

IN THE TRIAL COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

IN THE MATTER OF:

Fairbanks Jury Restrictions Through
October 3, 2021

Presiding Judge's Administrative Order
21- 17

PRESIDING JUDGE'S ORDER RESTRICTING FAIRBANKS JURY TRIALS

As of the date of this order, the Alaska DHSS case rates for the Fairbanks Region are as follows. The average daily case rate for the last 14 days per 100,000 residents is 38.5. The total number of cases over the last 7 days per 100,000 residents of the census area is 307.7.

The most recent hospital survey conducted by DHSS indicates 507 inpatient beds available across the state with 26 ICU beds available. Interior hospitals show 26 inpatient beds and 5 ICU beds available. Hospital staffing is extremely limited. The 7-day test positivity rate for the Fairbanks North Star Borough is at 10.2% with 3,547 tests given in the last week. The vaccination rate for Fairbanks is at 50.2% of residents with at least one dose of the vaccine. Statewide 12 deaths were reported in Alaska for the month of August 2021 with 3 deaths reported in the 14 days preceding this order.

Presiding Judge's Order 21-15 establishes a procedure and analysis for restricting or suspending jury trials in the Fourth District. In accordance with that order the follow findings apply:

1. Findings Related Mitigating Conditions:

- a. The Fairbanks courthouse has sophisticated high capacity ventilation, including a filtration system specifically installed to address COVID-19 transmission risk.
- b. Courtrooms and public spaces at the Fairbanks Courthouse are arranged to ensure social distancing and adequate staff are available to enforce social distancing in the courthouse.
- c. Screening for symptoms and recent exposure is available.
- d. The Fairbanks courthouse is one of the largest courthouses in Alaska. It has a number of courtrooms that are very large, and has large jury

deliberation rooms that can accommodate socially distanced jury deliberations.

- e. The public spaces in the Fairbanks courthouse are large and can accommodate socially distanced movement throughout the building.
- f. The jury assembly area at the Fairbanks courthouse can accommodate socially distanced jury selection.
- g. Jury selection procedures have been designed for the Fairbanks jury selection process specifically designed to control the number of jurors present and coming through the building at any one time.
- h. Courtrooms at the Fairbanks courthouse have been set up with plexiglass, signage, counsel tables, and procedures to ensure social distancing and minimal movement throughout the trial day.
- i. PJ Order 21-10 has established minimum procedures for in-person hearings including jury trials. Judges and staff have been operating under the procedures and restrictions in that order for many months.

2. Findings Related to Necessity for Further Restrictions

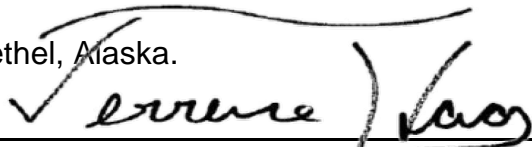
- a. The current rate of spread for COVID-19 in the Fairbanks area is high and the hospital capacity is limited.
- b. Fairbanks judges and staff have significant experience handling socially distanced hearings.
- c. Space in the Fairbanks courthouse is ideal for social distancing and facility has excellent ventilation and courtrooms and deliberation rooms are set up for socially distanced trials.
- d. Masking requirements are in place and enforceable.
- e. YOUTUBE broadcast is available to make trials public without increased visitor traffic.
- f. Courtrooms are following COVID requirements, including plexiglass and socially distanced seating, masking requirements, limited jury selection, and judicial oversight of courtroom compliance with COVID procedures.
- g. Because Fairbanks has an excellent facility and conscientious judicial officers and court staff, jury trials can be conducted with an acceptable level of risk despite elevated COVID-19 numbers with some additional restrictions to ensure adequate social distancing.

ORDER RESTRICTING FAIRBANKS TO ONE DISTRICT COURT AND ONE SUPERIOR COURT JURY TRIAL AT A TIME

1. The Fairbanks courthouse shall be limited to one jury trial in the Superior Court and one jury trial in the District Court at any one time.
2. Superior Court trials shall be conducted in the largest available Superior Court courtroom and deliberations shall be conducted in the largest available deliberation room. The Fairbanks administrative judge shall designate the courtroom and jury deliberation room for Superior Court trials.
3. District Court trials shall be conducted in any of the District Court courtrooms.
4. The Fairbanks administrative judge shall issue a trial order setting the priority of trials and each judge with cases set for trial shall schedule hearings as appropriate to bring cases to trial in an orderly fashion.
5. These restrictions shall remain in place through October 3, 2021.

It is So ORDERED.

Dated this 31st Day of August, 2021 at Bethel, Alaska.



Terrence Haas
Presiding Judge

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