

IN THE TRIAL COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

In the Matter of:

Remote and In-Person Presumptive Hearing
Formats

First Judicial District

PRESIDING JUDGE ADMINISTRATIVE ORDER 23-02

During the height of the Covid-19 pandemic, the Alaska Court System implemented a number of changes to court operations designed to protect public health and comply with statewide and local health mandates. Some of these changes were, in many respects, quite successful. Once the pandemic became more manageable and the court system began its return to pre-pandemic practices, the Supreme Court considered whether to implement some of these changes permanently. One of the pandemic-related changes the Supreme Court considered continuing was the use of the remote hearing format.

With the goal of “balanc[ing] the needs of the parties, the demands of effective administration of justice, and the efficiencies and advantages of remote proceedings,” the Supreme Court issued [Order No. 2012](#) (SCO 2012). [SCO 2012](#) designates the presumptive format – either in-person or remote – for all hearing types except a small category of criminal proceedings that the Court believed were better addressed on a district-wide level given the varying circumstances and needs existing across the state. The criminal hearing types [SCO 2012](#) directs the presiding judges of each district to address in a local order are: pretrial conferences; trial/calendar calls; pre-indictment hearings; discovery hearings; and omnibus hearings.

IT IS ORDERED:

1. This order addresses the following hearing types routinely held in criminal cases in the First District:

- a. Discovery hearings are referred to as readiness hearings in the First District. The purpose of the readiness hearing is to determine whether discovery is complete, whether either side anticipates filing motions, and if negotiations fail to resolve the case, when the parties anticipate the case will be ready to proceed to trial.

Because the duties of the trial court identified in [Criminal Rule 16\(f\)](#) are met at the readiness hearing and pretrial conference,¹ this order does not address omnibus hearings as a separate hearing type.

- b. Cases ready to get into the trial queue move from readiness hearings to a pretrial conference. At this hearing, witness availability is verified and the court gathers necessary case management information, such as the expected length of trial. If more than one case has called ready for trial, the court will set the order of trials at or shortly after this hearing.
- c. Trial calls are held closer to the start of trial and are primarily held in felony cases. At this hearing, jury selection, including for cause challenges if possible, and other trial-related issues are addressed.

2. The following presumptive hearing formats² are adopted in the First District:

	In-Custody Defendants	Out-of-Custody Defendants
Readiness Hearings	Remote	In-Person
Pretrial Conference	Remote	In-Person
Trial Call	In-Person	In-Person

¹ With respect to motions, the standard practice in the First District is to set necessary evidentiary hearings as the need arises. Generally, decisions are either issued in writing or on the record at a specific hearing set for that purpose, at the trial call, or on the morning of trial prior to the start of jury selection. See [Criminal Rule 16\(f\)\(2\)\(B\)](#) and [\(C\)](#).

² As defined in [SCO 2012](#), “presumptively remote” means the proceeding will be conducted by audio or video unless an alternative format is ordered by the trial court judge. “Presumptively in-person” means the hearing will be conducted in the courtroom, or another designated site, and attended in-person by all parties who can reasonably do so.

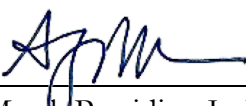
3. As ordered in [SCO 2012](#), the presumptive format may be changed on a case-by-case basis at the request of a party or at the judge's discretion. If an application to change the presumptive format is made, the trial court judge must consider the parties' positions and any potential prejudice to any non-moving parties.

4. In any particular case, the trial court judge may order that the defendant be transported to court for court proceedings if the trial judge finds that the defendant's rights would be prejudiced by appearing remotely.

5. Judges must remain mindful to comply with the notice requirements of any statewide transportation orders when arranging for transportation of in-custody defendants.

6. For hearing types not identified in the table above, the presumptive hearing formats identified in [SCO 2012](#) apply.³

DATED at Juneau, Alaska on November 14, 2023.



Amy Mead, Presiding Judge
First Judicial District

Distribution: Chief Justice Peter Maassen; Stacey Marz, Administrative Director; Lesa Robertson, Executive Administrative Assistant; First District Judges; First District Magistrates; First District Clerks of Court; Clayton Jones, First District Area Court Administrator; Sheri Ridgeway, First District Rural Court Administrator; First District Bar Associations; Court Rules Attorney Stacy Steinberg; Court Forms Attorney: forms@akcourts.gov

³ See also [Criminal Rules 38](#), [38.1](#), and [38.2](#).