

THE COURT OF APPEALS OF THE STATE OF ALASKA

STANDING ORDER NO. 3

Order adopting Guidelines for
Publication of Court of Appeals
Decisions.

IT IS ORDERED:

That the “Guidelines for Publications of the Court of Appeals Decisions” set forth below are adopted for use by the Court of Appeals effective immediately:

GUIDELINES FOR PUBLICATION OF COURT OF APPEALS DECISIONS

1. *Statement of policy.* It shall be the general policy of the Court of Appeals to avoid the use of lengthy opinions dealing with legal issues of little or no precedential value or of minimal public interest and to reduce the proliferation of published opinions. It is unnecessary for the court to issue fully explained written opinions in every case. Similarly, it is unnecessary for the court to publish all decisions, whether explained or unexplained. The fact that a decision is unexplained or not published does not signify that the case is considered by the court to be unimportant. It does mean that, in the view of the court, no new points of law making the decision of value as precedent are believed to be involved.

2. *Standard for publication of opinions.* A decision of the Court of Appeals shall not be designated for publication unless:

- (a) the opinion establishes a new rule of law [or] alters, clarifies, or modifies an existing rule; or
- (b) the opinion involves a legal issue of continuing public interest; or
- (c) the opinion criticizes existing law; or
- (d) the opinion resolves or comments upon an apparent conflict of authority.

3. *Decision to publish; publication of concurring and dissenting opinions.* Decisions of the court shall be published only if the majority of the judges participating in the decision find that a standard for publication as set out in Section 2 of these guidelines is satisfied, except that an opinion shall be published if it is accompanied by a separate concurring or dissenting opinion and the author of the separate opinion desires that it be published and distributed to regular subscribers. Dissenting or concurring opinions should be designated for publication only if the dissenting or concurring judge determines that a standard for publication as set out in Section 2 of these guidelines is satisfied. Any originally unpublished opinion, concurrence, or dissent of the Court of Appeals may subsequently be published by order of the Alaska Supreme Court.

4. *Partial publication.* If a standard for publication as set out in Section 2 of these guidelines is satisfied as to only a part of a decision, the court may designate only that part for publication.

5. *Time for deciding on publication.* The members of the court shall, in each case, consider the question of whether or not to publish an opinion at the initial conference on the case, and at that time make a tentative decision whether or not to publish.

6. *Designation of decisions.* All decisions that are found to satisfy a standard for publication as set forth in Section 2 of these guidelines shall be designated simply as “Opinions” of the court. All explained decisions of the court which do not meet any standard for publication specified in Section 2 of these guidelines shall be designated as “Memorandum Opinions and Judgments” and shall not be published. An Opinion or a Memorandum Opinion and Judgment of the court may be signed by the judge who wrote it or may be issued in *per curiam* form, and these designations shall have no effect on whether the Opinion or Memorandum Opinion and Judgment is published. All unexplained decisions of the court shall be designated as “Summary Dispositions” and shall not be published. Unpublished decisions of the Court of Appeals shall routinely be distributed only to the parties and/or their respective counsel, to justices and judges of the State of Alaska, and to

the Administrative Director of the Court System, provided, however, that at all times unpublished decisions of the Court of Appeals shall be available upon request through the office of the clerk of the appellate courts to the press and to all members of the public.

7. *Precedential value of unpublished opinions.* In keeping with the provisions of Appellate Rule 214, unpublished decisions of the Court of Appeals, whether in the form of Memorandum Opinions and Judgments or Summary Dispositions, shall be considered by the court to have no precedential value.

DATED: March 20, 1981

EFFECTIVE DATE: March 20, 1981

/s/
Alexander O. Bryner, Chief Judge

/s/
Robert G. Coats, Judge

/s/
James K. Singleton, Judge