

**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. 2021-02

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, 2020-08, and 2021-01.
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 rose dramatically to their highest levels and then peaked (the "third wave" of infection) but remain very high. According to the Bellingham Herald, on February 8, 2021, there have been approximately 320,000 confirmed cases and 4,449 deaths in the State of Washington and approximately 27 million confirmed cases and approximately 464,000 deaths linked to Covid-19 in the United States. Many hospitals are reaching or exceeding capacity and several more contagious variants from other countries have now been discovered in the United States. According the Bellingham Herald on February 7, 2020, Whatcom County has seen 5,884 confirmed cases and 69 related deaths. Additional positive antigen tests have also been reported locally and are considered probable but not confirmed. 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 courtroom participants and staff, are not yet vaccinated and will not be fully vaccinated, which usually requires two doses, for many weeks at the earliest. Vaccines are less than 100% effective and a percentage of individuals who are eligible to be vaccinated have declined.

5. 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.
6. 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 very 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, 2020-08 and 2021-01 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 May 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 May 1, 2021 in all criminal cases. Jury trials shall be set or reset to a trial date after May 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 8th day of February, 2021.



DEBRA LEV,
Presiding Judge