

No. 6

RULES GOVERNING THE ADMINISTRATION
OF ALL COURTS



STATE OF ALASKA

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OF ALL COURTS

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RULES GOVERNING THE ADMINISTRATION
OF ALL COURTS

Rule 1. Administrative Director of Courts - Duties.

There shall be an administrative director of courts who shall, under the supervision and direction of the chief justice of the supreme court:

(a) Supervise the administrative operations of the judicial system;

(b) Establish the administrative methods and systems to be employed in the offices of the clerks and other officers of the courts;

(c) Periodically inspect and examine the administrative methods and systems in use and make recommendations to the chief justice for the improvement of such administrative methods and systems;

(d) Examine the state of the dockets of all courts, determine the need for assistance by any court and confer with the superior court judges on the status of their calendars and administrative matters at the request of the chief justice;

(e) Make recommendations to the chief justice relating to the assignment or reassignment of judges where courts are in need of assistance and carry out the directions of the chief justice as to the assignment of judges within or to other judicial districts where the courts are in need of assistance;

(f) Collect and compile statistical and other data and

transmit copies of the same to the supreme court and the judicial council to the end that proper action may be taken in respect thereto;

(g) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations with respect thereto;

(h) Draw all requisitions requiring the payment of state monies appropriated for the maintenance and operation of the judicial system;

(i) Collect statistical and other data and make reports relating to the expenditure of public monies, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(j) Obtain reports from clerks of courts in accordance with the requirements of the supreme court on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to the chief justice, the supreme court and the judicial council;

(k) Act as secretary of the judicial council and perform such other duties as may be assigned by the supreme court and the chief justice;

(l) Formulate and submit to the chief justice, the supreme court and the judicial council recommendations of policies for the improvement of the judicial system; and

(m) Attend to such other matters as may be assigned by the chief justice.

Rule 2. Appointment and Compensation of Employees; Practice of Law by Personnel Prohibited.

The administrative director shall receive the same compensation as a superior court judge. The administrative director, with the approval of the chief justice, shall appoint and fix the compensation of such assistants and clerical employees as are necessary to enable him to exercise and perform the powers and duties vested in him. During his term of office or employment, neither the administrative director nor any assistant or employee shall engage directly or indirectly in the practice of law in any of the courts of this state.

Rule 3. Information and Data to be Furnished to Administrative Director.

The judges, magistrates, deputy magistrates, clerks of the courts and all other officers, state and local, shall comply with all requests made by the administrative director or his assistants for information and statistical data bearing on the state of the dockets of such courts and such other information as may reflect the business transacted by them.

Rule 4. Conference of Judges, Magistrates and Members of the Bar.

The chief justice may provide by special order for the holding in this state of conferences of the judges, magistrates and deputy magistrates of the courts of this state, the judicial council and of invited members of the Bar or any combination of the above for consideration of matters relating to judicial business, the improvement of the judicial system and

the administration of justice. Each judge, magistrate, administrator and member of the judicial council attending shall be entitled to such per diem allowance and travel expense as may be prescribed by the chief justice to be paid from legislative appropriations made for such purpose.

Rule 5. Possession of Seals.

The clerk of the court, or if there is no clerk, the judge or district magistrate shall keep possession of the seal of the court.

Rule 6. Disposal of Money Paid to or Deposited with Court.

(a) Bank Accounts. It shall be the duty of each superior court judge and of each district magistrate to cause to be established two or more separate accounts in a banking institution wherein shall be promptly deposited all moneys paid to or deposited with the court, judge or magistrate. One of said accounts shall be for the deposit of trust funds and the other for all other deposits. Provided, however, that when there are two or more judges or two or more district magistrates sitting in the same city, the judges or magistrates may consolidate accounts of similar character. All checks drawn on any bank account shall be signed by the clerk or district magistrate or, in the case of consolidated accounts, by the clerk or the presiding district magistrate. Bank accounts for the supreme court shall be established as directed by the chief justice.

(b) Supreme and Superior Court. Whenever, pursuant to law, rule of the supreme court or any action, proceeding,

judgment, order or decree, any fees, fines, forfeitures or penalties are prescribed, levied and collected by the supreme court or superior court, the proceeds thereof and all other monies collected or deposited (except trust funds) shall be deposited in the appropriate bank account and thereafter be periodically transmitted by the clerk thereof with appropriate accounting to the administrative director for transfer to and deposit in the general fund of the state. The clerk is responsible and in his settlement shall account for, and be charged with, the full amount of all such monies collected.

(c) District Magistrate Courts.

(1) The proceeds of all fees, fines, forfeitures, penalties and all other monies (except trust funds) collected or deposited with the district or deputy magistrates or clerks of the district magistrate courts shall be deposited in the appropriate bank account and be accounted for and periodically transmitted to the administrative director for transfer to the general fund of the state.

(2) Where no bank is located in the community of the office of a deputy magistrate, funds coming into his possession shall be kept in the safest manner possible and accounted for, as provided in the preceding paragraph.

(3) The proceeds from fines, penalties or forfeitures and all other monies resulting from the conduct of court for political subdivisions shall be handled and accounted for by district and deputy magistrates as directed by the administrative director.

(d) Accounting Methods and Procedures. A system or

systems of accounting methods and procedures in accordance with generally acceptable accounting practices shall be established in all courts under the supervision of the administrative director after approval by the supreme court.

Rule 7. Recording and Accounting for Fine or Forfeiture when Judgment Vacated or Sentence of Imprisonment Imposed in Lieu Thereof.

Whenever an imprisonment has been imposed for violation of any act, and before the termination of the sentence, the defendant is released by the vacation of the sentence of imprisonment and the imposition of fine or forfeiture in lieu thereof, such fine or forfeiture shall be recorded and accounted for in the same manner as though it had been imposed in the first instance.

Whenever a fine has been imposed for violation of any act, and before the full payment of it, a sentence of imprisonment is imposed in lieu thereof, such imprisonment shall be recorded and remission of fine accounted for.

Rule 8. Fees of Interpreters and Translators.

(a) Amount. Interpreters' and translators' fees for attendance in any court or at a coroner's inquest, shall be set by the court and be commensurate with the time required to be in attendance, but shall not exceed twenty-five dollars (\$25.00) a day.

(b) Payment. Interpreters' and translators' fees shall be paid:

(1) In criminal cases and in coroners' inquests,

from the appropriation to the judiciary of the state.

(2) In civil cases, by the litigants, in such proportions as the court may direct, to be taxed and collected as other costs.

Rule 9. Witness Fees - Amount - Payment - Payment in Advance in Civil Cases.

(a) Amount. A witness attending before any court, grand jury or coroner's jury in this state, when legally required to attend, shall receive \$13.00 a day and round-trip mileage actually and necessarily traveled, at the rate of 12 cents per mile. Where travel was accomplished by air, the witness shall receive the actual cost of the round-trip air transportation in lieu of mileage. Where the witness can without inconvenience return to his home each evening, he shall receive only \$4.00 a day. The court may disallow any fees to a witness unnecessarily subpoenaed.

(b) Payment. Witness fees, travel expense and per diem shall be paid:

(1) In criminal cases and in attendance before the grand jury from the appropriation to the attorney general's office.

(2) In coroners' cases from the appropriation to the judiciary.

(3) In civil cases by the litigants, to be taxed and collected as other costs.

(c) Demand of Payment in Advance in Civil Cases. Wit-

nesses in civil cases, except when subpoenaed by the state or an officer or agency thereof, may demand the payment of their fee for one day and round-trip mileage or air transportation in advance, and when so demanded shall not be compelled to attend until the allowances are paid.

Rule 10. Physicians' Fees.

(a) Amount. The following fees will be allowed physicians in mental hearings, coroners' inquests and autopsies:

(1) For the examination of persons alleged to be mentally ill and giving medical expert testimony at the hearing thereon, not to exceed twenty-five dollars per hour or fraction thereof.

(2) For making an autopsy or surgical or chemical investigation of the human body and giving medical expert testimony before any court or coroner's jury in relation thereto, not to exceed thirty-five dollars per hour or fraction thereof.

(b) Payment. Physicians' fees shall be paid:

(1) In mental proceedings and coroners' cases from the appropriation to the judiciary.

(2) In criminal cases from the appropriation to the attorney general's office.

Rule 11. Filing Fee - Superior Court.

The clerk shall file an action or proceeding upon the payment to him of a fee of \$25.00. No further or additional fees or charges shall be made by the clerk with respect to such

action or proceeding, except that actual out-of-pocket expenses incurred by the clerk, such as postage, shall be paid by a party.

Rule 12. Filing Fee - District and Deputy Magistrate Jurisdiction. Civil.

(a) District Magistrate Jurisdiction. Before accepting any civil case for filing, a fee in the amount of \$15.00 shall be collected if the relief claimed can only be granted by a district magistrate.

(b) Deputy Magistrate Jurisdiction. Before accepting any civil case for filing, a fee in the amount of \$5.00 shall be collected if the relief claimed can be granted by a deputy magistrate.

Rule 13. State Exempt from Payment of Filing Fees.

The state, or any officer or agency thereof, shall be exempt from the payment of any filing fee in any court of the state.

Rule 14. Appeals - Petitions for Review to Superior Court - Filing Fees.

The clerk of the superior court shall file and docket an appeal from a magistrate court upon the payment of a filing fee of \$10.00. No fee shall be charged by the clerk for filing and docketing a petition for review or any writ on a criminal matter.

Rule 15. Court Appointed Attorneys - Fees.

(a) Criminal. Attorneys appointed by the court to represent indigent persons shall be paid for this service according to the following schedule:

(1) Representation on plea of guilty and sentencing - \$75.00.

(2) Representation on plea of not guilty and trial - \$75.00 for each day or fraction thereof spent in court.

(b) Other. Attorneys appointed by the court to represent indigent persons in situations other than as provided for in (a) above shall be paid a fee established by the court, commensurate with the time and legal problems involved.

Rule 16. Court Fees for Incidental Services.

Clerks of court or magistrates shall charge such fees for incidental services performed as may be prescribed by the administrative director of courts.

Rule 17. Jurors and Grand Jurors' Fees - Payment.

(a) Petit jurors summoned, and who qualify for service on the venire, shall be paid at the rate of \$10.00 per day for every day spent as a member of the venire, except that petit jurors who can without inconvenience return to their home each evening, shall receive such payment only for the days actually required to report to the court or while serving as a member of a panel.

(b) Jurors summoned from places more than 15 miles dis-

tion of the deposit after making payment to the jurors, or collect from the party demanding jury trial the deficiency, in the event the deposit is not sufficient to pay the jurors.

Rule 19. Jurors' Fees, Deputy Magistrate Courts, Amount.

(a) Jurors summoned by a deputy magistrate from the immediate area of the court shall receive no fee or per diem for reporting. Jurors selected to serve on a case shall receive compensation at the rate of \$1.00 per day or fraction thereof of service.

(b) Deputy magistrates shall, whenever possible, summon only jurors residing within the immediate area of the court.

Rule 20. Jurors - Pre-determination of Qualifications.

(a) Whenever possible, before summoning any person for petit or grand jury duty, where an expense for travel and subsistence would be incurred for reporting, clerks and district magistrates shall mail a form of questionnaire to the prospective juror to determine his qualifications to serve and whether he has valid grounds to be excused from service. The form of such questionnaire shall be furnished by the administrative director of courts. Where a prospective juror's response to such questionnaire indicates that he is disqualified for service, or in the opinion of the judge or magistrate he has stated grounds sufficient to be excused, he shall not be summoned.

(b) Where a juror is summoned after having responded to the questionnaire and found then to be disqualified or is excused at his request, he shall be denied reimbursement for

tant from the place of court shall receive reimbursement for round-trip travel performed from the juror's residence to the place of court for the total distance actually and necessarily traveled at the rate of 12 cents a mile. Where air transportation is used, the actual cost of such transportation shall be paid in lieu of mileage.

(c) Where it is impracticable for a juror to return to his home each evening, subsistence at the rate of \$7.00 a day shall be allowed for each day of his term of service on the venire.

(d) Employees of the United States, the state, or of any employer who does not deduct proportionately from the juror's wage or salary or annual leave time for time spent in jury service, shall not receive any compensation for such service.

(e) The provisions of paragraphs (a) through (d) shall govern the payment of fees, travel and subsistence to grand jurors.

(f) All payments under the provisions of this rule shall be made from the appropriation to the state judiciary.

Rule 18. Payment of Jurors' Fees in Advance, Civil Cases;
Deputy Magistrate Courts.

The party demanding trial by jury in any civil action in a deputy magistrate court, shall, at the time of making such demand, deposit with the deputy magistrate the sum of \$24.00 as security for the payment of jurors' fees. At the conclusion of the trial the deputy magistrate shall refund any unused por-

travel expense incurred and subsistence, in the discretion of the judge or magistrate.

(c) Clerks and district magistrates shall maintain a file of persons permanently disqualified for jury service.

Rule 21. Jurors on Superior Court Venire Available for Service to District Magistrates.

Jurors who qualify and are selected for service on the venire of a superior court shall be considered available to district magistrates for the trial of civil cases and, as though summoned under the provisions of Sec. 68-6-8 ACLA 1949, for the trial of criminal cases.

Rule 22. Places for Holding Court in Time of War, Insurrection, Pestilence, or Other Public Danger.

When war, insurrection, pestilence, or other public calamity, or the danger thereof or the destruction or danger of the building appointed for holding court in any judicial district renders it necessary, the presiding superior court judge thereof may by order direct that the court be held or continued at any other place in the judicial district than that appointed. The order shall be filed with the clerk of the supreme court and shall be published as the said presiding judge prescribes. In the same manner such judge may revoke the order and appoint another place in the same judicial district in which such court is established for holding the court.

Rule 23. Judicial Holidays; Transaction of Business.

(a) Judicial Holidays. Subject to the provisions of

Sec. 18, Ch. 50 and Sec. 7, Ch. 184 SLA 1959, no court shall be open for the transaction of business on any judicial holiday as defined herein:

Judicial holidays are:

1. Every Sunday
2. January 1st
3. February 12th, known as "Lincoln's Birthday"
4. February 22nd, known as "Washington's Birthday"
5. March 30th, known as "Seward's Day"
6. May 30th, known as "Memorial Day" or "Decoration Day"
7. July 4th, known as "Independence Day"
8. First Monday in September, known as "Labor Day"
9. October 18th, known as "Alaska Day"
10. November 11th, known as "Veteran's Day"
11. December 25th
12. Every day designated by the President or Governor as a legal holiday or as a day of Thanksgiving.

If any day specified or provided for as a holiday in this rule falls on a day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day not a judicial holiday.

(b) Holidays Falling on Sunday. If any holiday designated in Rule 23(a) 2 through 12 falls upon a Sunday, the Monday following is a holiday.

(c) Special or Limited Holidays. On any special or limited holiday, all courts shall be open and function in their normal and usual manner. A special or limited holiday is a holiday applying only to a special class or classes of business, or a special class or classes of persons, and not appointed to be

generally observed throughout the state by all classes of business and all classes of persons.

Rule 24. Sittings of Courts.

(a) Court Hours. The supreme court and the superior courts shall sit from 10:00 a.m. to 12:00 noon, and from 2:00 p.m. to 4:00 p.m., unless the chief justice or the judge shall order otherwise. The district magistrate courts shall sit at the times and places designated by Rule 32 unless otherwise directed by the chief justice.

(b) Court Days. The superior court shall sit Monday through Friday, inclusive, for the conduct of its business. District magistrates and deputy magistrates shall sit on such days each week as are designated by Rule 32 or by the chief justice.

Rule 25. Proceedings in Open Court.

So far as practicable, all judicial business involving the trial of causes and conferences with members of the Bar or litigants shall be transacted in open court.

Rule 26. Power of Court to Provide Proper Facilities for Transaction of Business in Court; Payment of Expenses.

If the state does not provide proper rooms in which to hold the court and for the accommodation of the officers of the court, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the chief justice may direct the administrator

of courts to provide them. The expenses thereof, certified by the chief justice to be correct, shall be paid out of the state treasury.

Rule 27. Chief Clerk - Supreme Court.

(a) Appointment. The supreme court shall appoint a clerk of that court to serve at the pleasure of the court at a salary to be set by the court.

(b) Duties. The clerk of the supreme court shall perform such duties as are or may be required of him by the rules and practices of the supreme court.

(c) Office Hours of Clerk. The offices of the clerk of the supreme court shall be open for the transaction of business continuously from 9:00 a.m. until 5:00 p.m. every day of the year, judicial holidays and Saturday afternoons excepted.

Rule 28. Traveling Expenses of Superior Court Judges.

Each superior court judge shall, upon his certificate, be paid all necessary traveling expenses and per diem as provided by law while attending court or transacting official business at a place other than his official station.

The official station of each superior court shall be that place where a regular session of the superior court is held and at or near which the judge performs a substantial portion of his judicial work, which is nearest the place where he maintains an actual abode in which he customarily lives.

Rule 29. Superior Court, Sessions.

(a) Regular Sessions. Except as otherwise provided by special order of the supreme court, regular sessions of the superior courts shall be held in each judicial district at the places hereinafter designated commencing on a date to be announced by order of the court;

(1) First judicial district: regular sessions shall be held at Juneau and Ketchikan.

(2) Second judicial district: regular sessions shall be held at Nome.

(3) Third judicial district: regular sessions shall be held at Anchorage.

(4) Fourth judicial district: regular sessions shall be held at Fairbanks.

(b) Special Sessions. Special sessions shall be held at such other times and places as may be prescribed by order of the chief justice after appropriate notice.

Rule 30. Clerk - Superior Court - Appointment - Duties.

(a) Appointment. A majority of the superior court judges of each district, where the courts are all located in the same city, shall appoint a clerk of the superior court for that district. Where the courts are located in different cities of the same district, each superior court judge shall appoint the clerk for his court. Clerks shall hold office and be removable at the pleasure of the appointing authority.

(b) Duties. The clerk of the superior court shall:

(1) Attend sessions of the superior court in . . .

his district and upon a judge or judges of the court in chambers when required.

(2) Keep such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions. The name of each plaintiff and defendant shall be indexed, and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants.

(3) Issue all process and notices required to be issued.

(4) Keep the minutes and maintain such other records of the court as are required by the rules and the administrative director.

(5) Safely keep or dispose of, according to law or rule of the supreme court, all papers and records filed or deposited in any action or proceeding before the court.

(6) Perform such duties as are or may be required of him by the rules of the supreme court and the rules and practices of the superior court.

Rule 31. Number and Location of District Magistrates and Deputy Magistrates.

(a) District Magistrates. The district magistrate courts in each judicial district shall have the number of district magistrates as set forth below:

First Judicial District - 3

Second Judicial District - 1

Third Judicial District - 4

Fourth Judicial District - 2

The number of district magistrates may be changed from time to time by the supreme court as circumstances require.

(b) Deputy Magistrates. Deputy magistrates shall be appointed to serve at the places indicated below:

First Judicial District

Wrangell	Hoonah	Skagway
Petersburg	Hyder	Yakutat
Craig	Kake	
Haines	Sitka	

Second Judicial District

Candle	Barrow	Fortuna Ledge
Kotzebue	Unalakleet	

Third Judicial District

Cold Bay	Iliamna	Palmer
Shemya	Wasilla	Seldovia
Dillingham	Whittier	Seward
Copper Center	Kenai	Talkeetna
Cordova	Kodiak	Valdez
Homer	King Salmon	

Fourth Judicial District

Bethel	McGrath	Ruby
Ophir	Rampart	Big Delta
Tanana	Manley Hot Springs	Fort Yukon
Aniak	Nenana Nenana	Tok

The number and location of deputy magistrates may be changed from time to time by the supreme court as circumstances require.

Rule 32. District Magistrate Courts - Time and Place of Sitting.

(a) Regular Sessions. Except as otherwise provided by order of the supreme court, the district magistrate court in each judicial district shall sit at the places hereinafter designated:

- (1) First judicial district: Juneau, ^{Sitka} and Ketchikan
- (2) Second judicial district: Nome
- (3) Third judicial district: Anchorage
- (4) Fourth judicial district: Fairbanks

(b) District Magistrates - When Open for Business. The district magistrate courts shall always be open for the transaction of business, except on judicial holidays; provided, however, that the courts may at any time:

- (1) Exercise their powers in a criminal action, or in a proceeding of a criminal nature, including the issuance of orders pertaining to bail,
- (2) Receive a verdict or discharge a jury,
- (3) Issue writs of habeas corpus,
- (4) Issue warrants of arrest and summons and search warrants.

(c) District Magistrates - Time of Sitting - Office Hours. The district magistrates shall sit in the conduct

of trials and hearings from 9:00 a.m. to 12:00 noon and from 2:00 p.m. to 4:00 p.m. Monday through Friday, or as their calendars may require. Their offices shall be open to the public from 9:00 a.m. to 5:00 p.m. every day of the week, judicial holidays and Saturday afternoons excepted.

(d) Deputy Magistrates - Time of Sitting - Office Hours.

Deputy magistrates shall hold court at the places named in Rule 31(b) and sit in the conduct of trials and hearings daily between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, as the business of their courts and the status of their calendars require. Their offices shall be open or available to the public for the transaction of all state business for which they are responsible between the hours of 9:00 a.m. and 5:00 p.m. every day of the week, judicial holidays and Saturday afternoons excepted. During such times as a district magistrate may be holding court in the same community, the deputy magistrate shall act as clerk of the district magistrate court.

Rule 33. Assignment of Magistrates.

(a) In General. Assignments of district magistrates and deputy magistrates to regular and special sessions of the district magistrate courts shall be made by the presiding judge of the superior court in each judicial district. In making such assignments, due regard shall be had of the status of the accumulated calendars of the courts of the deputy magistrates in the district with respect to matters beyond their power or ability to preside, to the end that district magistrates are assigned to such courts as needed in order to keep the calendars current.

(b) Special Sessions: Assignment of Magistrates with-

in Judicial District. The presiding judge of the superior court in each judicial district may assign district magistrates within that judicial district to serve in places within the same judicial district other than those specified in subsection (a) of Rule 32. The holding of court pursuant to such assignments shall be deemed to be special sessions and shall be in addition to the regular sessions prescribed and held pursuant to this rule. Such assignments shall be made only when the efficient and orderly transaction of judicial business so requires.

(c) Temporary Assignments in other Judicial Districts.

(1) In General. Temporary assignment of magistrates to other judicial districts shall rest in the discretion of the presiding superior court judge.

(2) Procedure for Temporary Assignment.

