

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2029

Amending Appellate Rule
212(c)(9) and adopting Appellate
Rule 517.2 concerning amicus
curiae participation.

IT IS ORDERED:

1. Appellate Rule 212 is amended to read as follows:

Rule 212. Briefs.

* * * *

(c) Substantive Requirements.

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(9) *Brief of an Amicus Curiae.* Amicus curiae participation is governed by Rule 517.2. A brief of an amicus curiae may be filed only if accompanied by written consent of all the parties, or by leave of the appellate court granted on motion, or at the request of the appellate court. The brief may be conditionally filed with the motion for leave. A motion for leave shall identify the interest of the applicant and shall state the reasons why a brief of an amicus curiae is desirable. Unless all parties otherwise consent, any amicus curiae shall file its brief within the time allowed to the party whose position as to affirmance or reversal the amicus brief will support, unless the court for cause shown shall grant leave for later filing, in which event it shall specify within what period an opposing party may answer. The brief shall be in the form prescribed by this rule and shall be duplicated and served pursuant to the requirements of

~~Rule 212(a)(2). A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.~~

(10) *Failure to File Brief.* * * * *

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2. A new Appellate Rule is adopted that reads as follows:

Rule 517.2 Participation of Amicus Curiae.

(a) An amicus curiae may participate in an appellate case by:

(1) filing a notice confirming that all parties consent to participation;

(2) filing a motion identifying the interest of the applicant and stating the reasons why participation is desirable; the motion may be accompanied by the proposed brief or memorandum; or

(3) accepting a request from the appellate court for participation as an amicus curiae.

(b) An amicus curiae shall file its brief or memorandum within the time allowed to the party whose position as to affirmance or reversal the amicus curiae will support. The court for cause shown may grant a motion for a different filing schedule. A brief shall be in the form prescribed by Rule 212 and shall be duplicated and served pursuant to the requirements of Rule 212(a)(2).

(c) An amicus curiae may participate in oral argument only at the invitation of the court or by granted motion. A motion to participate in oral argument will be granted only for good cause.

DATED: August 16, 2024

EFFECTIVE DATE: April 15, 2025

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate