Getting Your Message to the Judge - Motion Practice ([Civil Rule 77](https://courts.alaska.gov/rules/docs/civ.pdf))

There are only two acceptable ways to communicate with the judge:

1) in writing by motion practice, with both sides participating, or

2) in person at a hearing set by the judge, with both sides present.

You must always start by filing a “motion,” which means a request for the judge to order something in your case. Your motion must include an “affidavit” (facts supporting your request) and a “memorandum” (arguments or reasons the judge should grant your request). Most court forms combine these three things onto one document and simply call it a “motion.”

Because both parties must have an opportunity to tell the judge their side, you **must** give the other party a copy of your motion and everything you attach to it. This is called “service.” Read more about how to do service for your situation at [ak-courts.info/tfservice](https://courts.alaska.gov/efile/faq.htm#other-party).

The other party has 10 days to respond to your motion. They get 13 days if you mailed your motion. The other party must serve you with a copy of any response or opposition that they file in court.

You may file a “reply” to the other party’s response or opposition (this is optional). If you choose to file a reply, you have 5 days (not counting weekends or holidays) to do so. Add 3 days (for 8 days total) if the other party mailed their response or opposition to you.

**In most situations, no motions will go to the judge until the time has passed for each party to file a response or reply.**

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| **SUMMARY OF MOTION PRACTICE** |
| Motion orRequest 10 days plus 3 days if mailed | **How to count time:**[Civil Rule 6(a)](http://www.courtrecords.alaska.gov/webdocs/rules/docs/civ.pdf): - don’t count first day - do count last day - **do** count Saturdays, Sundays,  and holidays if **not** the last day - For a reply, do **not** count  Saturdays, Sundays, or holidays |
| Opposition orResponse 5 days plus  3 days if mailed |
|  Reply |

###### Motions and Responses/Oppositions

The motion or opposition part tells the judge what you want and why you want it in a few short sentences. Your motion or opposition also tells the judge what other documents are attached, whether you are requesting a hearing, and whether there is an emergency.

###### Affidavit and Memorandums

The affidavit and memorandum part tells the judge why you should get what you want. The affidavit should include all the important and relevant facts, and in the memorandum, you make any argument that helps support your request. Since an affidavit is a sworn statement, you must sign it in front of a notary or court clerk. You will need photo ID when you sign.

**THINGS TO REMEMBER:**

* It’s a process: motion, response/opposition, and reply. Pay attention to the deadlines for each.
* You must serve the other party with a copy of everything you file in court.
* Fill out the certificate of service on the form (if you are filing in paper copy) or complete the certificate of service step in TrueFiling (if you are filing electronically).