

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1628

Amending Appellate Rules 403, 404,
503, and 513.5 concerning the date
by which a decision is needed.

IT IS ORDERED:

1. Appellate Rule 403 is amended to read as follows:

Rule 403. Petitions for Review – Procedure.

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(b) Contents of Petition or Cross-Petition.

(1) The petition or cross-petition shall contain a:

(A) statement of facts necessary to an understanding of the question or questions determined by the order or decision of the trial court;

(B) statement of the question itself;

(C) statement of the trial date, if scheduled;

(D) discussion of the reasons, under Rule 402, why review should not be postponed until appeal may be taken from a final judgment;

(E) discussion of the reasons why the decision below is alleged to be erroneous;

(F) statement of the precise relief sought; and

(G) if the petitioner or cross-petitioner requests relief by a specific date, a statement of the date by which a decision is needed and the reasons why a decision is needed by that date.

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2. Appellate Rule 404 is amended to read as follows:

Rule 404. Original Applications.

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(b) **Procedure.** A party who seeks original relief shall proceed as follows:

(1) The party must file with the clerk of the appellate courts an original and five legible copies of the application, together with such portion of the record and proceedings of the court below as is needed for the purpose of determining whether the relief sought will be granted, a completed docketing statement in the form prescribed by these rules, and proof of service. The application must state the precise nature of the relief sought, and why that relief is not available in any other court, or by petition for review or by appeal. If the applicant requests relief by a specific date, the application must contain a statement of the date by which a decision is needed and the reasons why a decision is needed by that date.

(2) The application must be served on all other parties to the proceeding in respect of which relief is sought and, if the application pertains to a proceeding in a trial court, on the trial court. If the applicant seeks an order from the appellate court commanding or restraining an act of a person, agency, or tribunal not a party to the proceedings, the application must also be served on such persons, agencies, or tribunals.

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3. Appellate Rule 503 is amended to read as follows:

Rule 503. Motions.

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(b) **Format.** A motion filed in the appellate courts must be in the form prescribed by Rule 513.5(b). The motion must include:

(1) a brief, complete statement of the reasons in support of the motion;

(2) an affidavit where the facts relating to the motion are not otherwise proven;

(3) if the motion is for an extension of a time period prescribed in these rules, a statement of each extension of that time period previously granted to that party, indicating the length of each extension;

(4) the points and authorities on which the moving party relies;

(5) an appropriate order for execution by the court should the motion be granted; and

(6) if the moving party requests relief by a specific date, a statement of the date by which a decision is needed and the reasons why a decision is needed by that date.

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4. Appellate Rule 513.5 is amended to read as follows:

Rule 513.5. Form of Papers.

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(e) **Information To Be Placed on First Page.** The first page of each paper or document 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 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 must also include a certificate indicating whether the paper or document contains information that is confidential under AS 12.61.100 through 12.61.150. The administrative director shall specify the form and content of the certificate. If a party requests relief by a specific date in a petition for review, cross-petition for review, original application, or motion, the date by which a decision is needed must also appear on the first page of the document.

DATED: November 29, 2006

EFFECTIVE DATE: April 16, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti