

FILED
COUNTY CLERK

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IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF WHATCOM

WHATCOM COUNTY
WASHINGTON

BY _____

CASE NO. 20-2-00001-37

IN THE MATTER OF RESPONSE TO PUBLIC)
HEALTH RISK DUE TO COVID-19 PUBLIC HEALTH)
EMERGENCY)

TWENTY-SECOND
ADMINISTRATIVE ORDER
July 23, 2021

WHEREAS as a consequence of the COVID 19 pandemic and resulting orders of this court and others, the Whatcom County Superior Court currently faces a significant que of cases seeking a jury trial within its court system;

WHEREAS, cases currently seeking a jury trial in Whatcom County Superior Court include both criminal and civil matters;

WHEREAS, the court has modified or rescinded previous orders addressing the procedure and requirements for trial preparation and scheduling;

WHEREAS the Whatcom County Superior Court endeavors to provide trial opportunities to all litigants in a consistent and efficient manner; and

WHEREAS, the Washington State Department of Health now reports that over 70% of Washingtonians 16+ have initiated vaccination against COVID 19.

NOW, THEREFORE, THE COURT HEREBY ORDERS:

The procedures and requirements for trial preparation and scheduling shall be as follows.

Criminal Cases

Trial dates will be maintained if requested by either party and/or ordered by the court at the Status/Omnibus Hearing. Motions to continue trial dates may be heard at the Status/Omnibus Hearing, or continued for further hearing, at the discretion of the judge.

Following the maintaining of a trial date, the parties will submit a proposed Omnibus Order, exchange witness lists, confirm witness availability, and complete

discovery according to the local rules, provisions of the Omnibus Order, and/or by further order of the court. The Omnibus Order must conform to the requirements of CrR 4.5(h), and include a deadline for all pretrial motions, including motions *in limine*, motions under CrR3.5, and CrR 3.6, and motions regarding jury selection. A matter is not considered properly maintained for its trial date unless and until a proposed Omnibus Order as above is received by the court. Following the maintaining of a trial date, the court will set a Trial Confirmation Hearing to take place prior to the trial date.

Motions made under CrR 3.6, or other dispositive motions, must be scheduled for hearing as appropriate before the Trial Confirmation Hearing. Motions to Continue may be heard with proper notice at the Trial Confirmation Hearing. A party who answers ready at the Trial Confirmation Hearing is considered to be advising the court as to their readiness, witness availability, completion of discovery, and that all necessary CrR 3.5, CrR 3,6 or dispositive motions have been heard.

Following the Trial Confirmation Hearings each week, the court will assess the cases confirmed for trial the following week and will determine priority. The court will publish on its website a prioritized Trial List no later than Friday at noon.

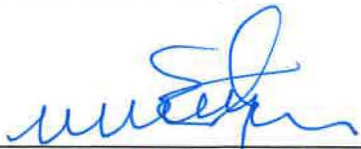
The parties to the first four prioritized cases should be ready to proceed with trial on Monday. Matters prioritized outside of the fourth position will be called at Monday Trial Call and will be subject to an administrative continuance. The parties shall continue to appear. Matters subject to an administrative continuance will be re-prioritized the following week unless otherwise ordered by the court.

Civil Cases

Civil jury trial cases must be confirmed for jury trial at least 15 calendar days before the scheduled trial date. Once confirmed, trials will be prioritized according to statute and judicial determination, and thereafter included on the published Trial Priority list. Civil jury trials will be conducted according to determined priority, and the parties will be notified no later than noon on Monday of trial week concerning the same. If given priority, Civil jury trials will begin no earlier than Tuesday of trial week.

THIS ORDER updates and supersedes the Court's prior Administrative Orders concerning jury trials. The Court's prior Administrative Orders remain in effect to the extent they are not inconsistent with this Order.

DATED this 23rd day of July, 2021.



ROBERT E. OLSON, Presiding Judge