

**IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE**

In the Matter of:)
)
Setting Dates for)
Certain Suspended Hearings and)
Opening of Several Hearings)
_____)

DPJ ORDER # 5

**ORDER SETTING DATES FOR SUSPENDED ANCHORAGE DISTRICT
COURT HEARINGS AND FOR THE OPENING OF SEVERAL HEARINGS**

In response to the public health emergency caused by the coronavirus pandemic, the Alaska Supreme Court ORDER #1957, The Chief Justice’s Special ORDER #8131 (Amended), the Amended Second Updated Presiding Judges’ Statewide Administrative Order Governing Relaxation and Suspension of Various Court Rules Based on the COVID-19 Pandemic signed on April 27, 2020 and nunc pro tunc to April 24 2020, and the Special Order of the Chief Justice Order No. 8144, various court rules have been relaxed or suspended meaning certain hearings have been continued and some moved multiple times. The purpose of this DPJ Order #5 is to provide the parties with new dates for the specific block hearings listed herein that have been continued and for those hearings that are being reopened. These dates may again be moved depending on the evolution of the COVID-19 pandemic.

Accordingly, IT IS HEREBY ORDERED:

I. **CRIMINAL TRIAL CALLS¹**

¹Jury trials remain suspended “until at least July 6” and Criminal Rule 45 remains tolled. See Special Order of the Chief Justice Order No. 8144¶ 2.

1. All State and Municipal trial calls previously moved to June 3, 2020 are now further continued to July 8, 2020.
2. All State and Municipal trial calls previously moved to June 10, 2020 are now further continued to July 15, 2020.
3. All State and Municipal trial calls previously moved to June 17, 2020 are now continued to July 22, 2020.
4. All State and Municipal trial calls previously moved to June 24, 2020 are now continued to July 29, 2020.

II. MUNICIPAL CRIMINAL PRETRIAL CONFERENCES²

5. Municipal pretrial conferences previously moved to June 1, 2020 are now continued to July 6, 2020.
6. Municipal pretrial conferences previously moved to June 8, 2020 are now continued to July 13, 2020.
7. Municipal pretrial conferences previously moved to June 15, 2020, are now continued to July 20, 2020.
8. Municipal pretrial conferences previously moved to June 22, 2020, are now continued to July 27, 2020.
9. Municipal pretrial conferences previously moved to June 29, 2020, are now continued to August 3, 2020.

III. STATE PRETRIAL CONFERENCES

Beginning June 1, 2020, State Pretrial Conferences will go forward as scheduled in DPJ Order #4. They will be telephonic hearings. The procedures at the hearings will be as follows:

- a. As much as possible the assigned district attorney and defense attorney should participate in the hearing. If this is not possible, the attorney

² Id., See Amended Second Updated Presiding Judges' Statewide Administrative Order Governing Relaxation and Suspension of Various Court Rules Based on the Covid-19 Pandemic p. 6, ¶15.1. In addition, due to the extreme number of outstanding MOA pretrial conferences, the District Court is holding "mini-pretrial hearings" for Denali Law Group clients and conflict attorney Mr. Michalski's clients who have maintained good contact with their attorneys. These "mini-pretrial hearings" are being expanded to include private counsel's and MOA second tier conflict cases beginning on June 11, 2020. The intent of these "mini-pretrial hearings" is to reduce the backlog of pre-trial hearings once jury trials are able to be resumed.

covering the hearing must have detailed notes regarding discovery issues and motions.

- b. Defendants in custody will not be transported to court nor will they be telephonic unless requested by their attorney 48 hours before the hearing and they may only be transported if safe accommodations are in place. If in-custody defendants wish to appear telephonically for their pre-trial conference hearing, please be advised that there will be no opportunity to speak confidentially with the defendants at the hearing.
- c. Out-of-custody defendants do not need to call in for the hearing as long as there has been recent contact with defense counsel. If an alleged victim wants to participate in the hearing the State is to inform the court and accommodations to the extent possible will be made.
- d. All pre-trial conferences held in June will at least be continued for a next hearing to July through August 6, 2020, (i.e., no week to week continuances) with Rule 45 tolled pursuant to the Supreme Court's April 24, 2020 Administrative Order. The parties may continue to a date past August 6, 2020 with a Rule 45 waiver.

III. FORCIBLE ENTRY AND DETAINERS³

Telephonic eviction hearings will go forward as scheduled in DPJ Order #4. Plaintiffs must comply with both the federal CARES act and the state moratorium regarding evictions. Information may be found at the courts website.

IV. SPECIAL CALENDAR/MOTION CALL/REP HEARINGS⁴

Telephonic Special Calendar/Motion Call and Representation Hearings will go forward as scheduled in DPJ Order #4. Accordingly, beginning June 8, 2020, we may now calendar evidentiary hearings with parties and defendant(s) coming to court if necessary. Telephonic participation is preferred. If the parties elect to have an in person evidentiary hearing, all parties and defendant(s) must wear a mask and practice social

³ Id., See also p. 11, ¶¶ 29 & 30.

⁴ See p. 6, ¶15.1

distancing at all times while in the courthouse and courtroom. If the parties anticipate an in person evidentiary hearing or additional individuals wanting to participate in these hearings, they must notify chambers within 48 hours of the hearing indicating how many people they anticipate wanting to attend the hearings so that accommodations may be made. Any additional individuals must also wear a mask and practice social distancing at all times.

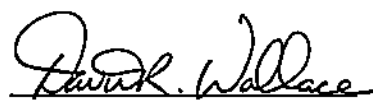
V. MISDEMEANOR DISPOSITION HEARINGS

Friday morning disposition hearings will go forward as scheduled in DPJ Order #4. All hearings are telephonic unless the defendant has specifically been informed by their attorney or ASAP to be physically present. If a defendant does appear in person as instructed they must wear a mask and practice social distancing at all times while in the courthouse and courtroom.

VI. OTHER MATTERS

10. Any case that has already been continued by the parties beyond these dates will remain as set.
11. Time is tolled pursuant to Criminal Rule 45(d)(7).
12. Civil trials, pre-trial conferences and all other civil matters are being scheduled according to the individual calendars of the assigned judge.
13. This Order and the suspensions/continuances will be revisited no later than June 30, 2020 as the evolution of Covid-19 is evaluated.

Dated this 28th day of May 2020, at Anchorage, Alaska.


DAVID R. WALLACE
Deputy Presiding Judge
Anchorage District Court

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