(i) When the volume of judicial business in the district magistrate court in any judicial district warrants the temporary assignment therein of one or more district or deputy magistrates from another judicial district, the presiding judge of the superior court in the judicial district requiring such temporary assignment shall so advise the administrative director giving details as to the reasons therefor, the length of time and location of the temporary assignment.

(ii) The administrative director shall thereupon determine the availability of district or deputy magistrates in other judicial districts and make a recommendation to the presiding judges concerned as to who is available for temporary assignment for what length of time.

(d) Length of Assignment. Any single temporary assign-

ment of a magistrate to another judicial district shall not exceed 90 days.

(e) Recommendations: The administrative director and presiding superior court judge in each judicial district shall, after consideration of the state of the district magistrate court dockets from time to time, submit joint recommendations to the supreme court as to methods of improving the administration of justice in such courts.

(f) Emergency Assignment. Where the presiding judge is not available for making of an emergency assignment, any other superior court judge of the district or the chief justice may make such assignment.

Rule 34. Compensation of District and Deputy Magistrates.

The compensation of district and deputy magistrates shall be as prescribed by the supreme court from time to time and shall be governed by the duties and responsibilities involved as to the particular office.

Rule 35. Per Diem and Transportation Allowances of District and Deputy Magistrates.

In addition to annual compensation, any district or deputy magistrate assigned by the presiding judge of the superior court of his judicial district to a magistrate court other than that in which he regularly sits, shall be allowed per diem and transportation allowances as provided by law.

Rule 36. Qualifications of Magistrates.

(a) District Magistrates. To be eligible for appointment as a district magistrate, a person must meet the qualifications prescribed in Sec. 11(1), Ch. 184, SLA 1959.

(b) Deputy Magistrates. To be eligible for appointment as a deputy magistrate, a person must meet the qualifications prescribed in Sec. 11(2), Ch. 184, SLA 1959.

Rule 37. Presiding Superior Court Judge - Appointment.

The chief justice shall designate a superior court judge from each district to be presiding superior court judge of that district. The presiding superior court judge shall perform the duties required of him by law and shall serve at the pleasure of the chief justice.

Rule 38. Presiding District Magistrate.

Where more than one district magistrate is assigned to the court of a given city, the presiding superior court judge of the district may designate one of such district magistrates to be the presiding district magistrate and administrative head of the district magistrate court for that city to serve at the pleasure of the appointing judge.

Rule 39. Traveling Magistrate - Appointment - To Act as Master.

The presiding superior court judge of each district shall appoint one or more of the district magistrates assigned to his judicial district to be the traveling magistrate for that district. The traveling magistrate shall keep himself and the presiding superior court judge regularly informed as

to the status of the calendars of all deputy magistrate courts in the district and shall visit the deputy magistrate courts of the district as often as required by the presiding superior court judge for the purpose of trying accumulated cases beyond the jurisdiction or ability of the deputy magistrates. The traveling magistrate shall make such examinations, inspections and reports on the deputy magistrate courts and other functions performed by those officials as may be required by the administrative director. The traveling magistrate shall act as master for any superior court judge when required, in order to expedite the efficient handling of judicial matters in outlying areas.

Rule 40. Deputy Magistrates may Accept Cases for Filing -
to Furnish Calendar Data.

(a) Deputy magistrates may accept for filing civil cases beyond their jurisdiction but within the jurisdiction of the district magistrate. Such civil cases, along with any pending criminal cases, will be tried by the traveling deputy ^{magistrate} magistrate on periodic visits to the area.

(b) Deputy magistrates shall immediately notify the presiding superior court judge of their district in writing, with a copy to the presiding district magistrate of their district, as soon as any case beyond their jurisdiction becomes at issue. Such notification shall contain a brief description of the case, whether jury or non-jury, and an estimate of the length of time required for trial.

(c) If in the course of any preliminary proceedings connected with a case, or during the trial, or after judgment, a

deputy magistrate for any reason feels technically unqualified to proceed further, he may, without prejudice to the rights of the parties, refer the matter to the traveling district magistrate for further proceedings.

Rule 41. Magistrates and Deputy Magistrates to Act as Magistrates for Political Subdivision.

(a) A district magistrate shall preside over any court heretofore operated by a political subdivision in or near the city where a district magistrate is assigned. The district magistrate shall hold such sessions of court as are required by the laws of the political subdivision and shall cooperate in every reasonable manner with the officials and enforcement officers of the political subdivision to the end that magistrate services rendered and available are equal or superior to those previously existing.

(b) If no district magistrate is stationed near a court heretofore operated by a political subdivision, then a deputy magistrate shall preside in such court. The deputy magistrate shall hold such sessions of court as are required by the laws of the political subdivision and shall cooperate in every manner with the officials and enforcement officers of the political subdivisions to the end that magistrate services rendered and available are equal or superior to those previously existing.

(c) Where more than one magistrate or deputy magistrate is assigned to a district magistrate court rendering magistrate services to a political subdivision, all such magistrates are to be considered equally available to enforcement officers in emergencies.

(d) The administrative director of courts shall furnish to the magistrates and deputy magistrates concerned a copy of the current memorandum of agreement between the state and the political subdivision for which magistrate services are being rendered, and they shall at all times be governed by the terms thereof. Should any difference of opinion arise over the interpretation or application of the agreement, the magistrate shall immediately notify the administrative director of courts in writing with a copy to the presiding superior court judge of his district. Until the matter has been clarified, the magistrate shall cooperate in every reasonable manner so as to preserve harmony between the judiciary and the officials and enforcement officials of political subdivisions.

Rule 42. District Magistrates and Deputy Magistrates may also Serve as United States Commissioners.

Additional to their duties as established by statute and rule, district and deputy magistrates at locations to be later determined, may be required to act as part-time United States commissioners. When required to so act, the district magistrate or deputy magistrate will collect no additional compensation for such services and will submit such reports as may be required by the administrative director of courts. When acting in the capacity of a United States commissioner, the district or deputy magistrate shall be governed in all respects by United States law and instructions from federal officials or agencies.

Rule 43. Reports to Bureau of Vital Statistics - Superior Courts.

(a) Divorce - Annulment - Adoption. Before judgment or

decree is entered in any action for divorce or annulment or proceeding for adoption, the court shall require the parties or their counsel to submit such personal particulars and other information necessary to enable the clerk to prepare a record of such divorce, annulment or adoption in accordance with law and the regulations and instructions of the Bureau of Vital Statistics. Every such record shall be prepared by the clerk and filed in the manner and within the time prescribed by law and the regulations and instructions of the Bureau of Vital Statistics.

(b) Change of Name - Delayed Birth Certificate - Legitimation. In the following actions and proceedings, the court shall file with the Bureau of Vital Statistics such reports, information and copies of judgments and orders as may be required and in the manner provided by law and the regulations and instructions of the Bureau:

(1) A proceeding for change of name. (Sec. 57-9-1 - 57-9-2 ACLA 1949)

(2) A proceeding to establish a public record of the time and place of birth and parentage (Sec. 40-11-49 ACLA 1949 Cum. Supp.)

(3) An action or proceeding for legitimation (Sec. 21-3-3 ACLA 1949 Cum. Supp.)

Before entering any order or judgment in any of the above-mentioned actions or proceedings, the court shall require the parties or their counsel to submit such information as may be necessary to enable the court to comply with this rule.

Rule 44. District and Deputy Magistrates - Vital Statistics.

District and deputy magistrates shall perform all of the functions and duties with respect to the preparation, filing and recording of vital statistics, and the maintaining of records incident thereto, as provided by law and in accordance with the regulations and instructions of the Bureau of Vital Statistics.

Rule 45. Probation Officers - Officers of the Court.

Probation officers made available to the courts by the Department of Health and Welfare shall be officers of the courts and subject to the authority of the superior court judges as to investigative and supervision procedures.

Rule 46. Judicial Robes.

All justices of the supreme court and all judges of the superior court, while actually in attendance as a justice or judge in a public session of their court, shall wear a suitable black judicial robe.

Rule 47. Electronic Recording Equipment - Official Record - Responsibility for Record - Maintenance, Etc.

(a) Electronic recording equipment shall be installed in all superior courts for the purpose of recording all proceedings required by rule to be recorded. Such electronic recordings shall constitute the official court record. It shall be the responsibility of each superior court judge to require that the electronic recording equipment in his court be operated only by qualified personnel in such manner and under such conditions as to insure the production of a readable record of all proceed-

ings.

(b) Before commencing any proceedings required to be recorded the judge shall satisfy himself that the electronic recording equipment is functioning properly and during all proceedings shall require the clerk or deputy clerk to supervise the operation of and constantly monitor the input to the equipment and immediately notify him when the quality of the recording is doubtful.

(c) Electronic recording equipment has certain limitations as compared to manual stenographic or shorthand reporting. It likewise has certain advantages over manual reporting. When used to the exclusion of manual reporting, as will be the case in the courts of Alaska, the limitations of the equipment must be learned as quickly as possible. Where inherent limitations, poor acoustics, extraneous noises, interference, poor enunciation or other factors create doubt that the electronic record is sufficiently clear to permit full transcription, it shall be the responsibility of the judge to cause the doubtful proceeding to be repeated.

(d) Electronic recording equipment used in the courts will be maintained and repaired by the Alaska Department of Communications. In emergencies where Department of Communications personnel are not available, any qualified electronic repairman may be utilized. It shall be the responsibility of the clerk to see that regular maintenance of the equipment is performed and to immediately notify the administrative director of courts when any of the spare parts or equipment are used so that immediate replacements may be ordered.

(e) The courtroom clerk or deputy clerk shall be responsible for maintaining a detailed, accurate and thoroughly legi-

ble written record of all proceedings recorded on each magnetic tape. Such record shall be dated, timed and related to the magnetic tape numbering system so that any portion of any proceeding recorded on a given tape can be located on the tape with accuracy.

(f) The administrative director of courts shall issue specific instructions to the clerks providing for a uniform safe method of preservation of magnetic tapes and logs for at least 5 years and for the keeping of logs by the court deputies.

Rule 48. Transcripts on Appeal, Completion Time.

Whenever a transcript is ordered for use in the record on appeal to the supreme court, the transcript secretary shall prepare, certify and file the transcript within thirty days of the date ordered unless for good cause the presiding superior court judge grants an extension. Any extension granted shall not exceed an additional ten days.

Rule 49. Transcripts - Preparation - Fees.

(a) The preparation of all transcripts of record for appeal or other official use shall be done by a transcript secretary who shall be in the employ of the court and have a status comparable to that of an official court reporter. All such transcripts shall be certified by the transcript secretary.

(b) Transcripts of electronic recordings taken from the official electronic recording may be permitted under rules and regulations prescribed by the administrative director of courts.

(c) Transcript fees and fees for the use of the offi-

cial electronic recording for the preparation of transcripts or additional electronic recordings shall be as prescribed by the administrative director of courts.

Rule 50. Bonding of all Justices, Judges, Magistrates and Judicial Employees.

The administrative director shall procure from a reputable bonding company a blanket position bond covering all justices, judges, magistrates and all employees of the state judicial system. Such bond shall protect the state as to the honesty and faithful performance of duty of all positions covered and shall extend coverage to protect the state from loss by reason of the illegal act of any person not an employee of the state judicial system. Such bond shall be in amounts as to each position covered as shall be prescribed by rule of the supreme court.

Rule 51. Joint Occupation of Space with United States Courts.

The state judiciary in some cities will, for the time being, be required to occupy court space in federal buildings jointly with the United States courts system. Such joint occupation of space will be governed generally by written agreement, copies of which will be made available to the justices, judges, magistrates, and clerks directly concerned.

Should any difference of opinion arise over the interpretation of such agreement, or over any matter not specifically covered by such agreement, the officer representing the state shall make every reasonable effort to reconcile such difference so as to preserve harmony.

In the event such difference of opinion is not reconcilable, then the officer representing the state shall defer to the interpretation or course of action advocated by the officer representing the United States and immediately submit a written report to the presiding superior court judge of the district and the administrative director of courts.

Rule 52. Persons Employed in a Dual Capacity Accountable to State for Efficient Performance of Collateral Duties.

Where magistrates, deputy magistrates, clerks and other employees of the state judicial system are employed collaterally as United States Commissioners, deputy clerks of the United States District Court and in other capacities, they shall at all times, with respect to such collateral duties, be guided by the instructions of their superiors in the United States court system. Such employees shall be held accountable by their superiors in the state judicial system for the efficient performance of their collateral duties in the United States court system.

Rule 53. District and Deputy Magistrates - Performing Functions for the State.

District and deputy magistrates, without charge, shall perform all functions and render all services for the state, or any officer or agency thereof, as required by law and as prescribed by the administrative director of courts.

Rule 54. District and Deputy Magistrates - Fees for Functions and Services.

Except as otherwise provided in these rules, the fees for all services rendered and functions performed by district and deputy magistrates shall be as prescribed by the administrative director of courts.

Rule 55 Title.

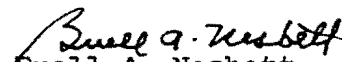
These rules may be known and cited as the "Rules Governing the Administration of All Courts."

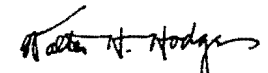
ORDER ADOPTING RULES

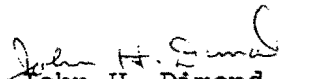
It is hereby ordered:

That the following rules numbered 1 to 55, inclusive, be and the same are hereby adopted, as the Rules Governing the Administration of All Courts of the State of Alaska effective at a date to be determined by further order of the court.

Dated at Juneau, Alaska, this 9th day of October, 1959.

/s/ 
Buell A. Nesbett
Chief Justice

/s/ 
Walter H. Hodge
Associate Justice

/s/ 
John H. Dimond
Associate Justice