

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

**In the Matter of:**

**The Suspension of Jury Trials**

**First Judicial District.**

**(Amended<sup>1</sup>) PRESIDING JUDGE ADMINISTRATIVE ORDER 21-31**

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 29, 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 Sitka, requiring the suspension of jury trials except as provided below. The suspension will be revisited in two weeks – on December 13, 2021 – as required by Special Order 8333, or sooner if 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>2</sup> Parties are reminded that notwithstanding this general suspension, they may file a motion

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<sup>1</sup> Amended to correct a typographical error.

<sup>2</sup> Supreme Court Order 1974.

asking that a specific criminal jury trial be allowed to proceed, in accordance with Chief Justice Special Order 8259.<sup>3</sup> Given that Juneau's case rate over the past seven days is close to the 100 case count threshold as of November 29, 2021 (188.8, which is down from 226.6 as reported on November 24, 2021) and other relevant considerations,<sup>4</sup> and the fact that trials are set to begin on December 6, 13, and 20, 2021, it is highly likely that motions to proceed to trial will be granted.

The number of reported cases per 100,000 over the past seven days in Sitka is currently 93.9. After considering the current conditions in that community,<sup>5</sup> as well as 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

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<sup>3</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>4</sup> The Dimond Courthouse has adequate ventilation (functioning MERV 13 filters installed); and 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. 81.1% of the eligible Juneau population has received at least one dose of the COVID-19 vaccination and 74.4% of the eligible population is fully vaccinated. There are no COVID-19 patients currently hospitalized at Bartlett Regional Hospital.

<sup>5</sup> Similar to Juneau, the Sitka courthouse has adequate ventilation (functioning MERV 13 filters installed) and 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. 79.87% of Sitka's population is partially vaccinated and 74.65% fully vaccinated.

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. Jury selection must be conducted to minimize, to the greatest extent possible, the number of jurors needed in the courthouse at any given time.

Dated at Juneau, Alaska on November 29, 2021.



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.