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# DISTRICT OF ALASKA

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## COVID-19 RESTORING OPERATIONS PLAN

### *The District of Alaska's Pandemic Response Priorities*

Limit and Mitigate the Spread  
Protect the Health, Welfare, and Safety of All  
Maintain Operational Effectiveness

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In order to ensure the safety and well-being of employees, litigants, and visitors, the United States District Court for the District of Alaska adopts the following phased approach to restoring normal operations during the COVID-19 pandemic. The Court, in consultation with the Committee on COVID-19 Recovery (the "Committee"), will continually reassess the situation and adjust this plan accordingly.

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On behalf of the United States District Court for the District of Alaska, I would like to thank the members of the Committee on COVID-19 Recovery for their valuable contributions. The United States District Court for the District of Alaska adopts this Plan effective June 10, 2020.

Timothy M. Burgess  
Chief United States District Judge

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## Introduction

The purpose of the *District of Alaska's COVID-19 Restoring Operations Plan* (the "Plan") is to provide guidance for a phased and safe reopening of the federal court to the public and restoring normal operations. The Plan strives to achieve three goals: 1) mitigate the risk of resurgence of COVID-19; 2) minimize risk to court staff, parties, and the public; and 3) maintain the Court's operational effectiveness.

The Plan has been developed to work in conjunction with federal, state and local COVID-19 response plans and guidance. There are four distinct phases to the Plan, each includes protective measures that correspond to the guidelines set forth by the Federal Judiciary, the State of Alaska, Alaska Department of Health and Social Services, and/or the Centers for Disease and Control and Prevention ("CDC").<sup>1</sup>

It is intended that the Plan allow the Court flexibility in achieving its three stated goals. In the event any of the goals are at risk, the Court may need to reevaluate the phase-based timelines outlined by the Plan. Any timeline deviations will be explained and shared with staff. The timing of the Court's phased reopening may differ from that of federal, state and local authorities.<sup>2</sup>

The safety of our employees and their families is paramount during this transition. If you have needs that conflict with this staged plan or any concerns, please communicate those with your supervisor, human resources, or the members of our District of Alaska EDR team. The District of Alaska will issue updated guidance one week in advance of the end of Phase 4 as to whether any precautionary measures will continue into the future.

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<sup>1</sup> Resources utilized in developing this Plan include CDC guidelines, guidance issued by the Administrative Office of the U.S. Courts and the Federal Judicial Center, the State of Alaska and local recovery guidelines, and measures implemented by other United States District Courts,.

<sup>2</sup> Phases of the State of Alaska's Reopening Plan timeline:

- Phase One: Implemented April 24, 2020.
- Phase Two: Implemented May 8, 2020.
- Phase Three: Implemented May 22, 2020.
- Phase Four: Implemented May 22, 2020.

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## Employee Guidelines Throughout Phases 1-4

- Employees are encouraged to self-assess their health daily for [COVID-19 related symptoms](#) and continue to follow the CDC Guidance for steps to take in the event of suspected or known exposure to coronavirus.<sup>3</sup>

**\*\*DO NOT COME TO WORK IF YOU ARE ILL\*\***

- Employees, the parties, and the public must wear a face covering in all common areas of the courthouse. Pursuant to [MGO 20-18](#), everyone in the U.S. District Court will be expected to wear a face covering. Other Personal Protective Equipment (“PPE”), such as gloves and face shields, may also be worn. The Court may supply PPE when necessary and as supply allows.
- Anyone not complying with the face covering requirement will be asked to leave the courthouse.
- We encourage the public to bring their own face covering. The Court will provide face coverings to employees, jurors, and others having business with the Court as supply allows.
- The Court will provide disinfectants, such as wipes and hand sanitizer, as supply allows.
- Employees should continue to practice recommended personal hygiene:
  - Wash your hands with soap and water for at least 20 seconds or use hand sanitizer, especially after touching frequently used items or surfaces.
  - Avoid touching your face.
  - Sneeze or cough into a tissue, or the inside of your elbow.
  - Frequently disinfect used items and surfaces.
  - Maintain at least 6-foot separation and other social distancing measures.
- Contact tracing information may be requested if there is a confirmed COVID-19 exposure. The Court will request that FPS collect and maintain contact tracing data for visitors to the facility.
- Employees should adhere to CDC guidelines and local public health directives regarding travel and any remedial requirements, such as self-isolation upon return.

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<sup>3</sup> Employees are encouraged to check the website for the most current information:  
<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

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## Management Responsibilities Throughout Phases 1–4

- Management will monitor new confirmed COVID-19 cases as well as local restrictions for each division in the District and inform the Chief Judge.
- Phases will be determined for each courthouse location based on local circumstances and available resources.
- The Court has contracted for enhanced cleaning services at each courthouse.
- Supervisors should allow reasonable accommodations for employees who are at elevated risk, live with a person who is at elevated risk, or who face other COVID-19-related challenges in returning to a regular work schedule.
- Individuals at elevated risk of serious complications from COVID-19 are defined as those with underlying medical conditions, particularly if not well controlled, including individuals:
  - with chronic lung disease or moderate to severe asthma;
  - who have serious heart conditions;
  - who are immunocompromised: Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications;
  - with severe obesity;
  - with diabetes;
  - with chronic kidney disease undergoing dialysis;
  - with liver disease;
  - who are age 65 or above; or
  - who are medical professionals or first responders with likely exposure to COVID-19.

This list of At-Risk individuals is subject to change by the CDC. For an updated CDC list of At-Risk individuals, visit the following link: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

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## Proposed Judiciary Gating Criteria

The Court will consider each of the below Gating Criteria before proceeding to Phased Reopening:

### Facility Exposure

No COVID-19 confirmed or suspected cases in the Court facility within a 14-day period

**AND**

### Community Cases

Sustained downward trend of cumulative daily COVID-19 case counts over a 14-day period

**AND**

### Community Action

Rescission of local restrictive movement and/or shelter-in-place orders

**OR**

Confirmed or suspected cases have occurred, but “deep cleaning” of exposed areas and applicable employee self-quarantine actions have been taken

- If the above conditions are met, consider progressing to the next Phase.
- If the above conditions significantly worsen or there is a resurgence of local COVID-19 cases, consider implementing a lower Phase or reimplementing full social distancing measures as necessary.

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## Phase 1 - Court Is Open but Courthouse Is Closed to the Public

### Overview & Expectations

- Phase 1 is in place as of the effective date of the Plan.
- **On-site court proceedings and off-site visits** to supervisees and clients should continue to be minimized (critical cases only) using video- and tele-conferencing to the greatest extent possible.
- Those who must conduct face-to-face meetings should **limit gatherings** to no more than 10 people, adhere to **strict 6-foot social distancing**, pre-designated seats, and hygiene protocols (to include wearing of face coverings), and make every attempt to “prescreen” supervisees and clients to ensure they are asymptomatic for COVID-19.
- Appropriate 6-foot distances around work areas and other court locations will be marked with tape.
- Continue to operate under Miscellaneous General Orders 20-11, 20-12, 20-13, 20-17 and 20-18 (See Addenda).
- Continue to **encourage telework**, whenever possible and feasible with judiciary operations, keeping initial staffing to a minimum.
- Returning employees should not include vulnerable/high-risk employees and others requiring reasonable accommodations. These employees should continue to telework.
- All civil hearings will take place by video- or tele-conferencing.

### Phase 1 Precautionary Measures

- **Social Distancing:** At least a **6-foot distance** must be maintained by all persons
  - The Court is acquiring headsets for the purpose of defendant/attorney communication during the criminal proceedings. These headsets will be sanitized between hearings.
  - Otherwise, if a defendant/party and attorney need to confer in private, the presiding judge will order a brief recess and clear the courtroom for the conversation. USMS will remain in the courtroom if the defendant is in custody.
- **Interpreters:** If an interpreter is required for the hearing, the Court’s IT staff will provide the appropriate and necessary technological equipment so the interpreter may attend telephonically or sit distanced from the defendant/party and other people.
- **Personal Protective Equipment:** Pursuant to [MGO 20-18](#), everyone in the U.S. District Court will be expected to wear a face covering. Other PPE, such as gloves and face shields, may also be worn. The Court will supply PPE when necessary and as supply allows. However,
  - It is the responsibility of those entering the courthouse to bring a face covering.

- The United States Marshals and Courtroom Security Officers (“CSO”) are authorized to order any individual to remove PPE for security screening purposes.
- **Hand Sanitizer:** Hand sanitizer will be available in courtrooms, and at all desks and workstations.
- **Courtroom Cleaning:** Courtrooms will be deep-cleaned at the end of each day’s use.
  - **Time between hearings to allow for sanitization:** When scheduling hearings, Chambers staff will allow for 30 minutes between hearings for sanitizing to take place.

## Factors to be Considered Before Moving to Phase 2

- A minimum of 14 days has been spent in Phase 1;
- Any known or suspected courthouse exposure to COVID-19 and remedial steps taken in response;
- Community COVID-19 status;
- State and local health guidelines;<sup>4</sup> and
- Availability and receipt of personal protective equipment such as hand sanitizer and face coverings.



### Before moving to Phase 2, reevaluate the Gating Criteria to ensure:

- Readiness to progress to the next Phase;
- Need to maintain the current Phase;
- OR
- Need to implement a lower Phase based upon resurgence of infections in the local area.

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<sup>4</sup> The maximum number of people allowed in the courtroom will be limited to the number of available designated seats in conformance with safe social distancing guidelines.

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## Phase 2 - Courthouse Is Open with Limited Access

### Overview & Expectations

- Limited reopening of courthouses to parties.
- The Clerk of Court will designate **alternative teams** to ensure staff availability in case of infection.
- A limited number of employees will report to the courthouse on any given day. All other employees will continue to work remotely.
- On-site court proceedings and off-site visits to supervisees and clients can be increased, continuing to use video- and tele-conferencing to the greatest extent possible.
- Face-to-face meetings should be limited and should only occur if strict social distancing of 6-feet can be maintained. Employees should have remote meetings via video or telecommunications platforms even when participants are in the office if social distancing of 6-feet cannot be maintained. Again, please adhere to **strict social distancing and hygiene protocols** including the use of face-coverings.
- Civil and criminal hearings will proceed remotely or in-person, depending on judicial preference, provided the current social distancing requirements can be met.
- Drop boxes will remain in place and the public will be encouraged to utilize them. If additional assistance is needed, individuals may visit the Clerk's Office. Drop boxes should be checked multiple times a day.
- The finance and receipting schedule will remain the same as in Phase 1. The Clerk's Office will not accept cash and receipts will be processed twice a week.
- The following individuals will be permitted to enter the courthouse: members of the public with court-related business; counsel of record appearing for a calendared matter and any associated litigants, investigators, or employees thereof; contract court interpreters; contract court reporters; and witnesses.

### Phase 2 Precautionary Measures

- **Social Distancing:** At least a **6-foot distance** must be maintained by all persons.
  - The Court is acquiring headsets for the purpose of defendant/attorney communication during the criminal proceedings. These headsets will be sanitized between hearings.
  - Otherwise, if a defendant/party and attorney need to confer in private, the presiding judge will order a brief recess and clear the courtroom for the conversation. USMS will remain in the courtroom if the defendant is in custody.
- **Interpreters:** If an interpreter is required for the hearing, the Court's IT staff will provide the appropriate and necessary technological equipment so the interpreter may attend telephonically or sit distanced from the defendant/party and other people.

- **Personal Protective Equipment:** Pursuant to [MGO 20-18](#), everyone in the U.S. District Court will be expected to wear a face covering. Other PPE, such as gloves and face shields, may also be worn. The District of Alaska will supply PPE when necessary and as supply allows. However:
  - It is the responsibility of those entering the courthouse to bring a face covering.
  - The United States Marshals and CSOs are authorized to order any individual to remove PPE for security screening purposes.
- **Hand Sanitizer:** Hand sanitizer will be available in the courtrooms and at all desks and workstations.
- **Courtroom Cleaning:** Courtrooms will be deep-cleaned at the end of each day's use.
  - Time between hearings to allow for sanitization: When scheduling hearings, Chambers staff will allow for 30 minutes between hearings for sanitizing to take place.

### Factors to be Considered Before Moving to Phase 3

- A minimum of 14 days has been spent in Phase 2;
- Any known or suspected courthouse exposure to COVID-19 and remedial steps taken in response;
- Community COVID-19 status;
- State and local health guidelines; and
- Availability and receipt of personal protective equipment such as hand sanitizer and face coverings.



### Before moving to Phase 3, reevaluate the Gating Criteria to ensure:

- Readiness to progress to the next Phase;
- Need to maintain the current Phase;
- OR
- Need to implement a lower Phase based upon resurgence of infections in the local area.

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## Phase 3 - Courthouse is Open with Limited Public Access

### Overview and Expectations

- Limited opening of courthouses to the public.
- Employees with functions not easily transferable or who hold positions without backup will be encouraged to continue to work remotely.
- Employees who are vulnerable or high risk will continue to work remotely.
- All other employees will report to the appropriate courthouse as determined by the Clerk of Court and the Chief of Probation.
- On-site public-facing activities and site visits to supervisees can be fully resumed.
- Civil and criminal hearings will proceed in person or remotely, depending on judicial preference, provided the current social distancing requirements can be met.
- **Criminal jury trials<sup>5</sup> may proceed in Anchorage.**
- Civil jury trials are also possible at this time if there are sufficient resources. However, criminal trials will take precedence.
- No jury trials will be held in Juneau at this time. We will evaluate the feasibility of holding trials in Fairbanks on an ongoing basis.
- Drop boxes will be removed. The finance and receipting schedule returns to normal. The Clerk's Office will not accept cash payments.
- Courtroom occupancy will be limited to designated seats.

### Factors to be Considered Before Moving to Phase 4

- A minimum of 14 days has been spent in Phase 3;
- Any known or suspected courthouse exposure to COVID-19 and remedial steps taken in response;
- Community COVID-19 status;
- State and local health guidelines; and
- Availability and receipt of personal protective equipment such as hand sanitizer and face coverings.



#### **Before moving to Phase 4, reevaluate the Gating Criteria to ensure:**

- **Readiness to progress to the next Phase;**
- **Need to maintain the current Phase;**
- OR**
- **Need to implement a lower Phase based upon resurgence of infections in the local area.**

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<sup>5</sup> For details and criteria specific to jury trials and gatherings with greater than 25 people, see Jury Trials Procedures section herein.

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## Phase 4 - Courthouse is Open with Minimal Restrictions

### Overview and Expectations

- Courthouses will be open to the public.
- Civil and criminal jury trials will proceed in all divisions with restrictions.
- All access and operations may be conducted without restrictions.
- The finance and receipting schedule returns to normal. The Clerk's Office resumes acceptance of cash payments.
- All employees other than those considered high-risk will report to the appropriate courthouse.

### Factor to be Considered Before Resuming Normal Operations

- Public health announcement that COVID-19 has been suppressed within the United States and that social distancing is no longer necessary.



**Before resuming normal operations, reevaluate the Gating Criteria to ensure:**

- **Readiness to progress to the next Phase;**
  - **Need to maintain the current Phase;**
- OR**
- **Need to implement a lower Phase based upon resurgence of infections in the local area.**

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## Resume Normal Operations

### Overview and Expectations

- All courthouses are **open with no restrictions**.
- Civil and criminal jury trials will proceed in all divisions without restrictions.
- All access and operations may be conducted without restrictions.
- The finance and receipting schedule returns to normal. The Clerk's Office accepts cash payments.
- The following non-case specific hearings and events will proceed without restriction:
  - group tours and visits;
  - naturalization ceremonies; and
  - attorney admission ceremonies.
- All employees, including those considered high-risk, will report to work in the appropriate courthouse.

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## Screening, PPE, and Cleaning

### Health Screening of Court Visitors

- Post signage: In the interest of public health and each visitor's health, visitors will be asked to provide contact information for contact tracing.
- Propose FPS keep voluntary log of contact information for tracing purposes.

### Face Covering and PPE Requirements

- Pursuant to [MGO 20-18](#), everyone in the U.S. District Court will be expected to wear a face covering. Other PPE, such as gloves and face shields, may also be worn. The District of Alaska may supply PPE when necessary.
  - It is the responsibility of those coming to the courthouse to bring a face covering.
  - The United States Marshals and CSOs may require that any individuals remove PPE for security screening purposes.
  - Face coverings will be mandated in all public Court spaces.
  - Court staff may be permitted to remove face covering when in their own work area.
- Face coverings will be provided to jurors.

### Courtroom Cleaning

- Courtrooms 2 and 3 are designated for all “in-person” proceedings. The courtrooms will be deep-cleaned after each day's use.
- The furniture in Courtrooms 2 and 3 will be rearranged to maximize their efficient use.
- Court staff will clean the witness box between every witness.
- Plexiglass will not be installed. Instead, masks or face shields will be worn by everyone in the courtrooms.

### Courthouse safety protocols

- If a confirmed infected person comes into the courthouse, the Court will follow the CDC Guidelines for a deep cleaning after a 24-hour waiting period.
- Instructions for courthouse safety are also found on the Court website at [www.akd.uscourts.gov](http://www.akd.uscourts.gov).
- Limiting elevator capacity
  - Signs will be posted on the outside and inside of elevators limiting occupancy to the number of people who can stand six feet apart and requiring that masks be worn. In most elevators, that will probably limit capacity to two people at a time.
  - Visitors and jurors will be encouraged to take the stairs while staying 6 feet apart.

- Visitors who will not follow the Court's health guidelines will be asked to leave. If there are medical exceptions, they will be addressed on a case-by-case basis.
- The Court is drawing its guidelines from a wide variety of sources, including the Administrative Office of the U.S. Courts, the Federal Judicial Center, the CDC Guidelines, as well as other federal, state, and local authorities. Our guidelines may differ from those listed by these entities and visitors and employees are encouraged to check the most current version of this Plan as posted on our website.

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## General Hearing Protocols

### Basic protocol for all hearing types

#### Face Covering

Pursuant to [MGO 20-18](#), everyone in the U.S. District Court will be required to wear a face covering and maintain social distancing.

#### Hearing Location

In order to limit cleaning and disinfecting requirements, the Court has designated Courtrooms 2 and 3 for in-person hearings and trials unless another space is authorized by the Chief Judge. Courtroom 1 is reserved for overflow purposes and jury selection. Courtroom 4 is reserved for members of the public, members of the defendant's family, members of the victim's family, and victim to view the proceedings.

#### Access to the Building & Courtroom

- The party calling the witness has the responsibility to advise the witness of the rules for hearings. A list of standard rules will be posted on the Court's website and may be distributed by parties for consistent instruction.
- Instructions for Anchorage location are as follows:
  - Enter through 7th Ave entrance.
  - After passing through security check point, may either take stairs one flight up or take elevator (no more than two people at a time per cab).
  - All individuals are required to wear face coverings throughout their visit to the respective courthouse and not remove them until after leaving the building.
  - Maintain safe distancing throughout their visit to the Court and use hand sanitizer and wipes as appropriate.
- The press and the public will receive instructions from the Clerk's Office and as posted on the website for attending or observing court proceedings.

#### Distancing in the Courtroom Gallery

- Sit **at least 6 feet away** from others in the gallery in designated areas.
- The Court will provide cleaning supplies for each individual to clean their seat and touchpoints after use.

#### Distancing in Front of the Bar

- A 6-foot distance between the witness and other participants will be maintained.

- Arrangements must be made by the parties with the Court to bring witnesses into the courtroom in an appropriate manner (e.g. through secure employee corridor).
- Witnesses' movement will be directed by the Court in order to maximize social distancing.
- Counsel tables in Courtrooms 2 and 3 will be placed parallel to the Bench, giving parties similar viewing of jurors seated socially distant throughout the courtroom gallery.
- Any documents for the Court will be handed to the courtroom deputy after parties use hand sanitizer. The Court prefers electronic versions to limit the number of documents shared during proceedings.

### Personal Protective Equipment (PPE)

- Face coverings must be worn by all participants.
- When a witness takes the stand, they are to don a plastic shield to cover their face, then remove their face covering or mask afterward.
- The face shield or face covering must be worn until any party/witness leaves the courthouse.

### Cleaning/Disinfecting

- The courtrooms will be cleaned and disinfected daily and receive a deep cleaning each evening if used.
- Disinfecting wipes or sprays will be provided on each counsel table. At the end of each hearing, counsel is responsible for wiping down the table and chairs that were used, and any other surfaces they have touched.
- If counsel use the DEPS system, they must clean the surfaces after each use.
- When a witness is excused from the witness stand, court staff will wipe down the surfaces the witness has touched, including their chair, with disinfecting wipes or sprays stored in the area.

### Security Issues

- Social distancing practices to be implemented at CSO posts.
- The Court will mark waiting locations on the floor with 6-foot intervals.
- Visitors will be required to stand at 6-foot intervals within crowd control stanchions while waiting to be screened. A sign will be placed at the entrance of the stanchions posting clear guidance as to the Court's order about visitor requirements and responsibilities.
- All Security Officers and CSOs will wear face coverings while on post and in court.
- The respective building safety committees at each court location will be requested to have FPS Officers record (on a voluntary basis) contact tracing information for all building entrants including the following: date, time, name, phone number, destination within the building area. The contact tracing list will be kept in a confidential manner and will be destroyed every 30 days.
- CSOs will identify anyone who is visually symptomatic (coughing, undue sweating, etc.).

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## Jury Trials Protocols

### Prior To Reporting

- Beginning June 2020, a Jury Health Survey regarding COVID-19 inquiries will be utilized and accompanied by a letter from the Chief Judge. See Health Survey in Addenda.
- The term of jury service will be reduced to 2 or 3 weeks (it may be necessary for a 3-week term of service for a month with 5 weeks).
- Jury staff will collaborate with Chambers to determine if a supplemental questionnaire should be sent regarding standard voir dire questions.
  - Jurors will receive a message to log onto *eJuror* to complete the supplemental questionnaire. Those who don't complete the information on *eJuror*, will be mailed a paper form.
  - Jury staff will screen the survey responses and provide them to the Chief Judge for the elimination of jurors who cannot or should not serve.
  - Ensure there is a declaration under penalty of perjury on any additional questionnaires.
- The Court will create a video for the webpage and also posted at the court entrance to advise jurors about what to expect.
- Potential jurors will also receive information regarding COVID-19 procedures and protective measures taken in compliance with CDC guidelines with their summons (mailed 5-6 weeks prior to report date). See COVID-19 *Information Sheet* at Addenda.
- A message will be sent the Thursday prior to trial. Included in that message is an instruction to contact the jury staff if any of their COVID-19 inquiry responses have changed.
- Jury staff will formulate a plan for separating the jurors when they report to comply with gathering requirements. Strategies shall include:
  - Staggering times for jurors to arrive in smaller groups (alphabetically by last name).
  - Setting up rooms with social distancing signage for the placement of jurors.
  - Designating restrooms for each group.
- Jury staff will ensure all jurors can watch the orientation video from their designated location in the courthouse.
- Jury staff will provide face coverings and hand sanitizer in a quantity sufficient for the number of jurors reporting.

## Reporting

- Jurors will report as instructed.
  - Social distancing signage will be placed at the entrance and designated locations in the courthouse.
  - FPS will be requested to keep a voluntary contact tracing log for all courthouse facilities.
  - CSOs will provide secondary observation for health clues or concerns, ensure jurors wear face coverings or refuse entry, and remind them to observe social distance requirements on way to juror check-in.
  - Each juror must be re-screened daily.
  - 6-foot spaces outside/inside will be marked for waiting in line to check-in.
  - Elevator occupancy will be limited to no more than 2 people per cab.
  - The Court will provide face coverings as needed.
- Utilize jury assembly room and space chairs 6 feet apart.
- Stage jury assembly - call first 20 – do jury selection and then call in next 20. Send first 20 to Courtroom 1 or grand jury room.
- Only the parties, court staff, and jurors will be permitted in the courtroom due to space restrictions necessitated by safe social distancing. Remote viewing may also be available in Courtrooms 1 and 4; the public listen line will always be available.
- Jury staff will escort jurors into their designated location. If staff is available, they will also monitor elevator usage to comply with social distancing requirements. Otherwise signage will be posted.
  - A staff member will remain with that group for the duration of their stay.
- Jurors will be randomly selected to participate in voir dire.
- Side bar will be held as needed in the attached jury rooms. The Court is attempting to provide equipment to permit defendant to hear side bar remote from seat in courtroom.
- Jurors will be seated in the gallery of the trial courtroom and will speak from their designated seats. Jury staff will ensure social distance compliance.

## Jurors Released at the Completion of Voir Dire

- Jury staff will escort the non-selected jurors to exit the courthouse.

## Empaneled Jurors

- The Court shall take a recess once jury selection is completed and have the courtroom cleaned. This additional cleaning should be coordinated with the cleaning staff.
- Jury staff will seat the empaneled jurors in compliance with social distancing requirements. See *Jury Trial Set-Up Plan* Section.
  - If jurors are seated in the gallery, ensure they can view the evidence on the monitors. Jurors with sight impairments should be given preference for being seated in the jury box.

- Jurors should report each day to the jury assembly room (or other location large enough to comply with social distancing requirements).
- Breaks will also be taken in the jury assembly room (or other location large enough to comply with social distancing requirements), rather than the courtroom jury room.

## Trial

- Jury sits in the jury box and in the gallery section in designated spaces in pre-marked locations on each side of aisle.
- The public, victims, and family members may watch live broadcasts of trial proceedings in Courtroom 4 with appropriate spacing. No CSOs present since no court officers present.
- Witness(es) will be brought through the rear of the courtroom so they don't walk through the expanded jury box. They could be directed to report to the library with easy access up the von der Heydt elevator.
- Witnesses will be required to wear face covering.
- Court reporters remain at current stations or move to another location as necessary to record proceedings.
- Counsel will speak from counsel tables.
- Parties must present evidence electronically, using computer or document camera (no handing paper to witness).
- Jury takes breaks and deliberates in jury assembly room; may use facilities in deliberation room with social distancing.
- Parties and court staff leave the courtroom during breaks, taking materials with them.
- Witnesses wait in attorney conference rooms or grand jury room as necessary to maintain social distance.
- Proceedings outside the presence of the jury (pre/post-trial motions, jury charge conference, etc.) conducted in courtroom.

## Deliberation

- Deliberation will be held in the jury assembly room (or other location large enough to comply with social distancing requirements). The chairs will be moved out and tables will be placed so each juror has their own table.
  - Clerk's Office staff or CSOs will monitor all entrances and exits.
  - Clerk's staff will ensure a secure device is available in the deliberation location to adequately play prepared digital evidence.

- The jury will be brought back into the courtroom and seated in their designated seats to announce the verdict.
- Jury staff will escort the jurors to exit the courthouse.
- Lunch delivered daily for jury.

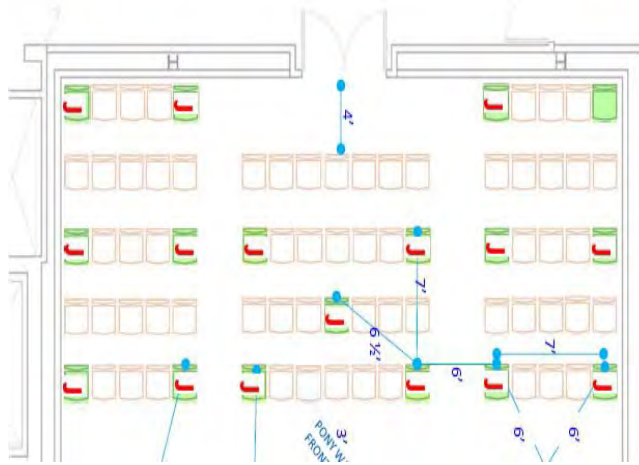
### Following Trial

- For purposes of contact tracing, if anyone involved with the trial becomes ill with COVID-19 within 14-days after the trial, they are requested to notify the Court.

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## Jury Trial Courtroom Set-Up

- Courtrooms 2 and 3 are designated for all in-person proceedings including trial.
- Each juror will sit in the gallery and maintain social distancing of at least 6 feet apart, similar to the diagram below:



We are in the process of taking photographs of Courtrooms 2 and 3 as well as the jury assembly room showing the designated seating for placement in this section

- Counsel tables will be reconfigured to face each other while maintaining social distancing and arranged parallel to the Bench.
- The mics will be removed from the lectern to prevent sharing of microphones between attorneys. Each side will be given a lapel/lavalier mic or over the ear mic with wireless pack to use during trial:



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## Central Violations Bureau Hearings

### Prior To Hearing

- Applicable staff at each courthouse location should identify the room they will use as a waiting room for these hearings.
- Applicable staff at each courthouse location should identify the room that will be used for the meetings with the AUSA and summoned individuals.

### Hearing Day

- Those appearing at a courthouse location upon a CVB summons will be taken to a waiting room large enough so they can wait, separated by a 6-foot or greater distance.
  - Social distancing signage will be placed at the entrance and designated locations in the courthouse.
  - Any staff who handle documents throughout this process should wear gloves and/or practice hand sanitizing after handling documents.
- The SAUSA or AUSA who is there to meet with the summoned individuals will be in a separate room.
- Individuals will meet with the SAUSA or AUSA one at a time in a separate room or space.
- When moving to the courtroom for arraignment, individuals will remain 6-feet apart when seated in the courtroom. If the courtroom cannot accommodate all those awaiting arraignment, individuals will wait 6-feet apart in the waiting room. Face coverings or masks must be worn by individuals in attendance at all times.
- Individuals requesting a trial should be given the opportunity of conducting trial by video conference, which would allow the individual to attend from their home.

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## Civil Case Proceedings

### Prioritization of Civil Cases

- Civil cases will proceed based on the age and progress of the case, and as determined by the assigned judge. The specific circumstances of individual cases may also warrant prioritizing hearings and rulings and in some cases over others on a case-by-case basis.

### Video Conference Depositions

- The parties are encouraged to proceed with civil discovery in all cases.
- Video conference depositions are a practical alternative to in-person depositions in many instances and the parties are strongly encouraged to work cooperatively to agree and proceed with video conference depositions wherever possible.
- The parties may seek relief with the Court in the event of disagreement or other conflict with respect to scheduling and/or conducting video conference depositions.
- While video conference depositions are strongly encouraged, the Court remains lenient and flexible as to the scheduling of and/or continuance of any depositions involving medical health care professionals and other medical first responders during the COVID-19 pandemic.

### Video Conference Hearings

- All civil hearings will be held via video conference (or by telephone if video is impracticable) to include motions hearings, case management and scheduling conferences, pretrial conferences, etc.

### Jury and Bench Trials

- The parties are encouraged to consider stipulating to bench trials that may be able to be scheduled (whether in-person when the courthouse opens, or via video conference) on a faster schedule and well before in-person jury trials can proceed in light of the health and safety needs and precautions required by the COVID-19 pandemic.
- The Court will consider whether some bench trials can be conducted via video conference in order to offer the parties in some cases the option of stipulating to such a trial.
- The Committee recognizes that the COVID-19 pandemic presents health and safety considerations regarding conducting in-person hearings and trials.

### Option to Stipulate to Magistrate Judge Jurisdiction

- The parties will be provided the option of stipulating to the jurisdiction of the Magistrate Judge for all pre-trial matters, to include final rulings on dispositive motions, and/or for trial of civil cases.

## Public Participation

- Public access to in-person court proceedings, to the extent they resume, may be appropriately limited, and video or audio streaming of proceedings may be considered as an alternative.
- Public access to telephonic or video conference proceedings may likewise be provided via a listen only telephone or video access.



# DISTRICT OF ALASKA

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## **ADDENDA**

### COVID-19 RESTORING OPERATIONS PLAN

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

**SUSPENSION OF COURT  
PROCEEDINGS EFFECTIVE  
MARCH 30, 2020**

**MISCELLANEOUS  
GENERAL ORDER  
No. 20-11**

This Miscellaneous General Order replaces and supersedes the Court’s Miscellaneous General Order 20-10 concerning changes to Court operations and deadlines during the coronavirus disease (COVID-19) pandemic. As of the date of this Order, the President of the United States has declared a national emergency in response to the outbreak of COVID-19. The Governor of the State of Alaska declared a public health disaster emergency in response to the COVID-19 pandemic. Additionally, several municipalities throughout Alaska have declared states of emergency in response to confirmed cases of COVID-19 in Alaska. Except for individuals engaged in supporting critical infrastructure or essential services, federal, state, and local authorities have urged and—in the case of Alaska residents—have ordered individuals to avoid leaving their homes, not to participate in any public or private gatherings that include any number of non-household members, not to travel between communities, and to practice “social-distancing” when in public.

On March 24, 2020, the Judicial Council of the Ninth Circuit issued its Policy Regarding Electronic Conduct of Court Proceedings During the COVID-19 Virus Outbreak. The Policy authorizes district courts to restrict public access to courthouses and provide public access to proceedings through electronic means until further notice.

On March 27, 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which authorized the Judicial Conference of the United States to provide authority to Chief District Judges to permit judges in their districts to conduct certain criminal proceedings by video or audio conference. The President signed the CARES Act into law on March 27, 2020. On March 29, 2020, the Judicial Conference of the United States made the appropriate findings as required under the CARES Act, finding specifically that “emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect

to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally.”

The Court has considered the guidance issued by the Judicial Conference of the United States, the Judicial Council of the Ninth Circuit, and public health officials across the nation. The Court has also weighed the right of the public and media to access the Court against the compelling interest of protecting the safety of the public, including the health of all those entering and working in the Court. In light of these considerations, the Court supersedes Miscellaneous General Order 20-10 and orders as follows:

**A. Criminal Matters:**

1. All Grand Jury proceedings scheduled to be held from February 18, 2020, through May 19, 2020, are continued. Pursuant to 18 U.S.C. § 3161(b), any case charged by complaint from February 18, 2020, to May 19, 2020, shall have an additional 30 days from the date of arrest for filing of the indictment. Due to health and safety concerns regarding the COVID-19 virus and the requirement of grand jurors to travel, sit in close proximity to one another, and interact with counsel and court staff, the Court finds that the resulting period of delay from February 18, 2020, through May 19, 2020, serves the ends of justice in a manner that outweighs the best interest of the public and the defendant in a speedy trial. Accordingly, the delay shall be excluded in computing the time within which an indictment must be filed pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(i). Unless further delay is excluded by order of the Court, the government shall have a total of 60 days from May 19, 2020, to file an indictment in any case charged by complaint from February 18, 2020, to May 19, 2020.
2. To protect the constitutional right of defendants to a speedy trial and pursuant to Federal Rules of Criminal Procedure 5 and 10, the Court will continue to hold initial appearances and arraignments in criminal cases without unnecessary delay. Judges should conduct such proceedings by video conferencing, or telephone conferencing if video conferencing is not reasonably available for use.
3. Initial Appearance for individuals arrested in the District of Alaska pursuant to a federal complaint will occur at 9:00 a.m. the day following the arrest. The arresting agency will transport and maintain custody of the defendant until he or she is placed in the custody of

the U.S. Marshals Service at the end of the Initial Appearance. The Detention Hearing will be scheduled for 2:00 p.m. or later that same day, depending upon the Court's availability. This schedule will allow the pretrial officer to interview the defendant between the time of the Initial Appearance and the Detention Hearing if the officer has been unable to obtain access to the defendant prior to that time. Where defendants are to appear via telephone or video teleconference, the assigned judge may need to adjust the timing for such appearances to accommodate defendants' limited access to telephone or video teleconference equipment.

4. All criminal jury trials scheduled to commence on or before May 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial-specific deadlines in criminal cases scheduled to begin on or before May 1, 2020, are continued pending further order of the assigned judge.
5. Except as directed by an individual judge, criminal proceedings, including sentencings, supervised release revocation hearings, motion hearings, plea hearings, misdemeanor bench trials, and all proceedings under Federal Rule of Criminal Procedure 5.1, are suspended until May 1, 2020.
6. All in-person status hearings for criminal cases are vacated. In those cases, counsel shall file a written joint status report within 14 days of this Order. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.
7. Due to the outbreak of COVID-19, the following facts make a criminal jury trial impractical at this time:

(A) Petit juries in the District of Alaska are drawn from disparate, often remote, communities throughout the District, which may require some jurors to travel to Anchorage by airplane. Additionally, throughout the proceedings, jurors would be required to sit close to other jurors in the jury box and deliberation room. Thus, a jury cannot be safely empaneled for a criminal trial in light of the current pandemic.

(B) The Federal Bureau of Prisons and the Department of Corrections for the State of Alaska have restricted access to their correctional facilities for all visitors including

defense counsel. These new restrictions prevent defense attorneys from meeting with their clients to adequately prepare their defense for trial.

(C) In light of the current pandemic and the guidance issued by federal, state, and local public health authorities, it is not safe for counsel, witnesses, jurors, court staff, or members of the public to be present in the courtroom for a criminal trial.

Due to the foregoing facts, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i), and (B)(iv). Any motion by a criminal defendant seeking an exception to this Order to exercise that right should be directed to the District Judge assigned to the matter. Absent further order of the Court, the period of the exclusion shall be from March 16, 2020, through May 1, 2020.

8. Judges may hold, and shall prioritize, any critical criminal proceeding which cannot be postponed without substantially prejudicing either party or irreversibly impeding the fair administration of justice. Judges should conduct such proceedings by video conferencing, or telephone conferencing if video conferencing is not reasonably available for use, where practicable and consistent with the law.
9. Acting pursuant to § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, the Chief Judge finds that emergency conditions due to the COVID-19 outbreak will materially affect the functioning of the courts within this judicial district. Thus, pursuant to the authority granted under § 15002(b)(1) of the CARES Act, the Chief Judge hereby authorizes judges in this district, with the consent of the defendant or the juvenile after consultation with counsel, to use video conferencing, or telephone conferencing if video conferencing is not reasonably available for use, for the following events:
  - (A) Detention hearings under 18 U.S.C. § 3142.
  - (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
  - (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.

- (D) Waivers of indictment under Rule 7(b) 24 of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (G) Pretrial release revocation proceedings under 18 U.S.C. § 3148.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to § 15002(b)(2) of the CARES Act, the Chief Judge further specifically finds that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons, that felony pleas or sentencings in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant or the juvenile after consultation with counsel, conduct those proceedings by video conference, or by telephone conference if video conferencing is not reasonably available. This authority extends to equivalent plea, sentencing or disposition proceedings under 18 U.S.C. § 403.

This authorization is effective for 90 days unless earlier terminated. If the emergency persists longer than 90 days, the Chief Judge will review the situation for possible extension of authority pursuant to the provisions of the CARES Act. Notwithstanding the foregoing, pursuant to the provisions of the CARES Act, this authority shall terminate on the last day of the covered emergency period or the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to the COVID-19 outbreak no

longer materially affect the functioning of either the Federal courts generally or the courts within this district.

10. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**B. Civil Matters:**

1. The Court finds that in response to the public health guidance for COVID-19, governmental agencies and businesses have instituted social distancing measures in the workforce by enforcing telework protocols, rotating staff, or temporarily suspending operations. Government attorneys, private attorneys, and clients have been impacted by these restrictions, closures, and cutbacks, making it difficult to proceed with discovery and other aspects of civil litigation as previously scheduled. Therefore, in order to avoid any default or prejudice to civil litigants, the Court imposes a stay on all civil matters for 30 days, unless otherwise ordered by the presiding judge in a specific case.
2. All civil jury trials scheduled to commence on or before May 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial-specific deadlines in civil cases scheduled to begin before May 1, 2020, are continued pending further order of the assigned judge.
3. In civil cases, no hearings scheduled between March 23, 2020, and May 1, 2020, will go forward except for emergency matters, such as requests for temporary restraining orders and preliminary injunctions, as ordered by the assigned judge. Any hearings on emergency civil matters will proceed by telephone or video only.
4. All in-person status hearings for civil cases scheduled between March 23, 2020, and May 1, 2020, are vacated. In those cases, counsel shall file a written joint status report. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.

