

IN THE SUPREME COURT OF THE STATE OF ALASKA
SPECIAL ORDER OF THE CHIEF JUSTICE
ORDER NO. 8440

Update Regarding Visitor Health Precautions, Remote Participation, and
Jury Selection Procedures

Under the authority of Supreme Court Order No. 1957, this Special Order supersedes Special Order 8397 regarding visitor health precautions. Special Order 8397 reflected the use of the Centers for Disease Control and Prevention’s (CDC) COVID-19 Community Levels tool to determine whether masking and social distancing are required in a courthouse. On August 11, 2022, the CDC updated its guidance and no longer recommends that people social distance and stay six feet from others. The guidelines regarding masks have not changed. This order recognizes the updated CDC guidance.

IT IS ORDERED:

1. All visitors to Alaska Court System courthouses and facilities must take precautions to keep other members of the public and court staff safe.
2. There are no longer social distance requirements for courtroom configurations. The judicial district Area Court Administrator, in consultation with the Presiding Judge and local Clerk of Court, will determine a schedule to modify the physical setting in a courtroom to a non-socially distanced configuration, including furniture, plexiglass screens, social distancing decals, etc., considering available resources for this to occur in a timely fashion.
3. Masking requirements will depend on the CDC COVID-19 Community Level¹ designation for the community where the courthouse is located. If the COVID-19 Community Level is:

¹ See www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html.

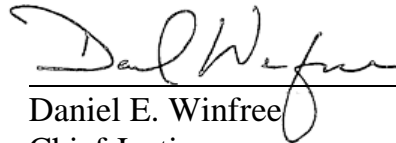
- a. “high,” all visitors must wear masks. For jury trials, if a juror is not comfortable sitting in the jury box even while masked, the judge may permit the juror to sit in another location if the courtroom size can accommodate that arrangement;
 - b. “medium” or “low,” visitors do not have to mask, but masking may be done voluntarily.
4. CDC levels are updated on Thursdays. Changes to the mask requirement will go into effect the following Monday after the CDC Community Level changes.
5. Regardless of the CDC COVID-19 Community Level, a visitor who had close contact with someone with a positive COVID-19 diagnosis must wear a mask at all times while in the courthouse until 10 days have passed since the last known instance of close contact with the person who is COVID-19 positive.²
6. The following persons are exempt from the mask requirement if the courthouse is in a “high” level community according to the CDC Community Level map tool:
 - a. Any child under two years of age;
 - b. Any individual who has a mental or physical disability that prevents the person from being able to wear or remove a face covering or mask; and
 - c. Any individual who has trouble breathing, is unable to remove a face covering or mask without assistance, or has been advised by a medical professional that wearing a face covering or mask may pose an unreasonable risk to that person.

² See <https://www.cdc.gov/coronavirus/2019-ncov/your-health/if-you-were-exposed.html>.

7. According to Special Order 8194, during courtroom proceedings in communities where masks are required, the judge may authorize removal of masks as necessary, including for purposes of witness testimony, defendant identification, or making an appropriate record, provided that other protective measures are in place such as plexiglass screens.
8. The provision in Special Order 8194 that permits the judge to authorize participants with an ongoing professional relationship to sit or confer without maintaining the usual social distancing is no longer necessary.
9. For an individual court location, the presiding judge may use relevant local data to make decisions regarding mask requirements that may be different than the CDC community level map tool.
10. Judges should continue to liberally allow remote participation in regions with high and medium CDC community levels. Judges should also continue to liberally allow remote participation by the parties for all pretrial hearings where personal appearance is not necessary. And judges should avoid requiring the parties to attend large block hearings unless the CDC community level is low.
11. Court security officers, entry screeners, or employees may exclude visitors who refuse to cooperate with this Order.
12. If there is a more restrictive municipal ordinance or local emergency order requiring masks, the court system facility in that location shall follow that ordinance or emergency order regarding visitors.
13. This order supersedes prior orders requiring court system facilities visitor health precautions and remote participation in courtroom proceedings. But the presiding judges may issue overriding orders regulating remote participation and personal attendance to address local conditions or to promote consistency.

14. Regardless of the CDC community level, Chief Justice Special Orders [8259](#) and [8194](#) are still in effect regarding jury selection procedures.³ The court shall continue to call smaller pools of jurors at staggered times. Jury assembly rooms may be used when the community level is medium or low.

DATED: August 17, 2022



Daniel E. Winfree
Chief Justice

Distribution:

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Area Court Administrators
Administrative Director
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³ Special Order 8259, section 6 references *Alaska Court System Conducting Criminal and Civil Jury Trials, and Grand Jury During the COVID-19 Pandemic*; see jury related sections in <https://courts.alaska.gov/covid19/docs/conducting-trials-gj-pandemic.pdf>.