



**TULALIP TRIBAL COURT LIMITED OPERATIONS PLAN AND UPDATED
ADMINISTRATIVE STANDING ORDER
March 23, 2021**

Court operations continue to be in a state of flux one year after the pandemic was formally declared. While the court house has reopened to the public, the state and tribal operations are still limited, with capacity limits within buildings still reduced. Despite the availability to receive the vaccination, only about 38% of eligible tribal members have received the vaccination. An informal poll by court staff has found that the majority of court clientele are not getting vaccinated expressing concern about the safety of the vaccinations, despite evidence to the contrary. The reservation still has active cases, hospitalizations, deaths and those that have recovered. The Tulalip Tribal clinic went from 0 cases on 3/22/2021 to 6 active cases and 17 home isolations.

The court continues to struggle with balancing the rights of court clients to have their cases heard in a timely manner and according to the tribal laws. However, the court is also mindful of Center for Disease Control (CDC) guidelines for mask wearing, social distancing and the unknown effects of variants of COVID 19. While the court had hoped to be in a position to reopen more fully and to begin the process of jury trials, the challenges continue. We have set up stations for jury trials and have begun to test the process with additional safeguards. We are finding that we still have challenges that need to be addressed. In addition, we still have concerns about the number of individuals required within the courthouse and the health risks to all involved, so are mindful to carefully monitor limits.

On Friday 3/19/2021, the United States District Court for the Western District of Washington issued General Order No. 04-21, which extends limited operations and continues civil and criminal hearings now scheduled to after June 30, 2021 with limited exceptions. The District Court is more spacious to allow for social distancing, has far more career personnel and has been named in the 2020 CARES act funding; whereas this Tribal Court has a much different situation. We have limited personnel, tighter areas, and have received a mere pittance of COVID 19 emergency funding as compared to states and federal courts. Nonetheless court operations have continued in a manner that does not endanger our staff, general public and court clientele.

Now therefore, the court enters the following order to address the status of the criminal court and our ability to conduct jury trials and other hearings.

Therefore, the court hereby affirms and declares:

1. Video or telephonic appearances are still authorized and shall be the manner in which the criminal docket is handled with the exception of the Wednesday in-person docket or a request for an in-person hearing.
2. Jury trials shall not be scheduled until the week of June 7. Jury trial slots shall be limited to three per Wednesday for the first 30 days and will be assessed thereafter. The court is mindful that often trials are settled, the jury schedule is struck, but still, the court staff has so many details to address with jury trials that we do not want to over extend the court staff.
3. All motions must be scheduled and heard prior the actual day of trial, hence during the readiness calendar, or a special set at the request of the parties, and no later than 10 calendar days prior to trial.
4. The court remains available to defendants for a bench trial depending on the complexity of the case, the safety precautions that can be made and other relevant factors.
5. All prior procedures not inconsistent with this order shall remain in effect.
6. Family members wanting to listen in to their family member's hearing may contact the court clerk at 360 716-4773, and will be given a code to enter so that they may listen to the hearing. Anyone listening in must observe the typical rules of conduct for in-court hearings, and the court will inquire at the end of the hearing if any family member, alleged victim of a crime, or Tribal Elder wishes to address the court about the matter.

Speedy trial shall be tolled through May 15, 2021 for out of custody defendants.

The court staff and judges will continue to monitor the court and the community's needs during this time, adjusting as needed and provide further updated orders if necessary. The court will continue to monitor vaccinations among tribal members. This situation continues to be fluid and requires all of us to come together to continue to fulfill our duties and obligations while staying within the guidelines issued by the Center for Disease Control and Prevention, the Tulalip Tribes, the State and the Federal governments.

So issued this 23rd day of March, 2021.

Michelle Demmert

Michelle Demmert, Chief Judge
Leona Colegrove, Associate Judge
Josh Heath, Associate Judge

Janine VanDusen, Associate Judge
Alicia Horne, Court Director