

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 481

Adding Appellate Rule 217,
relating to appeals from
the District Court to the
Court of Appeals

IT IS ORDERED:

The Appellate Rules are amended by adding a new Rule 217, to read as follows:

Rule 217. Appeals from District Court.

(a) This rule applies to proceedings in the Court of Appeals in direct appeals from judgments of the District Court under AS 22.07.020(c), and in such appeals supersedes the other appellate rules to the extent that they may be inconsistent with this rule. This rule does not apply to sentence appeals, which are governed by Rule 215, or to appeals from the District Court to the Superior Court, which are governed by Part Six of these rules.

(b) The notice of appeal, and the items required by Rules 204 and 210 to be filed therewith, shall be filed with the clerk of the court from which the appeal is taken, within 15 days after entry of the judgment being appealed.

(c) Unless otherwise ordered by the Court of Appeals, the record on appeal shall consist of the entire District Court file, together with cassette recordings of those proceedings designated pursuant to Rule 210(a). Written transcripts may not be prepared except by order of the Court of Appeals. The clerk of the trial courts shall complete the preparation of the record on appeal within fifteen days from the date of filing the notice of appeal.

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(d) The appellant's brief shall be served and filed within 20 days after notice of the certification of the record has been served. The appellee's brief shall be served and filed within 20 days after service of the brief of the appellant. The appellant may serve and file a reply brief within 10 days after the service of the brief of the appellee.

(e) Unless otherwise ordered by the Court of Appeals on its own motion, exclusive of appendices, the appellant's and appellee's briefs may not exceed 20 numbered pages each. The appellant's reply brief may not exceed 10 pages.

(f) In lieu of filing a brief, any party may instead serve and file a notice that he wishes to submit the case for decision based on the legal memoranda filed in the District Court, without further briefing. An election by one party to submit the case without filing a brief does not obligate any other party to do so. If the appellee files a brief, the appellant may file a reply brief. The Court of Appeals may, however, require a brief to be submitted by a party who has filed a notice under this paragraph if it appears that the issues raised on appeal are unclear, that the legal memoranda filed in the District Court are inadequate, or that submission of formal briefs would otherwise facilitate disposition of the appeal or serve the interests of justice.

(g) Except as provided in paragraphs (d) and (e) of this rule, briefs shall be prepared, served, filed, and duplicated in the manner prescribed by Rule 212.

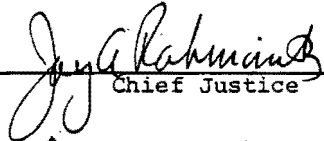
(h) Oral argument, if timely requested under Rule 213(a), shall be limited to 15 minutes per side, unless

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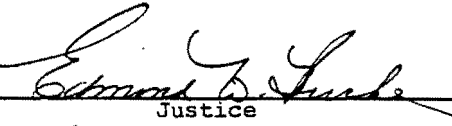
otherwise ordered by the Court of Appeals on its own motion.
A party may request oral argument whether he has filed a
brief or a notice under paragraph (f).

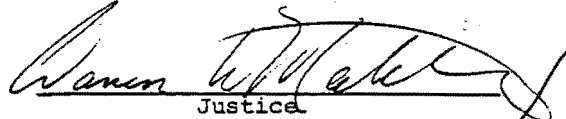
DATED: July 23, 1981

EFFECTIVE DATE: Effective with respect to appeals in which
the notice of appeal is filed on or after September 8, 1981.


Chief Justice


Justice


Justice


Justice


Justice

Usual distribution