

FILED

2023 FEB 23 PM 2: 09

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. 2022-7004.31A  
) AMENDED  
) 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 ended on October 31, 2022, justifying the rescission of this Court’s Emergency orders modifying court operations; 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, 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 Department, 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 specifically ordered in-person (physical) appearance in a particular case or for a particular individual, parties and counsel may appear remotely for all matters set before a Commissioner except: Minor Guardianships and Domestic Motions (including domestic motions or minor guardianships set on the Interpreter calendar), and any motion on contempt.

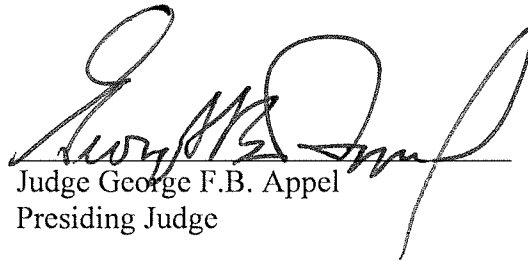
A. WRITTEN REQUEST REQUIRED: When approval of a remote appearance is required by the calendar or hearing before a commissioner, any party or counsel may file a motion to appear remotely. Otherwise, a party or counsel requesting to appear remotely shall submit a written request to the court as follows:

i. REQUEST MADE BY EMAIL: Parties requesting approval for remote appearances before a commissioner shall submit their requests by email directed to SuperiorCourtRemoteAppearance@snoco.org. The request must be received by the court no later than 12:00 pm 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 comply with the requirements of this rule may be disregarded. Parties who cannot connect with e-mail for this purpose may contact Superior Court Administration to seek help.
  - iii. EARLY REQUESTS ENCOURAGED: Parties are encouraged to make their requests as early as possible so that they can plan to appear in person (physically) if the request is denied.
  - iv. CONTEMPT HEARINGS; TESTIMONIAL HEARINGS: Unless all parties agree, parties should not anticipate the Court granting a request for a remote appearance in contempt hearings where the requestor is facing contempt, or any other hearing other than a civil protection order hearing where the requestor will testify.
- 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 case of objection, the judicial officer may make a record at the hearing of the reasons for granting or denying the request. In cases where no objection is made and the court does not deny the request by 5:00 pm the day before the hearing, the request is deemed approved.

D. EMERGENT CIRCUMSTANCES: The Court shall have the discretion to consider requests for remote appearance where emergent circumstances prevent requests from being timely. Parties may expect the Court to consider whether the request is appropriate, whether an emergent circumstance actually exists, and whether the opposing party will be prejudiced by approving an untimely request.

DATED this 23<sup>rd</sup> day of February, 2023



Judge George F.B. Appel  
Presiding Judge