



**The Oscar Carl Jones Sr.**  
**TULALIP TRIBAL COURT**

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Vision:  
Judicial Excellence

Honorable Judge Theresa Pouley  
Honorable Judge Josh Heath  
Honorable Judge Deborah Fiander  
Honorable Judge Meredith Drent

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**ADMINISTRATIVE SUPPLEMENT TO STANDING ORDER FOR THE TRIBAL  
COURT FOR COVID OPERATIONS ISSUED OCTOBER 1, 2021**

The Standing Order was issued regarding this Court's prior response to the Coronavirus Disease 2019 (COVID-19) outbreak and the enactment of a series of Standing Orders issued by the Tribal Court for the protection of the Tulalip Tribal Community. On March 23, 2021, the Tribal Court issued the first of a series of administrative Standing Orders which outlined the substantial challenges faced by the Court in its operations. The Court highlighted, and continues to highlight, the health risks to all individuals required to be within the courthouse and the substantial health risks to all involved in the legal proceedings.

On September 23, 2021, the United States District Court for the Western District of Washington issued General Order 13-21, which extends its limited operations in civil and criminal hearings until December 23, 2021. The limiting of operations was directly related to current COVID-19 data and the substantial risk it poses to public health and safety. Tribal Courts have much more of a risk to health and safety of their communities because they have limited personnel, tighter areas, more contact with the community, and have received an extremely small amount of COVID 19 emergency funding compared to state and federal courts. The reasons to continue limited operations in federal court are even more compelling for Tulalip Tribal Court.

The Court continues to be mindful of its responsibility to balance the rights of Court clients and its oath to protect the public safety of the community. The Court has established and integrated processes that allow litigants to be heard while still protecting the safety of the

community by limiting direct contact. The Law and Justice Committee developed a subcommittee of staff volunteers to assist in tracking the incidence of COVID-19 and vaccination rates in the community. The Court is tracking the availability of vaccination boosters and the availability of vaccinations for youth in our community. The availability of these vaccines will protect the most vulnerable members of our community.

The Tulalip Tribal Court Rules in Section 2 provides the guiding principles for interpretation of Tulalip Law and Court Operations. As a value, the Court respects our community, elders of our community and commits to strengthen the people of our community. The Court is also guided by Tulalip Tribal Law in issuing orders for the protection of the community. Title 4 stresses the importance of youth, elders and family to the Tulalip Community. TTC 4.05 clearly outlines the Court's duty to protect the health, safety and welfare of children in the Tulalip Community. TTC4.30 also stresses the importance of protecting elders recognizing them as valuable custodians of the Tulalip Tribes history, tradition and culture. The Court weighs these values heavily when exercising its duty to balance the need for on-going Court services and continued protection of the community from serious public health threats. These factors led the Court to re-issue another Standing Order on Court proceedings.

For clarity, the Court now issues the following declarations for operation of Court proceedings, including clarifying the status of criminal court proceedings and the conduct of jury trials and other hearings:

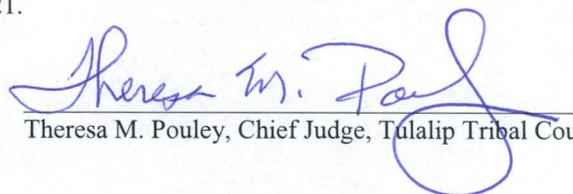
1. Video and telephonic appearances continue to be authorized and shall continue to be handled as they have been during the Court's previous Standing Orders.
2. Jury trials will be scheduled beginning the week of January 5, 2022. Jury trials will be scheduled every Thursday with a maximum of 3 cases per Thursday. The Court

will continue to assess whether additional days or additional cases should be scheduled on any particular day. All criminal trial readiness and jury trials set for 2021 will be converted to status conferences. At the formerly scheduled trial readiness conference, the Court will assess preliminary matters and issue a scheduling order including setting a trial date in 2022. In setting jury trials, priority will be given to cases by their original filing date when possible, as well as the custody status of the defendant.

3. Criminal cases will continue to be assigned to a settlement conference to see if the participants can resolve matters without the need for trial, or when agreed by the parties by scheduling a bench trial, as long as health and safety issues can be adequately addressed.
4. All other Standing Order procedures from previous Orders remain in effect to the extent they are not inconsistent with this Order
5. Speedy Trial shall continue to be tolled though December 31, 2021.
6. The Court and Law and Justice subcommittee will continue to monitor community health and safety during the remainder of 2021 and will adjust orders if necessary. The Court will also monitor vaccination rates for children and the rate of booster shots for the most vulnerable in our community.

The Court will continue to fulfill our duties and obligations to our clients, community and future generations while staying within the guidelines for control and prevention established by the State, Federal and Tribal governments.

SO ISSUED THIS 1<sup>ST</sup> DAY OF NOVEMBER, 2021.

  
Theresa M. Pouley, Chief Judge, Tulalip Tribal Court

