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**FILED**  
KING COUNTY WASHINGTON

DEC 23 2021

SUPERIOR COURT CLERK

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

No. 21-0-12050-3

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

**EMERGENCY ORDER 34 RE:  
ALL TRIAL TYPES IN LIGHT OF  
OMICRON VARIANT  
CRIMINAL TRIALS SUSPENDED  
TO JAN 14 2022**

This matter comes before the Court on the public health emergency in Washington State and more specifically on the challenges caused by the Omicron Variant of Covid-19. The Court has reviewed available data and consulted with authorities before issuing this Order. The Executive and Council have chosen to delay a return to work as a result of this variant. The King County Department of Public Health reports (as of today) a 195% increase in cases and 58% increase in hospitalizations in this County. This new variant has spread in the midst of higher vaccination rates and remains a cause of concern during the holiday season.

This Order is based, in part, on the Washington State Supreme Court's Order of February 19, 2021, Washington State Labor and Industries Guidance and Requirements, June 30, 2021<sup>1</sup>, Washington State Department of Health Order of the Secretary of Health Amending Order 20-03, June 29, 2021<sup>2</sup>, and Governor Jay Inslee's remaining proclamations regarding the COVID-19 pandemic governing the effectiveness of certain laws.

<sup>1</sup> <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>

<sup>2</sup> [https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Secretary\\_of\\_Health\\_Order\\_20-03\\_Statewide\\_Face\\_Coverings.pdf](https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/Secretary_of_Health_Order_20-03_Statewide_Face_Coverings.pdf)

1 The Court is governed by the laws of the State of Washington and the Chief Justice's  
2 Emergency Orders. The Court has been deemed an "essential" function by the Governor.

3 This Order is intended to continue several important new methods of doing business that  
4 will be enforced by judicial officers and to update previous orders to reflect current conditions.  
5 The Court is in a unique position in that many witnesses, parties, and jurors are ordered to appear  
6 at the courthouse. Additionally, the Court has hundreds of employees who report to work at the  
7 courthouses daily. Both the vaccinated and unvaccinated must be allowed access to the courts. The  
8 Court is cognizant of its responsibility to keep all people who enter the courthouse safe. To that  
9 end, the Court will continue to implement its safety protocols to deter the spread of COVID-19.  
10 The Court has promulgated public health guidelines for those who visit in-person, which include  
the requirement to wear a mask.

11 The Court has adopted widespread use of video and telephonic technologies and found the  
12 use of this technology to be very successful. Since the start of this pandemic, the Court has  
13 conducted over 1000 remote bench trials and over 300 jury trials (190 criminal, 110 civil (40 in  
14 person and 70 all remote).<sup>3</sup> Voir dire has been conducted virtually for all jury trials. The trials  
15 have proceeded smoothly. By adopting video technology, the Court has been able to provide  
justice during the pandemic.

16 **All parties and persons are encouraged to monitor the Court's website at**  
17 **<https://www.kingcounty.gov/courts/superior-court.aspx> for updates.**

18 **The Court ORDERS the following for the duration of the period December 28, 2021**  
19 **through January 14, 2022 only:**

- 20 1. Criminal jury trials: No criminal jury trials shall be started from the date of this Order  
21 through January 14, 2022. Current criminal trials shall continue to completion. Juvenile  
22 bench trials may be held in person at the discretion of the Chief of the Clark Children and  
Family Justice Center.

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<sup>3</sup> These are approximate as they do not include ongoing trials or last month's data.

1 2. Civil bench and jury trials: Emergency Order 33 remains in place. Most civil trials shall be  
2 held virtually but with prior court approval, in-person proceedings for civil jury trials may  
3 be conducted, notably those few currently in process. All trials of all case types currently  
4 in progress shall continue to completion.

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6 This Order expires January 14<sup>th</sup> 2022 close of business.

7 **IT IS SO ORDERED.**

8 Dated: December 28, 2021

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13 JUDGE JIM ROGERS

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16 JUDGE PATRICK OISHI

17 Presiding Judge & Incoming Presiding Judge  
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