

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 575

Amending Appellate Rules 204,
215, 216 and 602, relating to
notices of appeal

IT IS ORDERED:

1. Appellate Rule 204(b) is amended to read as follows:

(b) Notice of Appeal. A party may appeal from a judgment by filing a notice of appeal with the court from which the appeal is being taken [A NOTICE OF APPEAL IN DUPLICATE WITH SUFFICIENT ADDITIONAL COPIES FOR ALL PARTIES]. The notice of appeal must specify the parties taking the appeal, designate the judgment or part thereof appealed from, and name the court to which the appeal is taken. [NOTIFICATION OF THE FILING OF THE NOTICE OF APPEAL SHALL BE GIVEN BY THE CLERK OF THE TRIAL COURT BY MAILING COPIES THEREOF TO ALL THE PARTIES TO THE JUDGMENT OTHER THAN THE PARTY OR PARTIES TAKING THE APPEAL, BUT THE CLERK'S FAILURE TO DO SO DOES NOT AFFECT THE VALIDITY OF THE APPEAL. THE NOTIFICATION TO A PARTY SHALL BE GIVEN BY MAILING A COPY OF THE NOTICE OF APPEAL TO HIS ATTORNEY OF RECORD OR, IF THE PARTY IS NOT REPRESENTED BY AN ATTORNEY, THEN TO THE PARTY AT HIS LAST KNOWN ADDRESS. THE DUPLICATE NOTICE OF APPEAL SHALL BE FORWARDED IMMEDIATELY BY THE CLERK OF THE TRIAL COURT TO THE CLERK OF THE APPELLATE COURT. THE DUPLICATE NOTICE OF APPEAL SENT TO THE APPELLATE COURT SHALL BE ACCOMPANIED BY A COPY OF THE JUDGMENT FROM WHICH THE APPEAL IS TAKEN.] The notice of appeal shall be accompanied by proof of service on all other parties to the action in the trial court. As provided elsewhere in these rules, at the time it is served and filed the notice of appeal shall be accompanied by a statement of points on appeal (Rule 210(e)) and designation of record on appeal (Rule 210 (a)(1)) and, if required, by the filing fee (Rule 204(h)) and a bond for

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costs on appeal (Rule 204(c)(1)). If a motion for an extension of time to file the statement of points on appeal or designation of record on appeal has been filed with the appellate court, the appellant shall serve and file with the notice of appeal a written statement to that effect. A motion to waive bond on appeal pursuant to Rule 204(c), or to appeal at public expense pursuant to Rule 209, may be filed along with the notice of appeal. Otherwise, the clerk of the trial courts shall refuse to accept for filing any notice of appeal not conforming to this paragraph.

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2. Appellate Rule 204 is amended by adding a new paragraph (i) to read as follows:

(i) Notice to Appellate Court. Immediately upon the filing of the notice of appeal, the clerk of the trial courts shall send to the clerk of the appellate courts: a copy of the notice of appeal, statement of points on appeal, designation of record on appeal, and proof of service of these documents, indicating the date on which they were filed; evidence that the filing fee has been paid and a bond for costs on appeal posted, if required, or a statement that the appeal is at public expense; a statement identifying all parties to the appeal and the attorneys who represented them in the trial court; and a copy of the judgment being appealed.

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3. Appellate Rule 215(b) is amended to read as follows:

(b) Notice of Appeal. Written notice of appeal from a sentence by the prosecution, or by a defendant appealing solely on the ground that the sentence is excessive, shall be filed with the clerk of the court which imposed the sentence not later than 30 days after the date shown in the clerk's certificate of distribution on the written judgment. The notice of appeal need only state that the sentence which is being appealed is too lenient or excessive. Whether or not the defendant is represented by counsel, the notice of appeal shall state the mailing address of the defendant. No fee shall be collected for filing a notice of sentence appeal. When filed, the notice of appeal shall be accompanied by proof of service on opposing counsel.

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4. Appellate Rule 215(e) is amended to read as follows:

(e) Forwarding Notice of Appeal. Immediately upon filing [RECEIPT] of a notice of sentence appeal, the clerk shall [FORTHWITH] forward a copy of the notice [TO THE DEFENDANT AND HIS COUNSEL, TO THE ATTORNEY FOR THE PROSECUTION, TO THE JUDGE WHO IMPOSED THE SENTENCE, AND] to the clerk of the appellate court. The copy of the notice sent to the appellate court shall be accompanied by a copy of the judgment as required by Rule [204(B)] 204(i).

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5. Appellate Rule 216(e) is amended to read as follows:

(e) Forwarding Notice of Appeal. Immediately upon the filing of a notice of appeal in an appeal under this rule, the clerk of the trial courts shall notify [THE PARTIES AND] the clerk of the appellate courts in the manner provided in Rule [204(B)] 204(i).

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6. Appellate Rule 602(b)(1) is amended to read as follows:

(1)[a] [THE CONTENTS OF THE NOTICE OF APPEAL] A party taking an appeal under this Part Six shall [BE AS SET FORTH IN] comply with Rule 204(b), except that the notice of appeal, accompanying documents, and filing fee shall be filed in the Superior Court.

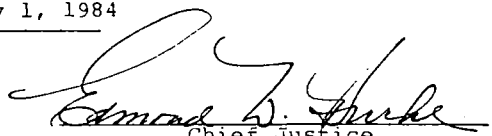
[b] In an appeal from the district court, the clerk of the trial courts shall [NOTIFY ALL OTHER PARTIES IN THE MANNER SPECIFIED IN RULE 204(B). THE CLERK OF THE TRIAL COURTS SHALL ALSO] forthwith mail or deliver a copy of the notice of appeal to the district court involved and, unless he or she is also clerk of that court, shall notify the district court of the date by which it must prepare the record on appeal in accordance with Rules 210 and 604.

[c] In an appeal from an administrative agency, the clerk shall send a copy of the notice of appeal to the agency and request the agency to submit a list of the names and addresses of all counsel who appeared in the matter before the agency, and of all persons who appeared therein pro se. The agency shall file the list with the clerk within ten days of service of the request. [UPON RECEIPT OF THE LIST, THE CLERK SHALL NOTIFY ALL OTHER PARTIES IN THE MANNER SPECIFIED IN RULE 204(B). IN AN APPEAL FROM AN AGENCY, THE 14-DAY PERIOD SPECIFIED IN RULE 204(A) (2) SHALL BEGIN TO RUN UPON SERVICE OF THIS NOTICE BY THE CLERK.] The clerk shall also notify the agency of the date by which it must prepare the record in accordance with Rules 210 and 604.

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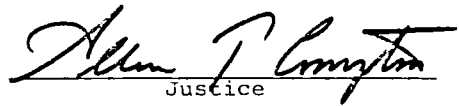
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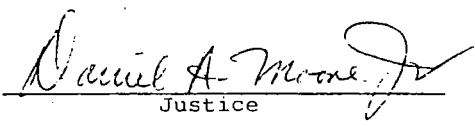
EFFECTIVE DATE: February 1, 1984


Edmund S. Burke
Chief Justice


Justice


Justice


Justice


Justice

Usual distribution