

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2035

Amending Appellate Rules 216, 216.5, and 218 to revise titles and extension language;

Amending Appellate Rule 221 to streamline the procedures for settlement discussions in civil appeals;

Amending Appellate Rules 303, 403, and 404 to clarify when a party can file a petition for rehearing; and

Amending Appellate Rule 503 to eliminate the requirement to file a proposed order.

IT IS ORDERED:

1. Appellate Rule 216 is amended to read as follows:

Rule 216. ~~Expedited~~—Extradition and Peremptory Challenge Appeals.

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2. Appellate Rule 216.5 is amended to read as follows:

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

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(j) **Extensions of Time.** An extension of time under this rule will not be granted without a showing of extraordinary and compelling circumstances under Rule 503.5(c)(2).

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3. Appellate Rule 218 is amended to read as follows:

Rule 218. Expedited—Appeals in Cases Involving Children.

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(i) Extensions of Time. A motion to extend a time period referred to in this rule is not a “routine” motion within the meaning of Rule 503(e) and 503.5.

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4. Appellate Rule 221 is amended to read as follows:

Rule 221. Settlement Discussions in Civil Appeals.

The attorneys for all parties to a civil appeal to the supreme court shall discuss the possibilities for prompt settlement of all or part of the appeal. The discussion may be conducted remotely. This discussion must occur by the date specified in the opening notice issued by the clerk of the appellate courts. ~~The discussion may be conducted by telephone. If the parties reach settlement on any issue on appeal, By this date, the appellant’s attorney they shall immediately notify file an appropriate notice with the clerk of the appellate courts that the parties discussed settlement under this rule and whether they reached a settlement on any issue on appeal. Otherwise, they shall file a certificate signed by all attorneys that the attorneys, with the knowledge of their clients, have discussed settlement as required by this rule.~~ A settlement discussion is not

required in an appeal filed under Rule 218(a)(3) or pursuant to AS 47.30.765 or AS 47.30.839, in an appeal in which a party is self-represented~~appearing pro se~~, or in an appeal that is exempted by the court.

5. Appellate Rule 303 is amended to read as follows:

Rule 303. Procedure on Petition for Hearing.

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(e) **Petition for Rehearing.** A petition for rehearing may not be filed in connection with the grant or the denial of a petition for hearing, unless the court includes an explanation for granting or denying the petition for hearing.

6. Appellate Rule 403 is amended to read as follows:

Rule 403. Petitions for Review—Procedure

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(g) **Denial of Petition.** If the petition is denied, no mandate shall be issued: the clerk of the appellate courts shall furnish a copy of the order denying review to the court that issued the order or decision involved.

~~(h)~~ **Petition for Rehearing.** A petition for rehearing may not be filed in connection with ~~of the~~ grant or the denial of a petition for review ~~may not be filed~~, unless the court includes an explanation for granting or denying the petition for review.

~~(h)~~ **(i) Defendant's Petition for Sentence Review.**

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(re-letter subsequent subsection)

7. Appellate Rule 404 is amended to read as follows:

Rule 404. Original Applications.

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(f) **Petition for Rehearing.** A petition for rehearing may not be filed in connection with ~~of the~~ grant or the denial of an original application for relief may not be filed, unless the court includes an explanation for granting or denying the original application.

8. Appellate Rule 503 is amended to read as follows:

Rule 503. Motions.

(a) **General.** An application for relief of any kind from either appellate court ancillary to a case in that court shall be made by written motion. A stipulation is not sufficient.

(b) **Format.** A motion filed in the appellate courts must be in the form prescribed by Rule 513.5(b). The motion must include:

(1) a brief, complete statement of the reasons in support of the motion;

(2) an affidavit where the facts relating to the motion are not otherwise proven;

(3) if the motion is for an extension of a time period prescribed in these rules, a statement of each extension of that time

period previously granted to that party, indicating the length of each extension;

(4) the points and authorities on which the moving party relies; and

~~(5) an appropriate order for execution by the court should the motion be granted; and~~

~~(5)~~(6) if the moving party requests relief by a specific date, a statement of the date by which a decision is needed and the reasons why a decision is needed by that date.

(c) **Filing and Service.** * * * *

DATED: January 9, 2025

EFFECTIVE DATE: April 15, 2025

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate