

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1884

Adopting a new Appellate Rule 502.1 and amending Appellate Rules 502, 514, and 602 concerning electronic distribution and the filing of documents by email as permitted by administrative order, and allowing service upon parties by email or facsimile.

IT IS ORDERED:

A new Appellate Rule 502.1 is adopted and Appellate Rules 502, 514, and 602 are amended to read as follows:

Rule 502. Time—Computation and Extension.

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time prescribed or allowed is less than seven days, not counting any period added for mailing under subsection (c) of this rule, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) **Extensions of Time.** When by these rules or by a notice given thereunder or by order of the appellate court an act is required or allowed to be done at or within a specified time, the appellate court

may in its discretion, either on motion of a party, showing good cause, or sua sponte:

- (1) Extend the time period, either before or after its expiration or
- (2) Validate an act done after the expiration of the time period.

Motions to extend a time period, or to validate an act done after the expiration of the time period, must comply with Rule 503. Time periods specified in the Appellate Rules, including time periods for doing an act or filing a document in the trial court, may be extended only by the appellate courts and not by the trial court. In a matter requesting review of or appealing a criminal conviction or sentence, this rule does not authorize an appellate court, or the superior court acting as an intermediate appellate court, to validate the filing of a notice of appeal, petition for review, or petition for hearing more than 60 days after the expiration of the time specified in the rule or statute or in the last extension of time previously granted.

(c) Additional Time After Service or Distribution by Mail.

Whenever a party has the right or is required to act within a prescribed number of days after the service or distribution of a document, and the document is served or distributed by mail, three calendar days shall be added to the prescribed period. However, no additional time shall be added if a court order specifies a particular calendar date by which an act must occur.

~~(d) **Mailing of Papers for Filing.** Papers may be filed either by delivering them to the office of the clerk of the appellate courts in Anchorage, Fairbanks, or Juneau, or by mailing them to: Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501. The date of mailing, as shown by the postmark affixed by the United States Postal Service, or other proof from the postal service, will be deemed to be the date of filing. Postage from any other source, such as a private postage~~

~~meter, the internet, or a postal service self-service kiosk will not suffice as proof of the date of mailing and papers postmarked in this manner will be deemed filed on the date of receipt by the clerk.~~

Rule 502.1. Filing and Distribution of Documents.

(a) **Filing with the Court.** Documents may be filed in the appellate courts either

(1) by delivering them to the office of the clerk of the appellate courts in Anchorage, Fairbanks, or Juneau; or

(2) by mailing them to: Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501; or

(3) by electronic mail as permitted by administrative order of the chief justice or chief judge of the court concerned.

If a document is filed by mailing, and if the date of mailing is shown by a postmark affixed by the United States Postal Service or by other proof from the Postal Service, the date of filing will be deemed to be the date of mailing. If the document is mailed but it is postmarked by any other means (such as a private postage meter, the internet, or a Postal Service self-service kiosk), the document will be deemed filed on the date of its receipt by the clerk's office.

(b) **Distribution of Documents by the Court.** An appellate court may use electronic mail to distribute notices, orders, and other documents as permitted by administrative order of the chief justice or chief judge of the court concerned.

Rule 514. Service—Signing of Documents.

(a) **In General.** All documents filed with the appellate courts shall be served upon all other parties, unless otherwise ordered by the court. If

a party is represented by an attorney, service shall be made upon the attorney unless service upon the party is ordered by the court.

(b) Service. Service shall be made by

(1) delivering a copy to the attorney or party; or

(2) by mailing it to the attorney's or party's last known address or, if no address is known, by leaving it with or mailing it to the clerk of the appellate courts; or ~~Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at the attorney's or party's office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the attorney's or party's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.~~

(3) by facsimile or by electronic mail in the manner provided by Civil Rule 5.1(c), as supplemented or modified by administrative order of the chief justice or chief judge of the court concerned.

For purposes of paragraph (1), "delivery" of a copy means handing it to the person to be served, or leaving it at the person's office with a clerk or other person in charge, or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling or usual place of abode with some person of suitable age and discretion who is residing there. For purposes of paragraph (2), service by mail is complete upon mailing. For purposes of paragraph (3), service by facsimile or electronic mail is complete upon transmission.

~~(c) **Proof of Service.** Proof of service shall be made in conformity with Civil Rule 5(f) and filed with the clerk in conformity with Appellate Rule 502(d). If service is by delivery or by mail, proof of service shall be~~

made in conformity with Civil Rule 5(f). If service is by facsimile or electronic mail, proof of service shall be made in conformity with Civil Rule 5.1(c)(6). The proof of service shall be filed with the clerk in conformity with Appellate Rule 502.1(a).

(~~de~~) **Signing of Documents.** All documents presented to the court, other than records, must bear the manuscript signature of the self-represented party or member of the bar who is counsel of record for the party concerned, and upon whom service is to be made. The individual names of other counsel and their addresses may be added.

(~~ed~~) **Notice of Question of Constitutionality of Statute.** * * * *

(~~fe~~) **Changes in Contact Information ~~Mailing Address and Telephone Number.~~** While a case is pending, all attorneys of record and all self-represented parties unrepresented by counsel must immediately inform the court and all other attorneys of record and self-represented parties unrepresented by counsel, in writing, of any changes in their mailing addresses, e-mail addresses, and contact telephone numbers, except as provided in Civil Rule 65.1.

Rule 602. ~~Time—Venue—Notice—Bonds—Parties—Filing—Service—Distribution.~~

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(j) **Filing and Service of Documents.** ~~Papers~~Documents may be filed either by delivering or mailing them to the clerk of the superior court at the court location where the appeal is filed, unless otherwise ordered. Documents may be filed by electronic mail only as permitted by administrative order of the presiding judge. ~~Papers~~Documents mailed to the superior court will be deemed filed on the date of receipt by the clerk. ~~Papers~~Documents filed or served in the appeal must be

served on all parties, except appellees who have elected not to participate in the action. Service upon a party by facsimile or electronic mail may be made as provided by Civil Rule 5.1(c).

(k) **Distribution by the Court.** The court may use electronic mail to distribute documents as provided in Civil Rule 5.3.

DATED: July 20, 2016

EFFECTIVE DATE: August 1, 2016

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney