

IN THE MUNICIPAL COURT OF THE CITY OF FERNDALE
IN THE COUNTY OF WHATCOM

IN THE MATTER OF:) ADMINISTRATIVE ORDER
COURT OPERATIONS UNDER THE EXIGENT)
CIRCUMSTANCES CREATED BY A PUBLIC) NO. 2020-003
HEALTH THREAT)

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-615 granting authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to protect public health and safety;

WHEREAS the court is committed to protecting the health, safety and security of our community as well as protecting the constitutional rights of the accused;

WHEREAS the Governor's order directing businesses to close and banning public gatherings is set to expire on May 4, 2020;

WHEREAS it is the desire of this court to return to normal operations, with some limited modifications, as soon as practicable.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. This order supplants and replaces Administrative Orders 2020-001 and 2020-002. The actions set forth herein shall remain in effect until further order of the court.
2. All currently scheduled jury trials shall be rescheduled to a date after May 29, 2020. The provisions of CrRLJ 3.3 governing time for trial are hereby suspended.
3. Tuesday morning in-custody hearings shall resume after May 4, 2020, as soon as the City of Ferndale, NW Technologies, and the Whatcom County

Jail are able to implement a remote viewing/video conference system. In-custody hearings shall no longer be conducted inside the Whatcom County Jail. The hearings shall be conducted in the Ferndale Municipal Court located at 5694 Second Ave. The judge, prosecutor, and defense counsel shall be present in the courtroom. The defendant shall be present via video link from the county jail. It shall be the responsibility of defense counsel to communicate with incarcerated individuals prior to court in order to adequately prepare them for a hearing. If an incarcerated person wishes to enter a guilty plea, it shall be the responsibility of defense counsel to prepare all necessary paperwork in advance of the hearing for presentation to the court.

4. Friday morning out of custody arraignments and pre-trial conferences shall resume on May 8, 2020. The clerk of the court shall limit the number of hearings on the calendar in order to control the number of people in the courtroom at any given time. No more than 15 hearings shall be set for 9:00 AM, and no more than 15 hearings shall be set for 10:30 AM.
5. The prosecution and defense are encouraged to submit agreed orders of continuance in criminal cases, whenever possible. The proposed agreed order shall be signed by all parties, including the defendant. In a case where there is an agreed continuance, the defendant need not appear in court.
6. No person shall be permitted to enter the courtroom if they are exhibiting signs of illness. Any person sneezing or coughing shall be denied entry and asked to leave.
7. The court will not issue a bench warrant for failure to appear due to illness. However, the court reserves the right to require documentation for multiple absences, and a bench warrant may be issued for failing to provide such documentation, at the court's discretion.
8. Thursday morning infraction hearings shall resume on May 14, 2020. The clerk of the court shall limit the number of hearings on the calendar in order to control the number of people in the courtroom. No more than 15 hearings shall be set for 9:00 AM traffic calendar. No more than 15 hearings shall be set for the 10:30 AM traffic calendar.
9. Pro se litigants are strongly encouraged to submit written requests to mitigate infractions or enter a deferred finding by mail. The court will inform pro se litigants of its decision in writing, without oral argument or a hearing. The provisions of IRLJ 2.6 governing the time for hearing contested infractions are hereby suspended.

This order may be modified or further extended consistent with an assessment of the public health situation.

DATED this 28th day of April 2020.

A handwritten signature in black ink, appearing to read 'MARK A. KAIMAN', written over a horizontal line.

MARK A. KAIMAN
PRESIDING JUDGE