

IN THE MUNICIPAL COURT OF THE CITY OF FERNDALE
IN THE COUNTY OF WHATCOM

IN THE MATTER OF:) ADMINISTRATIVE ORDER
COURT OPERATIONS UNDER THE EXIGENT)
CIRCUMSTANCES CREATED BY A PUBLIC) NO. 2020-002
HEALTH THREAT)

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS the Washington State Supreme Court has adopted Order No. 25700-B-606 suspending all criminal matters until after April 24, 2020 and granting emergency authority to this court to adopt measures to protect public health and safety that are more restrictive than those contained in the Order;

WHEREAS the court is committed to protecting the health, safety and security of our community as well as protecting the constitutional rights of the accused;

WHEREAS, this Administrative Order is being issued in response to the recent outbreak of Coronavirus Disease (COVID-19) in Western Washington, which has been home to the first reported domestic case of the disease and some of the first significant community impacts from school and business closures;

WHEREAS on Monday March 16, 2020, the Mayor of Ferndale declared that a public health emergency exists within the boundaries of Whatcom County that could have an impact on the City of Ferndale;

Given the number of identified and projected cases of COVID-19 in the area and the severity of risk posed to the public, and given recommendations from local public health authorities,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. All arraignments normally scheduled to be heard on Friday mornings at 9:00 AM shall be continued to a date after April 24, 2020. Arraignment on all cases filed between today's date and April 24, 2020, or the first appearance in court after that date, shall be deferred until 45 days after the filing of charges. Good cause exists under CrRLJ 4.1 and JuCR 7.6 to extend the arraignment dates. The new arraignment date shall be considered the initial commencement date for purposes of CrRLJ 3.3(c)(1).
2. All currently scheduled jury trials shall be rescheduled to a date after April 24, 2020. For criminal trials continued under this provision, April 25, 2020 shall be the new commencement date pursuant to CrRLJ 3.3.
3. All in-person criminal hearings normally scheduled to be heard on Friday mornings at 9:30 AM shall be continued to a date after April 24, 2020. No pretrial hearing, warrant quash hearing, probation matter, or other criminal hearing shall be set prior to April 24, 2020. The provisions of CrRLJ 3.3 governing time for trial are hereby suspended.
4. Pre-trial motions in criminal cases may be submitted in writing to the Clerk's Office. Pleadings shall be submitted via email to info@ferndalecourts.org. The responding party shall have 5 business days to respond to a motion. The court will inform the parties of its decision in writing, without oral argument or a hearing.
5. In the case of a defendant arrested on a new charge of domestic violence, the court shall enter an ex parte no contact order pursuant to RCW 10.99 et seq. when a citation or complaint is filed, and when probable cause is found. The ex parte order shall be served on the defendant by mail.
6. Motions to modify or rescind domestic violence no-contact orders may be submitted in writing to the Clerk's Office. Pleadings shall be submitted via email to info@ferndalecourts.org. The City Prosecutor shall be given a reasonable opportunity to respond to any such motion in writing. The court will inform the parties of its decision in writing, without oral argument or a hearing.
7. All civil infraction matters normally heard on the second Thursday of each month at 9:00 AM shall be continued to a date after April 24, 2020. In infraction cases where an attorney has appeared, the parties are encouraged to submit an agreed order resolving the case, if it is possible to do so. Pro se litigants may submit written requests to mitigate infractions or enter a deferred finding by mail. The court will inform pro se litigants of its decision in writing, without oral argument or a hearing. The provisions of IRLJ 2.6 governing the time for hearing contested infractions are hereby suspended.

This order may be modified or further extended consistent with an assessment of the ongoing public health emergency.

DATED this 19th day of March 2020.

A handwritten signature in blue ink, appearing to read 'Mark A. Kaiman', is written over a horizontal line.

MARK A. KAIMAN
PRESIDING JUDGE