**IN THE SUPREME COURT OF THE STATE OF ALASKA**

**ORDER NO. 1957**

Emergency Order re COVID-19: Relaxation and Suspension of Various Court Rules based on the COVID-19 Pandemic.

1. In December 2019 the novel coronavirus disease (COVID-19) was first detected in Wuhan, China. This new strain of the coronavirus causes a respiratory disease that can result in serious illness or death and can spread from person to person. In January 2020 the World Health Organization declared the outbreak a public health emergency of international concern. Since that time, COVID-19 has rapidly spread across the world. On March 11, 2020, the World Health Organization declared the coronavirus a global pandemic.

2. In the United States, federal Health and Human Services Secretary Alex M. Azar II declared a public health emergency in January to assist the health care community in responding to COVID-19. On March 13 President Donald J. Trump declared the novel coronavirus outbreak a national emergency. On March 15 the United States Center for Disease Control and Prevention (CDC) recommended that organizers cancel or postpone for at least eight weeks all in-person events gathering 50 or more people anywhere in the United States. As of March 16, 48 states have declared a state of emergency due to the public health emergency caused by COVID-19.

3. In Alaska, on March 11, 2020, Governor Michael J. Dunleavy issued a Declaration of Public Health Disaster Emergency under AS 26.23.020(c) for COVID-19. On that date, no COVID-19 cases had been detected in Alaska, but the Commissioner of the Alaska Department of Health and Social Services certified that it was highly probable an outbreak of COVID-19 would occur in the state in the very near future. The Declaration states that an

outbreak will impact every community in Alaska and significantly affect the life and health of Alaskans. Since the governor issued his declaration, nine cases of COVID-19 have been confirmed in Alaska as of March 18, 2020, and the state is bracing for many more cases.

4. Governor Dunleavey has issued several health mandates in an effort to slow the spread of COVID-19. On March 13 Governor Dunleavy issued a mandate closing all public schools statewide until March 30. On March 16 and 17 Governor Dunleavy issued further health mandates including: (1) closing to the public all state-operated libraries, archives, and museums from March 17 through March 31; (2) prohibiting public dine-in service at all bars, breweries, restaurants, food and beverage kiosks or trucks, and other establishments serving food and beverages in the state from March 18 at 5 p.m. until April 1 at 5 p.m.; (3) closing to the public all entertainment facilities including theaters, gyms and fitness centers, bowling alleys, and bingo halls from March 18 at 5 p.m. until April 1 at 5 p.m.; and (4) for individuals traveling into Alaska, issuing self-quarantine directives for individuals who have traveled to certain foreign countries designated by the CDC as Level 3 risk areas, and mandating social distancing for other travelers.

5. Due to the transmissibility of COVID-19 and symptoms of the respiratory disease along with the mandatory school closures, regular work and personal activities have been severely disrupted. Consequently, court operations have been and will continue to be impacted. It is critical that the court protect the rights and liberties of parties and ensure the safety of court personnel, litigants, and the public during this public health emergency.

6. **IT IS ORDERED** certain court rules are suspended or relaxed in response to COVID-19 and impacts on court business and court cases. The court rules and court policies affected are as follows:

**General Provisions**

a. **Telephone or Videoconference Appearance**. Court rules allowing participation by telephone or videoconference are relaxed. Judges should liberally allow participation by attorneys, parties, and witnesses by telephone or videoconference if feasible based on the circumstances. In a civil proceeding, a judge may allow a party to appear through the party's attorney. In a criminal proceeding, a judge may allow a party to appear through the party's attorney except for evidentiary hearings and trials. Minimizing face-to-face contact among individuals (i.e. social distancing) will reduce the chances of transmission of COVID-19.

b. **Continuances.** Judges should liberally allow continuances of hearings and trials as necessary depending on the circumstances.

c. **Extensions.** Judges should liberally allow extensions of time.

d. **Social Distancing.** Judges should be aware of social distancing between individuals in the courtroom and attempt to accommodate appropriate distances between individuals depending on the circumstances.

