

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

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GENERAL ORDER RE:
RESUMPTION OF
TRIALS

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

1. All findings and Orders in the "Emergency Order Re: Resumption of Limited Court Operations" dated June 2, 2021, the "Amended Emergency Order Re: Resumption of Limited Court Operations" dated June 9, 2021, the "Order Re: Partial Reopening of Courthouse" dated June 22, 2021, are incorporated herein, except as may be modified below.
2. After due diligence, the Court anticipates additional court clerks to commence employment with the Court in mid-September, 2021.
3. The Court has had success to date with mask requirements, social distancing and other measures recommended to prevent the spread of COVID-19 by courtroom participants.
4. The Court previously attempted to resume trials on May 1, 2021, but trials scheduled in May were not confirmed and the subsequent closure and labor shortage prevented trials after late May of 2021.
5. The Court has gradually reopened, commencing July 13, 2021, its in-person court sessions as resources and Covid-19 conditions permit.
6. Pursuant to the Court's prior analysis pursuant to State v. Bone-Club, 128 Wn.2d 254 (1995), as adopted by reference above, the Court has previously decided that it will broadcast trials to the public online in lieu of live attendance by non-participants. However, objections may be considered on a case-by-case basis.

Now, therefore, it is hereby ORDERED:

1. Commencing November 1, 2021, bench and jury trials may be heard in person as scheduled.
2. If labor shortages or Covid-19 conditions render such trials impractical or dangerous, the Court will consider continuing such trials by motion or at the readiness hearings.
3. The "Trial Procedures During Covid-19" policy previously adopted, and attached hereto, shall remain in effect, but may be modified as needed by judicial order.

DATED this 23 day of August, 2021.



DEBRA LEV,
Presiding Judge

TRIAL PROCEDURES DURING COVID-19

1. **Initial Jury Screening and Check-in.** Persons who have been selected by the Whatcom County courts to be potential jurors in Bellingham Municipal Court will first be screened for Covid-19 symptoms and advised of mask and safety requirements at the Whatcom County Courthouse pursuant to the "Whatcom County Covid-19 Jury Check In and Orientation Plan." Potential jurors who are not excused during the initial screening at the Whatcom County Courthouse will proceed to the Bellingham Municipal Court Building (hereinafter the "Building.")
2. **Weapons screening.** Potential jurors and all other courthouse visitors, other than law enforcement officers, will complete weapons screening at the entrance to the Building.
3. **Participants.** Unless ordered by a judicial officer, only the following people are permitted to enter the Building during a trial: Jurors and potential jurors, witnesses, court-appointed interpreters, alleged victims, victim advocates, defendants, defense attorneys and paralegals, prosecutors and prosecution employees, law enforcement officers, corrections deputies, security officers, court staff, judicial officers, and City of Bellingham employees performing maintenance or other necessary services. This limitation does not apply to the ITSD, public television, or city prosecutor's offices. Proceedings of all court proceedings, including trials, may be viewed by the public without charge via the Court's website (www.cob.org) and electronic recordings are available upon request.
4. **Masks.** Masks will be worn at all times in the Building, except as ordered by a judicial officer for good cause so that the trial may proceed appropriately and safely. Masks will be provided to any jurors or participants upon request. Masks must be worn in an appropriate manner, including covering the mouth and nose.
5. **Health screening.** Every person entering the Bellingham Municipal Court Building, other than those already screened during the Initial Screening and Check-in on the same date, shall have their temperature checked and complete a health questionnaire daily. The Court Administrator or her designee may direct any person exhibiting signs of Covid-19 symptoms to wait outside of the Building until notified by the Court.
6. **Jury Selection.** Voir dire and jury selection shall occur in Courtroom 1.
7. **Trial location.** All jury trials and most bench trials will take place in Courtroom 2. Jurors will take breaks in the courtroom.
8. **Seating.** Trial participants will have assigned seats to facilitate and comply with appropriate social distancing.
9. **Restrooms.** Jurors and other trial participants will use the restroom as directed by court staff. Only one person at a time may visit a restroom.
10. **Attorney-client conferences.** Attorney-client conferences during trial will take place outside of the courtroom, out of hearing distance of the jury.
11. **Jury waiting area.** If it is necessary for the jury to be removed while legal or other issues are resolved by the judicial officer in Courtroom 2, jurors will be directed to wait in the lobby or in Courtroom 1 and will be escorted by court staff.
12. **Jury deliberations.** Jury deliberations will occur in Courtroom 2. Jurors will be provided bottled water but, due to health concerns, the Court is not able to provide meals. Jurors are welcome to bring their own meals to consume during deliberations or as needed due to health conditions.

13. **Accommodating disabilities.** Any requests for accommodations due to disabilities or similar concerns should be made known to court staff or judicial officers at the earliest opportunity.