IN THE TRIAL COURTS FOR THE STATE OF ALASKA

In the Matter of:	)
	)
RELAXATION AND SUSPENSION OF VARIOUS COURT RULES BASED ON THE COVID-19 PANDEMIC	)
	)

THIRD PRESIDING JUDGES' STATEWIDE COVID-19 PANDEMIC ADMINISTRATIVE ORDER

Pursuant to the Alaska Supreme Court's Emergency Order No. 1957 and Chief Justice related Special Orders, including Order Nos. 8131, 8135, 8144, 8148, and 8149,

IT IS HEREBY ORDERED

COVID-19 VISITOR HEALTH PRECAUTIONS

1. All visitors to Alaska Court System court facilities are required to comply with applicable state and local COVID-19 mandates, and with the screening and safety protocols established by the Chief Justice, the Alaska Court System Administrative Director, and with all local protocols for a court location established by the presiding judge for that Judicial District. The protocols can be viewed on the Alaska Court System's website.
2. The visitor screening and safety protocols at present include listed circumstances which prohibit a person from entering a court building and the requirement of social distancing of at least six feet while in court facilities. The wearing of an appropriate face covering is strongly encouraged statewide. The presiding judge of a Judicial District may impose other requirements such as health screenings and mandatory face covering.
3. Judicial officers are responsible for the enforcement of the mandates, protocols, and presiding judge orders in their courtrooms and may exclude visitors who do not comply.
4. Judicial officers or court employees may enforce the mandates, protocols, and presiding judge orders in other areas of a court facility, which may require the exclusion of visitors who do not comply.
5. "Visitors" includes anybody coming into an Alaska Court System facility, including, but not limited to, parties, witnesses, attorneys, victims, grand jurors, trial jurors, other participants

in a court proceeding, persons conducting business at a Court Clerk's Office, and members of the public.

GRAND JURY

6. Chief Justice Order Nos. 8144 authorizes the statewide resumption of grand jury proceedings on June 1, 2020, and provides that the suspension of the preliminary examination time limits under Criminal Rule 5(e)(4) is extended through July 31, 2020. The presiding judges may extend the suspension of Criminal Rule 5(e)(4) in the future.
7. Courts at the grand jury sites designated in Criminal Rule 6(b), or at additional sites as may be designated by a presiding judge per Chief Justice Order No. 8148, may begin to hold grand jury proceedings on June 1, 2020. The presiding judge for the Judicial District will set the specific date for resumption of grand jury proceedings for each designated grand jury site after consultation with the local judicial officer(s), court staff, and prosecutor.
8. Per Chief Justice Order No. 8148, all witnesses and interpreters may appear by teleconference or videoconference. The prosecutor shall require a person participating by teleconference or videoconference to state their location, verify that their participation cannot be overheard, and to notify the grand jury immediately if any person can overhear their participation.
9. Per Chief Justice Order No. 8148, a grand jury may meet in two or more courtrooms at a single court location by videoconference or teleconference. A technician may be present while the grand jury is in session, other than during deliberations, if necessary for a videoconference presentation.
10. Per Chief Justice Order No. 8148, the prosecutor shall ensure that the grand jurors, including those in separate courtrooms connected by videoconference, and witnesses and interpreters, including those appearing by videoconference and teleconference, can all hear each other.

CRIMINAL JURY TRIALS

11. Per Chief Justice Order No. 8144, jury trials are suspended until at least July 6, 2020. The presiding judges are not now extending that suspension but may in the future. Criminal Rule 45 is addressed in Supreme Court Order No. 1957, Chief Justice Special Order No. 8144, and in the presiding judges' prior statewide COVID-19 pandemic administrative orders. When the suspension or limitation of criminal jury trial is lifted, Criminal Rule 45 will be tolled for at least an additional 30 days to permit an orderly transition and scheduling. It will be further

tolled for a reasonable time to accommodate the availability of witnesses, counsel, the court, jurors, and the access counsel have to incarcerated defendants.

CIVIL JURY TRIALS

12. All jury trials in non-criminal cases remain suspended. The presiding judges will consider ending the suspension after evaluating the resumption of criminal jury trials.

NON-JURY COURT HEARINGS/TRIALS

13. The presiding judges are not extending the suspension of any presently suspended non-jury hearings and court trials beyond May 31, 2020.

14. Eviction proceedings must continue to comply with sec. 21, ch. 10, SLA 20 and the federal CARES Act. And a judicial officer may find good cause to stay an eviction order based on the current COVID-19 pandemic public health emergency. An eviction should be so stayed if the tenant is subject to a quarantine order or is self-quarantined pursuant to an applicable public health guideline or a doctor's recommendation.

TELEPHONIC/VIDEO PARTICIPATION – CIVIL CASES

15. The public and all attorneys, parties, witnesses, and other participants in a hearing or non-jury trial in a civil case shall appear by telephone or videoconference unless the trial court grants a timely request to have one or more persons appear in person for good cause shown. A district presiding judge order may limit the use of good cause exception based on the incidence or recurrence of COVID-19 cases in a court location.

TELEPHONIC/VIDEO PARTICIPATION – CRIMINAL/DELINQUENCY CASES

16. The public, and all attorneys, parties, witnesses, and other participants in non-jury criminal hearings, and delinquency hearings, shall appear by telephone or videoconference unless the trial court grants a timely request to have one or more persons appear in person for good cause shown, except that a defendant, counsel, and witnesses may appear in person for a sentencing and for an evidentiary hearing if the defendant does not waive personal appearance. If a defendant appears in person, then persons who qualify as "victims" under Alaska statute and a reasonable number of family and/or other supporters may also attend in person.

17. The judicial officer for each therapeutic court may determine without a request from a party that the defendant, attorneys, and other participants may appear in person for therapeutic court proceedings.

18. When Defendants in criminal and juvenile delinquency proceedings appear at a proceeding by telephone or videoconference there shall be, to the greatest degree practical, a procedure by which the defendant can confer privately with their attorney. If such need to confer arises and a private conferral is not possible, the hearing shall be continued unless the defendant consents to proceeding.

SEARCH AND ARREST WARRANT APPLICATIONS

19. Search warrant and arrest warrant applications shall be made by electronically filed written affidavit to the greatest degree practicable. Applications by telephone may be accepted if necessary. The use of in-person warrant applications is discouraged, but not prohibited. Officers applying by means of an affidavit shall provide a contact telephone number in case the judicial officer reviewing the application has related questions.

PUBLIC ATTENDANCE

20. Members of the public may listen to any non-confidential court trial or other court hearing by calling the conference line for the court in which the proceeding is being held.

FILING BY EMAIL, ELECTRONIC SIGNATURE, NOTARIZATION AND ELECTRONIC SERVICE

21. Court filings by email and fax are authorized per the Chief Justice's Special Order No 8135. All filings should be made electronically to the greatest degree practical. The Clerks of Court shall publish the appropriate email address and fax telephone number in order to facilitate such filing. The Clerks of Court may establish drop box or other in person filing systems and transactional safeguards to reduce personal interaction.
22. Filings by email are limited to 30 pages in the Second, Third, and Fourth Districts. A party cannot circumvent the page limitation by sending multiple emails. The Clerk of Court for a court location may authorize a longer filing upon a timely request for good cause shown.
23. Civil Rule 5 service should be done electronically, without the necessity of the consent of a party. All parties with operational email addresses must provide their email address to the

court and to all opposing parties for purpose of service and distribution. If a party has no functioning email address then service and distribution by mail is permitted.

EFFECT

24. This order supersedes all prior statewide, district, and local pandemic presiding judge orders to the extent a prior order is inconsistent with this order. This order will remain in effect until terminated by order of the presiding judges, the Chief Justice, or the Alaska Supreme Court.

FURTURE PANDEMIC ORDERS

25. A presiding judge may issue district-wide and local orders that address unique or limited circumstances.

26. The presiding judges will be reviewing this order over time and as developments occur and will issue new orders as circumstances warrant. The presiding judges intend to issue a new order prior to July 6, 2020 which addresses at least the resumption of jury trials in criminal cases.

IT IS SO ORDERED.

Dated at Kotzebue, Alaska this 29th day of May 2020.

M. McLee for

Paul Roetman
Presiding Judge – Second Judicial District

Dated at Fairbanks, Alaska this 29th day of May 2020.

M. McLee

Michael MacDonald
Presiding Judge – Fourth Judicial District

Dated at Anchorage, Alaska this 29th day of May 2020.

M. Miller for

William Morse
Presiding Judge – Third Judicial District

Dated at Ketchikan, Alaska this 29th day of May 2020.

M. Miller for

Trevor Stephens
Presiding Judge – First Judicial District

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