

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

IN THE MATTER OF:

Suspension of Bethel Jury Trials  
Through 9/12/2021

Presiding Judge's Administrative Order  
21- 16

**PRESIDING JUDGE'S ORDER SUSPENDING BETHEL JURY TRIALS**

As of the date of this order, the Alaska DHSS case rates for the Bethel Census Area are as follows. The average daily case rate for the last 14 days per 100,000 residents of the census area is 113.9. The total number of cases over the last 7 days per 100,000 residents of the census area is 940.2.

The most recent hospital survey conducted by DHSS indicates 507 inpatient beds available across the state with 26 ICU beds available. The local hospital does not provide an ICU unit. The 7-day test positivity rate is at 8% with 1,369 tests given in the last week. The local hospital COVID numbers available at <https://www.ykhc.org/covid-19/covid-news/> show 224 (or around 1.3% of the region's population) with current active cases and a steady or slightly dropping case rate that will likely be reflected in the numbers over the coming two weeks. The first jury trials scheduled as of the date of this order would begin September 7, 2021.

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 Bethel Courthouse has adequate and functioning ventilation, including a HEPA filtration system specifically installed to mitigate COVID transmission risk.
- b. Jurors in the Bethel Courthouse have generally been mask compliant. Adequate staffing exists to ensure compliance in and outside the courtroom.<sup>1</sup>

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<sup>1</sup> Counsel at some recent hearings have indicated that compliance in public areas has been spotty recently. The presiding judge will ensure that better compliance is enforced at Bethel going forward.

- c. Courtrooms and public spaces are arranged to ensure social distancing and adequate staff are available to enforce social distancing in the courthouse.
- d. Screening for symptoms and recent exposure is available.
- e. Vaccination rates are relatively high in the Y-K Delta and Bethel regions, with some villages much lower.

2. Findings Related to Necessity for Further Restrictions

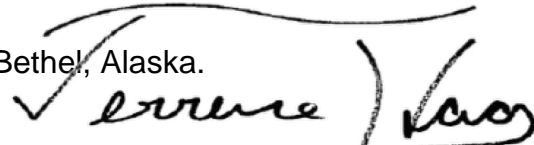
- a. Presiding Judge's Order 21-13 restricted Bethel to one jury trial at a time through September 15, 2021. Presiding Judge's Order 21-10 sets minimum standards for in-person hearings, including jury trials.
- b. Bethel judges and staff have significant experience handling socially distanced trials.
- c. There are credible reports in the previous few weeks that jurors and lawyers have been violating social distancing and masking rules in the hallways in the Bethel Courthouse, though not in courtrooms.
- d. Space in the Bethel Courthouse is very limited and may require the use of an elevator for one courtroom and limited hallway space.
- e. The probability of a COVID positive juror be randomly selected for jury service is high given the current numbers.
- f. ICU Hospital beds statewide are very limited. The YK Delta does not have ICU beds and must transport all critical patients to other communities.
- g. YOUTUBE broadcast is available to make trials public.
- h. 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.
- i. Bethel staffing is currently lower than usual due to staff vacancies and current leave making supervision of jurors in public spaces more difficult.
- j. Current numbers put the COVID rate at Bethel well over twice the limit for presumptive suspension per PJ Order 21-16.

## ORDER SUSPENDING TRIAL

- a. Per the requirements laid out in paragraph C 1 of the PJ Order 21-16 and based on the current COVID 19 transmission rates, the court finds that there are no less-restrictive alternatives or more narrowly tailored set of restrictions that will permit jury trials to proceed at an acceptable level of risk.
- b. Jury trials for the Bethel Service Area shall be SUSPENDED through September 12, 2021. Jurors may be called for jury service no sooner than September 13, 2021.
- c. Judges with trials currently scheduled during the period of suspension shall hold a trial call on or before the day and time currently scheduled for trial and reschedule all cases for the earliest possible date after the suspension has lifted.

**It is So ORDERED.**

Dated this 31<sup>st</sup> Day of August, 2021 at Bethel, Alaska.

  
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Terrence Haas  
Presiding Judge

Distributed via email:  
Chief Justice  
Administrative Director's Office  
4<sup>th</sup> District Area Court Administrator's Office  
Bethel Clerk of Court  
Bethel DAO  
Bethel PDA  
Bethel OPA