

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1210

Amending Appellate Rule 212,
Appellate Rule 513.5, and Civil
Rule 76 concerning form of
documents.

IT IS ORDERED:

1. Paragraphs (a) and (b) of Appellate Rule 212 are amended to read:

(a) **Filing and Serving Briefs.**

(1) *Time for Serving and Filing Briefs.*

The appellant shall serve and file the appellant's brief within 30 days after service of the notice of the due date for appellant's brief, issued pursuant to Rule 210(f). The appellee shall serve and file the appellee's brief within 30 days after service of the brief of the appellant. The appellant may serve and file a reply brief within 20 days after service of the brief of the appellee. In cases involving multiple appellants or appellees who are filing separate briefs, including parties who are deemed to be co-parties under Rule 210(c)(1)(C), the time for filing these briefs shall be extended by 10 days if the parties are preparing excerpts of record in order to allow compliance with Rule 210(c)(1)(B). ~~At the time a brief is filed with the appellate court, it must be accompanied by proof of service on all parties.~~

(2) *Number of Copies.* ~~A single copy of each brief accompanied by proof of service must be filed with the clerk on or before the~~

~~date the brief is due. On or before the date a party's brief is due, the party shall file with the clerk one original of the brief, printed or written on one side of the page, together with proof of service on all parties. The brief will be reviewed for compliance with (b) of this rule and returned to counsel for duplication and binding. Within ten days thereafter, 15 copies of each duplicated brief in civil appeals must be filed with the clerk and two copies shall be served on each party. Thirteen copies of each duplicated brief in criminal cases must be filed with the clerk and two copies shall be served on each party after the clerk returns the brief, the party shall serve two bound copies on each party and shall file with the clerk fifteen bound copies in a civil appeal or thirteen bound copies in a criminal appeal. The clerk may specify a different number of copies than required by this rule. Bound copies must be printed or written on both sides of the paper and firmly bound in at least two places along the left margin, with a suitable cover consisting of heavy paper in the color indicated:~~

. brief of appellant - ivory;

. brief of appellee - blue;

. reply - green; and

. brief of intervenor or amicus curiae - red.

(b) **Form.** The form of a brief is governed by Rule 513.5(b)(1)-(5) and (c) and by this rule. ~~Briefs may be produced by standard typographic printing or by any duplicating or copying process which produces a clear black image on opaque, unglazed white paper. Carbon copies of briefs may not be submitted without permission of the court. All printed matter must appear in at least 11 point type, 10 pitch (10 characters per inch). Briefs shall be bound in volumes having pages not exceeding 8 1/2 x 11 inches and type matter not exceeding 6 1/2 x 9 1/2 inches, with double spacing between each line of text. The pages shall be numbered consecutively at the bottom center of the page. The cover of the brief of appellant shall be ivory; that of appellee, blue; that of reply brief, green; and that of an intervenor or amicus curiae, red. The front covers of the a briefs shall~~ must contain: (1) the name of the court and the number of the case; (2) the title of the case; (3) the nature of the proceeding (e.g., appeal, petition for review); (4) the name of the court or agency below, the name of the individual who rendered the decision below, and the case number below; (5) the title of the document (e.g., brief of appellant); (6) the names, addresses, telephone numbers, and bar numbers of counsel ~~representing~~ for the party ~~on whose behalf the brief is filed~~ concerned and the name of the law firm or organization with whom counsel is affiliated. In criminal cases, the front cover ~~shall~~ must also include a certificate indicating whether

the brief contains information ~~which~~ that is confidential under AS 12.61.100 through 12.61.150. The administrative director shall specify the form and content of the certificate.

2. Appellate Rule 513.5 is amended to read:

(a) **Scope.** This rule governs the form of all papers filed in the appellate courts except briefs (which are governed by Rule 212(b)), transcripts (which are governed by Rule 210(b)), and excerpts of record (which are governed by Rule 210(c)). Briefs are governed by subparagraphs (b)(1)-(5) and paragraph (c) of this rule and by Rule 212(b).

(b) **Form in General.** Except as provided in subsection (a), all ~~papers and documents, including exhibits thereto,~~ presented for filing with the clerk must be:

(1) ~~shall be on letter size 8-1/2 x 11 inches opaque, unglazed white paper of good quality, of and at least sixteen pound weight, and not onionskin except where ripple finish or other opaque paper is used, in which event the weight shall be at least thirteen pound;~~

(2) ~~shall be two hole punched at the center of the top of each page;~~

(3) ~~shall be either in clear and legible typewriting with black ribbon, or in clear and~~

legible black typeface or hand-printing in black ink;

~~(4) (3) shall be in double-spaced or one and one half spaced typewriting or printing (line-spacing "2" if proportionally spaced typeface is used), except that headings and footnotes must be single-spaced and quotations of more than two lines shall must be single-spaced and indented at least one-half inch on both sides;~~

(4) if longer than one page, numbered consecutively at the bottom center of each page;

(5) no more than 6-1/2 x 9-1/2 inches of printed or written matter on a page;

~~(5) (6) shall be printed or written upon only one side of the paper; and~~

~~(6) shall, if consisting of more than one page, have each page numbered consecutively at the bottom center of the page~~

(7) two-hole punched at the center of the top of each page.

~~All printed or typewritten matter must appear in at least 11 point type, 10 pitch (10 characters per inch).~~

(c) Typeface. (1) The text of documents, including headings and footnotes, must be at least

(A) 12 point (10 monospaced characters per inch) Courier, or substantially similar monospaced text style;

(B) 13 point (proportionally spaced) Times New Roman, Garamond, CG Times, New Century Schoolbook, or substantially similar serifed, roman text style; or

(C) 12.5 point (proportionally spaced) Arial, Helvetica, Univers, or substantially similar non-serifed text style.

(2) When a typeface other than 12 point Courier is used, the party filing the document must also file a certificate that identifies the typeface and point size used in the document.

~~(e)~~ (d) Exhibits. All Exhibits to motions, petitions, and other documents shall must be clear and legible and must comply with subparagraph (b)(1) of this rule. Exhibits that do not comply with subparagraph (b)(1) must be reduced if necessary and copied onto paper of the required size and quality. Each page of an exhibit must be numbered progressively according to the number of the page of the exhibit followed by the number or identification of the exhibit, for example, page 1 Ex. A and marked with the number or

letter of the exhibit (e.g., Ex. A, p. 1). All
~~e~~Exhibits ~~shall~~ must be ~~so~~ permanently
attached to the principal document ~~to which~~
~~they belong as~~ in a manner that allows them to
be easily accessible and easily readable
without detaching them from the principal
document.

~~(d)~~ (e) Information to be Placed on First
Page. The first page of each paper or document
~~shall~~ must be prepared in conformity with
Civil Rule 76(e), except that the name of the
law firm or organization with whom an attorney
is affiliated ~~shall~~ and the attorney's bar
number must also be shown. Alternatively, the
bar number must be shown on the signature
page. In criminal cases, the first page ~~shall~~
must also include a certificate indicating
whether the paper or document contains
information ~~which~~ that is confidential under
AS 12.61.100 through 12.61.150. The
administrative director shall specify the form
and content of the certificate.

3. Paragraph (a) of Civil Rule 76 is amended to read:

(a) **Form in General.** All pleadings,
motions, affidavits, memoranda, instructions
and other papers and documents, including
exhibits thereto, presented for filing with
the clerk or intended for use of the judge,
(1) shall be upon letter size (8½" x 11")
white paper of good quality, of at least
sixteen pound weight, and not onionskin except
where ripple finish or other opaque paper is

used, in which event the weight shall be at least thirteen pound; (2) shall be two-hole punched at the center of the top of each page; (3) shall be either in original clear and legible typewriting with black ribbon, or in clear and legible printing in black ink; (4) shall be in either double-spaced or one-and-one-half-spaced typewriting or printing, except that quotations shall be single-spaced and indented; and (5) shall, if consisting of more than one page, have each consecutive page numbered at the bottom center of each page. ~~All printed matter must appear in at least eleven point type, ten pitch (10 characters per inch).~~ The text of documents, including headings and footnotes, must be in a typeface permitted by Appellate Rule 513.5(c)(1).

DATED: April 13, 1995

EFFECTIVE DATE: July 15, 1995

/s/
Chief Justice Moore

/s/
Justice Rabinowitz

/s/
Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh