

**IN THE MUNICIPAL COURT OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN THE MATTER OF
STATEWIDE RESPONSE
BY STATE COURTS TO
THE COVID-19 PUBLIC
HEALTH EMERGENCY

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TEMPORARY
ADMINISTRATIVE ORDER
No. 2020-08

The Court, being fully informed, hereby issues the following FINDINGS:

1. The Court hereby incorporates all findings in Bellingham Municipal Court Temporary Administrative Orders No. 2020-01, 2020-02, 2020-03, 2020-04, 2020-05, 2020-06 (as amended), and 2020-07.
2. The Court hereby incorporates all findings in Washington Supreme Court Order No. 25700-B-606, Second Administrative Order No. 20-2-00001-37, Second Revised and Extended Order Regarding Court Operations No. 25700-B-618, Third Revised and Extended Order Regarding Court Operations No. 25700-B-625, Order Re: Modification of Jury Trial Proceedings No. 25700-B-631, and Fourth Revised and Extended Order Regarding Court Operations No. 25700-B-646.
3. As previously found, the Covid-19 virus continues to pose a clear and present danger to the safety of courthouse visitors and staff. Despite numerous steps taken to alleviate that danger, the risk of transmission in confined, indoor spaces in the Bellingham Municipal Court Building remains, and is exacerbated when larger groups such as jury panels are physically present at the same time.
4. The Court is committed to ensuring rights to public court proceedings while protecting the safety of all participants and the public. The Court acquired and uses new technology to broadcast live from the courtrooms during court hearings. However, those hearings are, with few exceptions, conducted by telephone or via closed circuit television from the jail courtroom. Live hearings and trials would constitute an increased risk of transmitting infections.
5. In recent weeks, infection rates have increased dramatically at the national, state and local level. Over a quarter of a million Americans have died from Covid-19.
6. Governor Inslee recently noted that the infection rate in Washington had doubled in two weeks, and recommended that no more than 5 people gather indoors. While courts and schools were exempt from the mandatory nature of the Governor's orders, the same public health concerns apply to courts and, in particular, to jury trials.

7. According to the Bellingham Herald on November 20, 2020, Whatcom County has now exceeded 2,000 positive tests for Covid-19, with 52 related deaths. In the first 20 days of November, Whatcom County had more positive tests (392) than the highest month's total (272) in July. According to the Bellingham Herald on November 22, 2020, the only hospital in Whatcom County, St. Joseph's, reports a "nearly four-fold" increase in Covid-19 patients it is treating in the last week.
8. Numerous trial courts, including those in Pierce, King, Snohomish and Skagit counties have recently suspended jury trials due to the increased risk of Covid-19.
9. The public health emergency and local conditions constitutes unavoidable and unforeseen circumstances affecting the right to trial beyond the control of the Court and the parties, as set forth in CrRLJ 3.3(e)(8). The Court is attempting to facilitate jury trials at the earliest opportunity. However, due to the number of cases, procedural and health requirements, limited facilities, and growing backlog of cases requiring jury trials, further delays are unavoidable.
10. Paragraph 23 of Supreme Court Order No. 25700-B-646 recommends courts follow the "most protective public health guidance" and authorizes courts to adopt measures that are "more restrictive" than that Order, including "extending as necessary the time frames in this Order." Given increasingly hazardous local conditions described above, the suspension of jury trials is necessary for public health and safety.

The Court, therefore, hereby issues the following emergency orders:

1. **INCORPORATION OF PRIOR ORDERS.** All emergency orders set forth in Temporary Administrative Order 2020-04, 2020-05, 2020-06 (as amended) and 2020-07 remain in effect, subject only to the changes set forth below.
2. **TRIAL CALENDAR REOPENING AND EXCLUSION OF TIME FOR TRIAL.** Due to the above findings, and pursuant to CrRLJ 3.3(e)(8) and paragraph 23 of Supreme Court Order No. 25700-B-646, speedy trial time is excluded until January 29, 2021 in all criminal cases. As of the date of this Order, the Court will suspend all jury trials. Jury trials currently set may be reset to a future trial date after January 29, 2021. However, no jury will be summoned until the Court resumes jury trials. The Court will resume jury trials by future administrative order when health and safety conditions allow.

DATED this 23 day of November, 2020.



DEBORA LEV, Presiding Judge