In cases where an emergent circumstance prevents a party from making a timely request under this rule, the court shall have the discretion to consider such requests, and may approve the same upon the court's satisfaction that the request is appropriate, that an emergent circumstance exists, and that the opposing party will not be prejudiced by approving the remote appearance.

DATED this 29th day of December, 2022



Judge George F.B. Appel
Presiding Judge