

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1698

Amending Civil Rule 42(c) and
Criminal Rule 25(d) concerning
peremptory challenges and
challenges for cause.

IT IS ORDERED:

1. Civil Rule 42(c)(3) is amended to read as follows:

**Civil Rule 42. Consolidation — Separate Trials —
Change of Judge.**

* * * *

(c) **Change of Judge as a Matter of Right.** In all courts of the state, a judge or master may be peremptorily challenged as follows:

* * * *

(3) *Timeliness.* Failure to file a timely notice precludes change of judge as a matter of right. Notice of change of judge is timely if filed before the commencement of trial and within five days after notice that the case has been assigned to a specific judge. Where a party has been served or enters an action after the case has been assigned to a specific judge, a notice of change of judge shall also be timely if filed by the party before the commencement of trial and within five days after a party appears or files a pleading in the action. If a party has moved to disqualify a judge for cause within the time permitted for filing a notice of change of judge, such time is tolled for all parties and, if the motion to disqualify for cause

is denied, a new five-day period runs from notice of the denial of the motion.

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2. Criminal Rule 25(d)(2) is amended to read as follows:

Criminal Rule 25. Judge — Disqualification or Disability.

* * *

(d) **Change of Judge as a Matter of Right.** In all courts of the state, a judge may be peremptorily challenged as follows:

* * * *

(2) *Procedure.* A party may exercise the party's right to a change of judge by filing a "Notice of Change of Judge" signed by counsel, if any, stating the name of the judge to be changed. The notice shall neither specify grounds nor be accompanied by an affidavit. The notice of change of judge is timely if filed within five days after notice that the case has been assigned to a specific judge. If a party has moved to disqualify a judge for cause within the time permitted for filing a notice of change of judge, such time is tolled for all parties and, if the motion to disqualify for cause is denied, a new five-day period runs from notice of the denial of the motion.

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DATED: March 19, 2009

EFFECTIVE DATE: October 15, 2009

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree