

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR WHATCOM COUNTY

IN THE MATTER OF THE RESPONSE BY THE COURT
TO THE PUBLIC HEALTH EMERGENCY COVID-19
RE:

Temporary Administrative Order
No. 2020 - 04

Emergency Changes to Certain Criminal, Civil and
Infraction Proceedings; and Superseding
Temporary Administrative Order # 2020-01

WHEREAS, the World Health Organization has determined the spread of the new coronavirus (COVID-19) has now reached worldwide pandemic levels; and

WHEREAS, people within Washington State and Whatcom County have been diagnosed with COVID-19; and

WHEREAS the Governor of the State of Washington has declared a State of Emergency due to the COVID-19 outbreak, and the Whatcom County Executive has declared a Public Health Emergency for the County due to the COVID-19 outbreak; and

WHEREAS, the Whatcom County Health Department, per Dr. Greg Stern, has issued new recommendations to slow the spread of COVID-19 within Whatcom County which include, among other actions, the cancellation or postponement of non-essential public gatherings and that certain higher risk target populations should stay at home away from large groups of people as much as possible; and

WHEREAS, the calling together of prospective jurors and the jury selection process necessarily requires exposure to large groups of people which is a medically contraindicated activity under the current states of emergency; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 which grants this court emergency authority to adopt, modify, and suspend court rules and orders, and to take further actions as deemed warranted to address the current COVID-19 public health emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

A. CRIMINAL CASES/MATTERS

1. *Time for Trial and Arraignment.* With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above referenced public health recommendations and declarations upon the availability of jurors, counsel and court staff to be present in the courtroom, the time period(s) necessary for the continuances implemented by this Order will be excluded under CrRLJ 3.3 Time for Trial Rule, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and defendant's rights to a speedy trial, pursuant to CrRLJ 3.3.
2. *Criminal Trials.* No criminal trials (bench or jury) will be held before April 24, 2020, unless specifically authorized for extraordinary reasons by the assigned trial Judge. Trials currently scheduled to commence on any date on or between the date of this Order and April 24, 2020, shall be rescheduled to April 24, 2020, or thereafter.
3. *In-Custody First Appearances and Arraignments.* In custody first appearances and arraignments will be held via video feed from the jail courtroom to a designated courthouse department's courtroom. Defense attorneys may appear in the assigned courthouse courtroom if they choose (defendants will appear, of course, in the jail courtroom). If counsel chooses to appear in the courthouse instead of the in the jail courtroom, the attorney must review all anticipated documents with the defendant prior to court and assure all needed signatures are timely obtained. Knowledge of the contents of all documents discussed on the record is sufficient notice to the parties. Orders/documents must be signed by the parties prior to the defendant's release.
4. *Friday morning out-of-custody first appearance and arraignments.* All matters currently scheduled to be heard on a Friday morning 9:00 a.m. first appearance and arraignment calendar on or before April 24, 2020, shall be rescheduled by the Court to a date after April 24, 2020. The Court will resummons the defendant or defendant's attorney at the address last known to the court. Counsel and defendants are directed to notify the Court of any change of address.
5. *9:00 a.m. Monday/Tuesday Omnibus Hearings/Calendars.* All parties are strongly encouraged to enter orders continuing trial dates by agreed order (telephonic approval acceptable) to minimize the number of people appearing in person in the courtroom.
6. *Thursday 1:30 p.m. Motion Calendars.* Unless preapproved by the assigned judicial officer, the Court will hear only in-custody matters, motions for modification or rescission of No Contact Orders, and Confession or Suppression hearing under CrRLJ 3.5 or 3.6. Additionally, parties are strongly encouraged to avoid unnecessary motions on matters that may be agreed upon outside of court.

7. *9:00 and 10:00 a.m. Friday Probation Hearings.* All first appearances on Probation Violations which involve a defendant who is out-of-custody shall be rescheduled by the Court to dates selected by the Court after April 24, 2020. Only Probation Violations involving a defendant who is in-custody will be heard on an assigned department's Friday morning Probation Violation hearing slot. Emergent matters may be heard at the discretion of a judicial officer.
8. *11:00 a.m. Contested Probation Violation Hearings.* Friday morning contested 11 a.m. probation calendars will occur as scheduled unless otherwise notified by the Court.
9. *3:00 p.m. Domestic Violence Calendar.* Commencing immediately all matters typically set for the Wednesday 3:00 p.m. calendar will be reset or docketed before the assigned trial or sentencing judge or commissioner as follows: Thursday 1:30 p.m. calendars for Judges Elich and Grant, and any Tuesday through Friday 2:30 p.m. calendar for Commissioner Parise.
10. *Remaining criminal matters.* All other criminal calendars and hearings remain unchanged until further notice.

B. CIVIL CASES/MATTERS

1. *Civil Department Trials.* No jury or bench trials for actions set before Court's general civil jurisdiction will be heard before April 24, 2020. Any such trials currently set before that date will be re-noted for trial setting and stricken from the trial calendar.
2. *Remaining Civil Matters/Actions.* All other civil calendars, trials and hearings remain unchanged until further notice.

C. TRAFFIC INFRACTION CASES/MATTERS (see, IRLJ 1.2(a))

1. *Speedy Resolution.* With regard to Infraction cases, see, IRLJ 1.2(a), due to the effect and concerns of the above referenced public health recommendations and proclamations, the time period(s) necessary for the continuances implemented by this Order will be excluded under IRLJ 2.6 pertaining to the scheduling and timing of infraction hearings, as the Court specifically finds that the ends of justice served by ordering the continuances of such matters outweigh the best interests expressed by said rules for the speedy resolution of such matters.
2. *Civil Infractions.* If the respondent and/or respondent's attorney do not wish to appear for a civil infraction hearing filed pursuant to IRLJ 1.1 currently scheduled on or before April 24, 2020, that hearing will automatically be reset by the Court for a later date after April 24th. Respondent or attorney appearing for the respondent will be mailed a

summons detailing the new hearing date at the address last known to the court. If your address needs to be updated, please contact the court by telephone to do so. Otherwise, all infraction hearings will occur as currently scheduled.

The Court's regular schedule and procedures will be followed except as specifically provided herein above.

This Order supersedes Temporary Administrative Order No. 2020-01 entered on March 11, 2020.

DATED this 11th day of March 16, 2020.



David M. Grant, Presiding Judge