

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 209

Amending Rule 35(a), Rules
of Appellate Procedure

IT IS ORDERED:

Appellate Rule 35(a) is repealed and the following
is substituted:

(a) Civil Matters.

- (1) A party to a civil action in superior court may file in the superior court a motion to appeal or to petition for review at public expense. The motion shall be accompanied by:
 - [a] An affidavit of the party detailing his inability to pay fees and costs or to give security for fees and costs.
 - [b] An affidavit of the party stating he believes that he is entitled to redress on appeal or on petition for review.
 - [c] A concise statement of the points on which the party intends to rely in his appeal or petition for review.
- (2) In considering the motion to appeal or petition for review at public expense, the superior court shall determine:
 - [a] The indigence or nonindigence of the party.
 - [b] Whether any of the proposed points on appeal are frivolous and, if so, the reasons.
- (3) If the motion is granted:
 - [a] The party may proceed without further application to the supreme court.
 - [b] The superior court shall include in the order granting the motion those costs or partial costs which are or are not to be covered at public expense, including:
 - [1] Filing fees
 - [2] Transcript fees
 - [3] Costs of printing briefs
 - [4] Other costs
 - [c] The superior court shall indicate in the order granting the motion if the case may be considered on an agreed statement of facts or on a designated abbreviated record, or if a full record is required.

[d] Any costs and attorney fees awarded to the appellant or petitioner as a prevailing party in the supreme court shall accrue to the state to reimburse it for costs relating to the appeal or petition for review.

(4) If the motion is denied in whole or in part:

[a] The superior court shall state in writing the reasons for the denial.

[b] The party who made the original motion has ten days from the entry of the order denying the motion to file with the supreme court a motion to appeal or petition for review at public expense. The motion shall be accompanied by copies of the affidavits and statement of points filed in superior court, and by a copy of the reasons given by the superior court for its action.

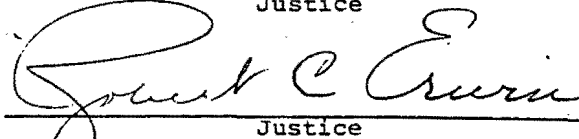
(5) Leave to file at public expense granted by the superior court or the supreme court may be conditioned on repayment of costs to the state. The conditions may include the imposition of liens in favor of the state on costs, attorney fees and other recoveries awarded to the indigent appellant or petitioner.

DATED: May 12, 1975

EFFECTIVE DATE: July 1, 1975


Chief Justice

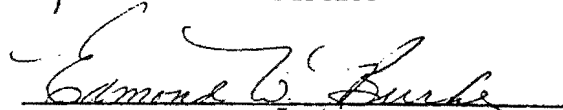

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