

Nov 12, 2020

SEAN F. McAVOY, CLERK

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2
3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF WASHINGTON

5 In Re:

GENERAL ORDER NO. 20-101-12

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

9 This General Order is being issued pursuant to 28 U.S.C. § 2071(e) and in
10 response to the evolving public health crisis caused by the outbreak of the
11 Coronavirus Disease (COVID-19). Paralleling the mandates issued by Washington
12 State Governor Inslee, the Court finds it necessary in the interest of justice to take
13 proactive measures to slow the spread of the virus and ensure the safety of litigants,
14 counsel, Court staff, grand jurors, petit jurors, witnesses, and the public.

15 This Order amends and extends some aspects of General Order Nos. 20-101-
16 4 through 20-101-11, and clearly identifies those items/paragraphs changed from
17 General Order 20-101-11 as AMENDED. Accordingly, **IT IS HEREBY**
18 **ORDERED** that, effective immediately:

- 19 **1. AMENDED** - Yakima grand jury sessions scheduled on or after
20 December 1, 2020, shall RESUME AND PROCEED AS SCHEDULED;

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

14 **3. *AMENDED*** - The Court also finds current public health advisories
15 reduce the Court's ability to obtain an adequate spectrum of jurors and
16 curtails the availability of counsel and Court staff to be present in the
17 courtroom. Therefore, the Court finds, based on the risks posed by COVID-
18 19, that the ends of justice served by resetting jury trials in all pending
19 criminal cases during this period outweigh the best interest of the public and
20 each affected defendant in speedy trials, and the period between the date of

1 entry of this Order and **December 31, 2020**, may be excluded from Speedy
2 Trial Act calculations. *See* 18 U.S.C. § 3161(h)(7)(A). Findings of
3 excludable delay will be contemporaneously entered by the presiding judge
4 in each individual case, when a jury trial is continued. Civil jury trials are
5 suspended during this time, as well;

6 **4. AFFIRMED** - The Clerk's Office in Spokane, Richland and Yakima
7 shall remain open and physically accessible to the public during normal duty
8 hours;

9 **5. AFFIRMED** – The Probation and Pretrial Services Office in Spokane,
10 Richland and Yakima shall remain open and physically accessible to the
11 public during normal duty hours;

12 **6. AFFIRMED** - STEP Court participants will be advised separately
13 when they are to appear for proceedings;

14 **7. AMENDED** - Naturalization Ceremonies are CANCELLED through
15 **December 31, 2020**. The Citizen and Immigration Service (CIS) is
16 authorized to administer the oath of Citizenship during this period of time;

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

