

**IN THE MATTER OF COURT OPERATIONS IN THE COURTS OF THE TLINGIT &
HAIDA INDIAN TRIBES DURING THE COVID-19 STATE OF EMERGENCY**

**Administrative Order 20-01
March 26, 2020**

The Central Council Tlingit & Haida Indian Tribes of Alaska declared a State of Emergency in response to the growing spread of the coronavirus (COVID-19), authorizing a coordinated response to reduce risk of exposure to the Tlingit & Haida citizens, employees, and neighboring general public. The State of Alaska declared a Public Health Disaster Emergency on March 10, 2020, which was supplemented by multiple health mandates suspending non-essential services and closing service providing locations.

On March 17, 2020 Tlingit & Haida issued notice of a temporary closure of all government offices to the public. On March 23, 2020 Tlingit & Haida determined that all essential services would continue with precautionary social distancing and implemented work-from home measures.

With the rising number of confirmed cases in neighboring communities and across the State of Alaska, Tlingit & Haida's Executive Council issued EC Resolution 20-12 on March 24, 2020; activating an emergency response and providing for preparedness, prevention and post-response activities.

It is necessary that Court operations are substantially curtailed to help keep the public and our employees safe during the COVID-19 pandemic. We have entered an unprecedented time and are working hard to understand how best to go forward with court with the growing outbreak of COVID-19 for the Tlingit & Haida and the Tribal Court. We are closely monitoring recommendations and practices from the Centers for Disease Control and Prevention (CDC) to protect the public's health. To minimize the health impacts of COVID-19 to our community, we are implementing a variety of emergency strategies to increase social distancing and slow the spread of this disease. We understand these actions will have a tremendous impact on all members of our community.

The Court, Justices, and Judges, have the authority to issue the following orders, pursuant to 06.20.003:

This code shall be liberally construed to provide a just and equitable result for the parties to civil actions and citizens of the CCTHITA generally, and to secure the just, speedy, and inexpensive determination of every civil action.

If a procedure is not specifically pointed out by this code, the Tribal Court may adopt any suitable consistent with the spirit of this code or take any measures reasonably necessary to carry out and protect its jurisdiction.

Nothing in this code shall prevent persons involved in a dispute from agreeing to submit their dispute to persons or organizations outside the Court for resolution and nothing herein shall remove the inherent authority of the CCTHITA Tribal Court in a particular case ***from fashioning and controlling the scope and extent of the proceedings as it deems appropriate.***

Nothing herein is intended to limit the inherent civil jurisdiction of the CCTHITA (emphasis added).

The Judicial Branch is committed to the health and safety of the public and its staff as it continues to provide essential services and maintains the rule of the law. The Chief Justice in concurrence with the Court Administrator issues the following:

1. The Supreme Court shall relax interpretation of the statutes for pleadings, filings, in-person and other related requirements during this public health emergency to provide Tlingit & Haida courts with discretion to comply with this Order.
2. All courts and court-related programs of Tlingit & Haida shall operate utilizing minimum personnel on-site as required to ensure essential services to the Tlingit & Haida people and to those who utilize our courts and, where practical, judicial employees be permitted to work from home;
3. Limited in-person interactions at the Court shall be performed with a minimum of 6 feet distance between individuals and all persons are to perform safety practices including regular handwashing and cleaning and disinfecting frequently touched surfaces;
4. Existing Domestic Violence Protection Orders will be continued for a minimum period of thirty (30) days;
5. Temporary Protective orders will remain in place and the court will notify the parties of new court dates;
6. New petitions for emergency Domestic Violence Protective Orders may be filed with the court via email or US mail as described below;
7. Persons wishing to file Petitions for Protection Orders may request a packet from the Clerk of the Court;
8. All trials shall be postponed until June 1, 2020 or later. However, upon motion by a party, and being subject to the discretion of the Justices, a trial may proceed so as to

avoid serious harm to a party's rights, provided safety measures can be maintained for all those involved in the proceeding;

9. The Court shall have the discretion to continue hearings or conduct hearings remotely by telephonic or videoconference. Applicable provisions in statutes concerning continuance, in-person appearance and other requirements may be suspended to facilitate remote appearances and other protective measures during the current public health emergency;
10. The Court will continue to accept filings by mail, and may accept filings by email or fax for the duration of the current emergency to eliminate in-person filings and prevent transference of COVID-19 via paper. If a person is unable to submit a filing by email or fax, such person should call the courthouse for alternative filing instructions; and
11. This order shall remain in effect until amended or withdrawn.

IT IS SO ORDERED.

Dated this 26th day of March, 2020



Chief Justice Michelle Demmert

Aurora Lehr, Associate Justice
Ka'illjuus - Lisa Lang, Associate Justice
Frances Andrews, Court Administrator

