

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT

In Re:

**Felony Criminal
Trial Management**

PRESIDING JUDGE'S STANDING
ORDER 23-08

WHEREAS the organization and management of cases set for trial in the several trial courts across the Fourth Judicial District is of vital importance to the effective and fair administration of justice, the following order is necessary to ensure a reasonable degree of uniformity while preserving individual judicial trial management.

This order is intended to provide the parties in all felony cases in the Fourth Judicial District with meaningful advance notice of the order in which cases are to be tried and reasonable certainty as to trial dates. Moreover, this order is intended to improve the time to disposition in all felony matters in the Fourth Judicial District by effectively stacking cases for trial, ensuring certainty of trial dates, and providing parties and lawyers with meaningful guidance as to which cases to focus on for trial preparation or settlement.

All courts in the Fourth Judicial District shall implement the following minimum procedures for the management of felony trials:

A. Judicial Assignment, Arraignment, and Preliminary Examination

1. Felony complaints filed in the District Court shall be given a date for preliminary examination at the arraignment in the District Court.
2. Preliminary hearings shall be scheduled in the District Court per Criminal Rule 5(e). Any continuance granted under Criminal Rule 5(e)(4) by consent of the defendant shall only be "upon a showing of good cause." The judge shall make a good cause finding on record. Upon granting a continuance of the preliminary examination, the court shall conduct an inquiry as to the status of discovery, negotiations, motions practice, and other issues affecting the "prompt disposition" of the matter.

3. Upon arraignment in the Superior Court a Superior Court judicial officer shall be assigned and counsel representing the defendant shall confirm on the record the name of the individual assigned attorney. All indigent defendants represented by an agency shall be provided the name of a specific individual assigned attorney and contact information for that attorney on record at the arraignment.
4. Within five days of the superior court arraignment grand jury audio shall be electronically distributed to counsel of record without further request.
5. At or before the Superior Court arraignment the clerk shall distribute a single notice providing notice of the assigned judicial officer, the date of the next hearing, the date set for trial, and the distribution of grand jury audio. This order shall be incorporated by reference.
6. Any waiver of indictment shall be conducted orally on record and recorded in a manner sufficient to memorialize a knowing and voluntary waiver of the right. No written acknowledgement shall be required.

B. Scheduling of Felony Trial Weeks

1. Scheduling and trying of felony matters shall be given preference over all other non-emergency matters per Criminal Rule 45(a).
2. Each Superior Court shall have at least two designated felony trial weeks in each trial cycle.
3. All felony matters which no longer require resolution of issues at an Omnibus Hearing per Criminal Rule 16(f)¹ should be placed on the standing trial call for the next available trial cycle.
4. Continuances at the Omnibus stage will be granted for good cause only. Alaska R. Crim. P. 12(h). Each judicial officer shall make a finding of good cause on record for each continuance. Any party's policy concerning negotiations for cases left on for trial beyond the Omnibus stage will not generally constitute good cause by itself.²

¹ Omnibus issues include the following: Completeness of discovery 16(f)(2)(A); Ruling on motions 16(f)(2)(B); Scheduling of Evidentiary Hearings 16(f)(2)(C); and Gathering case management information such as scheduling and trial length 16(f)(2)(D).

² "Good cause" must be based on the particular facts and circumstances of a given case and not any blanket policy imposed by any party as to either case management or negotiation.

5. Cases announced ready for trial in each court shall be placed on a clearly ordered and “stacked” list of trials for that court.
6. Absent extraordinary circumstances, any request for a “date certain” trial shall be treated as a request to be put first on a given month’s stacked order of trials with other cases ready for trial trailing.
7. To the greatest degree practicable, cases placed by the court as first on the order of trials for a “date certain” shall be tried first.³

C. **Standing Trial Call and Order of Trials**⁴

1. Each Superior Court shall implement a standing trial call no less than **two weeks** in advance of the first day of trials for each trial cycle. All additional trial call or status dates shall be scheduled at the court’s discretion.
2. The prosecuting authority shall provide a proposed order of trials no later than 48 hours in advance of the standing trial call clearly indicating the order in which the state would prefer those cases to be tried.
3. All objections to the proposed trial order shall be made orally or in writing before the conclusion of the standing trial call.
4. Continuances at the trial call stage will be granted for good cause only. Alaska R. Crim. P. 12(h). Each judicial officer shall make a finding of good cause on record for each continuance. Any party’s policy concerning negotiations for cases left on for trial beyond the standing trial call will not generally constitute good cause by itself.⁵
5. After considering all objections and any relevant factors including custody status per Criminal Rule 45(a), the court shall set the final order of trials at the conclusion of the standing trial call.

³ Lawyers traveling to the trial site from other locations may express anxiety about the possibility of being called to trial unexpectedly. This trial order provides for either a “date certain” or reasonable notice to travel for trial.

⁴ “Standing trial call” refers to a hearing consistently scheduled and held in advance of the scheduled trial weeks at which the court sets the order of stacked trials for that cycle. All subsequent trial calls are at the discretion of the court. Cases continued for good cause should generally move to the next scheduled standing trial call.

⁵ See footnote 2, *supra*.

6. All cases not resolved at the end of the trial call shall be scheduled for the next scheduled standing trial call regardless of any other dates set.

D. **Conducting Trials**

1. Unless otherwise ordered, cases shall be tried 5 days a week Monday through Friday (excluding holidays) until all cases have been tried.⁶
2. Unless otherwise ordered, any case trailing a case that concludes evidence with four or more scheduled trial days remaining shall proceed to trial the next day.
3. All cases not tried during that month's trial cycle shall be automatically advanced to the next standing trial call.

E. **Notice and Timing for Trailing Cases**


1. Counsel for the defendant and the prosecution in each case (hereinafter referred to collectively as "counsel") shall determine which counsel are assigned to the next scheduled case (hereinafter referred to collectively as "trailing counsel").
2. Upon the court issuing the trial order, counsel shall notify trailing counsel by email as soon as reasonably practicable if their case is to be set for a change of plea, if any counsel intends to request a continuance, or if the prosecution intends to dismiss the case.
3. Trailing counsel who receives notice that a prior case has folded or intends to fold within 24 hours or less of the time for trial shall be given an additional day to start trial. Trailing counsel provided with more than 24 hours of notice shall, absent good cause to delay, proceed to trial on the next scheduled day.

⁶ The court is generally closed on Friday afternoons and judges shall exercise sound discretion in determining whether trials can proceed into Friday afternoons considering the likelihood that trial will conclude, the availability of staff, and the needs of the jury. Lawyers and parties should plan to be available on Friday afternoons as necessary.

Each judicial officer shall, within the bounds of this order, continue to be primarily responsible for the fair and efficient administration of trials in their individual courtrooms. This order shall be effective immediately.

IT IS SO ORDERED.

Dated November 3, 2023.



TERRENCE HAAS
PRESIDING JUDGE – FOURTH JUDICIAL DISTRICT

Distributed via email:
Chief Justice
Administrative Director
4th District Everyone
Fairbanks and Bethel DAO
PDA – OPA