

FILED
IN COUNTY CLERK'S OFFICE

JAN 14 2021

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY ku 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 EMERGENCY
IN WASHINGTON STATE

Emergency Order: 21-01

EMERGENCY ORDER #21-01
PUBLIC HEALTH EMERGENCY ORDER
REGARDING SUSPENSION OF JURY
TRIALS

This matter comes before the Court again on the COVID-19 public health emergency in Washington State.

In a continuing and expanding effort to reduce the incidents of close contact between employees of Pierce County Superior Court, members of the Bar, members of the public and any other entity or agency accessing the Court, the County-City Building, Juvenile Court (Remann Hall) and civil commitment proceedings (Western State Hospital); and,

Because certain county practices and protocols may necessarily evolve or change to enable efficient and fair access to, and administration of, justice in this time of emergency; and,

Since July 6, 2020, Pierce County Superior Court has successfully conducted more than four dozen jury trials while implementing significant safeguard to protect against the spread of COVID-19. Juror orientation randomized trial assignments have occurred in the large Pierce

1 County Armory. During trial lawyers, witnesses, court staff and jurors have been socially
2 distanced and masked. Pierce County Facilities have altered ventilation in the Courthouse
3 increasing air exchanges and changing filtration; and,

4 Because the current status of the COVID-19 epidemic was articulated in the most recent
5 letter to Superior Court Judges by Washington State Supreme Court Chief Justice Stephens,
6 dated November 20, 2020, and reads in part,

7 *I know we are all disappointed and distressed by the dramatic rise in COVID-19 activity in our state.*
8 *See COVID-19 Activity Intensifying Across Washington State. The overall increase in COVID-19 cases is*
9 *especially alarming as we head into the winter months and respiratory illness season. The restrictions on*
10 *social and business activities announced by Governor Inslee earlier this week underscore the need to take*
11 *dramatic steps to protect public health and safety at this critical time. See COVID-19 Guidance. We are at*
12 *a critical moment not only because the virus is surging but also because we are on the cusp of having a*
13 *viable vaccine and more available rapid testing. We can see brighter days ahead and must not lose our*
14 *focus and our resolve to do our part in reducing transmissions and saving lives.; and,*

15 Because Pierce County has witnessed a surge in COVID-19 transmission consistent with
16 the activity noted by Justice Stephens; therefore,

17 Because January 11, 2021, Governor Inslee signed the *Healthy Washington—Roadmap To*
18 *Recovery Proclamation 20-25.12* that declared that a State of Emergency continues to exist and
19 extended all prohibitions previously enacted regarding health and safety measures to include
20 restrictions on business and activities that promote gatherings of people.

21 Because the most recent *Situation Report* from the Tacoma Pierce County Health
22 Department and Pierce County Emergency Management (Report #219) noted that the rolling
23 average of positive COVID-19 testing is higher as of January 12, 2021, than it was November 23,
24 2020, when Jury trials were suspended for the second time.
25

IT IS HEREBY ORDERED that:

All in-person criminal and civil jury trials, set to begin on or after February 1, 2021, are suspended until at least March 1, 2021.

A continuance of criminal jury trials is required in the administration of justice. Based upon the court's finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time between the date of this order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

Any motion to continue will be handled in their normal course before either the Criminal Division Presiding Judge or the Civil Department Judge to whom the case is currently assigned.

If necessary to make clear that there is a basis for this Pierce County Superior Court emergency order, the Court hereby incorporates into this emergency order the Supreme Court orders in response to the COVID-19 health crisis as well as any other Supreme Court order promulgated in response to COVID-19, together with any relevant Proclamation by Governor Inslee.

Any temporary Pierce County emergency protocol adopted and published may be updated or modified as necessary during this period.

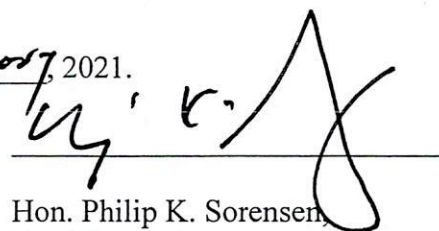
Any updates or modifications to temporary emergency protocols shall be reduced to writing and published on the Pierce County Superior Court, Washington Administrative Office of the Courts and Tacoma-Pierce County Bar Association websites as they become available.

DATED this 14 day of January, 2021.

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Hon. Philip K. Sorensen,
Presiding Judge
Pierce County Superior Court