

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1742**

Adding new Appellate Rule 106  
concerning precedential effect of  
certain decisions.

**IT IS ORDERED:**

New Rule 106 is added to the Alaska Rules of Appellate Procedure to read as follows:

**Rule 106. Precedential Effect of Certain Supreme Court Decisions.**

(a) *Equally Divided Court.* In an appeal to the supreme court, any issue or point on appeal on which the justices are equally divided is affirmed in that appeal, but the issue or point decided by an equally divided court shall not have precedential value.

(b) *Two-to-One Vote in Supreme Court.* In an appeal that is decided by three justices in the supreme court, any issue or point on appeal that the court decides by a two-to-one vote is decided only for purposes of that appeal, and shall not have precedential value.

DATED: November 10, 2010

EFFECTIVE DATE: November 10, 2010

/s/  
Chief Justice Carpeneti

/s/  
Justice Fabe

/s/  
Justice Winfree

/s/  
Justice Christen

/s/  
Justice Stowers