

**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLALLAM COUNTY**

**JUDGES
Brent Basden
Lauren Erickson
Simon Barnhart**



**Clallam County Courthouse
223 East Fourth Street, Ste 8
Port Angeles, WA 93862-3015**

360-417-2386 or 360-417-2486

**COMMISSIONER
Brandon R. Mack**

February 16, 2022

Re: Court Operations

Greetings:

We write in an effort to provide clarity regarding ongoing court operations. As always, if there are specific question please forward those to our office.

JURY TRIALS

1. We fully anticipate returning to criminal jury trials on March 14, 2022 and civil jury trials by the end of March.
 - a. Trials will be generally prioritized as follows:
 - i. Criminal over civil
 - ii. In custody over out of custody
 - iii. Oldest to newest
 - b. We strongly encourage the parties to schedule 3.5/3.6 hearings, and non-routine motions in limine for resolution prior to recommencing trials on March 14th.
 - c. We are confident that we will be able to simultaneously handle two jury trials starting on March 14th. For now the process will be the same as was followed in December, 2021. Specifically, a group of 25 jurors will be called in for voir dire in the morning. If after for cause challenges are made and more jurors are needed, voir dire will occur with a second group of jurors at 1:00 p.m. After the exercise of challenges for cause for the second group, the two groups will be combined for peremptory challenges at 3:15. Opening statements and testimony will commence on the following morning.

REMOTE APPEARANCES

2. For parties, we will do all we can to accommodate those who wish to appear remotely for hearings. However, on this topic, the mandatory language contained in our January 6, 2022 letter no longer applies. Presence in the courtroom for trials is required.
3. For witnesses, we are receptive to witnesses appearing by Zoom as long as there is video capability so the witness can be seen. There are situations where remote appearance may be inappropriate. If parties do not agree the matter should be brought to the court's attention by written motion so it can be resolved.

E-Filing

4. As you know, the clerk's office is implementing e-filing. Questions about that should be directed to their office.
5. At some point we anticipate issuing a new court rule to deal with some of the aspects of e-filing. During the transition, we are taking a wait and learn approach to determine what will be needed. We understand that it may create a bit of frustration as we simultaneously operate in an "e-filing" and a "non e-filing" world (i.e. see Bench Copies below). There are many logistics to work out. We are confident that time and experience will provide the needed solutions. In the meantime, patience and helpful comments and recommendations are welcome.

BENCH COPIES

6. As set forth in LCR 77K(8)(9), responsive pleadings filed the week of a hearing must include a bench copy. In response to the County Commissioners closing the courthouse in early January, we issued a letter on January 6, 2022. That letter allowed bench copies to be mailed to the court administrators through January 17, 2022. That date has now passed. The court administrative staff will not print or forward electronic bench copies. Hard copies must be delivered directly to the court. There may be a date in the future that e-filing and systems in the clerk's office will remove the need for bench copies. But for now they are still needed for pleadings filed the week of the hearing.

TECHNOLOGY IN THE COURTROOM

7. If you have not taken the advantage of doing so, we encourage you to contact court administration to receive training on how to use the technology options available in the courtroom. For example, we continue to see requests to publish a document to the jury by physically handing it to each juror. With the use of available technology that would be unnecessary and far less time consuming. Also, if you have witnesses appearing remotely for a trial or hearing, you will need to understand the technology that you will need to use for the witness to be able to see and identify exhibits.

On a final note, our existing emergency orders provide a great deal of flexibility to respond to the ever changing directives regarding safety in the courtrooms. As we anticipate changes regarding distancing, masking, etc., we do not anticipate issuing a new order, but will inform you of what is expected.

Sincerely,

A handwritten signature in blue ink that reads "Brent Basden". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Brent Basden
JUDGE