

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1584

Amending Civil Rule 55(b)(1),
Administrative Rule 12(e)(2), and
Alaska Rule of Professional Conduct
1.15 to correct technical errors.

IT IS ORDERED:

1. Civil Rule 55(b)(1) is amended to read:

Rule 55. Default.

* * * *

(b) **Judgment by the Clerk.**

(1) *Failure to Appear.* If the defendant has been defaulted for failure to appear and the plaintiff's claim(s) is for a sum certain or for a sum ~~which~~ that can by computation be made certain, upon the filing of an application for default judgment including an affidavit of the amount due which also states that the person against whom judgment is sought is: (i) not an infant or an incompetent person; and (ii) not a member of the Armed Forces of the United States protected by the ~~Soldiers and Sailors~~Servicemembers Civil Relief Act of 1940 (50 App. U.S.C. § 521), as amended, the clerk shall enter default judgment for the amount due and costs and attorney's fees against the defendant.

* * * *

2. Administrative Rule 12(e)(2) is amended to read:

* * * *

(e) **Other Appointments at Public Expense.**

* * * *

(2) ~~*Soldiers & Sailors*~~ *Servicemembers* *Civil Relief Act*. When the opposing party is financially unable to pay for such representation, the court shall appoint a member of the Alaska Bar Association to represent an absent service person pursuant to the ~~*Soldiers and Sailors*~~ *Servicemembers* *Civil Relief Act* (50 App. U.S.C. ~~520~~ § 521). Prior approval of the administrative director is not required.

* * * *

3. The title of Alaska Rule of Professional Conduct 1.15 is amended to read:

Rule 1.15. Safeguarding~~**Safekeeping**~~ **Property.**

* * * *

DATED: August 11, 2005

EFFECTIVE DATE: October 15, 2005

/s/
Chief Justice Bryner

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Carpeneti