

including use of video for voir dire in criminal and civil trials, to reduce the risk of coronavirus exposure”.

To ensure that all citizens can participate in the jury selection process, potential jurors who lack the technology to participate from home, will be allowed to appear on site and be provided a private room and a laptop to participate virtually.

The defendant will participate with counsel in the virtual jury selection process by either sitting with counsel and conducting private conversations or being in a remote location and communicating with counsel in a breakout room or by telephone with muted microphones. The ability for counsel and client to observe a potential juror’s demeanor is not significantly diminished whether the observation is virtual or live in the courtroom. Reports from other jurisdictions who are selecting juries in this matter indicate that the ability to observe the potential juror’s demeanor is, in fact, enhanced.

The juror’s right to privacy will be protected in that all jurors will be identified on-screen by juror number and not name, and will use blank or virtual backgrounds. As in all cases, jurors will be sworn and properly instructed. The court will assume that the jurors will take their oath seriously and follow the Court’s instructions.

The defendant’s constitutional right to confrontation is not at all implicated in jury selection.

Remote jury selection is the most effective way to best protect public safety and provide defendants with their constitutional right to a jury trial.

NOW THEREFORE, IT IS HEREBY ORDERED,

In Thurston County District Court effective as date signed and until further notice of the Court,

1. Thurston County District Court intends to restart jury trials beginning the week of 16 November 2020, in offsite facilities, while observing social distancing and following the Thurston's County Public Health guidance.
2. Pursuant to CrR 3.4(d)(1) and CrR 3.4(d)(1) jury selection will be conducted remotely through the Zoom platform, with live streaming on YouTube to allow public access to the proceedings.
3. Any video or telephonic proceedings will be conducted consistent with the constitutional rights of the parties and preserve constitutional public access.

Dated this 16 day of October 2020.



Presiding Judge M. Brett Buckley