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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON

6 In Re:

7 NEW MODIFIED COURT
8 OPERATIONS UNDER THE EXIGENT
9 CIRCUMSTANCES CREATED BY
10 COVID-19 AND RELATED
CORONAVIRUS

GENERAL ORDER NO. 15-20

11 This General Order is being issued in response to the continuing outbreak of Coronavirus
12 Disease 2019 (COVID-19) in this District. On March 17 and 25, 2020, the Court entered General
13 Orders 02-20 and 03-20 addressing, among other things, the closing of the Seattle and Tacoma
14 Courthouses for at least 30 days and the procedures for conducting civil and criminal matters
15 remotely. The Court incorporates here its prior findings regarding COVID-19 and the state of
16 emergency declarations and public health guidelines as set forth in those prior General Orders.
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18 On April 13, 2020, the Court continued the procedures established by General Orders 02-
19 20 and 03-20 for 30 days. Further continuances were issued on May 13, July 30, and most
20 recently September 4, 2020.
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22 In the last two months, the daily number of positive cases, hospitalizations, and deaths
23 have significantly decreased in the Western District of Washington. This, combined with the
24 deployment of Courthouse procedures designed to reduce the spread of COVID-19, now allows
25 for a limited number of individuals to safely enter these facilities for critical in-person criminal
26 proceedings. However, limiting the size and frequency of gatherings remain critical to
27 preventing serious injury and death from COVID-19.
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1 Accordingly, the Court ORDERS that the procedures established by General Orders 02-
2 20 and 03-20 will be continued until **January 1, 2021**, except as stated below. All District Court
3 civil and criminal in-person hearings and trials in these Courthouses scheduled to occur before
4 January 1, 2021, are continued pending a future general order from this Court or the order of an
5 individual judge consistent with the following procedures.
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7 **Civil cases:** Remote video proceedings are permitted in civil cases, including jury trials
8 with jurors participating remotely. Counsel in civil cases are strongly encouraged to confer with
9 each other and to request to use such procedures to avoid a significant delay before in-person
10 proceedings can resume. All participants, including the public and members of the press, are
11 strictly prohibited from recording or broadcasting any of the Court's remote hearings, in whole
12 or in part, in any fashion. In-person civil proceedings and trials are not permitted at this time.
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14 **Criminal cases:** As previously stated, limiting the size and frequency of gatherings
15 remains critical to preventing serious illness and death from COVID-19. The continuing public
16 health situation resulting from the pandemic also limits the availability and ability of witnesses,
17 counsel, and Court staff to be present in the courtroom, and the ability to obtain an adequate
18 spectrum of jurors to proceed with in-person jury trials. As a result, for the foreseeable future, it
19 will be possible to proceed with only one in-person criminal jury trial at a time at each of the
20 district's two courthouses. The order in which pending criminal cases will proceed to trial will
21 be determined by the Court in consultation with the Federal Public Defender's Office and the
22 United States Attorney's Office. As a result of the limitations on the number of trials that can
23 proceed at one time to ensure the health and safety of all participants, the majority of trials will
24 need to be continued via individual orders in each case. Such continuances are necessary as a
25 result of this need to limit the number of jury trials, and the resulting delays will be excluded
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1 under the Speedy Trial Act, as the Court finds that the ends of justice served by ordering the
2 continuances outweigh the best interests of the public and any defendant's right to a speedy trial,
3 pursuant to 18 U.S.C. §3161(h)(7)(A).

4 Individual judges may proceed with a very limited number of in-person hearings in felony
5 criminal proceedings (*e.g.* evidentiary hearings, bench trials, and sentencings) by issuing orders
6 on a case-by-case basis so long as such orders address the above public health concerns. To the
7 extent that such hearings and bench trials cannot satisfy these concerns, the Court finds under 18
8 U.S.C. § 3060(C) that extraordinary circumstances exist, and justice requires delay of such in-
9 person criminal hearings during the time period of these continuances.
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11 In-person access to these proceedings and trials will be limited to jurors, witnesses,
12 parties, attorneys, and others with business before the Court. These proceedings will be open to
13 the public via streaming video on the Court's website.
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15 **Bankruptcy cases:** The Bankruptcy Court will continue with scheduled non-evidentiary
16 hearings telephonically as posted on the Bankruptcy Court's website and announced by the
17 individual judges and may conduct evidentiary hearings and trials by video/telephonic
18 conferences. Individual bankruptcy judges may proceed with a limited number of in-person
19 hearings and bench trials by issuing orders on a case-by-case basis so long as such orders address
20 the above public health concerns.
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22 **Public access to the Courthouse:** Courthouse lobbies will remain open for the public to
23 use drop boxes to deposit documents for filing and payments for the District Clerk's Office.
24 Individuals may enter the courthouses to conduct official business provided they have scheduled
25 appointments or notifications to do so. Members of the public who wish to view a criminal
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1 proceeding or trial will be directed to the Court's website to access video streaming of those
2 proceedings.

3 The Court further ORDERS the continuation of the following procedural changes:

4 1. In order to limit the physical exchange of documents, signatures on documents in civil
5 and criminal proceedings conducted remotely will not be required. Instead, the Court
6 will make a record that the document has been reviewed and authorized by the
7 signatory and is fully binding. Such documents include, but are not limited to:

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- 9 a. Financial affidavits (28 U.S.C. 1746);
 - 10 b. CJA Appointments;
 - 11 c. Consents to proceed before a magistrate judge;
 - 12 d. Waiver of in-person hearings in criminal matters;
 - 13 e. Appearance bonds/Orders of release;
 - 14 f. Plea agreements;
 - 15 g. Jury verdicts; and
 - 16 h. Judgments.

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19 2. Local Civil Rule 32 continues to include among the definitions of "Unavailable
20 Witness" in FRCP 32(4)(C) the following: "concern about personal health risks from
21 exposure to the COVID-19 virus."

22 Other General Orders addressing particular COVID-19 issues have not expired and need
23 not be modified at this time.

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25 Dated this 2nd day of October, 2020.

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27 RICARDO S. MARTINEZ
28 CHIEF UNITED STATES DISTRICT JUDGE