

## JURY TRIALS

The courts' fundamental duty is to uphold the rule of law through the administration of justice in civil, criminal, and administrative matters for the peaceful resolution of conflict. As a social construct, our rule of law, and hence the courts, are foundational to social welfare. At the heart of the justice system is the jury trial. To that end, it is important that jury trials and other in-person court proceedings be safely resumed at the earliest possible time through the implementation of strategies that balance COVID-19 public health risks and the societal and personal value of these proceedings...

The governor's [Safe Start Washington plan](#) (Proclamation 20-25.3 and 20-25.4) provides prescriptive goals for counties to progress through four phases towards their resumption of normal (pre-COVID-19) economic and social activities, and takes into account the metrics below. However, as noted in the *Background* section above, courts have been deemed essential and not strictly bound to the metrics or limitations outlined in each phase of the Safe Start Washington Plan. Although the specific allowances and requirements of the phases have changed over time, the phase categories provide an indication of the overall COVID-19 public health risk within a county. Courts should consider the county phase and underlying metrics when defining strategies and mandates, as part of their COVID-19 response plan, to protect staff and other court participants from contracting or transmitting COVID-19 during or associated with in-person court proceedings.

The Renton Municipal Court is in King County. The Court is housed in Renton City Hall and cannot be accessed without coming into City Hall and using the stairs or elevators to reach the 3<sup>rd</sup> floor. There is no dedicated or separate entrance to reach the Court. Renton City Hall is currently closed to the public and will not reopen until at least Phase 3. It has been determined that an earlier opening would subject the staff and the public at large to unnecessary health risks.

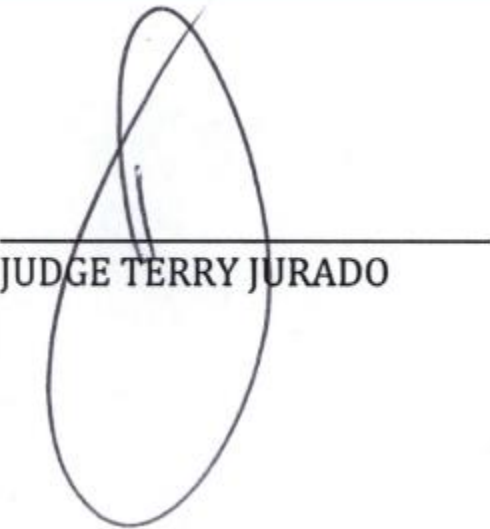
The Renton Court is committed to the safety of the staff, litigants, attorneys, witnesses, jurors and the community at large. The Court leadership team has worked diligently to identify locations within City Hall that would accommodate adherence to the safety protocol put in the place by the Governor. There is no available location in City Hall that can provide the necessary social distance to a jury venire. If a jury panel were selected through a remote/virtual process, the courtroom and jury room layout do not afford sufficient social distancing to provide safety assurances to the jury members throughout an entire jury trial.

In addition to the risk to potential jurors, the Court is concerned about the risks to litigants and their attorneys. Attorney conference rooms are small and do not afford sufficient room for the parties to spread out. The need for privacy dictates the need to keep doors closed while meeting, greatly reducing air flow. Parties will be forced to sacrifice privacy for safety. In the Courtroom, parties at counsel tables need the opportunity to speak privately throughout the trial. This is especially crucial for an accused and his/her attorney. While the use of masks and face shields provide some protection, they also make it harder for parties to speak privately and to hear one another. The installation of plexi-glass dividers further limits the ability to engage in private communication.

The Renton Municipal Court understands the importance of resuming jury trials at the earliest possible time. It is critical that they be resumed in a manner that is safe. Court leadership does not believe that jury trials can be safely resumed for out of custody defendants at this time. The Court finds that, after weighing all factors, the risks outlined above outweigh the right of an out of custody defendant to have a jury trial prior to the time it is safe to hold one. Those waiting for a trial will ultimately have one. The consequences of moving too quickly could be fatal.

Pursuant to the authority granted by the Washington Supreme Court and subject to the provisions of this entire order, including all amendments, the Court finds that there continues to be good cause to toll speedy trial until further order of the court. As King County progresses to Phase 3, this order will be amended accordingly.

Dated this 2 Day of September, 2020



JUDGE TERRY JURADO