

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 )  
)  
)  
) TEMPORARY )  
) ADMINISTRATIVE ORDER )  
) No. 2020-06 )  
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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, and 2020-05;
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, and Order Re: Modification of Jury Trial Proceedings No. 25700-B-631; and
3. The Court finds the terms of this Order are necessary "to protect health and safety" as set forth in Washington Supreme Court Order No. 25700-B-631, paragraph 9, based upon current health conditions and the physical location, design, and limitations of the Bellingham Municipal Court Building, which is currently closed to the public due to the public health emergency.
4. The Court is attempting to facilitate jury trials at the earliest opportunity consistent with public health requirements during this pandemic. However, the Court has limited courtrooms, restrooms, elevators, and other physical spaces to meet social-distancing requirements, staff operating under difficult circumstances due to the pandemic, as well as constitutional mandates such as public access and the right to confront witnesses. These limitations require accommodations and have caused additional delays in holding jury trials. To facilitate maximum flexibility to adapt to changing circumstances, specific jury trial procedures will be set forth in a separate order.
5. The Covid-19 virus continues to pose a clear and present danger to the safety of courthouse visitors and staff. As of August 29, 2020, the Washington Department of Health indicated that, in Whatcom County, there were 1,088 cases of Covid-19 and 39 deaths, with a mortality rate of 3.6%, according to the Bellingham Herald. Health officials have mandated mask use, encouraged social distancing, and discouraged gatherings of large numbers of individuals, which is typical for calendar sessions in this Court.

6. The Court is committed to ensuring rights to public court proceedings while protecting the safety of all participants and the public. The Court has operated successfully and without interruption since March, 2020 using video conferences, telephonic conferences, and written and electronic pleadings for all cases not requiring in-person hearings, such as jury trials. The Court is making video recordings of all proceedings available free of charge upon request, and has requested that the Information Technology Department facilitate live online viewing and hearing of court proceedings at the earliest opportunity. The Court has utilized its website to communicate regarding court operations during the pandemic. The Court has requested and received authorization for technology to broadcast live from the courtroom during jury trials, which will facilitate a public trial while protecting the public from infection. However, that technology will take time to obtain and install in order to facilitate public trial.
7. The Court is making exceptions to comply with the Americans with Disabilities Act as needed, including permitting limited in-person hearings.
8. The Court finds that 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 and limited facilities, delays are unavoidable.

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

1. **INCORPORATION OF PRIOR ORDER.** All emergency orders set forth in Temporary Administrative Order 2020-04 and 2020-05 remain in effect, subject only to the changes set forth below.
2. **THE BELLINGHAM MUNICIPAL COURT BUILDING** will remain **CLOSED TO THE PUBLIC** until such time as the Court determines it to be safe to reopen under Washington Department of Health guidelines.
3. **SANITATION REQUIREMENTS.** Except as required by law, any person entering the Bellingham Municipal Court Building shall (1) wear appropriate face coverings, in all courtrooms, hallways, and public spaces, (2) maintain, to the extent physically possible, a social distance of at least 6 feet from any person not in their immediate household, and (3) utilize hand sanitizer or hand-washing upon entering the building. The Court will provide disposable masks for anyone who presents for entry into the Bellingham Municipal Court building who lacks them.
4. **CONTINUANCE OF AND EXCLUSION OF TIME FOR TRIAL.** Due to the above findings, and pursuant to CrRLJ 3.3(e)(8), speedy trial time is excluded until October 20, 2020 in all criminal cases. All jury trials currently scheduled before October 20, 2020 shall be continued at readiness hearings or by an agreed order in writing.

5. **SCOPE.** Areas and persons in entities located in the Bellingham Municipal Court Building but outside of the Court's physical space, such as Information Technology, the City Attorney's Office (Criminal Division), and public television, are beyond the scope of this Order.

DATED this 31<sup>st</sup> day of August, 2020.

A handwritten signature in blue ink, appearing to read 'DLW', is written above a horizontal line.

DEBRA LEV, Presiding Judge