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2021 JAN -4 10:55  
WHATCOM COUNTY  
WASHINGTON  
BY \_\_\_\_\_

IN THE SUPERIOR COURT OF WASHINGTON  
FOR THE COUNTY OF WHATCOM

	)	Admin File No.
IN THE MATTER OF RESPONSE TO PUBLIC	)	20-2-00001-37
HEALTH RISK DUE TO COVID-19 PUBLIC	)	
HEALTH EMERGENCY	)	SEVENTEENTH
	)	ADMINISTRATIVE
	)	ORDER
	)	January 4, 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 orders, continues; and

WHEREAS the Washington State Supreme Court, pursuant to its Orders of September and October (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 this 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-631, 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 on August 11, 2020) identified criteria that must be met before any jury trial can safely occur; and

WHEREAS Whatcom County's recent daily rates of new infections surpasses Washington State's benchmarks of no more than 25 per day out of 100,000 people for moving to Phase III of Governor Inslee's Safe Start Plan; and

WHEREAS Governor Jay Inslee issued new guidance and restrictions on community activities by proclamation 20-25.8 on November 15, 2020, which impact activities that are necessary to ensure the safe assembly of jury venire and the fair selection of jurors from a sufficiently broad representation of the community at large; and

WHEREAS all litigants require sufficient time and notice to safely and fairly prepare for a twelve person jury trial while the COVID-19 pandemic continues; and

WHEREAS the COVID 19 pandemic represents an unavoidable and unforeseen circumstance and public sources of information demonstrate that the disease is likely to see rapid increases in infection rates over the course of the months of January and February 2021; NOW THEREFORE

#### THE COURT HEREBY ORDERS:

Whatcom County Superior Court shall not conduct any trial reliant upon twelve person juries earlier than March 1, 2021.

THIS ORDER updates and supersedes the Court's prior Administrative Orders concerning the commencement of twelve person jury trials. The Court's prior Administrative Orders remain in effect to the extent they are not inconsistent with this Order. This order and all previous administrative orders issued by this court since March 11, 2020, may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case.

DATED this 4<sup>th</sup> day of January 2021.

  
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Robert E. Olson, Presiding Judge