

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 2007**  
**(SECOND AMENDMENT)<sup>1</sup>**

Order regarding COVID-19 orders

On March 11, 2020, Governor Michael J. Dunleavy issued a Declaration of Public Health Disaster Emergency under AS 26.23.020(c) for COVID-19 and several subsequent health mandates in an effort to slow the spread of the disease. Effective March 13, 2020, the Supreme Court issued Supreme Court Order No. 1957 that suspended or relaxed court rules to facilitate court operations and also authorized the chief justice and the presiding judges to issue orders to address a multitude of issues such as to facilitate remote methods to file, make payments, appear in and observe court, as well as suspending deadlines and providing visitor entry requirements. Between March 2020 and August 2022, the Alaska Supreme Court, the Chief Justice, and the presiding judges of Alaska's four judicial districts issued a series of special orders to respond to the emerging issues from the pandemic and to protect the rights and liberties of parties and ensure the safety of court personnel, litigants, and the public during the public health emergency.

COVID-19 still exists but it has become a manageable part of life in Alaska with high immunity rates due to vaccination or infection, and knowledge about how to avoid spreading the virus. While the time has come to rescind most COVID-19 related special orders, it is also time to take stock of the many changes that impacted Alaska Court System operations and court case procedures. Acknowledging that the pandemic was incredibly disruptive and destructive in Alaska, some changes that

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<sup>1</sup> SCO 2007 adds a new section at the end of Paragraph 3 (Criminal Case Backlog and Criminal Rule 45) encouraging judicial officers to set multiple cases for trial for the same time period in trailing status.

occurred to court operations and procedures improved access to justice for Alaskans and should remain in effect as discussed below.

**IT IS ORDERED:**

1. All supreme court, chief justice, and court of appeals COVID-19 related special orders are terminated, including:

Supreme Court and Court of Appeals Orders

- [Supreme Court Order No. 1974](#) dated July 21, 2021  
Resetting, Extending, and Tolling Criminal Rule 45 to permit an orderly transition and scheduling of criminal trials. SCO 1974 is terminated except for the provisions reserved by Section 4, below.
- [Supreme Court Order No. 1958](#) dated April 7, 2020  
Temporary suspension of Alaska Bar Rule 3(1), (3), and (6), concerning July 2020 bar examination date and deadlines.
- [Administrative Order](#) dated March 27, 2020  
Governing Relaxation and Suspension of Appellate Rules Based on the COVID-19 Pandemic. This administrative order is terminated effective May 31.
- [Supreme Court Order No. 1957](#) dated March 19, 2020; effective date: *nunc pro tunc* March 13, 2020  
Emergency Order re COVID-19: Relaxation and Suspension of Various Court Rules based on the COVID-19 Pandemic.

- [Court of Appeals Brief Extension Order Due to Pandemic](#) *dated March 16, 2020*  
The court of appeals has extended briefing deadlines in its cases until April 6, 2020.

### Chief Justice Special Orders

- [8441](#) *dated August 17, 2022*  
Update Regarding COVID-19 and Presumptive Jury Trial Sites.
- [8440](#) *dated August 17, 2022*  
Update Regarding Visitor Health Precautions, Remote Participation, and Jury Selection Procedures.
- [8398](#) *dated April 22, 2022*  
Update Regarding COVID-19 and Presumptive Jury Trial Sites.
- [8397](#) *dated April 22, 2022*  
Update Regarding Visitor Health Precautions, Remote Participation, and Jury Selection Procedures.
- [8394](#) *dated March 31, 2022*  
Update Regarding COVID-19 and Presumptive Jury Trial Sites.
- [8387](#) *dated March 8, 2022*  
Update Regarding Visitor Health Precautions and Remote Participation.

- [8352](#) *dated December 2, 2021*  
Order Providing for In-person Criminal Jury Trials Using Mitigation Measures.
- [8340](#) *dated October 28, 2021*  
Update regarding COVID-19 and Civil Jury Trials.
- [8333](#) *dated September 20, 2021*  
Order Providing Factors to Restrict or Suspend In-person Jury Trials.
- [8331](#) \* CORRECTED \* *dated September 15, 2021*  
Order Summarizing Current Pandemic-Related Orders.
- [8322](#) *dated August 31, 2021*  
Update regarding COVID-19 and Civil Jury Trials.
- [8310](#) \* CORRECTED \* *dated August 9, 2021*  
Update regarding Visitor Health Precautions and Remote Participation.
- [8290](#) *dated June 24, 2021*  
Update regarding COVID-19 and Criminal Jury Trials.
- [8289](#) *dated June 21, 2021*  
Update regarding COVID-19 and Criminal Jury Trials.
- [8280](#) *dated June 7, 2021*  
Update regarding COVID-19 remote participation rules.

- [8275](#) *dated June 1, 2021*  
Regarding Update to Special Order of the Chief Justice No. 8149, COVID-19 Visitor Health Precautions.
- [8274](#) *dated May 26, 2021*  
Update Regarding Special Order of the Chief Justice No. 8271.
- [8271](#) *dated May 12, 2021*  
Update Regarding Supreme Court Order No. 1968.
- [8259](#) *dated April 6, 2021*  
Update Regarding Covid-19 and Criminal Jury Trials.
- [8242](#) *dated March 1, 2021*  
Update Regarding Covid-19 and Criminal Jury Trials.
- [8235](#) \* CORRECTED \* *dated February 8, 2021*  
Update Regarding Covid-19 and Criminal Jury Trials.
- [8234](#) *dated February 1, 2021*  
Update Regarding Covid-19 And Grand Jury Proceedings.
- [8217](#) *dated December 8, 2020*  
Update regarding COVID-19 and relaxing of Civil Rule 4.
- [8213](#) *dated November 25, 2020*  
Update regarding COVID-19 and Jury Trials.
- [8210](#) *dated November 13, 2020*  
Update regarding COVID-19 and Jury Trials.

- [8205](#) *dated November 2, 2020*  
Update regarding relaxing Administrative Rule 50(b)(1) & (2) and Administrative Rule 50(a)(3)(B).
- [8204](#) *dated November 2, 2020*  
Update Regarding Authorizing Videoconference Grand Jury Proceedings.
- [8202](#) *dated October 29, 2020*  
Update Regarding COVID-19 and Jury Trials.
- [8194](#) *dated September 24, 2020*  
Update Regarding COVID-19 and Jury Trials.
- [8189](#) *dated September 2, 2020*  
Update Regarding COVID-19 and Jury Trials.
- [8184](#) *dated August 10, 2020*  
Regarding Grand Jury and Preliminary Examinations.
- [8183](#) *dated August 6, 2020*  
Update regarding COVID-19 and Jury Trials.
- [8168](#) \* AMENDED \* *dated August 3, 2020*  
Presumptive Death Pilot Project.
- [8157](#) *dated June 22, 2020*  
Update authorizing Second Judicial District Grand Jury video conference pilot.

- [8155](#) *dated June 15, 2020*  
Update regarding COVID-19 and Jury Trials.
- [8149](#) *dated May 20, 2020*  
Regarding COVID-19 Visitor Health Precautions.
- [8148](#) *dated May 20, 2020*  
Regarding Grand Jury Proceedings.
- [8144](#) *dated May 11, 2020*  
Regarding Grand Jury, Jury Trials and Non-Jury Proceedings.
- [8135](#) \* AMENDED \* *dated February 23, 2021*  
Authorizing filings by email and fax and payment of filing fees online during COVID-19 pandemic.
- [8133](#) \* AMENDED \* *dated May 26, 2020*  
Confidentiality of Filings in  
Quarantine/Isolation/Testing/Screening Cases.
- [8131](#) \* AMENDED \* *dated March 19, 2020*  
Suspending certain court proceedings, including grand jury proceedings and new jury trials, beginning March 23, 2020 through April 3, 2020.
- [8130](#) *dated March 15, 2020*  
All new jury trials statewide scheduled to begin the week of March 16 are postponed. Jury trials in progress will finish out as scheduled.

2. Simplified procedures: The following simplified court procedures facilitated improved access to justice for Alaskans and will remain in effect:

- Except for the documents listed below, parties may file pleadings, motions, and other papers, including documents to initiate a case, by email for all case types unless electronic filing through TrueFiling is available. In every location where TrueFiling is available, parties and lawyers must use TrueFiling instead of email. This is consistent with Civil Rule 5.1 and satisfies Criminal Rule 44. Documents that must be served under Civil Rule 4 must still be served in accordance with that rule. Email filing should comply with procedures established in orders issued by the presiding judges. See [https://courts.alaska.gov/court\\_dir/efiling.htm#featured-content-1](https://courts.alaska.gov/court_dir/efiling.htm#featured-content-1) for the directory or email address by court location. See <https://courts.alaska.gov/Efile/index.htm#current-courts> for the list of courts that have implemented TrueFiling and for the list of case types using TrueFiling. The following documents cannot be filed by email and must be mailed or brought to the courthouse in person:
  - a. Will deposits;
  - b. Certificates of divorce, dissolution of marriage, or annulment (original on archival paper from the Alaska Health Analytics & Vital Records Department);
  - c. Report of Adoption (original on archival paper from the Alaska Health Analytics & Vital Records Department); and



- d. Certified copy of:
  - i. Birth certificate
  - ii. Death certificate
  - iii. Custody or Child Support Orders
- For documents filed by email, parties or their attorneys if represented, are authorized to sign a document by typing “/s/[name]” on the signature line. Signatures must otherwise comply with Civil Rule 11. Judicial officers are also authorized to sign documents by typing “/s/[name]” on the signature line.
- If a document requires signing before a notary public and a notary public is not available, the filing party may certify in writing “under penalty of perjury” that the statements in the document are true. See AS 09.63.020, and also form [TF-835](#) Self-Certification (No Notary Available).
- The court may distribute notices and orders to parties or their attorneys if represented by email. A person who files by email is deemed to have opted in to email distribution under Civil Rule 5.3, [Administrative Bulletin 89 Standards for Electronic Distribution by the Court](#) or the provisional eFiling rules in [Administrative Bulletin 92](#).
- Parties may make online payments using credit cards to pay filing fees pursuant to Administrative Rule 9 or post bail pursuant to [Administrative Bulletin 93 Form of Payment - Bail](#). If the person is indigent and cannot afford the filing fee, the person may request a fee waiver under Administrative Rule 10. 5. If the filing fee is not

paid or a fee waiver is not requested within 30 days after the civil action or proceeding is emailed to the court, the case will be dismissed.

3. Criminal Case Backlog and Criminal Rule 45: Backlogs in criminal cases persist despite the availability of in-person jury trials since January 2022 and earlier by request. In criminal matters, the assigned judicial officer may on the judicial officer's own initiative order a limited continuance and toll the Criminal Rule 45 time for trial in a case when necessary to address case backlogs and scheduling conflicts. For example, when more than one case may be ready for trial, the assigned judicial officer should proactively manage the trial court calendar to ensure that trial time is maximized, and when prioritizing criminal cases for a jury trial, the judicial officer should consider the following factors:
  - a. The age of the case;
  - b. The requests of the parties and victims;
  - c. Whether the defendant is in custody;
  - d. The classification of any charged offenses;
  - e. The number of other required participants, including jurors, victims, custodial officers, interpreters, investigators, or other lawyers;
  - f. The facilities available for the trial or proceeding;
  - g. The prejudice suffered by any party;

- h. The defendant's access to counsel;
- i. Any special transportation requirements;
- j. Any local quarantine requirements or other health mandates;
- k. The COVID-19 case counts and risk levels for the area or location;  
and
- l. Any special health considerations for trial participants.

Judicial officers are encouraged to "trail" cases by setting multiple cases for trial during a particular week/time period. This practice ensures that when one or more cases fold there will be additional cases ready to proceed to trial. When a case proceeds to trial, the judge may need to briefly continue the trailing cases to later that same week/time period or to a different week/time period.

- 4. Criminal Case Tolling and Rule 45 Calculations: For felony cases filed before January 1, 2022, and misdemeanor cases filed before September 13, 2021, SCO 1974 provided for tolling periods and how to calculate time for trial under Criminal Rule 45. The stated time calculations remain in effect for those older filed cases as follows:
  - a. Criminal Rule 45 Tolling and Reset. For all criminal cases, the time for trial was tolled through September 12, 2021. As set forth below, the time for trial under Alaska Criminal Rule 45 was reset effective September 13, 2021 and all time prior to September 13, 2021 shall be excluded in Rule 45 time computations.
  - b. Felony Cases.
    - i. *Pending cases as of September 12, 2021*. For all felony cases pending on September 12, 2021, the time period for trial under

Criminal Rule 45 is reset. The time for trial under Criminal Rule 45(b) shall be 200 days and begins to run on September 13, 2021; time calculations shall run in accordance with the rule. All time prior to September 13, 2021 shall be excluded in time calculations.

- ii. *Cases initiated between September 13, 2021 and December 31, 2021.* For all felony cases initiated between September 13, 2021 and December 31, 2021, the time for trial under Criminal Rule 45(b) shall be 180 days and time calculations shall run in accordance with the rule.
- iii. *Cases initiated on or after January 1, 2022.* For felony cases initiated on or after January 1, 2022, the time for trial under Criminal Rule 45 and time calculations shall run in accordance with the rule.

c. Misdemeanor and Violation Cases.

- i. *Pending cases as of September 12, 2021.* For all misdemeanor and violation cases pending on September 12, 2021, the time period for trial under Criminal Rule 45(b) is reset. The time for trial shall begin to run on September 13, 2021; time calculations shall run in accordance with the rule. All time prior to September 13, 2021 shall be excluded in time calculations.
- ii. *Cases initiated on or after September 13, 2021.* For misdemeanor and violation cases initiated on or after September 13, 2021, the time for trial under Criminal Rule 45 and time calculations shall run in accordance with the rule.

- d. Combined Charge Cases. For cases with both felony and misdemeanor/violation charges, the felony calculations in paragraph 4b above, apply. If a felony charge is reduced by dismissal or amendment, the felony time calculations in paragraph 4b, above, will continue to apply.

- e. Trial Dates. Cases set for trial by agreement of the parties are deemed to comply with Rule 45.
  
5. Remote Participation by Video: Alaska's courts have long allowed remote appearance, usually by telephone before 2020, to accommodate parties and attorneys who may not be present in the courthouse community, recognizing that travel may be costly, time-intensive, or inconvenient. The pandemic facilitated more widespread use of videoconferencing to appear remotely for court proceedings. Parties, attorneys, tribes, youth in CINA cases, and other stakeholders have seen substantial benefits by remote participation in court proceedings, including less time off of work or school, not needing to find transportation, parking, or childcare. Attorneys have seen efficiencies in being able to cover matters consecutively in different courtrooms and even courthouses across the state without needing to physically travel to those locations.

After a public comment period, the supreme court will be issuing an order addressing which proceedings will be presumptively held by remote methods or in-person. Until that time, judicial officers should continue to use discretion to allow participation in all case types by remote methods (video or telephone) for parties, attorneys, witnesses, tribes, youth in CINA cases, depending on the type of proceeding. The use of video is permitted and expands upon telephonic participation authorized in Civil Rule 99 and Criminal Rule 38.1.

In addition to the upcoming order, the following matters are authorized to be held by remote methods:

- Presumptive Death Trials: Judicial officers are authorized to conduct presumptive death trials (under AS 09.55.020 - .060) by

videoconference. Trials occurring in this manner must otherwise follow the procedures in District Court Rule 32.

- a. At the presumptive death trial, the trial judge may allow witnesses, interpreters, attorneys, jurors, and other required participants to participate by videoconference, but the trial judge must be personally present at the courthouse;
  - b. The trial judge shall ensure that all jurors can see, hear, and communicate with the other participants; and
  - c. At the conclusion of deliberations, the jury may deliver the verdict appearing by videoconference. The foreperson shall state the verdict on the record; the verdict need not be in writing. The court may poll the jury as to the verdict by asking each juror if it is the juror's verdict.
- Civil Jury Trials: Judicial officers are authorized to conduct civil jury trials by videoconference. This includes jury selection, witness and evidence presentation. Witnesses may testify by video or telephone. Trials occurring in this manner must otherwise follow trial procedures in the Civil Rules and any orders issued by the presiding judges.
  - Grand Jury: The presiding judge may authorize grand jury proceedings by videoconference.
    - a. For any location or district affected by the COVID-19 pandemic, the presiding judge may allow witnesses,

interpreters, prosecutors, grand jurors, and other required participants to participate by videoconference, but the grand jury foreperson must be personally present at the courthouse;

- b. The prosecutor and the foreperson shall ensure that all grand jurors can see, hear, and communicate with the other participants;
- c. The prosecutor shall require all participants to verify that their participation cannot be overheard and to notify the foreperson immediately if a person can overhear their participation; and
- d. All participants shall maintain the secrecy of grand jury proceedings as required by Criminal Rule 6(l).

Grand jury occurring by remote methods must otherwise follow the procedures in Criminal Rule 6.

- 6. Jury Selection: Jury selection procedures changed during the pandemic to reduce the number of potential jurors convened in groups. Improved juror utilization and more efficient selection of jurors resulted. The supreme court will be issuing an order specific to jury selection procedures. Until that time, Chief Justice Order 8259 and Chief Justice Order 8194 remain in effect regarding calling small groups of jurors in staggered sets.

7. Visitor Entry Requirement, Limiting Proceedings, or Closing Courthouses: While visitor entry guidelines to reduce the spread of COVID-19 have become largely unnecessary, conditions may change because of local outbreaks in a courthouse or community that impact the functioning of the court due lack of available staff or judicial officers. In such a situation until the local outbreak resolves, the Administrative Director is authorized in consultation with the presiding judge from the affected district to issue temporary visitor entry requirements, limit the types of proceedings heard, or close a courthouse as a last resort with priority cases held remotely. This is in addition to authority provided by Administrative Rules 18 and 22.
  
8. Livestreaming Specified Court Proceedings: Recognizing the benefit of increased access to some court proceedings, this court issued [SCO 2005](#) that authorized judges to livestream “high profile” proceedings and some felony trials. That order remains in effect.

This Order will remain in effect until rescinded by a later Order or individual provisions are amended by the relevant rules of court.



DATED: April 10, 2024

EFFECTIVE DATE: April 10, 2024

/s/  
Chief Justice Maassen

/s/  
Justice Carney

/s/  
Justice Borghesan

/s/  
Justice Henderson

/s/  
Justice Pate