

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1209

Amending Appellate Rule 503.5
concerning extensions of time
for filing briefs.

IT IS ORDERED:

Paragraphs (b) and (c) of Appellate Rule 503.5 are amended to read as follows:

(b) **Routine Motions.**

(1) The clerk of the appellate courts may grant or deny a routine motion for extension, whether or not the motion is opposed, subject to a motion for reconsideration to be decided by a single judge or justice.

(2) Except as provided in subparagraph (b)(3), an appellant may request routine extensions for opening and reply briefs totaling not more than forty-five days in appeals from district or superior court judgments, original applications, certification of, questions of state law by a federal court, or granted petitions for hearing or review where the court has directed further briefing on the merits. No routine extensions in excess of fifteen days will be granted for the filing of an appellant's reply brief. Appellees may request routine extensions not to exceed thirty days.

(3) Motions requesting routine extensions may not be filed in the following matters:

[a] appeals filed under Rules 215-219;

[b] appeals by the prosecution under 202(c) testing the sufficiency of the indictment; and

[c] matters relating to attorney discipline or disability.

~~(4) A motion for a routine extension may only be granted for good cause. The motion must include a complete statement of the reasons in support of the motion.~~

~~(c) **Non-Routine Motions.** Any other motion for extension of time to file a brief will be classified as a non-routine motion and will be decided by a single appellate judge or justice. Such a motion will be granted only in extraordinary circumstances.~~

(c) **Non-Routine Motions.** (1) A non-routine motion for an extension of time will be granted only upon a showing of diligence and substantial need. The motion must be filed before the expiration of the time prescribed for filing the brief, and must be accompanied by an affidavit stating:

(A) when the brief is due;

(B) when the brief was first due and the number and length of previous extensions requested;

(C) the length of the requested extension;

(D) the reason an extension is necessary;

(E) movant's representation that movant has exercised diligence and that the brief will be filed within the time requested; and

(F) whether any other party separately represented objects to the request, or why the moving party has been unable to determine any such party's position.

A conclusory statement as to the press of business does not constitute a showing of diligence and substantial need.

(2) A non-routine motion that would extend the time for filing a brief more than 60 days beyond the original due date will be granted only upon a showing of extraordinary and compelling circumstances and may be conditioned on the payment of sanctions in a sum of not more than \$500. In a civil case, the court may order that such sanctions be paid to parties who have opposed the extension.

Supreme Court Order No. 1209
Effective Date: July 15, 1995
Page 4

DATED: April 13, 1995

EFFECTIVE DATE: July 15, 1995

/s/
Chief Justice Moore

/s/
Justice Rabinowitz

/s/
Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh