

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON IN

AND FOR THE COUNTY OF THURSTON

Judge M. Brett Buckley

Judge Samuel G. Meyer

Judge Kalo Wilcox

Commissioner Paul Wohl

)

In the Matter of Emergency Response) Administrative Order

Order to a Threat to Public Health) 2021-002

) Effective 06 July 2021

) Superseding Administrative Order 2021-001

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WHEREAS, Washington has been in a state of emergency since Governor Inslee's proclamation of 29 February 2020, due to the novel coronavirus pandemic (COVID-19); and

WHEREAS, Governor Inslee announced on 13 May 2021 the reopening of Washington on 30 June 2021, removing restrictions previously in place through the phased reopening plan "Healthy Washington – Roadmap to Recovery"; and

WHEREAS, Thurston County Public Health and Social Service's current recommendations still include wearing face coverings in all public areas, maintaining physical distancing of six (6) feet or more between non-household members, and limiting the number of people outside of your household you are exposed to in a given week; and

WHEREAS, as of 1 July 2021, Thurston County Public Health and Social Services had confirmed 11,025 cases of COVID-19; and

WHEREAS, Thurston County District Court serves over 150 litigants per day who appear with family, friends, and attorneys in a confined lobby space and inadequately sized courtrooms making recommended physical distancing impossible to maintain; and

WHEREAS, hearing capacity for court cases is significantly reduced from pre-pandemic capacity due to distancing guidelines and the increased time required for remote hearings; and

WHEREAS, as of 1 July 2021, Thurston County District Court has a backlog of 1,067 pretrial proceedings and 442 criminal trials; and

WHEREAS, on 19 February 2021, the Washington State Supreme Court issued Fifth Revised and Extended order 25700-B-658, which finds that the serious danger posed by COVID-19 is good cause to continue criminal trials, and constitutes an unavoidable circumstance under CrRLJ 3.3(e)(8); and

WHEREAS, Washington State Supreme Court order 25700-B-658 states that courts may exclude time for trial under CrRLJ 3.3(e)(8) based on individual findings of unavoidable circumstances due to the COVID-19 pandemic or other circumstances; and

WHEREAS, the Court will address the backlog of criminal cases by giving scheduling preference to in-custody defendants followed by out-of-custody defendants determined by age of case; and

WHEREAS, on 18 February 2021, the Thurston County Public Health Officer notified the Court that in-person jury trials may resume; and

WHEREAS, jury trials are held over a period of two days to accommodate for health and distancing guidance provided by the Center of Disease Control and Public Health and Social

Services, extended from one day jury trials conducted pre-pandemic. The jury trial process is designed to allow potential jurors appropriate distancing measures and to avoid extended indoor public gatherings inside the courthouse in the interest of suppressing the spread of COVID-19 and its variants.

NOW THEREFORE, pursuant to the District Court's authority to administer justice and to ensure the safety of the general public, litigants, and court personnel,

IT IS HEREBY ORDERED:

With Respect to Court Operations:

1. The time for trial on all criminal cases remains excluded pursuant to CrRLJ 3.3(e)(8) until the disposition or trial confirmation is held. The Court finds that the unforeseen and unavoidable consequence of the case backlog due to COVID-19 restrictions necessitates a logical and orderly process of scheduling cases. This finding applies to each case individually by consideration of custody status and the case filing date.
2. To effectuate the continuances of criminal matters, CrRLJ 4.1, time for arraignment in criminal matters, is suspended. The Court finds that continuances of these criminal matters are required in the administration of justice due to the unforeseen and unavoidable circumstances caused by the COVID-19 pandemic. Suspension of CrRLJ 4.1 will remain until the COVID-19 related backlog of proceedings is cleared.

With Respect to the Public's Access to Courtrooms:

3. All members of the public present in the District Court building 3 or the Chandler Court facility, including the lobby, offices, and courtrooms, must wear face coverings and observe physical distancing. The Court will address any requests to proceed without a

face covering.

4. Anyone exhibiting any symptom of COVID-19 may not enter the District Court building 3 or the Chandler Court facility. The Court may order anyone to leave who is exhibiting symptoms of COVID-19. If a party to a scheduled case is denied entry or requested to leave, the Court will reschedule the hearing.
5. The District Court courthouse is open to the public. For all proceedings other than jury trials, the following will have priority in attending in-person proceedings at the courthouse: named parties and attorneys to a scheduled case, those under court order to be present, and court staff. Attendance by the general public will be limited to space availability in the lobby and courtrooms while ensuring appropriate distancing guidance is adhered to. The Court will respond to distancing concerns as presented, providing optional attendance through a virtual platform as necessary. The Court will address needs for reasonable accommodations as required.
6. Jury trials will be held in the Chandler Court facility. Access to the courtroom is limited to the following: named parties and attorneys to a scheduled case, those under court order to be present, court staff, and up to five (5) members of the public.
7. The Court finds that the public health interest in suppressing the transmission of COVID-19 significantly outweighs the public's interest in being physically present in the courtrooms during court proceedings.
8. All court hearings, with the exception of jury trials, will be live streamed to YouTube, recorded, and then stored on the Thurston County local area network. Archived hearings are available by written request made to the Thurston County District Court's Public Records Officer.
9. Notice that all hearings of the Court, with the exception of jury trials, are being live streamed to YouTube and are provided on the Thurston County District Court website,


Facebook page, through daily Twitter announcements, by a posting on the front door of the District Court building, and by notice to representatives of local print and broadcast media.

10. This order will continue for as long as necessary to accomplish the goals of suppressing COVID-19 and safely reopening the Court. In making this determination, the Court will take guidance from federal, state, and local authorities and follow the most protective public health guidance applicable to our jurisdiction.

General Provisions:

11. All other provisions of Washington State Supreme Court Orders are adopted herein by reference.
12. Thurston County District Court Order 2021-001, as it relates to Court Operations, is superseded.

Dated this 1st day of July, 2021.



M. Brett Buckley, Presiding Judge