The King County Superior Court’s COVID-19 response

By Judge Samuel Chung and Judge Maureen McKee

In March, the COVID-19 pandemic descended upon Washington State. During the Spring, the numbers of individuals infected by COVID-19 began rising as did the death toll. Governor Inslee implemented protective measures by halting in-person learning at schools and closing businesses such as restaurants, certain stores, and gyms. The Washington State Supreme Court issued emergency orders directing courts to cease jury trials and certain non-emergency hearings in order to protect the health of the public.

The King County Superior Court is a large judicial and administrative body with 53 judges and nine Commissioners. On a typical pre-pandemic day during the work week, hundreds of people enter the King County Superior Courthouses located in Seattle and Kent. This population of individuals who enter the courthouses include litigants, family members of litigants, jurors, witnesses, attorneys, translators, social workers, paralegals, clerks, bailiffs, and judicial officers. On any given day during the work week, judicial officers collectively preside over dozens of trials and/or hearings. During a typical pre-pandemic month, judges collectively preside over a hundred trials.

The King County Superior Court was faced with the daunting task of balancing the need to protect the public with the need to ensure that individuals’ legal rights were protected. Individuals facing criminal charges, many of whom are incarcerated pending resolution of their cases, have the right to a trial within a certain time. Many parties in civil cases also have a strong interest in resolving their cases expediently. Judges always try to remain cognizant and respectful of the reasons litigants need and validly wish to obtain finality through resolution of their cases. In addition to the goal of protecting the public and ensuring that litigants’ rights and needs are safeguarded, the court also shouldered the responsibility of protecting the health of its own staff. In addition to the dozens of judicial officers, there are hundreds of staff members who work in the King County courthouses.

In response to these interests, at times competing interests, the court halted trials and certain hearings but continued holding hearings emergent in nature. For example, the family law commissioners and judges continued holding hearings in which domestic violence was alleged as well as family law matters involving minor children for which an emergency existed.

In response to public health needs as well as the rights and needs of litigants, the Court took many measures, including : 1) imposing social distance measures within the courtrooms and the Courthouse; 2) authorizing video and telephonic hearings in lieu of in-person hearings; 3) providing training to clerks, bailiffs, attorneys and judges on Zoom trials; 4) renting out large spaces at the Meydenbauer Center which would allow for juries, witnesses, parties, attorneys, court staff and the judge to appropriately socially distance; 5) combining courtrooms for in person jury trials; and 6) changing the HVAC/ventilation system to conform with the recommendations from the State Department of Health regarding the virus.

With these steps, starting in late July, the Court began to hold in person jury trials, both civil and criminal. The jurors responded accordingly, and the Court was able to hold many trials in downtown Seattle, Kent and also at the Meydenbauer Center in Bellevue.

In late November, however, due to the spike in Covid-19 cases, the Court was forced to stop in-person jury trials. However, remote jury trials for civil cases continued via Zoom video. We found out that jurors really appreciated not having to appear in person and participate from the convenience of their homes. Criminal jury trials are tentatively scheduled to resume in January, 2021.

The Court has been working hard to protect the health and safety of everyone while delivering on its mission to process cases and provide justice. It has been a challenging year, but judges and staff have been undergoing many hours of training and education to learn new technologies and to adapt to the changing environment. We believe that this experience of growth and flexibility will strengthen the service and support this Court provides to the community in the future.