

**IN THE TRIAL COURTS FOR THE STATE OF ALASKA  
FIRST JUDICIAL DISTRICT**

**In the Matter of:**

**The Suspension of Jury Trials**

**First Judicial District.**

**PRESIDING JUDGE ADMINISTRATIVE ORDER 21-30**

Chief Justice Special Order 8333 requires the presiding judge of each district to suspend jury trials when the number of reported cases per 100,000 over the past seven days reaches 100 as reported by the Department of Health and Social Services. When the reported cases over the previous seven days is between 50 and 100, the presiding judge may allow criminal jury trials to proceed if mitigation measures can be put in place to effectively mitigate the risk of COVID-19 transmission.

As of November 15, 2021, the number of reported cases per 100,000 residents over the past seven days exceeds 100 in every court location within the First Judicial District, except Juneau and Sitka, requiring the continued suspension of criminal jury trials. The suspension will be revisited in two weeks as required by Special Order 8333, or whenever the case count over the past seven days falls below 100 in any given court location. During this suspension, the time for trial will continue to be tolled under Alaska Criminal Rule 45(d).<sup>1</sup> Parties are reminded that notwithstanding this general suspension, they may file a motion asking that a specific criminal jury trial be allowed to proceed, in accordance with Chief Justice Special

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<sup>1</sup> Supreme Court Order 1974.

Order 8259.<sup>2</sup>

As to Juneau and Sitka, given that the case counts in both communities are below the 100 case threshold,<sup>3</sup> and after considering the current conditions in each community<sup>4</sup> as well the mitigation measures the Alaska Court System has in place, criminal jury trials may resume. Trials must be conducted in accordance with Chief Justice Special Order 8259 at paragraph 6 and Special Order 8194 at paragraphs C and D, and the following additional mitigation measures:

1. All visitors entering the courthouse must undergo the COVID screening protocol identified in Chief Justice Special Order 8310;
2. All visitors to the courthouse, including jurors, must comply with Chief Justice Special Order 8310 related to social distancing and face coverings;
3. To the greatest extent possible, COVID rapid tests should be made available to courtroom participants throughout trial;
4. Only one district court and one superior court criminal trial may be held at the

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<sup>2</sup> Special Order 8259 provides that any party may make a motion to the trial court to allow a jury trial to proceed despite a suspension. Upon receiving such a motion, the trial judge submits a recommendation to the presiding judge for decision after considering the factors identified in Order 8259.


<sup>3</sup> In Juneau, the seven day case count as of November 15, 2021 is 97.6. In Sitka, it is 70.4.

<sup>4</sup> The following factors were considered: both the Juneau and Sitka courthouses have adequate ventilation (functioning MERV 13 filters installed); and both have sufficient staff on site to monitor and ensure social distancing requirements and the use of face masks and to facilitate the COVID-19 health screenings of jurors. The vaccination rates in each community were also considered. In Juneau, 79.5% of eligible residents have had at least the first dose of the vaccine, and 73.8% are fully vaccinated. 79.05% of Sitka's population is partially vaccinated, and 74.51% fully vaccinated.

same time in the Juneau courthouse.<sup>5</sup> The start of each trial shall be staggered to avoid having more than one jury selection process proceeding at any given time.

As to grand jury, the presiding judges are directed to consider suspending proceedings in any location where the court location is at a “Substantial” or “High” alert level and the cases per 100,000 over the last seven days is between 50 – 100, if required for public health or to comply with local health mandates.<sup>6</sup> In addition to considering the factors and mitigation measures as outlined above as to all three grand jury locations in the First District – Ketchikan, Juneau, and Sitka, and the fact that grand jury proceedings require a limited number of participants and the grand jurors have already been empaneled (thereby avoiding the need for jury selection as is required with a criminal jury trial), the suspension of grand jury proceedings which expired on November 12, 2021 will not be renewed.

Dated at Juneau, Alaska on November 15, 2021.

  
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Amy Mead  
Presiding Judge  
First Judicial District



Distribution: Chief Justice Daniel Winfree; Stacey Marz, Administrative Director; First District Judges; First District Magistrates; First District Clerks of Court; Lesa Robertson, Executive Administrator; James Kwon, ACA; Clayton Jones, Rural Court Training Assistant; SBA; JBA; KBA; Juneau District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; Sitka District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; Ketchikan District Attorney’s Office, Public Defender Agency, and Office of Public Advocacy; CBJ Law Department and Public Defender; Court Rules Attorney; Office of Special Prosecutions.

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<sup>5</sup> Sitka can only accommodate one trial at a time.

<sup>6</sup> Chief Justice Special Order 8234 and 8331.