

**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. 2021-01

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), 2020-07, and 2020-08.
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. In recent weeks, COVID-19 infection rates have increased dramatically at the national, state and local level. According to the Bellingham Herald, on January 5, 2021, there have been 255,396 confirmed cases and 3,459 deaths in the State of Washington and 20,981,023 confirmed cases and 356,540 deaths in the United States. Many hospitals are reaching or exceeding capacity and a more infectious variant of Covid-19 was recently discovered in the United States. The Covid-19 virus presents a clear and present danger to the safety of court visitors, staff and officials.
4. While vaccines are starting to be made available to high-risk individuals, the vast majority of the population, including most would-be courtroom participants and staff, are not yet vaccinated and will not be vaccinated for several months.
5. The Whatcom County Superior Court recently suspended 12-person jury trials until March 1, 2021. The Bellingham Municipal Court utilizes the same jury pools as the Superior Court for its jurors.
6. The public health emergency and local conditions constitute 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.

7. 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, continued closure of the Bellingham Municipal Court Building and the continued temporary 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), 2020-07 and 2020-08 remain in effect, subject only to the changes set forth below.
2. **BUILDING CLOSURE.** The Bellingham Municipal Court Building will remain closed to the public until at least March 1, 2021. This Order does not prohibit executive branch agencies located in the Building, such as the public television station, prosecutor’s office, and information technology offices, from operating as they deem appropriate in their respective offices.
3. **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 March 1, 2021 in all criminal cases. Jury trials shall be set or reset to a trial date after March 1, 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 0th day of January, 2021.



Commissioner PETE SMILEY,
Acting Presiding Judge