

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 213

Amending Rule 9(a), (b)  
and (e), Rules of  
Appellate Procedure

IT IS ORDERED:

Rule 9(a), Rules of Appellate Procedure is amended as follows:

(a) Designation of Contents of Record on Appeal. At the time the notice of appeal is filed, the appellant shall also serve upon the appellee and file with the superior court, a designation of the portions of the record, proceedings, and evidence to be contained in the record on appeal. Within 10 days after the service and filing of such a designation, any other party to the appeal may serve and file a designation of additional portions of the record, proceedings, and evidence to be included. If the appellee files the original designation, the parties shall proceed under subdivision (b) of this rule as if the appellee were the appellant.

Rule 9(b), Rules of Appellate Procedure is amended as follows:

(b) Transcript. If there is to be included in the record on appeal any evidence or proceedings that were stenographically reported or electronically recorded, the appellant shall incorporate in his designation a description in the best practical manner of the particular parts of the evidence or proceedings to be included. At the time of filing the request for the preparation of the transcript, the appellant shall state the type of proceedings and the number of days of trial involved. Appellant shall also deposit with the Clerk of the Trial Court the following amounts at the time of filing the request for preparation of transcripts:

If the number of trial dates listed on the request is	Then deposit is
1 or not applicable	\$ 150.00
2	300.00
3	450.00
4	600.00
5	750.00
6	900.00
7 or more	1,000.00
unspecified (e.g., request for entire proceedings)	750.00

When a cross-appeal is filed and additional transcript is requested by the cross-appellant, the cross-appellant shall deposit the amount per trial date requested as set out above in the schedule, but in no case less than \$150.00 for the additional transcript.

If the appellant's designation includes only part of the evidence or proceedings, the appellee in his designation referred to in subdivision (a) of this rule shall in like manner designate such additional parts thereof as he desires to have added. If it is impracticable to describe with precision those portions which the parties desire to have included in the record on appeal, amended or supplemental designations may be filed at the time a transcript has been prepared.

The request for the preparation of a transcript shall be in writing, shall be served on the other parties to the appeal, shall be accompanied by proof of service, and shall be filed in duplicate with the clerk. The duplicate copy shall be forwarded immediately by the clerk to the clerk of the supreme court.

In the event that a copy of the transcript or of the necessary portions thereof is already on file, the appellant shall not be required to file any additional copies.

All transcripts shall be in typewritten form upon paper 8 1/2 x 11 inches, bound on the left-hand margin, and shall be indexed.

Within 30 days after the filing of the notice of appeal, the appellant shall file the original of a transcript of the evidence or proceedings so designated by the parties, which shall be certified by the transcript secretary or other officer of the court. If the appellant fails to file a transcript of those portions designated by appellee, he may be required to do so by the court upon motion made by appellee not later than 10 days after the appellant's transcript has been filed.

If the cost of preparation of the requested transcript exceeds the deposit made by appellant or cross-appellant, the supervisor of the transcript department shall notify the parties in writing of the additional amount required. If the amount is not paid within 30 days from the date of the notification, the appeal may be dismissed by the superior court on its own motion or upon motion of a party to the appeal. If the cost of preparation of the requested transcript is less than the deposit made by appellant or cross-appellant, the excess amount of the deposit shall be refunded by the supervisor of the transcript department.

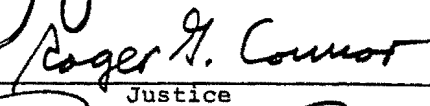
Rule 9(e), Rules of Appellate Procedure is amended as follows:

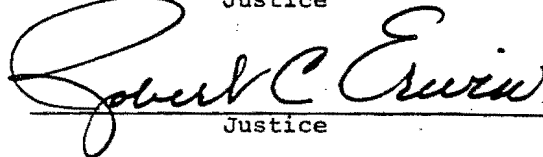
(e) Statement of Points. At the time of filing his notice of appeal, the appellant shall serve and file with his designation a concise statement of the points on which he intends to rely on the appeal. The court will consider nothing but the points so stated. On motion, and for cause, the statement of points may be supplemented subsequent to the filing of the designation of record.

DATED: May 23, 1975.

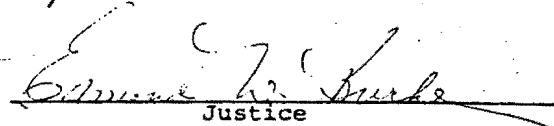
EFFECTIVE DATE: July 15, 1975.

  
Chief Justice

  
Justice

  
Justice

  
Justice

  
Justice

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