

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 338

Amending Appellate Rules
2(f), 3(b), 11(b)(4),
24(c)(3) and 28.
Repealing Appellate Rules
7(a)(3) and 32(a).
Repealing and Re-enacting
Appellate Rule 9(1).
Adding Appellate Rules
(11(b)(12) and 39(g).

IT IS ORDERED:

1. Appellate Rule 2(f) is amended to read:

(f) The clerk shall be appointed by, and serve at the pleasure of, the supreme court. The annual compensation of the clerk shall be on Salary Range 25, of the salary plan for classified and partially exempt employees.
2. Appellate rule 3(b) is amended to read:

(b) On motion to this court, other attorneys may be permitted to practice in this court pursuant to the provisions of Civil Rule 81(a)(2) and (3). The clerk of court may determine motions filed under this section.
3. Appellate Rule 11(b)(4) is amended to read:

(3) Exclusive of appendices, the appellant's and appellee's briefs may not exceed 50 numbered pages each. Numbered pages for purposes of this paragraph begin with the jurisdictional statement required by (b)(1)[d] of this rule. The appellant's reply brief may not exceed 20 pages. Except after leave granted, the clerk will not accept a brief of either party which exceeds the length specified here.
4. Appellate Rule 11(b)(12) is added to read as follows:

(12) Citation of Supplemental Authorities.
When pertinent authorities come to the attention of a party after his brief has been filed, or

after oral argument but before decision, a party may promptly advise the clerk of the court, by letter, and a copy to adversary counsel, setting forth the citations. There shall be a reference either to the page of the brief or to a point argued orally to which the citations pertain, but the letter shall without argument state the reasons for the supplemental citations. Any response shall be made promptly and shall be similarly limited.

5. The last paragraph of Appellate Rule 24(c)(3) is amended as follows:

The party seeking review shall be known as the petitioner. All other parties to the proceeding shall be named as respondents. The petition or cross-petition shall not exceed 15 pages in length, exclusive of appendices, and shall include, or have annexed thereto, a copy of the order from which appeal is sought showing the date that it was signed or entered, and copies of any findings of fact, conclusions of law and opinion related thereto. Within ten days after service of the petition or cross-petition, an adverse party may file an original and six copies of the answer in opposition. The answer in opposition shall not exceed 15 pages in length, exclusive of appendices. No reply brief will be filed unless ordered by the court. Petitions, cross-petitions and answers shall be prepared in accordance with Appellate Rule 12(b). The application and answer shall be submitted without oral argument unless otherwise ordered. Motions to dismiss a petition or cross-petition will not be received. Objections to the exercise

of the discretionary power of the court to grant a petition or cross-petition must be included in memoranda in opposition.

6. Appellate Rule 28 is amended to read:

Except as otherwise provided in these rules, in all cases finally determined in this court a mandate or other process shall, upon the payment of any cost due in the case, be issued as of course from this court to the superior court for the purpose of informing the latter of the proceedings in this court and so that further proceedings may be had in the superior court as may be required. Such mandate, if not stayed by order of a justice who participated in such decision, shall be issued as follows:

- (1) on the expiration of ten (10) days from the date of such final determination if a petition for rehearing is not filed; or
- (2) one day from the date of determination of a petition for rehearing.

7. Appellate Rule 7(a)(3) is rescinded. The subsequent paragraphs are renumbered accordingly.

8. Appellate Rule 32(a) is rescinded. The subsequent paragraphs are renumbered accordingly.

9. Appellate Rule 9(1) is rescinded and re-promulgated to read:

(1) Filing Fee. When a notice of appeal is filed, the appellant shall pay to the clerk of the court from which the appeal is taken a filing fee prescribed in Rule 11, Rules Governing the Administration of All Courts.

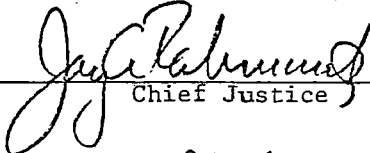
10. Appellate Rule 39(g) is added to read as follows:

(g) Notice of Question of Constitutionality of Statute. When the constitutionality of a

state statute is drawn in question in any appeal or other proceeding in the supreme court to which the state or an officer, agency, or employee thereof is not a party, the party raising the question shall give immediate notice in writing to the court of the existence of the question. The clerk of court shall notify the Attorney General of Alaska of the case raising the question.

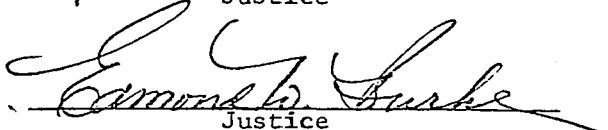
DATED: November 28, 1978

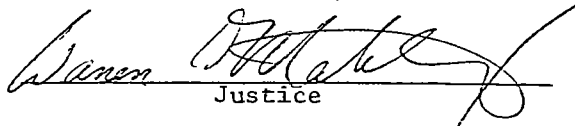
EFFECTIVE DATE: January 1, 1979


Chief Justice


Justice


Justice


Justice


Justice

Distribution:

SC Justices
Sup/Ct Judges
Dist/Ct Judges
Magistrates
Mag/Supr
Clks/Ct
Law Librarian
Probate Masters
Adm Dir
All Members ABA
Gov
Dep/Law
Dels/Affrs
Pub Def Agence
Dep Pub Safety
Ak. Legal Services
Com. & Reg. Affairs
State Library
Superior Court Law Clerks