**Presiding Judge Authority**

e. **Filings by Email and Electronic Signatures.** The presiding judge may authorize parties to file documents by email in all case types. The presiding judge may also authorize an attorney or self-represented person to sign a document by typing "s/[name]" on the signature line.

f. **Extending Deadlines.** The presiding judge may extend the filing deadlines in pending cases.

g. **Continuing and Suspending Hearings and Trials**. The presiding judge may continue or suspend court hearings and trials, except courts must hold hearings in high priority case types including the following: isolation and quarantine cases; arraignments; domestic violence, stalking and sexual assault protective order cases; mental commitment proceedings; bail hearings; emergency restraining orders; search warrants; emergency and time-sensitive motions and hearings in child in need of aid cases; emergency and time-sensitive guardianship matters; medical permission matters; and vital records matters.

h. **Appearances.**

   i. **Civil Cases**. In civil cases, the presiding judge may issue an order requiring attorneys, parties, and witnesses to appear by telephone or videoconference. The presiding judge may also allow a party to appear through the party's attorney.

   ii. **Criminal Cases.** In criminal cases, the presiding judge may issue an order requiring attorneys, parties (including in-custody defendants), and witnesses to appear by telephone or videoconference except for evidentiary hearings and trials. The presiding judge may also allow a party to appear through the party's attorney except for evidentiary hearings or trials.

i. **Courtroom Attendance.** The presiding judge may limit courtroom attendance to attorneys, parties, and necessary witnesses. To the extent possible, social distancing should be exercised in the courtroom.

j. **Preliminary Examination – Criminal Felony Cases.** The presiding judge is authorized to extend the time periods in Criminal Rule 5(e)(4) for scheduling a preliminary examination.

k. **Jury Trials.** The presiding judge may limit or suspend jury trials in specific locations. For criminal cases, Criminal Rule 45 is tolled during the suspension. When the suspension is lifted, Criminal Rule 45 is tolled for an additional 30 days to permit an orderly transition and scheduling.

l. **Considerations for Attorneys and Other Participants.** The presiding judge may authorize adjustments or measures to protect specific attorneys, self-represented litigants, and other court participants (such as witnesses, law enforcement officers, etc.) based on the individual's circumstances. For example, an attorney with a severe underlying health condition may request a general order allowing his or her participation in all court proceedings by telephone.

m. **Courthouse Hours.** With the concurrence of the administrative director, the presiding judge for each district may modify or extend the business hours of courts within the presiding judge's district based on staffing availability.

n. **Courthouse Closure.** With the concurrence of the administrative director, the presiding judge for each district may close a courthouse within the presiding judge's district only as a last resort and must reopen the courthouse as soon as feasible. While a courthouse is closed, the presiding judge, with the concurrence of the administrative director, may order court proceedings to be postponed or held at another suitable location.

o. **Case Prioritization.** If a courthouse has reduced hours or closes, the following matters must be prioritized: quarantine or

isolation proceedings; emergency proceedings such as domestic violence, stalking, and sexual assault protective cases; criminal cases; children's cases; certain probate matters; emergency motions in all case types; and emergency appeals. High priority proceedings include: arraignments; domestic violence, stalking, and sexual assault protective hearings; mental commitment proceedings; bail hearings; emergency restraining orders; search warrants; emergency and time-sensitive motions and hearings in child in need of aid cases; emergency and time-sensitive guardianship matters; medical permission matters; and vital records matters.

p. **Due Dates and Tolling.** If a courthouse closes, court rules calculating or setting a due date, including Criminal Rule 45, are suspended and tolled for cases pending in that court location.

7. **Entry into Courthouse.** The administrative director may order signage posted at public entry points into a courthouse directing individuals to not enter the building because of public health concerns. Individuals attempting to enter a courthouse in violation of the stated conditions may be denied entrance and subject to a trespass order.

8. **Presiding Judge Orders.** The presiding judge in each district may issue a presiding judge order consistent with this order. Upon issuance, the presiding judge order must be sent by email to the clerk of the appellate courts and the administrative director.

9. **Chief Justice Authority.** The chief justice may exercise any of the powers delegated to the presiding judges as the need arises. The chief justice may also relax and suspend court rules as the need arises.

10. **Termination Date.** This order will remain in effect until terminated by order of this court.

DATED: March 19, 2020

EFFECTIVE DATE: nunc pro tunc March 13, 2020

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

Approved but not available for signature
Justice Carney