

APR 02 2020

ALISON H. SONNTAG

**KITSAP COUNTY SUPERIOR COURT  
KITSAP COUNTY DISTRICT COURT  
STATE OF WASHINGTON**

IN RE THE KITSAP COUNTY COURTHOUSE AND THE  
PANDEMIC OUTBREAK OF THE CORONAVIRUS  
DISEASE 2019 (COVID-19)

**No. 2020-15**

**EMERGENCY ADMINISTRATIVE ORDER  
RE – ELECTRONIC SIGNATURES BY  
JUDICIAL OFFICERS AND COURT  
CLERKS**

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).<sup>1</sup>

Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public and staff, the recommendations of the Kitsap Public Health District, Governor Inslee’s March 23, 2020 “Stay Home, Stay Healthy” Order, and the authority granted by Supreme Court Orders No. 25700-B-602 at ¶1 (Mar. 4, 2020) and No. 25700-B-607 at ¶15 (amended Mar. 20, 2020), additional immediate action by the Kitsap County Superior Court and Kitsap County District Court<sup>2</sup> is required.

The Courts’ judicial officers have been ordered by the Courts’ presiding judges to telecommute on a rotating basis to reduce the number of people inside the Kitsap County Courthouse. Court clerks are similarly telecommuting. Judicial officers and court clerks are working from their homes and logging into computer systems remotely. Judicial officers, while at home, are also presiding over cases via Zoom Video Conferencing. Current court rules and statutes do not contemplate a judicial officer or court clerk “signing” court records under these circumstances.

NOW, THEREFORE, it is hereby –

ORDERED that effective immediately and until further Order of the Courts –

1. Previous Orders. All previous Emergency Administrative Orders remain in full effect.
2. Electronic Signature Authorized. Whenever a judicial officer or court clerk is required to sign a court record, the judicial officer or court clerk may do so by an electronic signature.

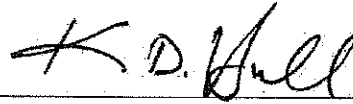
<sup>1</sup> Hereafter “disease.”

<sup>2</sup> Hereafter “Courts.”

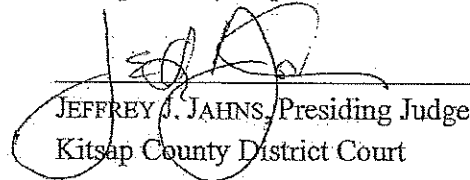
3. Electronic Signature Definition. “Electronic signature” means any of the following –
- A. An electronic process attached to or logically associated with a court record and executed or adopted by a person with the intent to sign the court record, including but not limited to “/s/ [name of signatory]”;<sup>3</sup>
  - B. A person who is authorized and directed by a judicial officer to affix the judicial officer’s signature on a court record;<sup>4</sup> and/or
  - C. A signature on a court record signed using electronic signature pad equipment.<sup>5</sup>
4. Court Record Definition. “Court record” is defined in General Rule 31(c)(4).
5. Admissibility In Evidence. A court record may not be excluded from evidence because it was signed by an electronic signature.<sup>6</sup>

Kitsap County Superior Court and Kitsap County District Court remain open.

DATED – APRIL 2, 2020



KEVIN D. HULL, Presiding Judge  
Kitsap County Superior Court



JEFFREY J. JAHNS, Presiding Judge  
Kitsap County District Court

<sup>3</sup> See, e.g., laws of 2020, ch. 57, §2(10) (effective June 11, 2020) (definition of “electronic signature”).

<sup>4</sup> See, e.g., CrR 2.3(c) and CrRLJ 2.3(c) where a court issuing a warrant may “direct an individual whom it authorizes for such purpose to affix the court’s signature to a warrant...”

<sup>5</sup> See, e.g., General Rule 30(d)(2)(F) authorizing a litigant’s use of court facilitated electronic signature pad equipment for signing an electronic document.

<sup>6</sup> See, e.g., laws of 2020, ch. 57, §13 (effective June 11, 2020) (“In a proceeding, evidence of a record or signature may not be excluded solely because it is in electronic form.”).