

FILED  
IN COUNTY CLERK'S OFFICE

JAN 18 2022

PIERCE COUNTY, WASHINGTON  
CONSTANCE R. WHITE, County Clerk  
BY \_\_\_\_\_ DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON,  
COUNTY OF PIERCE**

IN RE THE MATTER OF THE RESPONSE  
BY PIERCE COUNTY SUPERIOR COURT  
TO THE PUBLIC HEALTH STATE OF  
EMERGENCY IN WASHINGTON STATE

Emergency Order: 22-03

**EMERGENCY ORDER #22-03**  
EMERGENCY ORDER REGARDING  
**EXTENDED** SUSPENSION OF JURY  
TRIALS

The health conditions that have impaired Court proceedings around the State remain. For all the reasons previously stated in prior emergency orders related to the public health crisis brought on by COVID-19 issued by the Washington State Supreme Court, Pierce County Superior Court and various proclamations by Governor Inslee, Washington State Courts are still in the midst of a public health emergency. Specifically, the Omicron Variant of COVID-19 presents new and unresolved challenges to the general health and welfare of the citizenry and the justice system in particular. The Court has been characterized as an "essential function" by Governor Inslee.

Unlike many other agencies and organizations, Courts may compel citizens to appear in the County-City building which functions as the primary courthouse for Pierce County Superior and District Courts as well as Tacoma Municipal Court. As many as four hundred jurors per

1 week cycle through Superior Court's jury administration. In addition, several hundred people  
2 work inside the County-City Building.

3 Superior Court, together with the Office of the Governor, the Pierce County Executive,  
4 the Pierce County Council, the Tacoma-Pierce County Health Department, Pierce County  
5 Department of Emergency Management, the Washington State Department of Health, the  
6 Washington State Supreme Court as well as the Washington State Administrative Office of the  
7 Courts, has worked diligently to create a safe and stable courthouse. The Court has safely  
8 conducted well over 200 in person criminal and civil jury trials since July of 2020 without  
9 significant incident.  
10

11 In the continued and expanding effort to reduce the incidents of close contact between  
12 employees of Pierce County Superior Court, members of the Bar, members of the public and any  
13 other entity or agency accessing the Court, the Court has implemented certain court procedures  
14 that can accomplish justice without the actual presence of parties in the courtroom. The use of  
15 video and audio technology has allowed for remote trials and hearings that do not involve juries.  
16 Through these means, the Court has effectively dispensed justice in many hundreds of cases not  
17 requiring juries since the health emergency was declared. The expectation is that those  
18 proceedings should and will continue as they have.  
19

20 However, technology limitations in Pierce County require that most aspects of jury trials,  
21 whether criminal or civil, be done in person.

22 **NOW, THEREFORE** it is hereby **ORDERED**, pursuant to the authority of  
23 Washington Supreme Court Orders No. 257000-B-631, No. 25700-B-626, No. 25700-  
24 B-642, and No. 25700-B-646 and the authority as the Presiding Judge of Pierce County  
25 Superior Court, that the following shall be in effect:

1           **A. Findings:** The Court incorporates by reference findings of fact and  
2           procedural recitations in its previous Orders, and considers the public health  
3           emergency broadly, as well as the particularized effect within Pierce County  
            based on repeated meetings with the Tacoma-Pierce County Health Department,  
            and further,

4           **B. Incorporation Into The Record:** As with all prior orders of the Supreme  
5           Court of Washington, and prior orders of this Court, this Order is deemed part  
6           of the record in affected cases for the purposes of appeal without the need to  
7           file this order in each case. If necessary to make clear that there is a basis for  
8           this Pierce County Superior Court emergency order, the Court hereby  
            incorporates into this emergency order all Supreme Court and Pierce County  
            Superior Court orders promulgated in response to the COVID-19 health crisis  
            together with any relevant Proclamation by Governor Inslee

9           **C. Jury Trial Suspension--Extension:** For the period of January 5, 2022 through  
10           February 11, 2022, no new criminal or civil jury shall be started. Jury trials in  
11           progress, meaning that a jury has already been seated, shall continue to  
            completion.

12           **D. Jury Trial Resumption:** It is expected that on February 14, 2022, jury trials will  
13           resume. The Court will re-assess the ability of the Court to resume in-person jury  
            trials prior to the expiration of this order on February 11, 2022.

14           **E. Bench Trials Not Impacted:** Civil and criminal bench trials as well as other  
15           hearings not requiring a jury are not impacted by this order and are expected to  
            proceed as currently scheduled.

16           Any temporary Pierce County emergency protocol adopted and published may be  
17           updated or modified as necessary and shall be reduced to writing and transmitted to the relevant  
18           entities for publication on the Pierce County Superior Court, Washington Administrative Office  
19           of the Courts and Tacoma-Pierce County Bar Association websites as they become available.

20  
21  
22           DATED this 18 day of January, 2022.

23           FILED  
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            PIERCE COUNTY, WASHINGTON  
            CONSTANCE R. WHITE, County Clerk  
            BY \_\_\_\_\_ DEPUTY

            \_\_\_\_\_  
            Hon. Philip K. Sorensen  
            Presiding Judge  
            Pierce County Superior Court