

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1859

Amending Appellate Rule 508(e)
concerning attorney's fees.

IT IS ORDERED:

Appellate Rule 508 is amended to read as follows:

Rule 508. Costs and Fees.

* * * *

- (e) **Attorney's Fees.** Attorney's fees shall not be awarded unless
- (1) attorney's fees are provided by statute, caselaw, or contract;
 - (2) the court determines that the appeal or cross-appeal is frivolous or has been taken in bad faith;
 - (3) the court determines that an award of fees is necessary in the interest of justice; or
 - (4) the appeal was taken under Rule 601, in which case the court shall award the prevailing party 20% of its actual attorney's fees that were necessarily incurred, except in cases where
 - (A) paragraphs (1), (2), or (3) apply; or
 - (B) the court determines that an award of fees would be so onerous to the non-prevailing party that it would deter similarly situated litigants from the voluntary use of the courts if not reduced.

* * * *

DATED: June 4, 2015

EFFECTIVE DATE: June 4, 2015

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger