

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 97

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

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| All Justices | Senior Staff |
| All Judges | Central Services |
| Area Court Administrators | Judicial Services |
| Clerk of the Appellate Courts | APD Warrants |
| Rural Court Assistants | |
| All Clerks of Court | |
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SUBJECT: Expressive Activity on Court Grounds

The purpose and intent of this Administrative Bulletin is:

- to ensure the safe and orderly use of court facilities;
- to minimize activities that unreasonably disrupt, interrupt, or interfere with the orderly and peaceable conduct of court business as a neutral forum, free from actual or perceived partiality or prejudice;
- to provide for the fair and orderly conduct of hearings and trials;
- to promote the free flow of pedestrian and vehicular traffic on sidewalks and streets around court facilities;
- to facilitate safe, peaceful, and orderly public access to courthouses unhindered by threats, confrontation, interference, noise pollution, or harassment that may be directed at court users including but not limited to those court users seeking to enter or leave court facilities; and
- to maintain proper judicial decorum.

The Bulletin regulates conduct and activities occurring in and around court facilities without regard to the content of any particular message, idea, or form of speech.¹

¹ Administrative Bulletin No. 26 already states, “use by political groups and advocacy groups will not be allowed... Usage of outdoor plaza space by non-court system entities is prohibited.” This bulletin does not replace Administrative Bulletin No. 26, but instead expands on the meaning of those prohibitions.

Pursuant to AS 22.05.025 the Alaska Supreme Court has authority over all matters relating to the maintenance, occupancy, and operation of all court facilities.²

The inside of a courthouse, including the lobby, hallways, and courtrooms, is a nonpublic forum.³ Similarly, the walkways leading to the courthouse and the areas near the courthouse doors are also nonpublic forums. “[T]he presence of protesters, demonstrators, solicitors, or proselytizers on Courthouse walkways and near Courthouse doors poses obvious impediments to access.”⁴ The grounds adjacent to the court are also a nonpublic forum.⁵

I. Demonstrations, Distributions, Solicitation, and Other Expressive Activity

A. The following definitions apply to this Bulletin.

1. “Prohibited Activity” means any activity that disrupts, interrupts, or interferes with the orderly and peaceable conduct of court business, including demonstrating, picketing, parading, proselytizing or preaching, distributing literature or other materials to the general public, soliciting sales, donations, registration, or membership, engaging in commercial activity unless otherwise authorized by the Court, or engaging in oral or demonstrative protest, education, or counseling. “Prohibited Activity” shall also mean displaying a flag, banner, or other item designed or adapted to bring public notice to a party, organization, point of view, or movement.
2. “Walkway” shall mean (a) the area of any corridor or sidewalk, or other paths of pedestrian movement, directly from the edge of the public sidewalk nearest an entrance to any court building; and (b) the area of any corridor or sidewalk leading directly from any parking lot within a curtilage to an entrance to any court building.
3. “Courtroom” includes any space designated for judicial proceedings, whether permanently or temporarily.

² “Court facilities” refers to a state facility in which 75 percent or more of the net usable space is occupied by the court system and other justice-related agencies.

³ *Berner v. Delahanty*, 129 F.3d 20, 26 (1st Cir. 1997); *Huminski v. Corsones*, 396 F.3d 53, 90-91 (2d Cir. 2004); *Jacobsen v. Bonine*, 123 F.3d 1272, 1273 (9th Cir. 1997).

⁴ *Comfort v. MacLaughlin*, 473 F. Supp. 2d 1026, 1028-1029 (C.D. Cal. 2006); see also *United States v. Kokinda*, 497 U.S. 720, 727-728 (1990).

⁵ *Hodge v. Talkin*, 799 F.3d 1145 (D.C. Cir. 2015).

4. "Courthouse" shall mean any building containing at least one courtroom or is the location where court staff perform court functions such as accepting filed documents and/or provide customer service.
5. "Court Property" shall mean the real property at the site of a courthouse that is the subject of a transfer, deferred transfer agreement, or lease agreement between the Alaska Court System and the property owner. It includes real property at the site of a courthouse that is owned by the state or a lessor.
6. "Curtilage" shall mean the area between any courthouse or court property and the nearest edge of the public walkway surrounding the building. It includes the grounds and lawns of the courthouses and begins at the physical and symbolic entryways and walkways into the courthouse.

B. Prohibitions.

1. No person shall engage in any prohibited activity in a courthouse, in a court facility, or within the curtilage of a courthouse.
2. No person shall obstruct, harass, impede or interfere with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.
3. No person shall use amplification equipment to engage in prohibited activity in a manner that interferes with the orderly administration of justice or harasses or interferes with persons inside a courthouse, with persons entering or leaving a courthouse, or with persons waiting in line to enter a courthouse.
4. No person shall publish, post, or distribute any written material on court property other than written material relating to official court business published, posted, or distributed by authorized court personnel.
5. No person shall interfere with persons performing jury service, including asking them if they are a juror, photographing or videotaping the individual, attempting to provide them with literature or information to influence their perspective as a juror.

6. No person shall interfere with witnesses testifying in a court case, including asking them if they are a witness, photographing or videotaping the individual, attempting to provide them with literature or information to influence their perspective as a witness.

C. Exclusions.

1. This Bulletin shall not apply to authorized court personnel or law enforcement officers in the performance of their official duties.
2. This Bulletin shall not apply to the following:
 - a. Media and other requests to photograph, record, film, or tape courtroom proceedings which are governed by Administrative Rule 50 of the Alaska Court Rules of Court;
 - b. Court-sponsored or co-sponsored activities or events relating to the administration of justice; or
 - c. Permitted uses by judicial officers or court employees under Administrative Bulletin 26, Use of Court Facilities.

II. Compliance with Law Enforcement.

While on or in the premises of any Courthouse or court facilities, all persons are to comply with the lawful requests, directions, and orders of any law enforcement officers in the performance of their duties.

III. Posting and Service of Bulletin.

This Bulletin shall be available to any person. The Judicial Services Officers are directed to serve a copy of this Bulletin personally on any person who appears to be in violation thereof, or to advise such person of the apparent violation, and, if the apparent violation continues after such notice, to take appropriate action. This Bulletin shall not preclude any law enforcement officer from taking appropriate steps to ensure the orderly and peaceable conduct of court business at a courthouse or other court facility.

IV. Sanctions.

Violators shall first be given actual notice that this Administrative Bulletin has been violated and provided with a reasonable opportunity to comply. Repeated knowing violations may result in a citation for trespass or arrest for violation of the law as appropriate.⁶

Dated: July 21, 2022

/s/
Stacey Marz
Administrative Director

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⁶ The Alaska Supreme Court decision in *Turney v. State* states, "We agree with the State's argument that Alaska's criminal trespass statutes do reach a trespass on public property during hours the property is open to the public. The statutes do not distinguish between private and public property." *Turney v. State* 922 P.2d 283 (Alaska App. 1996).