

**IN THE MUNICIPAL COURT OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN THE MATTER OF RESPONSE TO)	TEMPORARY
PUBLIC HEALTH RISK)	ADMINISTRATIVE ORDER
)	NO. 2020-01
)	

The Court, being fully informed, hereby issues the following FINDINGS:

1. The State of Washington and Whatcom County have declared a state of emergency due to the spread of a highly contagious disease, COVID-19 (also known as the “coronavirus”);
2. The City of Bellingham, in reliance upon the advice of health experts, has indicated that non-essential public gatherings of more than 10 persons should be avoided;
3. Public health officials have determined that certain members of the public may be particularly vulnerable to the spread of COVID-19;
4. Physical interaction between persons in the courtroom, front counter and other locations in the courthouse may increase the risk of contagion;
5. The Supreme Court of Washington, in Order No. 25700-B-602 (dated March 4, 2020), found that “it may become necessary for courts in these [all Washington] counties to close, relocate, or otherwise significantly modify their regular operations[;]” and
6. Order No. 25700-B-602 expressly provides that presiding judges of the Washington courts are “authorized 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.”

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. **Service of documents.** In lieu of obtaining personal signatures from defendants upon promises to appear, no contact orders, pretrial release orders, or other documents in which a signature is traditionally required, any person designated by the Court may serve a copy of any court document, pleading or other writing upon the defendant by initialing the document in the signature line and delivering the document to the defendant;
2. **Waiver of speedy trial.** In lieu of the defendant’s written waiver of the right to speedy trial as provided by CrRLJ 3.3(c)(2)(i), the defendant, personally or through counsel of record, may waive the right to speedy trial verbally, telephonically in open court, or electronically and may also indicate a later commencement date, so long as a record of that waiver is preserved.
3. **Continuance of Infraction Hearings.** Judicial officers, court clerks and designated court personnel are hereby authorized to continue any mitigation or contested infraction hearing upon verbal, telephonic, written, or electronic request of a defendant, defense counsel, or prosecutor who reports that he or she is suffering from possible symptoms

of a communicable disease, including but not limited to COVID-19, or is particularly vulnerable to COVID-19 due to age, pregnancy, or other medical condition. Requests for continuances pursuant to this emergency rule by the defense shall constitute a waiver of the right to a hearing within 120 days. Said continuances may also occur upon motion of the court, where appropriate.

4. **Continuance of Criminal Cases.** In criminal cases, defendants and/or attorneys may request a continuance of any hearing ex parte by notifying the Court verbally, electronically, telephonically or in writing, on the grounds that he or she is suffering from possible symptoms of COVID-19, or is particularly vulnerable to COVID-19 due to age, pregnancy, or other medical condition. Such requests should be recorded in the docket notes and/or electronic record and will be decided by a judicial officer. Said continuances may occur upon motion of the court for good cause shown.
5. **Continuance of Jury Trials.** Due to health concerns raised by COVID-19, any jury trials presently scheduled to commence before April 30, 2020 shall be continued to a future court date after that date. The Court specifically finds good cause for said continuances based upon the above referenced public health emergency and recommendations including, but not limited to: avoiding large gatherings, social distancing and the high medical risks to vulnerable individuals. Said time period(s) necessary for these continuances implemented by this Order is excluded under CrRLJ 3.3.
6. **Telephonic and Video Hearings.** All hearings, other than trials, may be set for telephonic hearing, video hearing, or a decision upon written pleadings at the discretion of a judicial officer.
7. **Electronic Communications.**
 - a. Any documents may be filed electronically with the Court, including by facsimile and email, with appropriate notice to the other party.
 - b. The Court may transmit any document electronically, including by facsimile and email, to any party.

DATED this 12th day of March, 2020.



Judge Debra Lev, Presiding