

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 340

Adding Appellate Rule 37.1.

IT IS ORDERED:

Rule 37.1 is added to the Rules of Appellate Procedure, to read as follows:

Rule 37.1 Emergency Motions.

Whenever a party requests expedited action on a motion on the ground that, to avoid irreparable harm, relief is needed in less time than would normally be required for the court to receive and consider a response:

(1) the motion shall comply with Appellate Rule 14(a) except as that rule may be specifically inconsistent with this one;

(2) the word "Emergency" shall be placed at the top of the first page of the motion;

(3) the motion shall include the telephone numbers and office addresses of moving and opposing counsel;

(4) the motion shall be accompanied by a written statement of facts showing the nature of the emergency and the date and hour before which a decision is needed;

(5) the motion shall state whether all grounds advanced in support thereof were submitted to the Superior Court and, if not, why the motion should not be remanded to the Superior Court for reconsideration;

(6) the motion shall be accompanied by a written statement by the movant or his attorney, indicating when and how opposing counsel was notified of the motion, or, if opposing counsel was not notified, indicating what efforts were made to notify opposing counsel and why it was not practicable to notify opposing counsel in a manner

and at a time that counsel could respond to the motion;

(7) the court will not grant the motion prior to written or oral notice to opposing counsel unless it clearly appears from specific facts in the motion papers or the court records that immediate and irreparable injury, loss or damage would result to the applicant before notice could be given and opposing counsel given a reasonable opportunity to respond.

If an emergency motion is granted without notice to opposing counsel, and opposing counsel thereafter files a motion to vacate or reconsider the order thus entered, the court will take into account the fact that the original order was entered without notice.

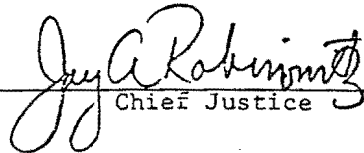
If it appears appropriate in the circumstances, the court or the justice to whom the matter is assigned may permit the opposing party to respond to the motion orally rather than in writing. As provided in Appellate Rule 37(g), oral argument of emergency motions is not permitted unless ordered by the court or a justice of the court.

DATED: November 28, 1978

EFFECTIVE DATE: January 1, 1979

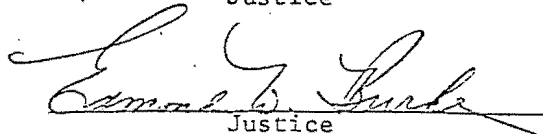
Distribution:

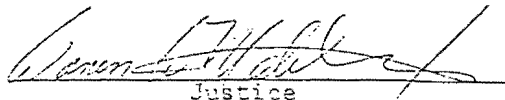
SC Justices
Sup/Ct Judges
Dist/Ct Judges
Magistrates
Mag/Supr
Clks/Ct
Law Librarian
Probate Masters
Adm Dir
All Members ABA
Gov
Dep/Law
Legs/Affrs
Pub Def Agency
Dep/Pub Safety
Ak. Legal Services
Com. & Reg. Affrs
State Library
Superior Ct. Law Clerks


Chief Justice


Justice


Justice


Justice


Justice