

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1862

Adding a new Civil Rule 5.3 concerning electronic distribution by the court; amending Criminal Rule 44(c) regarding court distribution; amending Civil Rules 5(i) and 76(d)(1) to require e-mail addresses; and amending Administrative Rule 37.8(a) to protect e-mail addresses used for court distribution.

IT IS ORDERED:

1. A new Civil Rule 5.3 is adopted to read as follows:

Rule 5.3. Electronic Distribution by the Court.

(a) **When Allowed.** The Alaska Court System may use electronic mail to distribute notices, orders, judgments, and other documents to attorneys, to court-appointed professionals, and to agencies and other entities that routinely receive documents from the court. Self-represented persons may opt in to e-mail distribution.

(b) **E-Mail Addresses.**

(1) *Attorneys.* All Alaska bar members who have cases pending in state court must provide a current e-mail address to the Alaska Bar Association at <http://www.alaskabar.org/members>. The Alaska Court System will use the bar association database for document distribution to Alaska bar members. Attorneys who are not members of the Alaska Bar Association but are appearing in a particular state court proceeding may, if they want the court to distribute documents to them directly by e-mail, submit a current e-mail address and their case number to the court system at E-distribution@akcourts.us.

All attorneys may associate other e-mail addresses with their own, such as those of support staff or other attorneys, by supplementing their information with the Alaska Bar Association (for Alaska bar members) or the court system (for non-Alaska bar members) as specified above. Those associated e-mail addresses will receive all court e-mails sent in all cases to the principal attorney, and not just those in a particular case.

(2) *Agencies and other entities.* Agencies and other entities that routinely receive court documents shall provide the court system, at E-distribution@akcourts.us, with a single e-mail address for each office location or optionally with a single e-mail address for each sub-group that handles distinct case types at an office location.

Notwithstanding paragraph (b)(1), an agency may elect to have the court distribute documents to its attorneys at the relevant agency address provided above. Upon notice filed in a pending case, the court will also distribute documents to the agency attorney's individual e-mail address.

(3) *Guardians Ad Litem, Court Visitors, and Custody Investigators.* Professionals appointed by the court shall submit an e-mail address and identify their role in the case at E-distribution@akcourts.us.

(4) *Self-Represented Parties.* Self-represented parties may file a notice in their case requesting e-distribution of court documents to a specified e-mail address.

(5) *Changes to e-mail addresses.* Changes to e-mail addresses must be provided immediately using the same method that was used to provide the e-mail address initially.

(c) **Time for Response.** E-mail distributions will be treated as if conventionally mailed for purposes of computing the due date of any

required or optional response. But no additional time shall be added if a court order specifies a particular date by which an act must occur.

(d) **Certified Documents.** The court will send certified copies by first class mail of:

- Letters Testamentary,
- Letters of Administration,
- Letters of Guardianship,
- Letters of Conservatorship,
- Orders Approving Minor Settlement,
- Certificates of Name Changes,
- Dissolution and Divorce Decrees,
- Qualified Domestic Relations Orders to the plan administrator,
- Orders Dividing Military Retired Pay,
- Adoption Decrees with associated Findings and Conclusions,
and
- Financial Abuse Protection Orders.

Certified copies of other court documents may be requested as needed.

(e) **Standards.** The administrative director may adopt technical and procedural standards for electronic distribution by the court.

Note to Civil Rule 5.3(e): See Administrative Bulletin 89.

2. Criminal Rule 44(c) is amended to read as follows:

Criminal Rule 44. Service and Filing of Papers.

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(b) **Service—How Made.** Whenever under these rules or by an order of the court service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the

attorney unless service upon the party is ordered by the court. Service upon the attorney or upon a party shall be made in the manner provided in civil actions.

(c) **Distribution of Orders and Judgments.** The clerk shall distribute to each party affected a copy of every order or judgment entered in the manner provided in civil actions. Every order and judgment shall include a clerk's certificate of distribution as defined in Criminal Rule 32.3(d).

(d) **Filing.** Papers required to be served shall be filed with the clerk at the court location where the case is filed unless otherwise directed by the court. Papers shall be filed in the manner provided in the Alaska Rules of Civil Procedure.

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(f) **Form.** Pleadings and other filings shall contain a certificate indicating whether the document contains information which is confidential under AS 12.61.100 through 12.61.150. The administrative director shall specify the form and content of the certificate and may exempt types of documents from the certificate requirement. In other respects, the form of pleadings and other filings shall be as provided in Alaska Rules of Civil Procedure 76.

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3. Civil Rules 5(i) and 76(d)(1) are amended to read as follows:

Civil Rule 5. Service and Filing of Pleadings and Other Papers.

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(i) **Changes in Addresses and Telephone Numbers.** While a case is pending, the parties must immediately inform the court and all other parties, in writing, of any changes in their mailing addresses, e-

mail addresses, and telephone numbers, except as provided in Civil Rule 65.1.

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Civil Rule 76. Form of Papers.

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(d) Information to be Placed on First Page.

(1) *Contact Information.* The name, address, e-mail address, and telephone number of the attorney appearing for a party to an action or proceeding, or of a self-represented party, shall be typewritten or printed on the first page of the document. This information may be printed either in the left margin of the paper or in the space to the left of center of the paper beginning one inch below the top edge. The typeface must be no smaller than 10 point and no larger than 12 point.

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4. Administrative Rule 37.8(a) is amended to read as follows:

Administrative Rule 37.8. Electronic Case Information.

(a) **Availability.** The following case-related information maintained in the court system's electronic case management systems will not be published on the court system's website or otherwise made available to the public in electronic form:

- (1) addresses, phone numbers, and other contact information for parties, witnesses, and third-party custodians;
- (2) names, initials, addresses, phone numbers, and other contact and identifying information for victims in criminal cases;
- (3) social security numbers;
- (4) driver and vehicle license numbers;

- (5) account numbers of specific assets, liabilities, accounts, credit cards, and PINs (Personal Identification Numbers);
- (6) names, addresses, phone numbers, and other contact information for minor children in domestic relations cases, paternity actions, domestic violence cases, emancipation cases, and minor settlements under Civil Rule 90.2;
- (7) juror information;
- (8) party names protected under Administrative Rule 40(b) and (c);
- (9) information that is confidential or sealed in its written form; and
- (10) attorney and other e-mail addresses used by the court to distribute court orders, notices, judgments, and other documents.

DATED: October 28, 2015

EFFECTIVE DATE: January 1, 2016

/s/
Chief Justice Stowers

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger