

Jul 21, 2020

SEAN F. McAVOY, CLERK

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES
CREATED BY THE
CORONAVIRUS (COVID-19)

GENERAL ORDER NO. 20-101-8

This General Order is being issued pursuant to 28 U.S.C. § 2071(e) and in response to the evolving public health crisis caused by the outbreak of the Coronavirus Disease (COVID-19). Washington State Governor Inslee extended the “Stay Home-Stay Healthy” proclamation through May 31, 2020, with limited exceptions and a phased “Safe Start” approach to reopening, thereafter. Not all counties within the Eastern District of Washington have begun the phased “Safe Start” protocol to reopening. Indeed, the counties surrounding Yakima and Richland, Washington are still in the “Stay Home-Stay Healthy” mode. The Court finds it necessary in the interest of justice to take proactive measures to slow the spread of the virus and ensure the safety of litigants, counsel, Court staff, grand jurors, petit jurors, witnesses, and the public.

1 This Order amends and extends some aspects of General Order Nos. 20-101-
2 4 through 20-101-7. Accordingly, **IT IS HEREBY ORDERED** that, effective
3 immediately:

4 **1.** All Yakima grand jury sessions through **August 31, 2020** are
5 **VACATED**;

6 **2.** As to pending criminal cases (District Court and Magistrate Court), the
7 Court finds that using video conferencing or telephone conferencing when
8 necessary would result in minimizing undue risk to defendants, counsel, law
9 enforcement, Court staff, witnesses, and the public at large. Accordingly,
10 the Court will continue to encourage and use these tools for those hearings
11 allowed by General Orders 20-101-3, 20-101-3 Extended, and the CARES
12 Act, Pub. L. No. 116-136, when ordered by the presiding judge. The live
13 audio content of these hearings will be available in real-time to members of
14 the public and press, via a dedicated teleconference line. Dial-in information
15 will be available on the PACER system in the docket of each scheduled case
16 that is not held in open court. Hearing content provided in such manner
17 must NOT be recorded or rebroadcast;

18 **3.** The Court also finds current public health advisories reduce the
19 Court's ability to obtain an adequate spectrum of jurors and curtails the
20 availability of counsel and Court staff to be present in the courtroom.

1 Therefore, the Court finds, based on the risks posed by COVID-19, that the
2 ends of justice served by resetting jury trials in all pending criminal cases
3 during this period outweigh the best interest of the public and each affected
4 defendant in speedy trials, and the period between the date of entry of this
5 Order and **August 31, 2020**, may be excluded from Speedy Trial Act
6 calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of excludable delay
7 will be contemporaneously entered by the presiding judge in each individual
8 case, when a jury trial is continued. Civil jury trials are suspended during
9 this time, as well;

10 **4.** Effective **June 1, 2020**, the Clerk's Office in Spokane has been open
11 and physically accessible to the public. Through **August 31, 2020**, the
12 Clerk's Offices in Yakima and Richland, Washington will not be physically
13 accessible to the public, but will remain open. Staff will be available by
14 telephone, mail will be received, and new filings will be processed. Those
15 seeking to make in-person filings or payments are directed to leave such
16 materials in designated drop-boxes at the Court Security Officer locations
17 (guard stations) in the entryway of each courthouse. The Court encourages
18 electronic filings made through the CM/ECF filing system, use of the
19 electronic payment system, and use of mail and delivery services. The
20

1 Clerk's Office is not closed, it is operational, and you may contact the office
2 by telephone during business hours;

3 **5.** Effective **June 1, 2020**, the Probation and Pretrial Services Office in
4 Spokane has been open and physically accessible to the public. Through
5 **August 31, 2020**, the United States Probation and Pretrial Service Office in
6 Yakima and Richland, Washington will be closed to the general public. Staff
7 will be available by telephone; drug testing and supervision will continue as
8 directed by Probation and Pretrial Service officers;

9 **6.** STEP Court participants will be advised separately when they are to
10 appear for proceedings;

11 **7.** Naturalization Ceremonies are CANCELLED through **August 31,**
12 **2020.** The Citizen and Immigration Service (CIS) is authorized to
13 administer the oath of Citizenship during this period of time;

14 **8.** Attendees of in-court proceedings and those seeking services at the
15 Clerk's Office and Probation Office are required to: wear masks according
16 to State Health directives, social distance, and follow public health
17 advisories; and

18 **9.** This Order does not pertain to Bankruptcy proceedings. Please consult
19 or contact the Bankruptcy Court for information and specific directions.
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1 The public is encouraged to use online Court resources, contact the
2 Court/Clerk's Office by telephone, and continue utilizing Court services while
3 following all applicable public health guidelines.

4 The District Court Executive is directed to post this General Order to the
5 Court's website and distribute a copy to each attorney registered in the CM/ECF
6 system and each pro se litigant with a case pending before this Court.

7 This Order is subject to public comment by directing all concerns to the
8 District Court Executive.

9 **DATED** this 21st day of July 2020.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
Chief United States District Judge
on behalf of the full Court