

IN THE DISTRICT / SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

In the Matter of:)
)
Documents Filed by Electronic Mail)
_____)

Presiding Judge Administrative Order 19-02

This administrative order applies to the filings of all pleadings, motions, affidavits, memoranda, instructions and other papers and documents presented for filing with the clerk or intended for use by the judge (hereinafter "documents"), that are filed by electronic mail in Fairbanks. This order supersedes all other policies, orders, or existing practices. It is made under the authority of Civil Rule 5.1.

1. Scope. This order applies to all attorneys, state agencies, other entities that routinely do business with the court, and court-appointed professionals. Self-represented parties may opt in to file documents by electronic mail.
2. Requirements. A party is permitted to file documents in Fairbanks cases by electronic mail pursuant to the following provisions:
 - a. Any document that does not require a filing fee, verification for filing, or an original document as required by court rule or statute can be emailed;
 - b. The size of any email and attachments to the Court in any single email submission may not exceed 5 MB;
 - c. All documents emailed to the Court for filing must be sent as attachments in PDF file format;
 - d. One email per case number. Multiple documents for the same case may be sent in a single email as long as it doesn't exceed size limits;
 - e. Documents must be emailed to the designated email address per Attachment A. Emails to an individual court employee are strictly prohibited;
 - f. The party emailing a document to the Court for filing must include a certificate form certifying service under Civil Rules 5 or 5.1, Criminal Rule 44(d), CINA Rule 1(e) or

other applicable rule. If the parties have consented to service by email or fax per Civil Rule 5.1 (c)(3)¹, (proof of service for fax or email service must comply with Civil Rule 5.1(c)(6)², or by mail, court box, hand delivery, or by process server;

- g. Any pleading with a photograph attachment cannot be sent by email;
- h. Documents requiring signatures must be hand signed. Electronic signatures are prohibited;
- i. The form of documents filed by email must comply with all applicable Court Rules, including Civil Rules 10, 76, and 77; Criminal Rules 42 and 44(d). Pursuant to Civil Rule 76(a)(5), documents larger than one page must contain a footer that sets out the title of the document, case number, case name and number of pages.

3. Filing Date. Documents are deemed received on the date and time of receipt displayed on the court's email inbox clock. Documents filed by email that are received by the court before 4:30 p.m. Monday through Thursday or by 12:00 p.m. on Friday, on a day that the court is open for business are deemed to have been filed on that business day. Documents filed by email that are received by the court after either 4:30 p.m., or 12:00 p.m. on Fridays, are deemed to have been filed on the next business day. Parties are encouraged to utilize delivery tracking features of email programs. If an email includes a delivery request confirmation, the Clerk of Court must respond to the request.

4. Filing. Documents filed by email will be printed by Court staff. The printed paper copy of the documents will be placed in the case file and will be the official record of the document. The Court will not be responsible for retaining any document in electronic format. The paper copy will be file stamped with the date of filing in accordance with section 3 above. The clerk will print and attach the transmitted emails to the documents that are submitted for filing. Court staff will delete the transmittal email and attachments after printing the documents for the case file. The Court will not be responsible for verifying that the documents in the email are received correctly, i.e. that all pages were transmitted, that the

¹ CR 5.1 (c)(3) *Consent to Service*. A person who is willing to accept service by fax or electronic mail in an action shall so indicate beneath the signature in the person's initial filing or by serving and filing a separate notice of consent. A party may revoke consent by serving and filing a separate notice that consent has been revoked.

² CR 5.1 (c)(6) *Proof of Service*. If service is made by fax or electronic mail, proof of service must be made by affidavit of the person making service, or by certificate of an attorney, an authorized agent of the attorney, or a pro se litigant. The affidavit or certificate must include the following information:

(A) the date and time of the transmission;

(B) the telephone number of the transmitting facsimile machine if service is made by fax, or the electronic mail address from which the electronic mail was sent, if the service was made by electronic mail;

(C) the recipient's name and facsimile machine telephone number, or electronic mail address;

(D) the number of pages transmitted; and

(E) a statement that the document was transmitted by facsimile transmission or electronic mail and the person signing the affidavit or certificate believes the transmission to have been complete and without error.

document is legible, etc. The party filing documents by email is responsible for any problems that may occur as a party attempts to transmit documents by email. For example, any emails that are identified as having a virus will be deleted immediately. To the extent the Clerk of Court is aware of the problem; the clerk will notify the filing party. The originals of all emails and documents must be kept by the party to resolve any question arising later. No follow up originals will be accepted for filing, by mail or any other forms of service, unless specifically ordered by the assigned judge.

5. Contents of the email to the court. A party filing documents by email must include in the subject line of the transmitting email the case number for the attached documents followed by identification of the documents being filed. Example: 4FA-00-00100CR Motion to Change Venue. The party must not provide any extraneous narrative or explanation in the body of the transmitting email. Information in the email itself is limited to the case name, case number, and title of the document or documents that are attached for filing. The Clerk's Office will not be responsible for verifying that a party in fact included any or all attachments described in the transmitting email.
6. The court will not return conformed copies to the filing party.
7. Deviations from this order may only be allowed by the judge assigned to the case for good cause.
8. Failure to abide by this order will result in rejection of the document. The transmitting party will be notified of the rejection.

Effective: ***September 1, 2019***

DATED at Fairbanks, Alaska on this 12th day of July 2019.



Michael A. MacDonald
Presiding Judge
Fourth Judicial District

Distribution:

Christine Johnson, Administrative Director

Nancy Meade, General Counsel

Ronald Woods, Area Court Administrator

4th District Judicial Officers

4th District Clerks of Court

4th District RCTAs

4th District Law Libraries

Tanana Valley Bar Association

Court Website

ATTACHMENT A

Children's Cases 4FAchildrens@akcourts.us
(Child in need of aid and juvenile delinquency)

Civil Cases 4FAcivil@akcourts.us

Criminal Cases 4FAcriminal@akcourts.us

Jury Trials 4FAjury@akcourts.us
(Only for case dismissals or change of plea hearing requests in cases with trial date certain)

Minor Offense / Traffic Cases 4FAminoroffense@akcourts.us

Small Claims 4FAsmallclaims@akcourts.us

Probate Cases 4FAprobate@akcourts.us