5. All civil filing deadlines are stayed pending further order of the assigned judge. Any party may seek relief from the stay by filing a motion establishing with good cause why the stay should be lifted as to that litigant's matter.
6. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**C. Bankruptcy Matters:**

1. General Orders 2020-3 and 2020-4 issued by the United States Bankruptcy Court for the District of Alaska remain in effect.
2. No hearings in bankruptcy appeals pending before the District Court scheduled to commence on or before May 1, 2020 will go forward except for emergency time-sensitive matters. In such case, counsel shall file a written joint status report describing the emergency circumstances and, if practicable, requesting a telephonic hearing.

**D. Access by the Public:**

1. All non-case related activities scheduled in the James M. Fitzgerald U.S. Courthouse in Anchorage, the U.S. Courthouse in Fairbanks, and the U.S. Courthouse in Juneau, are canceled until further notice. This includes naturalization ceremonies, attorney admission ceremonies, mock trials, CLE events, school tours, and all other non-case related gatherings.
2. In light of the guidance issued by the federal, state, and local government and to protect the health and safety of defendants, counsel, court staff, and the public, the James M. Fitzgerald U.S. Courthouse in Anchorage, the U.S. Courthouse in Fairbanks, and the U.S. Courthouse in Juneau, shall be closed to the public except to persons with a scheduled appointment or entering to submit a physical filing to the drop box located in the lobby of each courthouse.
3. If criminal or civil proceedings must be held, the public will be permitted to observe on a toll-free teleconference line. Dial-in information will be available in the individual docket of each case on PACER and on the court's calendar which shall be posted on the Court's website and in the lobby of each court house. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion

or for any purpose. Further instructions and restrictions are set forth on the Court's website, which may change as necessary.

4. If criminal proceedings must be held, close family members of defendants, victims (as defined in 18 U.S.C. § 3771(e)(2)), close family members of victims, or anyone permitted by law to make a statement during the proceedings may do so by telephone or video conferencing. Defense counsel shall provide the dial-in/video connection information to persons who may make statements on the defendant's behalf. Counsel for the government shall inform the victim(s) and family members of the victim(s) of the opportunity to make a statement and shall provide the dial-in/video connection information to such persons.
5. All hearings conducted pursuant to this Order shall also be recorded by the Court using reliable means. Members of the public or the press may request that the Clerk's Office provide a duplicate of the audio record of any public proceeding. Until further notice, a duplicate of the audio record of any public proceeding held while the courthouse is closed to the public shall promptly be made available at no cost to the requestor. Fees will be applied when requesting additional duplicates of the same audio record.
6. Anyone with a scheduled appointment or who is otherwise required to appear in-person but believes they have mistakenly been denied entry, should proceed as follows:
  - Those represented by an attorney should contact their attorney;
  - Attorneys and pro se litigants scheduled to appear in court before a judge, should contact that judge's chambers or courtroom deputy (see court website at [www.akd.uscourts.gov](http://www.akd.uscourts.gov));
  - For all other matters or questions, please contact the Clerk's Office at (907) 677-6100 (Anchorage), (907) 451-5791 (Fairbanks), or (907) 586-7458 (Juneau).
7. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties and members of the public.

**E. Court Services and Employees:**

1. The Clerk's Office lobby shall be closed to the public. Physical filings may be submitted in the drop boxes located in the lobby of each court facility near court security. Cash payments will not be accepted. The Clerk's Office will remain available by telephone, mail

will be received, and new filings will be processed.

2. All U.S. Probation and U.S. Pretrial Services offices will be closed to the public but will remain in operation. Drug testing and other supervisory activities will continue. A probation or pretrial services duty officer will answer questions telephonically at (907) 677-6170.
3. All court employees, including Clerk's Office staff, U.S. Probation and Pretrial Services staff, and Chambers staff, shall telework whenever possible except as otherwise directed by their supervisor. While teleworking, all employees shall contact their direct supervisor daily, or as directed by their supervisor, for accountability and information dissemination.
4. It may be necessary from time to time for court employees to be physically present at the courthouse to perform certain essential functions. While working in the courthouse, court employees are to practice social distancing and minimize face-to-face interactions with others to the extent practicable.

DATED this 30th day of March, 2020

/s/ Timothy M. Burgess

Hon. Timothy M. Burgess  
Chief United States District Judge

Distribution:

District Judges	Magistrate Judges
Clerk of Court	Court Rules Attorney
U.S. Attorney	Federal Public Defender
Court Librarian	Court Rules Attorney
U.S. Marshal	U.S. Probation & Pretrial Services
Bankruptcy Judge	Clerk of Bankruptcy Court
Alaska Bar Assn	

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

EXPEDITED DETENTION  
HEARING PROCEDURES  
EFFECTIVE APRIL 7, 2020

**MISCELLANEOUS  
GENERAL ORDER 20-12**

This Miscellaneous General Order governs the procedure for motions for release of pretrial and presentence defendants based on the coronavirus disease (COVID-19) pandemic. On March 30, 2020, the Court issued Miscellaneous General Order 20-11 concerning changes to Court operations and deadlines during the COVID-19 pandemic. For the purpose of this Order, the Court incorporates the findings made in Miscellaneous General Order 20-11 related to the impact of COVID-19 on the public and court operations.

Concerns regarding COVID-19 outbreaks in detention centers and correctional facilities across the nation have generated voluminous filings regarding the pretrial and presentence release of criminal defendants. The Court anticipates that many defendants in criminal cases pending in the District of Alaska will file motions for pretrial or presentence release based on the ongoing pandemic. To promote judicial economy in such matters, this Order supplements District of Alaska Local Criminal Rule 46.1 and shall remain in effect until May 1, 2020, unless otherwise ordered by the Court.

The following procedure shall govern motions for release of pretrial and presentence defendants concerning the COVID-19 pandemic:

(a) Prior to filing any motion, counsel for the Government and the defendant must:

- (1) Confer with one another to determine whether they agree on the defendant's detention or request for release and the conditions of release; and
- (2) Notify United States Probation and Pretrial Services as to the defendant's proposed release plan to allow the Officer to begin an immediate investigation.
- (3) If the release plan includes release to a third party, the defendant shall file a complete third-party custodian application.

(4) If the defendant intends to rely on a medical condition in support of their motion and does not have such medical documentation, he or she shall submit an unopposed motion on shortened time and under seal for an order disclosing medical information. This motion shall include a proposed order with the following information:

- a. Name and date of birth of the defendant;
- b. The identity of the entity that is believed to have such records; and
- c. The pertinent date range for the records.

The Court shall authorize these orders on an expedited basis and the defendant shall obtain and file the records as soon as possible. Filings of confidential medical information may be made under seal and no motion for permission to file under seal is required for this documentation.

(b) Motions for release based on the COVID-19 pandemic shall:

- (1) Be made on expedited basis. The defendant need not file a separate motion for expedited consideration. Instead, defendant shall include a request for expedited consideration in their motion for release. The defendant must advise the assigned judge's chambers via email that such a request has been filed.
- (2) Address the relevant factors under 18 U.S.C. § 3142.
- (3) Identify any medical conditions that make the defendant more susceptible to contracting COVID-19 or that may be exacerbated as a result of contracting COVID-19. The defendant shall attach documentation of these medical conditions under seal from a correctional institution, health care provider, or probation report. Filings of confidential medical information may be made under seal and no motion for permission to file under seal is required for this documentation.

If no medical documentation is available, or if the defendant declines to seek an order for production of medical documentation, the defendant shall so state. In lieu of or in addition to medical documentation, defendants may submit affidavits, declarations, or other evidence to support their claims.

- (4) Identify the release plan as specifically as possible.
- (5) Whether the movant intends to consent to appearing by videoconference or telephone conference should a hearing on the motion be held.
- (c) Unless otherwise ordered by the Court, the Government shall have two business days from the motion being filed to file its response. The Government shall state its position as to whether or not it supports or opposes the movant's release, and the reasons therefore.
- (d) No replies to responses are permitted, unless otherwise ordered by the Court.
- (e) Unless otherwise ordered by the Court, Pretrial Services will file a memorandum with the Court and the parties at least two business days before the bail hearing outlining its recommendations on the bail review.
- (f) The Court shall review the motion and any filed medical documentation, the response, and Pretrial Service's recommendation, and determine whether to calendar a hearing. This hearing will be held as soon as practicable. Pursuant to Miscellaneous General Order 20-11, such hearings shall be conducted by video conferencing, or telephone conferencing if video conferencing is not reasonably available for use.

DATED this 7th day of April, 2020

/s/ Timothy M. Burgess  
Hon. Timothy M. Burgess  
Chief United States District Judge

Distribution:

District Judges	Magistrate Judges
U.S. Attorney	Federal Public Defender
Clerk of Court	Court Rules Attorney
Court Librarian	U.S. Probation & Pretrial Office
Bankruptcy Judge	Clerk of Court Bankruptcy
Alaska Bar Assn	

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

SUSPENSION OF COURT  
PROCEEDINGS  
EFFECTIVE MAY 1, 2020

**MISCELLANEOUS  
GENERAL ORDER 20-13**

On March 30, 2020, the Court issued Miscellaneous General Order 20-11 concerning changes to Court operations and deadlines during the COVID-19 pandemic. Additionally, on April 7, 2020, the Court issued Miscellaneous General Order 20-12 concerning expedited detention hearing procedures. Each of these orders were set to expire on May 1, 2020, unless otherwise ordered by the Court.

The circumstances giving rise to the Court's prior orders related to the COVID-19 pandemic have not materially changed or abated since March 30, 2020. A state of public health emergency persists across the nation, the State of Alaska, and local communities. The number of confirmed cases of COVID-19 in Alaska continues to rise, and public health mandates restricting travel and requiring "social distancing" remain in effect. In consideration of the factors outlined in Miscellaneous General Orders 20-11 and 20-12 and to protect the public safety and prevent the spread of COVID-19, the Court hereby orders that the continuances, operations, and procedures established in Miscellaneous General Orders 20-11 and 20-12 shall remain in effect until June 1, 2020. Specifically, the Court orders as follows:

**A. Criminal Matters**

1. All grand jury proceedings scheduled to occur before June 1, 2020, are continued pending further order of the Court. Pursuant to 18 U.S.C. § 3161(b), any case charged by complaint from February 18, 2020, to June 16, 2020, shall have an additional 30 days from the date of arrest for filing of the indictment. Due to health and safety concerns regarding the COVID-19 virus and the requirement of grand jurors to travel, sit in close proximity to one another, and interact with counsel and court staff, the Court finds that the resulting period of delay from February 18, 2020, through June 16, 2020, serves the ends of justice in a manner that outweighs the best interest of the public and the defendant in a speedy trial.

Accordingly, the delay shall be excluded in computing the time within which an indictment must be filed pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(i). Unless further delay is excluded by order of the Court, the government shall have a total of 60 days from June 16, 2020, to file an indictment in any case charged by complaint from February 18, 2020, to June 16, 2020.

2. To protect the constitutional right of defendants to a speedy trial and pursuant to Federal Rules of Criminal Procedure 5 and 10, the Court will continue to hold initial appearances and arraignments in criminal cases without unnecessary delay. Judges should conduct such proceedings by video conferencing, or telephone conferencing if video conferencing is not reasonably available for use.
3. Initial Appearance for individuals arrested in the District of Alaska pursuant to a federal complaint will occur at 9:00 a.m. the day following the arrest. The arresting agency will transport and maintain custody of the defendant until he or she is placed in the custody of the U.S. Marshals Service at the end of the Initial Appearance. The Detention Hearing will be scheduled for 2:00 p.m. or later that same day, depending upon the Court's availability. This schedule will allow the pretrial officer to interview the defendant between the time of the Initial Appearance and the Detention Hearing if the officer has been unable to obtain access to the defendant prior to that time. Where defendants are to appear via telephone or video teleconference, the assigned judge may need to adjust the timing for such appearances to accommodate defendants' limited access to telephone or video teleconference equipment.
4. All criminal trials scheduled to occur before June 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial specific deadlines in criminal cases scheduled to begin on or before June 1, 2020, are continued pending further order of the assigned judge.
5. Except as directed by an individual judge, criminal proceedings, including sentencings, supervised release revocation hearings, motion hearings, plea hearings, misdemeanor bench trials, and all proceedings under Federal Rule of Criminal Procedure 5.1, are suspended until June 1, 2020.

6. All in-person status hearings for criminal cases are vacated. In those cases, counsel shall file a written joint status report within 14 days of this order. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.
7. Due to the outbreak of COVID-19, the following facts make a criminal jury trial impractical at this time:

(A) Petit juries in the District of Alaska are drawn from disparate, often remote, communities throughout the District, which may require some jurors to travel to courthouses by airplane. Additionally, throughout the proceedings, jurors would be required to sit close to other jurors in the jury box and deliberation room. Thus, a jury cannot be safely empaneled for a criminal trial in light of the current pandemic.

(B) The Federal Bureau of Prisons and the Department of Corrections for the State of Alaska have restricted access to their correctional facilities for all visitors including defense counsel. These new restrictions prevent defense attorneys from meeting with their clients to adequately prepare their defense for trial.

(C) In light of the current pandemic and the guidance issued by federal, state, and local public health authorities, it is not safe for counsel, witnesses, jurors, court staff, or members of the public to be present in the courtroom for a criminal trial.

Due to the foregoing facts, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i), and (B)(iv). Any motion by a criminal defendant seeking an exception to this Order to exercise that right should be directed to the District Judge assigned to the matter. Absent further order of the Court, the period of the exclusion shall be from March 16, 2020, through June 1, 2020.

8. Judges may hold, and shall prioritize, any critical criminal proceeding which cannot be postponed without substantially prejudicing either party or irreversibly impeding the fair administration of justice. Judges should conduct such proceedings by video conferencing, or telephone conferencing if video conferencing is not reasonably available for use, where

practicable and consistent with the law.

9. The expedited procedure governing motions for release of pretrial and presentence defendants based on the COVID-19 pandemic set forth in Miscellaneous General Order 20-12 shall remain in effect until June 1, 2020.
10. Acting pursuant to § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, the Chief Judge finds that emergency conditions due to the COVID-19 outbreak will materially affect the functioning of the courts within this judicial district. Thus, pursuant to the authority granted under § 15002(b)(1) of the CARES Act, the Chief Judge hereby authorizes judges in this District, with the consent of the defendant or the juvenile after consultation with counsel, to use video conferencing, or telephone conferencing if video conferencing is not reasonably available for use, for the following events:
  - (A) Detention hearings under 18 U.S.C. § 3142.
  - (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
  - (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
  - (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
  - (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
  - (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
  - (G) Pretrial release revocation proceedings under 18 U.S.C. § 3148.
  - (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
  - (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
  - (J) Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to § 15002(b)(2) of the CARES Act, the Chief Judge further specifically finds

that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons, that felony pleas or sentencings in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant or the juvenile after consultation with counsel, conduct those proceedings by video conference, or by telephone conference if video conferencing is not reasonably available. This authority extends to equivalent plea, sentencing or disposition proceedings under 18 U.S.C. § 403.

This authorization is effective for 90 days unless earlier terminated. If the emergency persists longer than 90 days, the Chief Judge will review the situation for possible extension of authority pursuant to the provisions of the CARES Act. Notwithstanding the foregoing, pursuant to the provisions of the CARES Act, this authority shall terminate on the last day of the covered emergency period or the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to the COVID-19 outbreak no longer materially affect the functioning of either the Federal courts generally or the courts within this district.

11. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**B. Civil Matters:**

1. The Court finds that in response to the public health guidance for Covid-19, governmental agencies and businesses have instituted social distancing measures in the workforce by enforcing telework protocols, rotating staff or temporarily suspending operations. Government attorneys, private attorneys, and clients have been impacted by these restrictions, closures, and cutbacks, making it difficult to proceed with discovery and other aspects of civil litigation as previously scheduled. Therefore, in order to avoid any default or prejudice to civil litigants, the Court imposes a stay on all civil matters for an additional 30 days, unless otherwise ordered by the presiding judge in a specific case.

2. All civil jury trials scheduled to commence on or before June 1, 2020, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial-specific deadlines in civil cases scheduled to begin before June 1, 2020, are continued pending further order of the assigned judge.
3. In civil cases, no civil hearings scheduled to commence on or before June 1, 2020, will go forward except for emergency matters, such as requests for temporary restraining orders and preliminary injunctions, as ordered by the assigned judge. Any hearings on emergency civil matters will proceed by telephone or video only.
4. All in-person status hearings for civil cases scheduled to commence on or before June 1, 2020, are vacated. In those cases, counsel shall file a written joint status report. If there is need for a status hearing due to emergency circumstances, counsel may make application to the court for a telephonic hearing.
5. All civil filing deadlines are stayed pending further order of the assigned judge. Any party may seek relief from the stay by filing a motion establishing with good cause why the stay should be lifted as to that litigant's matter.
6. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**C. Bankruptcy Matters:**

1. General Orders 2020-3 and 2020-4 issued by the United States Bankruptcy Court for the District of Alaska remain in effect.
2. No hearings in bankruptcy appeals pending before the District Court scheduled to commence on or before June 1, 2020, will go forward except for emergency time-sensitive matters. In such case, counsel shall file a written joint status report describing the emergency circumstances and, if practicable, requesting a telephonic hearing.

**D. Access by the Public:**

1. All non-case related activities scheduled in the James M. Fitzgerald U.S. Courthouse in Anchorage, and U.S. Courthouses in Fairbanks and Juneau, are canceled until further notice. This includes naturalization ceremonies, attorney admission ceremonies, mock

trials, CLE events, school tours, and all other non-case related gatherings.

2. In light of the guidance issued by the federal, state, and local government and to protect the health and safety of defendants, counsel, court staff, and the public, the James M. Fitzgerald U.S. Courthouse in Anchorage and the U.S. Courthouses in Fairbanks and Juneau shall be closed to the public except to persons with a scheduled appointment or entering to submit a physical filing to the drop box located in the lobby of each courthouse.
3. If criminal or civil proceedings must be held, the public will be permitted to observe on a toll-free teleconference line. Dial-in information will be available in each case's individual docket on PACER and on the court's calendar, which shall be posted on the Court's website and in the lobby of each courthouse. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion or for any purpose. Further instructions and restrictions are set forth on the Court's website and may change as necessary.
4. If criminal proceedings must be held, close family members of defendants, victims (as defined in 18 U.S.C. § 3771(e)(2)), close family members of victims, or anyone permitted by law to make a statement during the proceedings may do so by telephone or video conferencing. Defense counsel shall provide the dial-in/video connection information to persons who may make statements on the defendant's behalf. Counsel for the government shall inform the victim(s) and family members of the victim(s) of the opportunity to make a statement and shall provide the dial-in/video connection information to such persons.
5. All hearings conducted pursuant to this Order shall also be recorded by the Court using reliable means. Members of the public or the press media may request that the Clerk's Office provide a duplicate of the audio record of any public proceeding. Until further notice, a duplicate of the audio record of any public proceeding held while the courthouse is closed to the public shall promptly be made available at no cost to the requestor. Fees will be applied when requesting additional duplicates of the same audio record.
6. Anyone with a scheduled appointment or who is otherwise required to appear in-person but believes they have mistakenly been denied entry, should proceed as follows:
  - Those represented by an attorney, please contact your attorney;

- Attorneys and pro se litigants scheduled to appear in court before a judge, should contact that judge's chambers or courtroom deputy (see court website at [www.akd.uscourts.gov](http://www.akd.uscourts.gov));
  - For all other matters or questions, please contact the Clerk's Office at (907) 677-6100 (Anchorage), (907) 451-5791 (Fairbanks), or (907) 586-7458 (Juneau).
7. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties and members of the public.

**E. Court Services and Employees:**

1. The Clerk's Office lobby shall be closed to the public except for those submitting physical filings in the drop boxes located in the lobby of each court facility near court security. Cash payments will not be accepted. The Clerk's Office will remain available by telephone, mail will be received, and new filings will be processed.
2. All U.S. Probation and U.S. Pretrial Services offices will be closed to the public but will remain in operation. Drug testing and other supervisory activities will continue. A probation or pretrial services duty officer will answer questions telephonically at (907) 677-6170.
3. All court employees, including Clerk's Office staff, U.S. Probation and Pretrial Services staff, and Chambers staff, shall telework whenever possible except as otherwise directed by their supervisor. While teleworking, all employees shall contact their direct supervisor daily, or as directed by their supervisor, for accountability and information dissemination.
4. It may be necessary from time to time for court employees to be physically present at the courthouse to perform certain essential functions. While working in the courthouse, court employees are to practice social distancing and minimize face-to-face interactions with others to the extent practicable.

DATED this 20th day of April, 2020

/s/ Timothy M. Burgess

Hon. Timothy M. Burgess  
Chief United States District Judge

Distribution:

District Judges	Magistrate Judges
U.S. Attorney	Federal Public Defender
Clerk of Court	Court Rules Attorney
Court Librarian	U.S. Probation & Pretrial Services
Bankruptcy Judge	Clerk of Court Bankruptcy
Alaska Bar Assn	Active Attys via ECF

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

SUSPENSION OF COURT  
PROCEEDINGS  
EFFECTIVE JUNE 1, 2020

**MISCELLANEOUS  
GENERAL ORDER 20-17**

On March 30, 2020, the Court issued Miscellaneous General Order 20-11 concerning changes to Court operations and deadlines during the COVID-19 pandemic. Additionally, on April 7, 2020, the Court issued Miscellaneous General Order 20-12 concerning expedited detention hearing procedures. On April 20, 2020, the Court issued Miscellaneous General Order 20-13, which extended those continuances, operations, and procedures to June 1, 2020.

As of the date of this Order, the circumstances giving rise to the Court's prior orders related to the COVID-19 pandemic have been mitigated in large part due to public health mandates restricting travel and social gatherings. Even as the State of Alaska and local communities are gradually expanding operations, a "social distancing" advisory remains in effect. Therefore, in consideration of the factors outlined in Miscellaneous General Orders 20-11, 20-12, and 20-13, and to continue protecting the public safety and preventing the spread of COVID-19, the Court hereby orders that *certain* continuances [*specified below*], operations, and procedures established in the prior orders shall remain in effect until **July 6, 2020**. Any changes from prior orders implemented by this Order are *italicized and bolded* for ease of identification. Specifically, the Court orders as follows:

**A. Criminal Matters**

1. *A separate Miscellaneous General Order shall issue regarding upcoming grand jury proceedings.*
2. To protect the constitutional right of defendants to a speedy trial and pursuant to Federal Rules of Criminal Procedure 5 and 10, the Court will continue to hold initial appearances, arraignments, *and preliminary hearings* in criminal cases without unnecessary delay. Judges should conduct such proceedings by video conferencing, or telephone conferencing if video conferencing is not reasonably available.

3. **[REMOVED]**
4. All criminal trials scheduled to occur before **July 6, 2020**, are continued pending further order of the assigned judge. Judges may issue other orders concerning future continuances as necessary and appropriate. All trial specific deadlines in criminal cases scheduled to begin on or before **July 6, 2020**, are continued pending further order of the assigned judge. ***Pretrial deadlines, such as motion deadlines, will remain in effect. If an evidentiary hearing is required, the parties should jointly inform the court if they are willing to conduct the evidentiary hearing by video conference.***
5. Except as directed by an individual judge, ***in-person*** criminal proceedings, including sentencings, supervised release revocation hearings, motion hearings, plea hearings, and misdemeanor bench trials are suspended until **July 6, 2020**.
6. ***In criminal matters, the parties are encouraged to proceed by telephone or video conference where such virtual appearances are practicable and consistent with the law. In order to proceed with a currently set hearing by telephone or video conference, or to request a hearing date, the parties shall file a joint status report indicating their agreement to proceed by telephone or video conference, as well as the defendant's waiver of physical appearance.***
7. All in-person status hearings for criminal cases are vacated. In those cases, counsel shall file a written joint status report within 14 days of this Order. If there is need for a ***virtual*** status hearing, counsel may make application to the court for a ***virtual*** hearing.
8. Due to the outbreak of COVID-19, the following facts make a criminal jury trial impractical at this time:
  - (A) Petit juries in the District of Alaska are drawn from disparate, often remote, communities throughout the District, which may require some jurors to travel to courthouses by airplane. Additionally, throughout the proceedings, jurors would be required to sit close to other jurors in the jury box and deliberation room. Thus, a jury cannot be safely empaneled for a criminal trial in light of the current pandemic.
  - (B) The Federal Bureau of Prisons and the Department of Corrections for the State of Alaska have restricted access to their correctional facilities for all visitors including

defense counsel. These new restrictions prevent defense attorneys from meeting with their clients to adequately prepare their defense for trial.

(C) In light of the current pandemic and the guidance issued by federal, state, and local public health authorities, it is not safe for counsel, witnesses, jurors, court staff, or members of the public to be present in the courtroom for a criminal trial.

Due to the foregoing facts, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(i), and (B)(iv). Any motion by a criminal defendant seeking an exception to this Order to exercise that right should be directed to the District Judge assigned to the matter. Absent further order of the Court, the period of the exclusion shall be from March 16, 2020, through *July 6, 2020*.

*The Court is actively monitoring the current state of the pandemic and developing strategies to mitigate the challenges described above.*

9. Judges may hold, and shall prioritize, any critical criminal proceeding which cannot be postponed without substantially prejudicing either party or irreversibly impeding the fair administration of justice. Judges should conduct such proceedings by video conferencing or telephone conferencing if video conferencing is not reasonably available for use, where practicable and consistent with the law.
10. The expedited procedure governing motions for release of pretrial and presentence defendants based on the COVID-19 pandemic set forth in Miscellaneous General Order 20-12 shall remain in effect until *July 6, 2020*.
11. Acting pursuant to § 15002(b) of the CARES Act and the authority granted by the Judicial Conference of the United States, *Miscellaneous General Order 20-13 found* that emergency conditions due to the COVID-19 outbreak will materially affect the functioning of the courts within this judicial district. Thus, pursuant to the authority granted under § 15002(b)(1) of the CARES Act, *Miscellaneous General Order 20-13 authorized* judges in this District, with the consent of the defendant or the juvenile after consultation with counsel, to use video conferencing, or telephone conferencing if video conferencing is not

reasonably available, for the following events:

- (A) Detention hearings under 18 U.S.C. § 3142.
- (B) Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
- (C) Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
- (D) Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
- (E) Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
- (F) Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
- (G) Pretrial release revocation proceedings under 18 U.S.C. § 3148.
- (H) Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
- (I) Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
- (J) Proceedings under 18 U.S.C. § 403 (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to § 15002(b)(2) of the CARES Act, Miscellaneous General Order 20-13 further specifically found that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if judges in individual cases find, for specific reasons, that felony pleas or sentencings in those cases cannot be further delayed without serious harm to the interests of justice, judges may, with the consent of the defendant or the juvenile after consultation with counsel, conduct those proceedings by video conference, or by telephone conference if video conferencing is not reasonably available. This authority extends to equivalent plea, sentencing or disposition proceedings under 18 U.S.C. § 403.

This authorization is effective for 90 days *as of May 1, 2020, as established by Miscellaneous General Order 20-13*, unless earlier terminated. If the emergency persists longer than 90 days, the Chief Judge will review the situation for possible extension of

authority pursuant to the provisions of the CARES Act. Notwithstanding the foregoing, pursuant to the provisions of the CARES Act, this authority shall terminate on the last day of the covered emergency period, or the date on which the Judicial Conference of the United States finds that emergency conditions due to the national emergency declared by the President under the National Emergencies Act with respect to the COVID-19 outbreak no longer materially affect the functioning of either the Federal courts generally or the courts within this district.

12. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**B. Civil Matters:**

1. *The Court's stay on civil matters, including all filings under 18 U.S.C. §§ 2241, 2254, and 2255, expires on June 1, 2020. Except as otherwise ordered by the assigned judge in a particular case, any filing deadlines affected by the stay shall be extended to reflect the 60-day time period of the stay. The Court recognizes that COVID-19 measures may still impact attorneys and their clients, making it difficult to proceed with discovery and other aspects of civil litigation as previously scheduled. Accordingly, motions for further extensions of time may be made to the judge assigned to the matter.*
2. All civil jury trials scheduled to commence on or before **July 6, 2020**, are continued pending further order of the assigned judge. *The parties are encouraged to consider alternative avenues for resolution, including bench trials or consent to trial by Magistrate Judge, in light of the suspension of jury trials.* Judges may issue other orders concerning future continuances as necessary and appropriate. All **jury** trial-specific deadlines in civil cases scheduled to begin before **July 6, 2020**, are ***vacated*** pending further order of the assigned judge.
3. In civil cases with ***in-person*** hearings scheduled to commence on or before **July 6, 2020**, *the parties shall file either a joint status report within 14 days of this Order indicating their agreement to proceed with the hearing by telephone or video conference or a request for a new hearing date.*
4. *The parties to civil matters are encouraged to proceed by telephone or video conference where practicable. Depositions scheduled to occur on or before July 6, 2020 should*

*proceed via video conference. Any disputes concerning scheduling or virtual accommodations may be resolved by application to the Court.*

5. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

**C. Bankruptcy Matters:**

1. General Orders 2020-3, 2020-4, **and 2020-6** issued by the United States Bankruptcy Court for the District of Alaska remain in effect.
2. No ***in-person*** hearings in bankruptcy appeals pending before the District Court scheduled to commence on or before July 6, 2020, will go forward. ***The parties are encouraged to proceed by telephone or video conference where practicable.***

**D. Access by the Public:**

1. All non-case related activities scheduled in the James M. Fitzgerald U.S. Courthouse in Anchorage, and U.S. Courthouses in Fairbanks and Juneau, are canceled until further notice. This includes naturalization ceremonies, attorney admission ceremonies, mock trials, CLE events, school tours, and all other non-case related gatherings.
2. In light of the guidance issued by the federal, state, and local government, and to protect the health and safety of defendants, counsel, court staff, and the public, the James M. Fitzgerald U.S. Courthouse in Anchorage and the U.S. Courthouses in Fairbanks and Juneau shall be closed to the public except to persons with a scheduled appointment or entering to submit a physical filing to the drop box located in the lobby of each courthouse.
3. If criminal or civil proceedings must be held, the public will be permitted to observe on a toll-free teleconference line. Dial-in information will be available in each case's individual docket on PACER and on the court's calendar, which shall be posted on the Court's website and in the lobby of each courthouse. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any fashion or for any purpose. Further instructions and restrictions are set forth on the Court's website and may change as necessary.
4. If criminal proceedings must be held, close family members of defendants, victims (as defined in 18 U.S.C. § 3771(e)(2)), close family members of victims, or anyone permitted

by law to make a statement during the proceedings may do so by telephone or video conferencing. Defense counsel shall provide the dial-in/video connection information to persons who may make statements on the defendant's behalf. Counsel for the government shall inform the victim(s) and family members of the victim(s) of the opportunity to make a statement and shall provide the dial-in/video connection information to such persons.

5. ***[REMOVED]***

6. Anyone with a scheduled appointment or who is otherwise required to appear in-person but believes they have mistakenly been denied entry, should proceed as follows:

- Those represented by an attorney, please contact your attorney;
- Attorneys and pro se litigants scheduled to appear in court before a judge, should contact that judge's chambers or courtroom deputy (see court website at [www.akd.uscourts.gov](http://www.akd.uscourts.gov));
- For all other matters or questions, please contact the Clerk's Office at (907) 677-6100 (Anchorage), (907) 451-5791 (Fairbanks), or (907) 586-7458 (Juneau).

7. Judges may otherwise take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties and members of the public.

**E. Court Services and Employees:**

1. The Clerk's Office lobby shall be closed to the public except for those submitting physical filings in the drop boxes located in the lobby of each court facility near court security. Cash payments will not be accepted. The Clerk's Office will remain available by telephone, mail will be received, and new filings will be processed.
2. All U.S. Probation and U.S. Pretrial Services offices will be closed to the public but will remain in operation. Drug testing and other supervisory activities will continue. A probation or pretrial services duty officer will answer questions telephonically at (907) 677-6170.
3. All court employees, including Clerk's Office staff, U.S. Probation and Pretrial Services staff, and Chambers staff, shall telework whenever possible except as otherwise directed by their supervisor. While teleworking, all employees shall contact their direct supervisor

daily, or as directed by their supervisor, for accountability and information dissemination.

4. It may be necessary from time to time for court employees to be physically present at the courthouse to perform certain essential functions. While working in the courthouse, court employees are to practice social distancing and minimize face-to-face interactions with others to the extent practicable.

DATED this 21st day of May, 2020

/s/ Timothy M. Burgess

Hon. Timothy M. Burgess  
Chief United States District Judge

Distribution:

District Judges	Magistrate Judges
U.S. Attorney	Federal Public Defender
Clerk of Court	Court Rules Attorney
U.S. Marshal	U.S. Probation & Pretrial Services
Bankruptcy Judge	Clerk of Court Bankruptcy
Court Librarian	Alaska Bar Assn
Active Attys via ECF	

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

In the matter of

FACE COVERING  
REQUIREMENTS  
DURING COVID-19  
EFFECTIVE MAY 27, 2020

**MISCELLANEOUS  
GENERAL ORDER 20-18**

This Order is intended to supplement Miscellaneous General Order 20-17, which is currently in effect until July 6, 2020. In light of the guidance issued by the Centers for Disease Control and Prevention and state and local public health officials,<sup>1</sup> the Court finds it necessary to adopt additional protocols for access to the United States District Court for the District of Alaska courthouses in Anchorage, Fairbanks and Juneau (“the Courthouses”). Nothing in this Order relaxes the current restrictions on public access to the Courthouses imposed by Miscellaneous General Order 20-17.

Effective immediately, all persons over two years of age<sup>2</sup> seeking access to or operating within the Courthouses are required to wear a face covering or mask at all times while occupying public spaces or common areas, unless otherwise directed by the Court or a Courthouse official. The face covering need not be a medical-grade mask but must completely conceal the wearer’s nose and mouth when worn. If a medical condition prevents a person from wearing a face covering, they must show proof of the medical condition in the form of a physician’s order or other documentation. The Court Security Officers shall enforce this Order and deny entry to those individuals not wearing a face covering or mask.

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<sup>1</sup> Centers for Disease Control and Prevention, Recommendations Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>.

<sup>2</sup> Centers of Disease Control and Prevention recommends that “children under age 2, or anyone who has trouble breathing, is unconscious, incapacitated or otherwise unable to remove the mask without assistance” should not wear face coverings. How to Wear Cloth Face Coverings, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>. The American Academy of Pediatrics explains that masks and other face coverings may present additional risks for children under the age of two. American Academy of Pediatrics, Masks and Children during COVID-19, <https://services.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/masks-and-children-during-covid-19/>.

All employees or contractors of the Court, Clerk's Office, and U.S. Probation and Pretrial Services, who work alone in a private office or workspace that permits at least six feet of physical distance from other persons, may temporarily remove the face covering while in their designated office or workspace.

In addition, effective immediately, the following persons shall not enter any of the Courthouses:

1. Persons currently diagnosed with or experiencing any symptoms of COVID-19;<sup>3</sup>
2. Persons who have had close physical contact within the last 14 days with a person who has been diagnosed with COVID-19; or
3. Persons who have been asked to self-observe, self-isolate, or self-quarantine by a doctor, hospital, or public health authority within the last 14 days.

**Anyone attempting to enter or remain in a federal courthouse in violation of this Order will be escorted from the premises immediately.**

DATED this 27th day of May, 2020

/s/ Timothy M. Burgess

Hon. Timothy M. Burgess  
Chief United States District Judge

Distribution:

District Judges	Magistrate Judges
U.S. Attorney	Federal Public Defender
Clerk of Court	U.S. Marshal
Court Librarian	U.S. Probation & Pretrial Services
Bankruptcy Judge	Clerk of Court Bankruptcy
Court Rules Attorney	Alaska Bar Assn
Active Alaska Attys	via ECF

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<sup>3</sup> Centers for Disease Control and Prevention, Symptoms of Coronavirus, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.



## U.S. District Court COVID-19 Juror Health Survey

The safety of our employees and jurors remain the Court's overriding priority. As the COVID-19 outbreak continues to evolve, the Chief Judge is monitoring the situation closely and will coordinate juror reporting based on current recommendations from the Centers for Disease Control and local and national health authorities.

To prevent the spread of COVID-19 and reduce the potential risk of exposure to our staff and jurors, we are conducting a simple screening survey. Your participation is important to help us take precautionary measures to protect you and everyone in our courthouses. All information will be kept strictly confidential. You may either complete the form below and return it with your paper Jury Information Form, or you can answer the questions online through the *eJUROR* tool on our website: [www.akd.uscourts.gov](http://www.akd.uscourts.gov) or call (907) 677-6137. Thank you for your time.

Juror Health Survey	
<b>1</b>	Have you been diagnosed with, or had close contact with, anyone who has been diagnosed with COVID-19 within the last 14 days?  Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>2</b>	Have you experienced any cold or flu-like symptoms in the last 14 days (including fever, cough, sore throat, respiratory illness, difficulty breathing, chills, muscle pain, or loss of taste or smell)?  Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>3</b>	Would you like to be considered for excusal from service because you or a person you live with are age 65 or older, or you are a person or live with a person of any age with an underlying medical condition that is at higher risk of developing serious health complications from COVID-19?  Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>4</b>	Would you like to be considered for excusal from service because you live with or provide direct care for a vulnerable person or because you or someone you live with works in the medical field?  Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>5</b>	Would you like to be considered for excusal from service because you have children at home who require your direct supervision due to school and/or daycare closures? Note: Only answer YES if there is NO ONE else in the household who can provide care during your jury service.  Yes <input type="checkbox"/> No <input type="checkbox"/>

If you answer "yes" to any of the above questions, your jury service may be excused. You will receive written confirmation of your excusal by electronic or postal mail. Any questions should be directed via email to [juryclerk@akd.uscourts.gov](mailto:juryclerk@akd.uscourts.gov).

I declare under penalty of perjury that all answers are true to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# U.S. DISTRICT COURT DISTRICT OF ALASKA

## **Information Regarding Coronavirus Disease (COVID-19) and Court Operations**

If you are a public visitor or an individual required to attend an appointment or appear in court and you are unable to enter due to the temporary entry restrictions, please follow these instructions:

- If you are a litigant represented by an attorney, please contact your attorney.
- If you are an attorney or a *pro se* party scheduled to appear in court before a judge, please call the courtroom deputy assigned to the presiding judge. Contact the District Clerk's Office in the appropriate Division:
  - Anchorage, 907-677-6100
  - Fairbanks, 907-451-5791
  - Juneau, 907-586-7458
- If you received a notice to appear for jury service or currently serve as a juror, please contact the Jury Office of the Division where you were requested to appear:
  - Anchorage, 907-677-6137
  - Fairbanks, 907-451-5792
  - Juneau, 907-586-7458
- If you are scheduled for a Naturalization Ceremony, please contact Citizenship and Immigration Services as indicated in the USCIS notice of appointment.
- For Probation or Pretrial matters, please contact the U.S. Probation and Pretrial Services Office in the appropriate Division:
  - Anchorage, 907-677-6170
  - Fairbanks, 907-456-0266



# United States District Court District of Alaska

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- Are you currently diagnosed with COVID-19?
- Are you experiencing any symptoms of COVID-19? The principal symptoms are: cough, feeling feverish, difficulty breathing, and/or loss of sense of smell or taste?
- Within the last 14 days, have you been in close physical contact (meaning within six feet or closer) with a person who has been diagnosed with COVID-19?
- Within the last 14 days, have you received instructions from a doctor, hospital, or public health authority to self-observe, self-isolate, or self-quarantine due to possible exposure to COVID-19?

If your answer to **ANY** of the above questions is **YES**,  
you will **NOT** be allowed to enter the courthouse.





# United States District Court District of Alaska

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## **NOTICE REGARDING FACE COVERING**

Visitors are required to wear a face covering or mask to cover their nose and mouth while in the Courthouse unless a medical condition prevents them from doing so.

See Miscellaneous General Order 20-18

If you did not bring a face covering or mask, please notify the security officer and one will be provided for you.