

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1412

Amending Appellate Rules 303 and 403
concerning petitions for hearing and
petitions for review.

IT IS ORDERED:

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

Rule 303. Procedure on Petition for Hearing.

(a) Filing.

(1) A petition for hearing must be filed within 15 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 nine complete copies, 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.

* * * *

(c) Response. Within 15 days after service any other party to the proceeding in the intermediate appellate court may file an original and ~~five~~ nine copies of a response, together with proof of service on all parties to the proceeding in the intermediate appellate court. 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.

* * * *

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

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 six legible copies, 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. The party seeking review shall be known as the petitioner. All other parties to the proceeding shall be named as respondents.

* * * *

(c) Response. Within ten days after service of the petition or cross-petition, an adverse party may file an original and six copies of the response,

together with proof of service on all parties to the trial court action when the order or decision was entered. The response shall not exceed 15 pages in length, exclusive of appendices. No reply may be filed by the petitioner unless ordered by the court. A motion to dismiss the petition will not be received. Objections to the exercise of the court's power of discretionary review must be included in the response.

* * * *

DATED: August 23, 2000

EFFECTIVE DATE: October 15, 2000

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti