

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR WHATCOM COUNTY

IN THE MATTER OF THE RESPONSE BY THE COURT
TO THE PUBLIC HEALTH EMERGENCY COVID-19
RE:

Cancellation of Jury Trials

Temporary Administrative Order
No. 2020 - 01

WHEREAS, the World Health Organization has determined the spread of the new coronavirus (COVID-19) has now reached worldwide pandemic levels; and

WHEREAS, people within Washington State and Whatcom County have been diagnosed with COVID-19; and

WHEREAS the Governor of the State of Washington has declared a State of Emergency due to the COVID-19 outbreak, and the Whatcom County Executive has declared a Public Health Emergency for the County due to the COVID-19 outbreak; and

WHEREAS, the Whatcom County Health Department, per Dr. Greg Stern, has issued new recommendations to slow the spread of COVID-19 within Whatcom County which include, among other actions, the cancellation or postponement of non-essential public gatherings and that certain higher risk target populations should stay at home away from large groups of people as much as possible; and

WHEREAS, the calling together of prospective jurors and the jury selection process necessarily requires exposure to large groups of people which is a medically contraindicated activity under the current states of emergency; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 which grants this court emergency authority to adopt, modify, and suspend court rules and orders, and to take further actions as deemed warranted to address the current COVID-19 public health emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Jury trials scheduled to commence on any date on or between the date of this Order and Tuesday, March 31, 2020 shall be rescheduled to April 6, 2020 or thereafter.

2. Defendants in criminal cases scheduled for trial on or between the date of this Order and Tuesday, March 31, 2020 shall appear before the Court on the day of trial, as ordered in the Court's trial setting order in their cases, unless the Court has entered an agreed order otherwise which is signed by the defendant and both attorneys before the day of trial.
3. With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above referenced public health recommendations and declarations upon the availability of jurors, counsel and court staff to be present in the courtroom, the time period(s) necessary for the continuances implemented by this Order will be excluded under CrRLJ 3.3 Time for Trial Rule, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and defendant's rights to a speedy trial, pursuant to CrRLJ 3.3.
4. The parties to civil cases scheduled for jury trial between March 11th and March 31, 2020 shall note the matter for trial setting, or may submit an agreed order setting a new trial date agreed to by both parties, their counsel and the Court.
5. Bench trials are not affected by this Order and will proceed as scheduled.
6. The Court's regular schedule and procedures will be followed except as specifically provided herein.

DATED this 11th day of March 11, 2020.



David M. Grant, Presiding Judge