

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2012

Order Regarding Remote and
In-Person Hearings.

Introduction. This order governs remote and in-person participation in trial court proceedings statewide. The purpose of this plan is to establish a uniform, statewide approach to identifying hearing types that may be held remotely and hearing types that should ordinarily be held in person in a courtroom with parties present. This approach seeks to balance the needs of the parties, the demands of effective administration of justice, and the efficiencies and advantages of remote court proceedings.

Definitions. For purposes of this policy, the phrase “presumptively remote hearing” means a proceeding conducted by audio or video, unless an alternative format is ordered by the hearing judge.

“Presumptively in-person hearing” means a proceeding conducted in a courtroom or other designated site, and attended in-person by all parties who can reasonably do so, unless otherwise permitted by the hearing judge or district presiding judge order.

Changing the Presumptive Hearing Format. The designations “presumptively remote” and “presumptively in-person” are intended to indicate the default setting for hearings classified as such. To the extent possible, the presumptive format for any hearing is subject to change by application of a party or at the judge’s discretion. Judges will rule on requests to change the presumptive format of a hearing on a case-specific basis, considering the positions of the parties and potential prejudice to any non-moving parties.

Continued Effect of Court Rules on Telephonic or Remote Participation. For hearings that are presumptively in-person, a request for remote or telephonic participation will be subject to the applicable Rules of Court governing that case type. The classification of any hearing as a presumptively in-person hearing does not signal an intention to require in-person attendance for all parties in case types and court locations that have historically allowed remote participation.

Expectations for Remote Hearings. Expectations for conduct of attorney and non-attorney participants during remote hearings will be addressed in a separate order.

Implementation. The Administrative Office of the Alaska Court System will take actions necessary to implement this policy. This will include training for judges, court staff, and court users on remote hearings.

IT IS ORDERED:

1. Hearings that are Presumptively In-Person in All Case Types. In all case types, the following hearings are presumptively in-person:

Case Type	Hearing	Format
all	trial (bench or jury)	in-person
all	motion/evidentiary hearing	in-person

2. Case Types for Which All Hearings Are Presumptively In-Person. All hearings in the following case types will be presumptively in-person:

Case Type	Hearing	Format
mental commitment	all hearings	in-person
minor offense	all hearings	in-person
small claims	all hearings	in-person

3. Criminal Cases. In criminal cases, all hearings will be conducted in-person as provided in Criminal Rules 38 and 38.1, with the exception of uncontested disposition hearings on petitions to revoke probation (“PTRP”) and hearings subject to Criminal Rule 38.2.

Criminal	
Remote	In-Person
uncontested PTRP disposition	all other (unless the paragraph below applies)

In addition, because the needs of courts across the state vary, the presumptive format for the following hearings will be based on district presiding judge order:

- pre-trial conferences;
- trial/calendar call;
- pre-indictment hearings;
- discovery hearings;
- omnibus hearings.

4. Presumptive Hearing Formats for All Other Case Types. Hearings in the following case types will be in-person or remote, as indicated:

CINA	
Remote	In-person
all other	contested evidentiary hearings and trials
	voluntary relinquishment of parental rights and consent to adoption/guardianship hearings in ICWA cases (absent appointment of special master under CINA Rule 4(d)(8))

Civil Protective Orders	
Remote	In-person
ex parte stalking, domestic violence, sexual assault	long term stalking, domestic violence, sexual assault
emergency stalking, domestic violence, sexual assault	

Forcible Entry and Detainer (FED)	
Remote	In-person
possession phase hearings	damages phase hearings

Delinquency	
Remote	In-person
uncontested petition to revoke probation disposition	all other

General Civil	
Remote	In-person
decisions on record	all other
discovery hearings	
status hearings	
trial setting conferences	
calendar calls	
default hearings	
settlements on record	
attorney withdrawals	

Civil—Domestic Relations	
Remote	In-person
decisions on record	all other
discovery hearings	
oral arguments	
status hearings	
trial setting conferences	
calendar calls	
settlement conferences	
default custody hearings	
default divorce hearings	
Early Resolution Program hearings	
uncontested custody, dissolution, divorce	

Probate	
Remote	In-person
all other	contested long-term guardianship/conservatorship
	adoption hearings
	emancipation hearings
	all mental commitment hearings
	contested estate hearings

DATED: August 15, 2023
EFFECTIVE DATE: November 13, 2023

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate