

FILED  
COUNTY CLERK  
2021 FEB 18 P 12:50  
WHATCOM COUNTY  
WASHINGTON

IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF WHATCOM

BY \_\_\_\_\_

CASE NO. 20-2-00001-37

IN THE MATTER OF RESPONSE TO PUBLIC )  
HEALTH RISK DUE TO COVID-19 PUBLIC HEALTH )  
EMERGENCY )

EIGHTEENTH )  
ADMINISTRATIVE ORDER )  
February 18, 2021 )

WHEREAS the state of emergency declared by the Governor of this State and resulting from the current COVID-19 pandemic and described in this Court's previous Administrative order, continues; and

WHEREAS the Washington State Supreme Court, pursuant to its Orders of September and October, 2020 (No. 25700-B-642, September 10, 2020, and No. 25700-B-647, October 14, 2020), has extended the time for hearing of jury trials in criminal cases while encouraging trial courts to conduct those trials when they are able to do so in a manner consistent with applicable state and local public health requirements related to COVID-19; and

WHEREAS the Washington State Supreme Court, in its Amended Third Revised and Extended Order Regarding Court Operations (No. 25700-B-626, May 29, 2020), explicitly did not limit the authority of the Court to adopt measures to protect health and safety that are more restrictive than those in its Order, as circumstances warrant, including by extending as necessary the time frames in its Order; and

WHEREAS the Washington State Supreme Court, in its Order No. 25700-B-602, dated March 4, 2020 and its Orders No. 25700-B-630, dated June 18, 2020, 25700-B-642, dated September 10, 2020, and No. 25700-B-647, dated October 14, 2020) has explicitly authorized Presiding Judges of Washington courts to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations as warranted to address the current public health emergency; and

WHEREAS this Court, in its Twelfth Administrative Order (20-2-00001-37, filed August 11, 2020) identified criteria that must be met before any jury trial can safely occur; and

WHEREAS Governor Jay Inslee announced that, due to decreasing trends in rates of COVID-19 infection in the community and decreasing trends in hospital admissions due to COVID-19, among other criteria, Whatcom County would progress into Phase 2 of his Healthy Washington reopening plan on February 14, 2021, reducing restrictions on gatherings in public places; and

WHEREAS all litigants and court staff require sufficient time and notice to safely and fairly prepare for a jury trial while the COVID-19 pandemic continues.

THIS COURT HEREBY ORDERS:

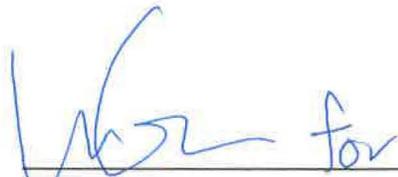
Whatcom County Superior Court shall not conduct any twelve-person jury trials earlier than March 15, 2021. Due to unavoidable and unforeseen circumstances presented by the COVID-19 pandemic, the period of time prior to March 15, 2021 shall be excluded for purposes of calculating time for trial.

This Court's Fifteenth Administrative Order (20-2-00001-37, filed October 30, 2020), which sets forth the conduct of jury trials, is hereby amended as follows:

- Jury selection will be conducted in the county council chambers on the first floor of the courthouse.
- Jury selection for criminal cases will start on Mondays.

THIS ORDER updates and supersedes the Court's prior Administrative Orders concerning jury trials. The Court's prior Administrative Orders remain in effect to the extent they are not inconsistent with this Order.

DATED this 18<sup>th</sup> day of February, 2021.

  
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ROBERT E. OLSON, Presiding Judge