

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1284

Amending Appellate Rules 204
and 602 to identify the parties
to an appeal.

IT IS ORDERED:

1. Appellate Rule 204 is amended to read:

* * * *

(b) **Appeal — How Taken.** A party may appeal from a final order or judgment by filing a notice of appeal with the clerk of the appellate courts. The notice of appeal must identify the party taking the appeal, the final order or judgment appealed from, and the court to which the appeal is taken. The party must file the original and one copy of the notice of appeal accompanied by the original and one copy of the documents listed below:

[1] a completed docketing statement in the form prescribed by these rules, which includes a list of the parties to the appeal;

* * * *

[7] proof of service of the notice of appeal and all required accompanying documents, except the filing fee, on all other parties to the ~~trial court action~~ appeal.

* * * *

(g) Parties to the Appeal. All parties to the trial court proceeding when the final

order or judgment was entered are parties to the appeal. A party who files a notice of appeal, whether separately or jointly, is an appellant under these rules. All other parties are deemed to be appellees, regardless of their status in the trial court. An appellee may elect at any time not to participate in the appeal by filing and serving a notice of non-participation. The filing of a notice of non-participation shall not affect whether the party is bound by the decision on appeal.

(h) Service of Documents. Papers filed or served in the appeal must be served on all parties, except appellees who have elected not to participate in the action.

~~(g)~~ (i) Joint or Consolidated Appeals. If two or more ~~persons~~ parties are entitled to appeal from a judgment or order of a court and their interests are such as to make joinder practical, they may file a joint notice of appeal, ~~or may join in appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant.~~ Appeals may be consolidated by order of the appellate court upon its own motion or upon motion of a party.

2. Appellate Rule 602 is amended to read:

* * * *

(b) Notice of Appeal.

(1) A party may appeal from a judgment or agency decision by filing a notice of appeal with the superior court. The notice of appeal must specify the parties taking the appeal and their current addresses, designate the judgment, agency decision or part thereof appealed from, and name the court to which the appeal is taken. ~~The notice of appeal must be accompanied by proof of service on all other parties to the action in the district court or agency.~~ At the time the notice of appeal is served and filed, it must be accompanied by:

[a] a statement of points on which appellant intends to rely on appeal. The grounds for appeal stated in the statement of points on appeal constitute the sole basis for review by the superior court. On motion in the superior court, and for cause, the statement of points may be supplemented;

[b] if required, the filing fee as provided by Administrative Rule 3; and

[c] if required, a bond for costs on appeal as provided by paragraph (d) of this rule; and

[d] proof of service on all parties to the appeal. In an appeal from an agency decision, the notice of appeal must be served on the head of the agency and, if the agency is a state agency, on the Attorney General of Alaska, at Juneau, Alaska.

(2) An appellant seeking to have the cost bond waived or reduced, an extension of time to file the bond, or to appeal at public expense shall file an appropriate motion at the time the notice of appeal is filed.

(3) The clerk of the superior court shall refuse to accept for filing any notice of appeal not conforming with the requirements of this rule.

* * * *

(g) Parties to the Appeal. All parties to the trial court or agency action when the final order or judgment was entered are parties to the appeal. A party who files a notice of appeal, whether separately or jointly, is an appellant under these rules. All other parties, including the agency in an appeal from an administrative agency decision, are deemed to be appellees. An appellee may elect at any time not to participate in the appeal by filing and serving a notice of non-participation. The filing of a notice of non-participation shall not affect whether the party is bound by the decision on appeal.

(h) Joint or Consolidated Appeals. If two or more parties are entitled to appeal from a judgment or order of a court or agency and their interests are such as to make joinder practical, they may file a joint notice of appeal. Appeals may be consolidated

Supreme Court Order No. 1284
Effective Date: January 15, 1998
Page 5

by order of the appellate court upon its own motion or upon motion of a party.

(i) Service of Documents. Papers filed or served in the appeal must be served on all parties, except appellees who have elected not to participate in the action.

DATED: August 7, 1997

EFFECTIVE DATE: January 15, 1998

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner