

1 SUPERIOR COURT OF WASHINGTON
2 COUNTY OF CLALLAM

3 IN THE MATTER OF THE RESPONSE BY
4 CLALLAM COUNTY SUPERIOR COURT
5 TO THE PUBLIC HEALTH EMERGENCY IN
6 WASHINGTON STATE

NO. 20-2-00001-05

EMERGENCY ORDER

NOVEMBER 18, 2020

7 This matter comes before the Court on the public health emergency in Washington State
8 related to Covid-19.

9 The court incorporates, by this reference and as a basis for the following order, the
10 orders and guidance of the Washington State Supreme Court, this court's prior orders to the
11 extent they are consistent with this order, the mandates and guidance from the Washington
12 State Governor, the binding and suggested directives and guidance from federal, state, and local
13 health and public safety officers.

14 The court has taken significant steps to ensure the safety of those who participate in jury
15 trials in Clallam County. These steps include the following:

- 16 1. Allowing potential jurors to automatically postpone their jury service based upon
17 their own or family member's medical needs.
- 18 2. Arranging a location for jury selection that allows for physical distancing to be
19 maintained.
- 20 3. Altering the configuration of the courtrooms to allow jurors, parties, and witnesses
21 in a trial to maintain physical distancing during all phases of the trial.
- 22 4. Requiring the wearing of personal protective equipment by all participants in jury
23 trials.
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1 5. Ongoing consultation with local health officials to ensure that the implemented
2 processes are sufficient to respond to the ongoing health crisis.

3 Within this context, the court has carefully considered the significant increase in the
4 number of Clallam County citizens testing positive during the last seven days.

5 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

6 All jury trials scheduled to commence during the period of Monday, November 23,
7 2020, through Wednesday, December 2, 2020, are postponed until after December 2, 2020.

8 The court will continue to monitor case rates within Clallam County, and does not expect to
9 resume jury trials until case rates fall below 75 per 100,000. Parties should be prepared to
10 resume trials when it is possible to do so.

11 For criminal trials affected by this order, the parties are directed to appear in court on
12 the Thursday prior to their scheduled trial date for purposes of resetting the trial. Individuals
13 who are not in custody will appear at 1:00 p.m., and individuals who are in custody will appear
14 at 3:00 p.m.

15 A continuance of criminal trials is required in the administration of justice. The court
16 finds that the serious danger posed by COVID-19 is good cause to continue criminal trials, and
17 constitutes an unavoidable circumstance under CrR 3.3(e)(8). The time between November 23,
18 2020, and December 7, 2020 (14 days), shall be EXCLUDED when calculating time for trial
19 for all criminal cases, in addition to time already excluded pursuant to Washington State
20 Supreme Court Orders.
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1 For civil jury trials affected by this order, the parties are to present an agreed order with
2 a new trial date, or alternatively schedule a trial setting to occur on the normal trial setting
3 calendar.

4 The court will continue to conduct bench trials in person.

5 The courtrooms continue to remain open. However, the Court strongly encourages
6 remote appearance for all motion hearings unless the nature of the hearing requires in person
7 attendance or where remote attendance is not possible based upon individual circumstances.

8 Exhibit A is incorporated by this reference and its terms will continue until further order
9 of the court.

10 DATED this 18 day of November, 2020.

11
12 
13 BRENT BASDEN
14 JUDGE

EXHIBIT A – November 18, 2020 Order

The court strongly encourages all parties to appear in court via Zoom. For those hearings which require in person attendance and for those cases where Zoom attendance is not possible based upon individual circumstances, physically appearing in the courtroom continues.

This permission will continue until further order of the court.

The following are instructions / guidelines for participation.

1. **Download:** You need Zoom on your device in advance of your first scheduled hearing. A free version is available at Zoom.US or from the app store on your device.
2. **Contact Number:** Each courtroom has an assigned Zoom meeting number that will not change. Careful attention should be paid to the daily court calendar which will indicate which courtroom will be used for scheduled hearings.
3. **Password:** The password for all Zoom sessions is the same. The password is 12345.
4. **Meeting ID Numbers:** They are as follows:

MEETING ID NUMBERS

- | | |
|-------------------|---------------|
| a. Courtroom I | 976-7336-6377 |
| b. Courtroom II | 968-5772-2818 |
| c. Courtroom III | 943-6071-4749 |
| d. Juvenile Court | 978-5492-0434 |

TOLL FREE PHONE NUMBERS

888-475-4499
833-548-0276
833-548-0282
877-853-5257

5. **Phones:** If you log in with a phone you will probably have a better connection. If you choose this option, take the following steps.
 - a. Call one of the above toll free numbers. If you get a busy signal, try a different number.
 - b. Type in the above listed meeting number assigned to the courtroom where your case is being heard.
 - c. Hit the # key when it asks for a participant ID number.
 - d. Put in the password 12345 when prompted to do so.
 - e. A landline is better than a cell phone.
 - f. Eliminate all background noise.
 - g. When your case is called, switch from speaker mode to speaking directly into your phone. Ear devices with microphones close to your mouth are helpful.

6. **Video devices:** If you use a device with a camera, take the following steps.
 - a. Only try a video device if you have excellent internet connection. Otherwise, use the phone option described above.
 - b. If utilizing a lap top computer for video, connecting to the audio through your phone often produces a far better sound quality.
 - c. Type in the meeting number to the courtroom hearing your case.
 - d. The portion of your body which appears on video should be dressed appropriately for court.
 - e. Eliminate background distractions and noise.
 - f. Don't have windows or lighting behind you.

7. **General Rules:** Do the following when you join the meeting.
 - a. Mute your microphone until your case is called.
 - b. Even when your case is called, it is best to have your device on mute when you are not talking.
 - c. Do not be in close proximity of someone who is logged into the same meeting on a different device.
 - d. Do not speak until invited by the judge to do so. If you wish to object, just say "objection" and wait until the judge asks you to speak.
 - e. If you get dropped from the meeting sign back in and rejoin the meeting as you did initially.
 - f. If the court gets dropped from the meeting, stay on the line and wait patiently until it rejoins the meeting.
 - g. You may not record court sessions.

8. **Information:** Attorneys are responsible for informing their clients of the meeting and providing them a copy of these rules. The rules will also be available on the Court's webpage.

9. **Calendar:** The court will strive to call cases in the order that they appear on the calendar. That may not always be possible because of attorneys scheduled to be in more than one court at a time.

10. **Mute:** The court has the ability to mute and unmute each participant. If you get muted by the court, it is because it is picking up unnecessary audio from your line. The court will attempt to unmute you if it believes that you need to address the court on a case.

11. **Technical Difficulties:** If technical difficulties arise, the Zoom meeting may be aborted and parties will be called directly. The court reserves the right to decide a matter without oral argument, continue a matter, or strike a matter until re-noted by the parties.