

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1970

Amending Civil Rule 5.1(c)
concerning proof of service for
facsimile transmission and
electronic mail.

IT IS ORDERED:

Civil Rule 5.1(c) is amended to read as follows:

Rule 5.1. Service and Filing of Pleadings and Other Papers.

* * * *

(c) Service by Facsimile Transmission and Electronic Mail.

(1) *Application of this Rule.* This rule governs the service of documents by fax or electronic mail. It applies only to documents that may be served under Civil Rule 5(b). It does not apply to documents that must be served under Civil Rule 4. It applies to service by parties and by the court except as provided by Civil Rule 5.3.

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(5) *When Service is Complete.* Service by electronic mail is complete upon receipt in the party's electronic mail account. Service by fax is complete upon receipt of the entire document by the receiving party's facsimile machine. Service that occurs in whole or in part after 4:30 p.m. shall be deemed to have occurred at the opening of business on the next day that is not a Saturday, a Sunday, or a judicial holiday listed in Administrative Rule 16.

(6) *Proof of Service*. If service is made by fax or electronic mail, proof of service must be made in accordance with Civil Rule 5(f), including the date and time of the transmission. ~~by affidavit of the person making service, or by certificate of an attorney, an authorized agent of the attorney, or a pro se litigant. The affidavit or certificate must include the following information:~~

~~(A) the date and time of the transmission;~~

~~(B) the telephone number of the transmitting facsimile machine if service is made by fax, or the electronic mail address from which the electronic mail was sent, if the service was made by electronic mail;~~

~~(C) the recipient's name and facsimile machine telephone number, or electronic mail address;~~

~~(D) the number of pages transmitted; and~~

~~(E) a statement that the document was transmitted by facsimile transmission or electronic mail and the person signing the affidavit or certificate believes the transmission to have been complete and without error.~~

~~In lieu of including this information, the person signing the affidavit or certificate may attach a copy of the transmission report issued by the transmitting facsimile machine if the report is an accurate record of the transmission.~~

DATED: June 16, 2021

EFFECTIVE DATE: July 1, 2021

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan