

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1885

Amending Appellate Rules 204(b),
210(b)(5), 210(c)(4), 212(a)(2)(A),
216.5(f), 218(f), 303(a) and (c),
403(a) and (c), 404(b) and (c),
503(c)(3), and 506 concerning the
number of copies to file.

IT IS ORDERED:

The following Appellate Rules are amended to read as follows:

Rule 204. Appeal: Time—Notice—Bonds.

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(b) **Appeal—How Taken.** A party may appeal from a final order or judgment by filing a notice of appeal with the clerk of the appellate courts. The notice of appeal must identify the party taking the appeal, the final order or judgment appealed from, and the court to which the appeal is taken. The party must file the notice of appeal accompanied by the documents listed below:

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Rule 210. Record on Appeal.

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(b) **Preparation of Transcript.**

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(5) **Filing and Distribution.** Upon completion of the transcript, the transcriber shall promptly notify the parties in writing that the transcript has been completed and shall file with the clerk of the

appellate courts (i) the original transcript, and (ii) an electronic version of the transcript in the form and format prescribed by administrative bulletin. No other copies of the transcript are required unless otherwise specified by the clerk.

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(c) **Excerpts of Record.**

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(4) **Form, Filing and Service.** Each party's excerpt of record must be arranged in chronological order, must be bound separately from the party's brief, and must contain a table of contents at the beginning of the first volume. The excerpt and the table of contents must be in the form specified in the Clerk's Instructions for Preparation of Excerpts published in these rules. One copy of the excerpt must be filed and served with the party's original brief. Eight copies of the excerpt must be filed with the bound copies of the brief, and one copy must be served on counsel for each party separately represented, unless a different number is specified by the clerk.

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Rule 212. Briefs.

(a) **Filing and Serving Briefs.**

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(2) **Bound Copies of Briefs.**

(A) **Time for Service; Number of Copies.** Within ten days after the clerk returns the brief, the party shall serve two bound copies on each party and shall file with the clerk ten bound copies in an appeal before the supreme court or seven bound copies in an

appeal before the court of appeals, unless a different number is specified by the clerk.

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Rule 216.5. Expedited Appeals and Petitions in Election Redistricting Cases.

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(f) Memoranda on Appeal.

(1) Unless otherwise specified in the scheduling order, no later than 10 days from the scheduling conference the appellant shall file the original and seven copies of a typewritten memorandum in support of the appeal and the excerpt of record as provided in paragraph (e), together with proof of service on all other parties,

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Rule 218. Expedited Appeals in Cases Involving Children.

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(f) Serving and Filing Briefs.

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(2) The briefs shall be in the form prescribed by Rule 212(b) and (c). They shall be filed and printed as provided in Rule 212(a). The remaining ten copies shall be filed, and two copies served on each party, within ten days after the original is returned to counsel for duplication and binding.

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Rule 303. Procedure on Petition for Hearing.

(a) Filing.

(1) A petition for hearing must be filed within 30 days after the date of notice of the opinion, order, or memorandum opinion and judgment of the intermediate appellate court. Date of notice is defined in Civil Rule 58.1(c) and Criminal Rule 32.3(c). The original of the petition shall be filed, together with a completed docketing statement in the form prescribed by these rules, and proof of service on all parties to the proceeding in the intermediate appellate court. An additional nine copies of a petition for hearing before the supreme court or four copies of a petition for hearing before the court of appeals shall also be filed, unless otherwise specified by the clerk.

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(c) **Response.** Within 30 days after service, all other parties to the proceeding in the intermediate appellate court shall file either an original response, together with proof of service on all parties to the proceeding in the intermediate appellate court, or a notice that no response will be filed. An additional nine copies of a response to a petition for hearing before the supreme court or four copies of a response to a petition for hearing before the court of appeals shall be filed, unless a different number is specified by the clerk. The response shall not exceed fifteen pages in length. Motions to dismiss a petition for hearing will not be received; all objections to exercise of the discretionary power shall be contained in the response. The party filing a petition for hearing may not file a reply to the response without leave of the court of discretionary review. Consideration of the petition for hearing will not be delayed on account of the filing of a motion for leave to file a reply. Oral

argument will not be held on the question whether a petition for hearing should be granted.

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Rule 403. Petitions for Review—Procedure.

(a) **Filing.**

(1) Petitions.

(A) A petition for review must be filed with the clerk of the appellate courts within 10 days after the date of notice of the order or decision of which review is sought. Date of notice is defined in Civil Rule 58.1(c) and Criminal Rule 32.3(c). An appellate judge or justice, for good cause shown, may extend the time for filing. The original of the petition must be filed, together with a completed docketing statement in the form prescribed by these rules, and proof of service on the court from whose order the petition is taken and all parties to the action in that court when the order or decision was entered. An additional five copies of a petition for review before the supreme court or three copies of a petition for review before the court of appeals shall be filed, unless a different number is specified by the clerk. The party seeking review shall be known as the petitioner. All other parties to the proceeding shall be named as respondents.

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(c) **Response.** Within ten days after service of the petition or cross-petition, each respondent shall file either a response together with proof of service on all parties to the action when the court order or decision was entered, or a notice that no response will be filed. An additional five copies of a response to a petition for review

before the supreme court or three copies of a response to a petition for review before the court of appeals shall be filed, unless a different number is specified by the clerk. The response shall not exceed 15 pages in length, exclusive of appendices. No reply may be filed by the petitioner unless ordered by the appellate court. A motion to dismiss the petition will not be received. Objections to the exercise of the appellate court's power of discretionary review must be included in the response.

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Rule 404. Original Applications.

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(b) **Procedure.** A party who seeks original relief shall proceed as follows:

(1) The party must file with the clerk of the appellate courts an original application, together with such portion of the record and proceedings of the court below as is needed for the purpose of determining whether the relief sought will be granted, a completed docketing statement in the form prescribed by these rules, and proof of service. An additional five copies of an original application before the supreme court or three copies of an original application to the court of appeals shall be filed, unless a different number is specified by the clerk. The application must state the precise nature of the relief sought, and why that relief is not available in any other court, or by petition for review or by appeal. If the applicant requests relief by a specific date, the application must contain a statement of the date by which a decision is needed and the reasons why a decision is needed by that date.

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(c) **Response.** Within ten days after service of the application, each respondent shall serve and file either a response, or a notice that no response will be filed. An additional five copies of a response to an original application before the supreme court or three copies of a response to an original application before the court of appeals shall be filed, unless otherwise specified by the clerk. The court or a judge or justice thereof may, for good cause shown, extend the time for filing. If the application seeks the issuance of a writ of habeas corpus, response shall be made in accordance with Civil Rule 86(g). When the response is filed, it shall be accompanied by proof of service. Replies and supplemental memoranda will not be received unless ordered by the court. A motion to dismiss the application will not be received. Objections to the exercise of the discretionary power of the court must be included in the response.

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Rule 503. Motions.

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(c) **Filing and Service.** The original of all motions and responses must be filed with the clerk, together with proof of service on all other parties. The following copies must be submitted with the original:

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(2) three copies of a motion that must be decided by the full court of appeals pursuant to Appellate Rule 503(g) or a response to such a motion.

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Rule 506. Rehearing.

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(b) **Time for Filing—Form of Petition.** An original petition for rehearing must be filed within 10 days after the date of notice of the opinion or other decision. An additional five copies of a petition for rehearing before the supreme court or three copies of a petition for rehearing before the court of appeals shall be filed, unless a different number is specified by the clerk. Date of notice is defined in Civil Rule 58.1(c) and Criminal Rule 32.3(c). The petitioner shall specifically state which of the grounds for rehearing specified in paragraph (a) exists, and shall specifically designate that portion of the opinion, the brief, or the record, or that particular authority, which the petitioner wishes the court to consider. The petition shall be prepared in conformity with Rule 513.5(b) and when filed shall be accompanied by proof of service on all parties. No petition for rehearing shall exceed five typewritten pages. No memoranda or briefs in support of a petition for rehearing, and no response to a petition for rehearing, shall be received unless requested by the court.

DATED: July 20, 2016

EFFECTIVE DATE: October 15, 2016

Chief Justice Stowers

Justice Winfree

Justice Maassen

Justice Bolger

Justice Carney