

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

In the matter of

SUSPENSION OF CIVIL AND
CRIMINAL JURY TRIALS EFFECTIVE
SEPTEMBER 7, 2021, THROUGH
OCTOBER 4, 2021

**MISCELLANEOUS GENERAL
ORDER 21-18**

The Coronavirus Disease 2019 (“COVID-19”) outbreak is still considered to be a national emergency under the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* The finding made by the Judicial Conference of the United States that “emergency conditions due to the national emergency declared by the President with respect to COVID-19 will materially affect the functioning of the federal courts generally” remains.

During the COVID-19 pandemic, this Court has sought to maintain the safety of litigants, defendants, attorneys, law enforcement partners, public patrons, staff, and judges who work for and with the Court on a daily basis. The Court must balance public health and safety with its duty to protect litigants’ rights and to resolve cases. COVID-19, and particularly the Delta variant, has spread rapidly in Alaska and throughout the United States during the past several weeks. On July 27, 2021, the Centers for Disease Control and Prevention (CDC) advised all people, regardless of vaccination status, to wear a mask in public indoor settings in areas of “substantial” or “high” transmission. The CDC also reports that “preliminary evidence suggests that fully vaccinated people who do become infected with the Delta variant can be infectious and can spread the virus to others.”¹

The State of Alaska Department of Health and Social Services reports 4,067 new COVID-19 cases in the past week, a 17% increase statewide over the preceding week.² Currently, Anchorage, Fairbanks, and Juneau, Alaska are experiencing rates of “substantial” or “high”

¹ CDC, *Interim Public Health Recommendations for Fully Vaccinated People* (Sept. 1, 2021), available at www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html (last accessed Sept. 7, 2021).

² State of Alaska, Dept. of Health & Social Services, *COVID-19 (Coronavirus) Information*, available at www.covid19.alaska.gov (last accessed Sept. 7, 2021).

community transmission of COVID-19,³ and the entire state is at a “high” alert level due to a rate of more than 100 cases per 100,000 people.⁴ Hospitals in Alaska report that they are operating near capacity,⁵ and a shortage of medical staff has increased the workload for remaining health care professionals.⁶

In light of the foregoing, the Court finds that the COVID-19 pandemic continues to materially affect the functioning of the Court and makes a jury trial impractical at this time. Therefore, the Court suspends civil and criminal jury trials in the District of Alaska courthouses in Anchorage, Fairbanks, and Juneau from September 7, 2021, through October 4, 2021, as follows:

1. Because of the unique challenges of jury selection in Alaska, and logistical limitations due to COVID-19 safety protocols, effective September 7, 2021, jury trials in both criminal and civil cases are suspended until October 4, 2021, unless excepted in particular cases by the assigned Judge as justice so requires. Judges may issue other orders concerning future continuances as necessary and appropriate.
2. All trial-specific deadlines in both criminal and civil cases scheduled to begin between September 7, 2021, and October 4, 2021, are continued pending further order of the assigned judge. Pretrial deadlines, such as motion deadlines, will remain in effect.
3. The Court understands that the continuance of jury trials has and will continue to cause hardship for all parties. For criminal cases, presiding judges will hold trial setting status conferences as required. Prior to any status conference, parties are required to confer to

³ Anchorage, Fairbanks, and Juneau, Alaska are all classified as either “substantial” or “high” transmission areas based on the 14-day rate of infection, calculated by the new case and test positivity rates. See Centers for Disease Control and Prevention, *COVID Data Tracker*, available at <https://covid.cdc.gov/covid-data-tracker/#county-view> (last accessed Sept. 7, 2021).

⁴ State of Alaska, Dept. of Health & Social Services, *COVID-19 (Coronavirus) Information*, available at www.covid19.alaska.gov (last accessed Sept. 7, 2021).

⁵ State of Alaska, Dept. of Health & Social Services, *COVID-19 Hospital Data Dashboard*, available at <https://experience.arcgis.com/experience/f21f964c046c400baad4ad78e06ceb25/> (last accessed Sept. 7, 2021).

⁶ Zaz Hollander & Morgan Krakow, *Alaska’s COVID-19 hospitalizations hit yet another record with no virus slowdown in sight*, Anchorage Daily News, Sept. 2, 2021.

determine if a stipulation can be entered to continue the trial date and toll time under the Speedy Trial Act, which may eliminate the need for a status conference. Each presiding judge will make case-specific findings and enter an order (whether as part of a stipulation or as a standalone order) tolling time under the Speedy Trial Act.

The Court will continue to hold initial appearances, arraignments, and preliminary hearings in criminal cases without unnecessary delay. The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) operations and procedures established in miscellaneous General Order 21-16 remain in effect until at least October 4, 2021.

The Court continues to monitor the circumstances in the District of Alaska and reevaluate its operations plan in light of the rapidly evolving situation. This Order will go into effect on September 7, 2021, and remain in place until further order of the Court.

DATED this 7th day of September, 2021.

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

/s/ Sharon L. Gleason
Hon. Sharon L. Gleason
United States District Judge

/s/ Joshua M. Kindred
Hon. Joshua M. Kindred
United States District Judge

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