

**11/10/09 Update**

**Court Prepares for Possible Flood at the Maleng Regional Justice Center**

**by Honorable Helen Halpert,  
Assistant Presiding Judge, King County Superior Court**

Because of potential problems at the Howard Hanson dam in the Cascade foothills east of Seattle, citizens and businesses in the Kent Valley face possibility of flooding this winter. The Army Corps of Engineers, the agency responsible for maintenance and operation of the dam, has indicated that heavy rains may force dam operators to release water at a rate that may cause flooding in the valley area. Although a permanent fix is at least three years away, the Corps is undertaking measures to increase the holding capacity of the dam to avert flooding this winter. The most recent information from the Corp is heartening, with a revised estimate of only a 4% chance of flooding.

The Maleng Regional Justice Center (MRJC) is in the flood plain area. The court has 19 judicial officers—15 judges and 4 commissioners- permanently stationed at the MRJC. District Court also has two courtrooms in the facility. Municipal courts in the valley, including Kent, Auburn, Tukwila, Burien and SeaTac could also be affected.

A rain storm such as occurred last January would result in widespread flooding. The court is thus continuing with flood planning. The county has entered into a lease with the Park Place Building, at 6<sup>th</sup> and Seneca to house family law proceedings from the MRJC, the MRJC dependency calendar and family law trials from both courthouses. Family law motions and domestic violence matters with SEA designations will remain in the KCCH, as will most support and trial by affidavit hearings from both courthouses. The Department of Judicial Administration will operate a satellite clerk's office in the facility. Full security will also be on site. In addition, three or four judges will be relocated to the Nakamura Federal Courthouse, where they will try civil bench trials

Of course, all of us are hoping that there is no flood. However, it is vital that the court plan for continuity of operations. Somewhat frustratingly, because of the lead time required to move such a complex operation, it is possible that the court may move out based on the best available information, and no flood may actually occur. If the court does have to evacuate the MRJC, the court, will remain out of the MRJC until the Spring, when the flood season has passed.

Although planning has been proceeding at a furious pace, if an evacuation occurs, the court will not function as usual. There will likely be a shortage of jurors, particularly for civil trials, until additional jurors can be summonsed to Seattle (currently, there are separate jury calls to the two court facilities). It will be crowded, with the potential of even longer lines getting through security.

Certainly, there will be a few days, as technology is being moved from the MRJC to other locations, when individual trial courts may be less accessible than usual. Because one of the possibilities is that significant roads through the Valley will become impassable, a number of cases may need to be continued because trial participants will not be available to come to court. The court is considering ways to increase telephonic hearings, but not everything can be accommodated through remote access. Finally, although the court is hoping to, within a few weeks of a flood, be able to perform most of our functions, this view may be too optimistic. It may be that the cases will need to be prioritized according to our statutory mandates and that there will be some types of cases that have to wait a little longer for a trial.

Planning for this project is daunting: It includes coordinating with a number of other courts and agencies. For example, the Department of Adult and Juvenile Detention (DAJD) has a large detention facility at the MRJC, which normally houses approximately 800 inmates. Obviously, decisions made by DAJD will have a significant impact on how criminal calendars can be run. In addition, about 20% of court staff live in the flood plain—a shortage of staff, of course, will also impact operations. For months, Judge Gain, Chief Judge of the Maleng Regional Justice Center, and Judge Roberts, the in-coming chief, have been working with stakeholders to plan the very difficult task of moving nearly two hundred people out of the MRJC on very short notice.

As we plan for the continuity of court operations, the judges and staff of King County Superior Court are aware that thousands of people may lose their homes and that many many businesses will suffer. The court will do its part to ensure, to the greatest extent possible, that we can maintain continuity of operations should this catastrophe occur.

The court's website will be updated as more information is available.  
<http://www.kingcounty.gov/courts/SuperiorCourt.aspx> Helpful links may be found at:

[http://www.nws.usace.army.mil/PublicMenu/Doc\\_list.cfm?sitename=HHD&pageName=Pool\\_Restriction](http://www.nws.usace.army.mil/PublicMenu/Doc_list.cfm?sitename=HHD&pageName=Pool_Restriction) and  
<http://www.kingcounty.gov/safety/FloodPlan/GreenRiverValley.aspx>