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FILED
KING COUNTY WASHINGTON

JAN 11 2021

SEA
SUPERIOR COURT CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

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

No. ~~20-0-12050-5~~ 21-0-12050-3

**EMERGENCY ORDER # 25
RE: CIVIL JURY TRIALS AND
CRIMINAL CASES
SUSPENDING IN PERSON JURY TRIALS
TO JANUARY 29, 2021
RESUMING IN PERSON JURY TRIALS
FEBRUARY 1, 2021**

This matter comes before the Court on the public health emergency in Washington State. The Court incorporates Emergency Orders #1 through #22. The Court now enters a revised order regarding procedures governing civil jury trials and pending criminal cases during the public health emergency. **This Order is effective January 11, 2021.**

I. FINDINGS

1. By Emergency Order #22, this Court previously suspended all in-person criminal and civil jury trials until after January 11, 2021. Since the issuance of that order, the Court has actively consulted with faculty members of the University of Washington School of Public Health.

1 2. The Washington State Department of Health Dashboard for COVID indicates a
2 high seven-day average that, while declining, is still higher than at any time during the summer of
3 the pandemic¹. The seven-day positivity rate remains over 7%².

4 3. Based on a review of Washington State Department of Health data and in
5 consultation with faculty members of the University of Washington, School of Public Health, the
6 Court independently concludes that it continues to not be reasonably feasible or safe to expect
7 jurors, litigants, and other participants to appear in jury trials at the same time and in the same
8 room in indoor facilities. At this time, these gatherings pose an unreasonable risk to the health of
9 all of the participants in the court proceedings. Due to these circumstances and the serious danger
10 posed by COVID-19, a continuance of criminal cases and all jury trials are supported by good
11 cause, required in the administration of justice, and an unavoidable circumstance.

12 4. The trend line for infections and testing rates, while high, are trending downwards.
13 The Court remains hopeful and will plan for a review of the data later in the month of January, and
14 if trends continue, plans to restart in-person jury trials, with remote voir dire, on or about Monday
15 February 1, 2021. The anticipated restart date is subject to review of public health data.

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17 **II. ORDER**

18 1. All in-person criminal and civil jury trials shall be suspended until close of
19 business January 29, 2021.

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¹ [COVID-19 Data Dashboard :: Washington State Department of Health.](#)

² [COVID-19 Data Dashboard :: Washington State Department of Health.](#)

1 2. In-person criminal and civil jury trials, with remote voir dire, shall resume on
2 Monday February 1, 2021. This date is subject to review and the Court may move this date if
3 public health data warrants it.

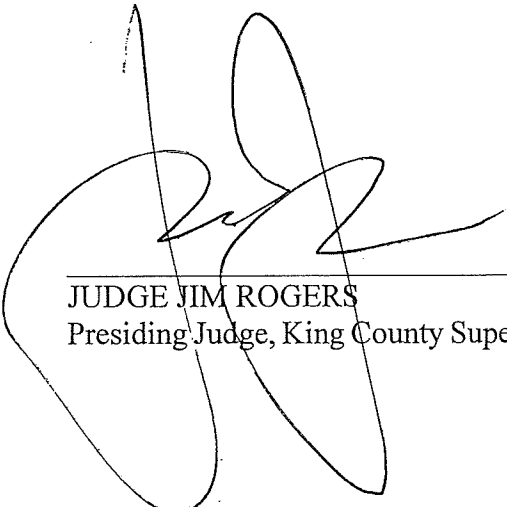
4 3. A continuance of criminal jury trials is required in the administration of justice.
5 Based upon the court's finding that the serious danger posed by COVID-19 is good cause to
6 continue criminal cases and constitutes an unavoidable circumstance under CrR 3.3(e)(8), the time
7 between November 20, 2020 (per Emergency Orders #22 and #23) the close of business January
8 29, 2021 is EXCLUDED when calculating time for trial. CrR 3.3(e)(3).

9 4. This Court continues to find that there is good cause and compelling circumstances
10 to allow all pending civil jury trials proceed virtually via video using Zoom or an equivalent
11 platform. In virtual civil jury trials, the parties, counsel, witnesses, and jurors will not be physically
12 present in the courtroom and will appear and participate entirely by Zoom including during
13 deliberations. The assigned judge will be physically present in the courtroom and provide a means
14 for public access to observe the proceedings. In all cases where a virtual civil jury trial may be
15 appropriate, the assigned judge will hold a pretrial conference in order to discuss the procedures
16 for the trial and hear the positions of the parties to proceeding in that manner. The assigned judge
17 will decide whether to conduct a virtual jury trial based upon the particulars of the case, the
18 positions of the parties, and any legal issues raised.

18 **IT IS SO ORDERED.**

19 Dated: January 11, 2021

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JUDGE JIM ROGERS
Presiding Judge, King County Superior Court