

IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF WHATCOM

)	Admin File No.
IN THE MATTER OF RESPONSE TO PUBLIC)	20-2-00001-37
HEALTH RISK DUE TO COVID-19 PUBLIC)	
HEALTH EMERGENCY)	NINETEENTH
)	ADMINISTRATIVE
)	ORDER
)	March 12, 2021

WHEREAS the state of emergency declared by the Governor of this State and resulting from the current COVID-19 pandemic, and described in this Court's previous Administrative orders, continues; and

WHEREAS the Washington State Supreme Court, pursuant to its Orders of September and October (No. 25700-B-642, September 10, 2020, and No. 25700-B-647, October 14, 2020), has extended the time for hearing of jury trials in criminal cases while encouraging trial courts to conduct those trials when they are able to do so in a manner consistent with applicable state and local public health requirements related to COVID-19 ; and

WHEREAS the Washington State Supreme Court, in its Amended Third Revised and Extended Order Regarding Court Operations (No. 25700-B-626, May 29, 2020), explicitly did not limit the authority of this Court to adopt measures to protect health and safety that are more restrictive than those in its Order, as circumstances warrant, including by extending as necessary the time frames in its Order; and

WHEREAS the Washington State Supreme Court, in its Order No. 25700-B-602, dated March 4, 2020 and its Orders No. 25700-B-631, dated June 18, 2020, 25700-B-642, dated September 10, 2020, and No. 25700-B-647, dated October 14, 2020) has explicitly authorized Presiding Judges of Washington courts to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations as warranted to address the current public health emergency; and

WHEREAS this Court, in its Twelfth Administrative Order (20-2-00001-37, filed on August 11, 2020) identified criteria that must be met before any jury trial can safely occur; and

WHEREAS this Court has arranged the proper facilities and determined the proper procedures for the safe conduct of jury trials with twelve jurors and one to two alternate jurors, so that those trials may be conducted in a manner consistent with Washington restrictions and requirements for public safety during the COVID 19 pandemic; and

WHEREAS Governor Jay Inslee announced that, due to decreasing trends in rates of COVID-19 infection in the community and decreasing trends in hospital admissions due to COVID-19, among other criteria, Whatcom County would progress into Phase 2 of his Healthy Washington reopening plan on February 14, 2021, reducing restrictions on gatherings in public places; and

WHEREAS jury trials consisting of 12 or more jurors must still be conducted with social distancing precautions in place, requiring substantial floor space including the full use of County Council Chambers for jury selection and the use of both courtrooms one and three on the courthouse's third floor throughout the duration of each trial, thus limiting the number of 12-person jury trials to only one at any given time; and

WHEREAS the law requires the court to prioritize criminal trials over civil trials; NOW THEREFORE

THE COURT HEREBY ORDERS:

Whatcom County Superior Court shall not conduct any civil trial reliant upon 12-person juries earlier than July 1, 2021.

THIS ORDER updates and supersedes the Court's prior Administrative Orders concerning jury trials. The Court's prior Administrative Orders remain in effect to the extent they are not inconsistent with this Order. This order and all previous administrative orders issued by this court since March 11, 2020, may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case.

DATED this 12th day of March 2021.



Robert E. Olson, Presiding Judge