

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1482

Amending Appellate Rules 210(b)(3), 215(k), 219(a), 508(f)(2), & 513.5(a); Civil Rules 4(i)-(j), 5, 32(a)(2), 58; Criminal Rules 32.6(c)(3), 32.6(g)(1), 6(b)(1); and District Court Criminal Rules 8(b), 8(f); to correct technical & typographical errors.

IT IS ORDERED:

- I. Appellate Rule 210(b)(3) is amended to read as follows:

Rule 210. Record on Appeal.

(b) Preparation of Transcript.

(3) *Preparation Not at Public Expense.* In cases in which the transcript is not prepared at public expense, the appellant shall arrange for preparation of a transcript of all parts of the electronic record designated by the parties to the appeal. Upon request, the clerk of the trial courts shall provide to the transcriber a copy of the designations, a copy of the electronic record or parts thereof, a copy of the log notes and other information necessary for preparation of the transcript. Unless the parties agree otherwise by stipulation, or unless otherwise ordered by the appellate court, the person designated to prepare the transcript shall not be a relative, employee, or attorney of any of the parties, or a relative or employee of

that attorney, or be financially interested in the action. Apart from contracting for the preparation of the transcript within a given period of time and at a given price, neither the party nor the party's attorney may exercise control over the preparation of the transcript.

II. Appellate Rule 215(k) is amended to read as follows:

(k) **Referral of Issues Outside Jurisdiction of Court of Appeals.** In a combined appeal, upon final adjudication of all issues within the jurisdiction of the court of appeals, the court of appeals shall refer the case to the supreme court for discretionary review of any remaining sentence issues which are reviewable by the supreme court under subparagraph (a)(5) of this rule.

III. Appellate Rule 219(a) is amended to read as follows:

Rule 219. Juvenile Appeals.

(a) **Scope.** This rule applies to the following classes of appeals, and in such appeals supersedes the other appellate rules to the extent that they may be inconsistent with this rule.

(1) appeals from final judgments in juvenile delinquency proceedings under AS 47.12.120(b); and

(2) appeals from orders under AS 47.12.100(a) finding that a minor is not amenable to treatment under AS 47.12.

IV. Appellate Rule 508(f)(2) is amended to read as follows:

(2) *Reconsideration.* A party aggrieved by an order awarding costs under subsection (f)(1) of this rule or an order awarding attorney's fees under subsection (e) of this rule may file a motion for reconsideration within ten days after the date of notice of the order. The non-moving party may file a response within seven days after service of the motion. Reconsideration of an award of costs or attorney's fees under (f)(1) or (e) will be determined by an individual justice or judge. Full court reconsideration of such individual justice's or judge's decision may be sought pursuant to Appellate Rule 503 (h)(2)(B).

V. Appellate Rule 513.5(a) is amended to read as follows:

Rule 513.5. Form of Papers.

(a) **Scope.** This rule governs the form of all papers filed in the appellate courts except briefs, transcripts, and excerpts of record. Briefs are governed by subparagraphs (b)(1)—(5) and paragraph (c) of this rule and by Rule 212(b); transcripts are governed by administrative bulletin as provided in Rule 210(b)(7); and excerpts of record are governed by Rule 210(c).

VI. Civil Rule 4(i) & 4(j) are amended as follows:

(i) **Summons — Time Limit for Service. ******

VII. Civil Rule 5 is amended to add a new paragraph (h) as follows:

(h) **Service on Custody Investigator and Guardian Ad Litem.** In all cases involving the custody or visitation of a minor in which a custody investigator or a guardian ad litem has been appointed, the parties shall serve the custody investigator and the guardian ad litem with all pleadings involving the care, custody, or control of the minor.

VIII. Civil Rule 32(a)(2) is amended to read as follows:

(2) The deposition of a party or of any one who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party may be used by an adverse party for any purpose.

IX. The first Note at the base of Civil Rule 58 is amended and the quotations of AS 09.17.040 and AS 09.17.080 are eliminated as follows:

NOTE: Ch. 139, § 1, SLA 1986, enacted AS 09.17.040 and AS 09.17.080 regarding awards of damages for personal injury and the apportionment of damages. According to Section 7 of the Act, AS 09.17.040 and AS 09.17.080 have the effect of amending Civil Rule 58. AS 09.17.040 requires verdicts to include an itemization between economic and non-economic losses, and allows for periodic payment in certain circumstances. AS

09.17.080, as amended, requires special interrogatories or findings on the amount of damages and percentages of fault, and requires that judgment be entered against each liable party on the basis of several liability.

X. Criminal Rule 32.6(c)(3) is amended to read as follows:

(3) *Municipal Cases*. In addition to the requirements of (c)(1) and (2) above, a municipal prosecutor shall file an *ex parte* victim information statement on a form provided by the Administrative Director, which includes information concerning the identity and addresses of the victims. The victim information statement shall be filed within 15 days after entry of the restitution judgment under (c)(1) above or at the time the municipal prosecutor submits a proposed judgment to the court under (c)(2) above.

XI. Criminal Rule 32.6(g)(1) is amended to read as follows:

(g) **Financial Statement.**

(1) If restitution has been ordered and has not been paid, and no financial statement has been required under Rule 32.1(a)(2)(B) or Rule 32.6(c)(2), the court shall order the defendant to complete and submit such statement within 30 days of the restitution judgment. The statement shall be on a form designated by the administrative director and shall be submitted to the Collections Unit of the Department of Law in state cases or the prosecuting authority in municipal cases.

XII. The last paragraph of Criminal Rule 6(b)(1) is amended to read as follows:

For the purpose of this rule, election districts shall be those set forth in the official 1984 reapportionment map for the State of Alaska.

XIII. District Court Criminal Rule 8(b) is amended to read as follows:

(b) **Minor Offenses.** As used in this rule, "minor offenses" means

(1) an offense classified by statute as an infraction or a violation; or

(2) any offense for which a bail forfeiture amount has been authorized by statute and established by supreme court order; or

(3) any municipal motor vehicle or traffic offense for which a fine amount has been established in a fine schedule adopted by municipal ordinance under AS 28.05.151; or

(4) any offense under a municipal ordinance for which a conviction cannot result in incarceration or the loss of a valuable license and for which a fine schedule has been established under AS 29.25.070(a); or

(5) any offense under statute or municipal ordinance for which a conviction cannot result in incarceration, a fine greater than \$500, or the loss of a valuable license.

XIV. District Court Criminal Rule 8(f) is amended to read as follows:

(f) **Disposition of Records of Conviction.**

Notice of conviction will be transmitted to the following agencies:

(1) In the case of a motor vehicle offense, the conviction will be transmitted to the Department of Administration, Division of Motor Vehicles, to become a part of the defendant's driving record and for the department to assess points pursuant to statute and regulation.

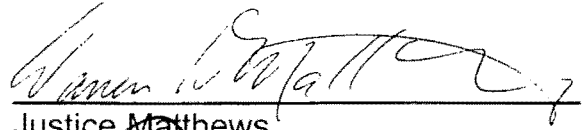
(2) In the case of a fish and game violation, the conviction will be transmitted to the Department of Public Safety, Division of Fish and Wildlife Protection, for the department to determine whether it has a basis for petitioning for license revocation.

(3) In the case of a smoking violation under AS 18.35.300-.365 , the conviction will be transmitted to the Department of Environmental Conservation, Division of Environmental Health.

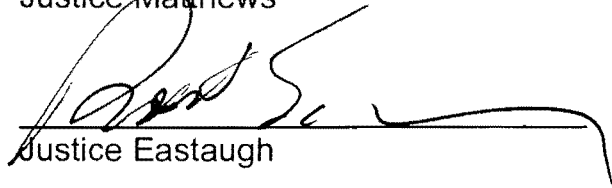
DATED: September 4, 2002
EFFECTIVE DATE: October 15, 2002



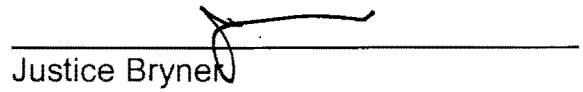
Chief Justice Faber



Justice Matthews



Justice Eastaugh



Justice Bryner



Justice Carpeneti