

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 44

IT IS ORDERED:

The Rules of the Supreme Court, Rules of Civil Procedure and Rules Governing the Administration of All Courts are amended as indicated below. Old pages should be removed and these new pages inserted in their places as follows:

<u>SUPREME COURT RULES</u>	<u>Remove Old Pages</u>	<u>Insert New Pages</u>
9(g)	11-12	11-12
11(b)	17-18	17-18
18	21-22; 23-24	21-22; 23-24
26; 27	29-30	29-30
<u>CIVIL RULES</u>		
62	93-94	93-94
102(a)	137-138	137-138
<u>RULES OF ADMINISTRATION</u>		
29	17-18	17-18

Except where a time for oral argument has been set, the provisions of Supreme Court Rule 18(a) as amended shall apply to all cases on appeal as of the date of this Order. Requests for oral argument in pending cases shall be made not later than 30 days from the date of this Order, or not later than 20 days after the expiration of the time allowed for the filing of appellee's brief, whichever period is greater.

The following amendments have been made in the Civil Rules and Rules of Administration by the Supreme Court Order designated, and amended pages should be inserted as indicated.

<u>CIVIL RULES</u>	<u>Order No.</u>	<u>Remove Old Pages</u>	<u>Insert New Pages</u>
40(e)	36	63-64	63-64
<u>RULES OF ADMINISTRATION</u>			
17	34	11-12	11-12
31	31; 37; 39; 42	19-20	19-20
42	33	27-28	27-28

DATED: February 26, 1962.

s/ Buell A. Nesbett
Chief Justice

s/ John H. Dimond
Associate Justice

s/ Harry Q. Arend
Associate Justice

Dist:

S/C Justs (2)
 Sup/C Jdgs (3)
 Dist Mags (2)
 Dep Mags
 Adm Dir (200)
 Clks/Ct (5)
 S/C Clk (100)
 ABA (2)
 All Members ABA (2)
 Gov (3)
 Sec/State (2)
 Dept/Adm (2)
 Dept/Law
 Anchorage (5)
 Fairbanks (5)
 Juneau (10)
 Ketchikan (2)
 Nome (1)
 Dept/F & G (5)
 Dept/H & W (10)
 Bur/Vital Stat (3)
 Dept/Pub Sfty (20)
 City Attorneys
 Anchorage (3)
 Fairbanks (3)
 Juneau (2)
 Ketchikan (2)
 Nome (2)

bottom consecutively, in order that convenient and easy reference, by page and volume numbers, may be had to any particular paper or exhibit in the record.

(3) The clerk shall also prepare, sign and attach to the record on appeal a document containing the following: a table of contents which shall list each document contained in the record on appeal with corresponding volume and page numbers where each such document may be found; the date upon which the preparation of the record was completed; and the dates upon and manner in which notice of such completion of the record was given by the clerk and the names of the parties or their attorneys to whom such notice was given.

(4) Promptly upon the completion of the preparation of the record on appeal, the clerk shall give notice thereof in writing to all parties to the judgment and to the clerk of this court, but his failure to do so does not relieve any party from serving and filing his brief within the time prescribed in Rule 11.

(g) Time for Completion of Record - Filing. The preparation of the record on appeal shall be completed within 40 days from the date of filing the notice of appeal. After completion, the record shall be retained in the clerk's office for a length of time sufficient to permit the preparation of briefs in accordance with Rule 11, and shall be filed with the supreme court at a time designated by the clerk of that court. Upon a proper showing, and upon motion and notice, the superior court may extend the time for completion of the record on appeal for an additional period of time

which shall in no event exceed 50 days, if the motion for such extension has been filed before the expiration of the original time as prescribed in this subdivision (g). Copies of all orders extending time shall be forwarded immediately to the clerk of the supreme court.

(h) Power of the Court to Correct or Modify Record. It is not necessary for the record on appeal to be approved by the superior court or a judge thereof except as provided in subdivision (k) of this rule and in Rule 10, but if any difference arises as to whether the record truly discloses what occurred in the superior court, the difference shall be submitted to and settled by that court and the record made to conform to it. If anything material to either party is omitted from the record on appeal by error or accident or is misstated therein, the parties by stipulation, or the superior court either before or after the record is transmitted to the supreme court, or the supreme court, on a proper suggestion or of its own initiative, may direct that the omission or misstatement shall be corrected, and if necessary that a supplemental record shall be certified and transmitted by the clerk of the superior court. All other questions as to the content and form of the record shall be presented to the supreme court.

(i) Record for Preliminary Hearings in Supreme Court. If, prior to the time the complete record on appeal has been prepared as herein provided, a party desires to make in the supreme court a motion for dismissal, for a stay pending appeal, for additional security on the bond on appeal or on the supersedeas bond, or for any intermediate order, the clerk of the superior court, at the party's request, shall prepare and transmit to the

ceived or rejected as evidence.

(10) Except after leave granted, the clerk will not accept a brief of either party which, exclusive of the appendix is more than fifty (50) pages, or a reply brief of more than twenty (20) pages.

(b) Appellee's Brief. Within thirty (30) days after receipt of the appellant's brief, appellee shall file with the clerk of this court a brief prepared in accordance with Supreme Court Order No. 14. The appellee's brief shall be of like character with that required of the appellant, except that no specification of errors and no statement of questions presented shall be required, and no statement of the case unless that presented by the appellant is controverted.

(c) Appellant's Reply Brief. Within twenty (20) days after the receipt of the appellee's brief, appellant may file with the clerk of this court a reply brief prepared in accordance with Supreme Court Order No. 14.

(d) Failure to File Briefs. When the brief for appellant is not filed as required, the clerk of this court shall give notice to counsel for both parties that the matter will be called to the attention of this court on a day certain, for such action as the court deems proper, which may include dismissal of the appeal. In the absence of such notification by the clerk, the appeal may be dismissed on motion made to this court by the appellee. When the brief for appellee is not filed as required, then appellee will not be heard on the argument on appeal before this court except on consent of his adversary, or by request of the court.

(e) Brief of Amicus Curiae.

(1) A brief of an amicus curiae may be filed only after order of this court or when accompanied by written consent of all parties to the case.

(2) When consent to the filing of a brief of an amicus curiae is refused by a party to the case, a timely motion, independent of the brief, for leave to file may be presented to this court. It shall concisely state the nature of the applicant's interest, set forth facts or questions of law that have not been, or reasons for believing that they will not be, adequately presented by the parties, and their relevancy to the disposition of the case. A party served with such motion may seasonably file in this court an objection concisely stating the reasons for withholding consent.

(3) Consent to the filing of a brief of an amicus curiae need not be had when the brief is presented for the state sponsored by the attorney general; for any agency of the state authorized by law to appear in its own behalf, sponsored by its appropriate legal representative; for the United States sponsored by its attorney general; for a territory sponsored by its attorney general; or for a political subdivision of a state sponsored by the authorized law officer thereof.

(f) Defective Briefs. When a brief fails to comply with the requirements of these rules, this court on application of any party or on its own motion, and with or without notice as it may determine, may: (1) order the brief to be returned to counsel for correction by interlineation, cancellation, revisions or replacement in whole or in part, and to be redeposited with

Rule 14. Motions.

(a) What to Contain - Service. All motions to the court shall be typewritten, shall contain a brief statement of the fact and object of the motion, shall be supported by points and authorities and where the facts are not otherwise proved in the cause, by affidavits, and shall be served on all adverse parties. Except as may be otherwise provided under the authority of Rule 44 (a), adverse parties shall have ten (10) days after service of a motion within which to serve and file counter motions, affidavits, and memoranda in opposition. As soon as practicable after the ten day period has expired, the motion will be considered by the court and, unless otherwise ordered, without oral argument.

(b) Filing Motion With Court. There must be filed with this court, accompanied by a proof of service on all adverse parties, an original and three legible copies of each motion and of each document in support thereof and in opposition thereto.

Rule 15. Translations.

Whenever any record transmitted to this court shall contain any document, paper, testimony or other proceeding in a foreign language, and the record does not also contain a translation of such document, paper, testimony or other proceeding made under the authority of the court below, or admitted to be correct, the record shall not be filed, but the case shall be reported to this court by the clerk, and the court will thereupon remand it back to the superior court in order that a translation may be supplied and inserted in the record.

Rule 16. Quorum.

(a) At least two (2) justices shall constitute a quorum.

(b) If, at any term or session, a quorum does not attend on any day appointed for holding it, any justice who does attend may adjourn the court from time to time, or in the absence of any justice, the clerk may adjourn the court from day to day. If during a term, after a quorum has assembled, less than that number attend on any day, any justice attending may adjourn the court from day to day until there is a quorum, or may adjourn without designation of a day for the holding of any such term or session.

(c) Any justice attending when less than a quorum is present may make all necessary orders touching any suit, proceeding or process pending in or returned to the court preparatory to hearing, trial or decision thereof.

Rule 17. Assignment of Superior Court Judges.

The chief justice of this court, or an associate justice designated by him, may designate and assign one or more superior court judges to sit upon the supreme court whenever the business of that court requires.

Rule 18. Oral Argument of Appeals.

(a) Waived Unless Requested. Unless one of the parties to an appeal make written request to this court that oral argument be had, the court will consider that the case has been submitted for determination on the briefs. Requests for oral argument of cases on appeal shall be granted as of course. When

request has been made by one party, the right to oral argument shall extend to all parties. The original and three copies of such written request, accompanied by proof of service on all parties, shall be made not later than 20 days after the expiration of the time allowed for the filing of appellee's brief.

(b) Opening and Conclusion. The appellant in this court shall be entitled to open and conclude the argument of the case. But when there are cross appeals they shall be argued together as one case, and the plaintiff in the superior court shall be entitled to open and conclude the argument.

(c) Limitation of Counsel. Unless otherwise ordered by the court, no more than two counsel will be heard for each party on the argument of the case.

(d) Length of Arguments. In all cases, unless otherwise ordered by the court prior to setting the case for argument, one-half hour of argument shall be allowed to each side. The time thus allowed may be apportioned between the counsel on the same side at their discretion, provided always that a fair opening of the case shall be made by the party having the opening and closing argument.

PART V. PRACTICE ON APPEALS - CRIMINAL CASES

Rule 19. Appeal in Criminal Cases.

(a) Taking Appeal - Notice. An appeal to this court is taken by filing with the clerk of the court whose judgment is being appealed a notice of appeal in duplicate with sufficient additional copies for adverse parties. The notice of appeal shall set forth the title of the case, the name and address of the appellant, and of appellant's attorney, a general statement

of the offense, a concise statement of the judgment, giving its date and any sentence imposed, the place of confinement if the defendant is in custody and a statement that the appellant appeals from the judgment. The notice of appeal shall be signed by the appellant or appellant's attorney, or by the clerk if the notice is prepared by the clerk as provided in subdivision (b) of this rule. The duplicate notice of appeal and a statement of the docket entries shall be forwarded immediately by the clerk of the court whose judgment is being appealed to the clerk of this court. Notification of the filing of the notice of appeal shall be given by the clerk by mailing copies thereof to adverse parties, but his failure to do so does not affect the validity of the appeal.

(b) Time for Taking Appeal. An appeal by a defendant may be taken within ten (10) days after entry of the judgment appealed from, but if a motion for a new trial or an arrest of judgment has been made within the ten (10) day period, an appeal from a judgment of conviction may be taken within ten (10) days after entry of the order denying the motion. When a court after trial imposes sentence upon a defendant not represented by counsel, the defendant shall be advised of his right to appeal and if he so requests, the clerk shall prepare and file forthwith a notice of appeal on behalf of the defendant. An appeal by the state when authorized by law may be taken within thirty (30) days after entry of the judgment or order appealed from.

Rule 20. Stay of Execution and Relief Pending Review.

(a) Stay of Execution.

Rule 26. How to Seek Review.

(a) Filing Record and Petition. Review shall be sought by filing with the clerk of this court such portion of the record and proceedings in the superior court as is needed for the purpose of reviewing such order or decision, together with the petition. The record and proceedings to be filed shall be such as requested by the petitioner, and shall be prepared by the clerk of the superior court in substantial conformity with paragraphs (1), (2) and (3) of subdivision (f) of Rule 9. If in the judgment of the superior court the filing of original papers will unduly interfere with the conduct of further proceedings in the case, it will suffice if legible copies of such papers, certified to be true copies by the clerk of the superior court, are filed with this court. The cost of preparing such copies shall be paid by the party who requests the same.

(b) Filing Fee. Upon the filing of the petition, counsel for the petitioner shall enter his appearance and pay a filing fee of \$25.00.

(c) Cross-Review. A party seeking a cross-review in this court of the same order or decision need not file any record additional to that filed by the petitioner.

(d) Additional Record. Any respondent, including the cross-petitioner, within the time allowed for filing his memorandum in opposition or his cross-petition, may designate portions of the record and proceedings additional to those requested by the petitioner.

(e) Applicability of Rules of Practice on Appeals. The provisions of Rule 9 (c), (d) and (k) and of Rule 10, when

applicable, shall apply to petitions for review. A reporter's transcript of evidence or proceedings filed with the clerk of this court shall be prepared in conformity with Rule 9 (b).

Rule 27. Time For Filing Petition and Record - Notice.

(a) Time For Filing Petition. A petition for review shall be deemed in time when it is filed with the clerk of this court within ten (10) days after the making of such order or decision. A justice of this court for good cause shown, may extend the time for filing in such cases for an additional period of ten (10) days.

(b) Time for Filing Record. The record of proceedings required by Rule 26 shall be filed with the clerk of this court at a time designated by the clerk.

(c) Notice. All respondents shall be notified by the clerk of this court of the date of filing the petition and of the file number of the case.

Rule 28. The Petition.

(a) Preparation - Contents. The petition shall be prepared in accordance with Supreme Court Order No. 14. It shall conform in all respects to Rule 11 (a) with reference to an appellant's brief, and shall also contain the following: a copy of the order with respect to which review is sought, showing the date that it was made or entered; copies of all opinions in connection therewith; and a direct and concise argument amplifying the reasons for granting the petition as suggested by Rules 23 and 24.

(b) Accuracy, Brevity and Clarity Required.

able that the judgment should have prospective application; or
(6) any other reason justifying relief from the operation of the judgment.

The motion shall be made within a reasonable time, and for reasons (1), (2) and (3) not more than one year after the judgment, order or proceeding was entered or taken. A motion under this subdivision (b) does not affect the finality of a judgment or suspend its operation. This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to grant relief to a defendant not personally served, or to set aside a judgment for fraud upon the court. Writs of coram nobis, coram vobis and audita querela are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

Rule 61. Harmless Error.

No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or in anything done or omitted by the court or by any of the parties is ground for granting a new trial or for setting aside a verdict or for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take such action appears to the court inconsistent with substantial justice. The court at every stage of the proceeding must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties.

Rule 62. Stay of Proceedings to Enforce a Judgment.

(a) Automatic Stay - Exceptions. Except as to judgments entered on default or by consent or on confession, and except as stated herein, no execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of 10 days after its entry. Unless otherwise ordered by the court, an interlocutory or final judgment in an action for an injunction or in a receivership action shall not be stayed during the period after its entry and until an appeal is taken or during the pendency of an appeal. The provisions of subdivision (c) of this rule govern the suspending, modifying, restoring, or granting of an injunction during the pendency of an appeal or proceedings for review.

(b) Stay on Motion for New Trial or for Judgment. In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a directed verdict made pursuant to Rule 50, or of a motion for amendment to the findings or for additional findings made pursuant to Rule 52 (b).

(c) Injunction Pending Appeal or Review. When an appeal is taken or review sought from an interlocutory or final judgment or order or decision granting, dissolving or denying an injunction, the court in its discretion may suspend, modify, restore or grant an injunction during the pendency of the appeal or the proceedings for review upon such terms as to bond

(a) Automatic Stay. Except as to judgments entered on default or by consent or on confession, no execution shall issue upon a judgment of a magistrate court nor shall proceedings be taken for the enforcement of such judgment until the expiration of 2 days after its entry.

(b) Stay Upon Appeal - Supersedeas Bond. When an appeal is taken, the appellant may obtain a stay of proceedings to enforce the judgment by filing a supersedeas bond with the magistrate not later than 30 days after entry of the judgment appealed from. The bond shall be conditioned for the satisfaction in full of any judgment (including interest and costs) which may be given against the appellant by the superior court, or for satisfaction in full of the judgment (including interest and costs) of the magistrate court if the appeal is dismissed.

(c) Proceedings on Stay. When an appeal is taken the magistrate shall enter in the docket whether or not the proceedings to enforce a judgment have been stayed. If the proceedings are stayed and process has been issued to enforce the judgment, the magistrate must recall the same by written notice to the officer holding the process. Thereupon the process must be returned to the magistrate, and all property seized or levied upon by virtue of such process must be released if it has not been sold, and in cases of civil arrest, the person arrested must be released from custody. This subdivision of this rule shall not be construed as making any stay retroactive or as invalidating any proceedings or levies prior to the time the stay becomes effective.

Rule 103. Cost and Supersedeas Bonds: Failure to File - Insufficiency - Application of Rule 80.

(a) Failure to File or Insufficiency of Bond. If a cost bond on appeal or supersedeas bond is not filed within 30 days after entry of the judgment appealed from, or if the bond filed is found insufficient, application for leave to file any such bond may be made only in the superior court.

(b) Applicability of Rule 80. The provisions of Rule 80 relating to bonds and undertakings shall be applicable to cost and supersedeas bonds on appeals from a magistrate court.

Rule 104. Record on Appeal.

(a) Contents of Record. After an appeal has been taken, the magistrate shall prepare under his hand and seal and transmit to the clerk of the superior court of the judicial district where the magistrate's court is situated the record on appeal, which shall consist of the following:

- (1) The duplicate notice of appeal, if the notice is in writing.
- (2) All docket entries.
- (3) All pleadings and motions.
- (4) All orders, judgments and opinions.
- (5) All exhibits received in evidence.
- (6) All other original papers relating to the action and which have been filed with the magistrate.
- (7) A record of any evidence or proceedings which may have been electronically recorded or stenographically reported.

(a) Regular Sessions. Except as otherwise provided by special order of the supreme court, regular sessions of the superior courts shall be held in each judicial district at the places hereinafter designated commencing on a date to be announced by order of the court;

(1) First Judicial District: regular sessions shall be held at Juneau and Ketchikan. Sessions shall also be held at Sitka as ordered by the presiding judge.

(2) Second Judicial District: regular sessions shall be held at Nome.

(3) Third Judicial District: regular sessions shall be held at Anchorage. Sessions shall also be held at Cordova and Kodiak as ordered by the presiding judge.

(4) Fourth Judicial District: regular sessions shall be held at Fairbanks.

(b) Special Sessions. Special sessions shall be held at such other times and places as may be prescribed by order of the chief justice after appropriate notice.

Rule 30. Clerk - Superior Court - Appointment - Duties.

(a) Appointment. A majority of the superior court judges of each district, where the courts are all located in the same city, shall appoint a clerk of the superior court for that district. Where the courts are located in different cities of the same district, each superior court judge shall appoint the clerk for his court. Clerks shall hold office and be removable at the pleasure of the appointing authority.

(b) Duties. The clerk of the superior court shall:

(1) Attend sessions of the superior court in

his district and upon a judge or judges of the court in chambers when required.

(2) Keep such indexes as will insure ready reference to any action or proceeding filed in the court. There shall be separate indexes of plaintiffs and defendants in civil actions and of defendants in criminal actions. The name of each plaintiff and defendant shall be indexed, and there shall appear opposite each name indexed the number of the action or proceeding and the name or names of the adverse litigant or litigants.

(3) Issue all process and notices required to be issued.

(4) Keep the minutes and maintain such other records of the court as are required by the rules and the administrative director.

(5) Safely keep or dispose of, according to law or rule of the supreme court, all papers and records filed or deposited in any action or proceeding before the court.

(6) Perform such duties as are or may be required of him by the superior court and by the rules of the supreme court.

Rule 31. Number and Location of District Magistrates and Deputy Magistrates.

(a) District Magistrates. The district magistrate court in each judicial district shall have the number of district magistrates as set forth below:

First Judicial District - 4

ed will thereupon have charge of such action or proceeding so long as such assignment continues.

(d) Applications for Orders. Except as otherwise provided in Rule 63, application for any order in an action or proceeding, including any order in regard to appellate proceedings, shall be made to the judge to whom such action or proceeding is assigned. However, if the judge to whom such cause is assigned is not accessible, application for an order may be presented to the presiding judge, or in his absence, to any other available judge within the state, upon good cause shown; and orders may then be signed by the judge to whom such application and showing has been made. This section shall not apply to findings, judgments and orders based upon decisions theretofore announced by a judge, except in the event of the disability of such judge as provided in Rule 63.

(e) Divorce Cases. Unless otherwise ordered upon good cause shown, no divorce action shall be tried or heard on the merits within thirty days of the filing of the complaint.

(f) Continuances.

(1) All cases set for trial shall be heard on the date set unless the same are continued by order of the court for cause shown.

(2) Unless otherwise permitted by the court, ap-

Application for the continuance of the trial of the case shall be made to the court at least 5 days before the day set for trial. The application must be supported by the affidavit of the applicant setting forth all reasons for the continuance. If such case is not tried upon the day set, the court in its discretion may impose such terms as it sees fit, and in addition may require the payment of jury fees and other costs by the party at whose request the continuance has been made.

(3) When parties are present in court and ready for trial on the day set for trial, but their case is not reached on that day, they will retain their relative position on the calendar and on the next open trial day they will be entitled to precedence over cases set for trial on the last-mentioned day.

Rule 4. Dismissal of Actions.

(a) Voluntary Dismissal - Effect Thereof.

(1) By Plaintiff - By Stipulation. Subject to the provisions of Rule 23 (c), of Rule 66 and of any statute of the state, an action may be dismissed by the plaintiff without order of court (i) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs, or (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this state, or of any other state, or in any

tant from the place of court shall receive reimbursement for round-trip travel performed from the juror's residence to the place of court for the total distance actually and necessarily traveled at the rate of 12 cents a mile. Where air transportation is used, the actual cost of such transportation shall be paid in lieu of mileage.

(c) Where it is impracticable for a juror to return to his home each evening, subsistence at the rate of \$7.00 a day shall be allowed for each day of his term of service on the venire.

(d) The provisions of paragraphs (a) through (c) shall govern the payment of fees, travel and subsistence to grand jurors.

(e) All payments under the provisions of this rule shall be made from the appropriation to the state judiciary.

Rule 18. Payment of Jurors' Fees in Advance, Civil Cases;
Deputy Magistrate Courts.

The party demanding trial by jury in any civil action in a deputy magistrate court, shall, at the time of making such demand, deposit with the deputy magistrate the sum of \$24.00 as security for the payment of jurors' fees. At the conclusion of the trial the deputy magistrate shall refund any unused por-

tion of the deposit after making payment to the jurors, or collect from the party demanding jury trial the deficiency, in the event the deposit is not sufficient to pay the jurors.

Rule 19. Jurors' Fees, Deputy Magistrate Court, Amount.

(a) Jurors summoned by a deputy magistrate from the immediate area of the court shall receive no fee or per diem for reporting. Jurors selected to serve on a case shall receive compensation at the rate of \$1.00 per day or fraction thereof of service.

(b) Deputy magistrates shall, whenever possible, summon only jurors residing within the immediate area of the court.

Rule 20. Jurors - Pre-determination of Qualifications.

(a) Whenever possible, before summoning any person for petit or grand jury duty, where an expense for travel and subsistence would be incurred for reporting, clerks and district magistrates shall mail a form of questionnaire to the prospective juror to determine his qualifications to serve and whether he has valid grounds to be excused from service. The form of such questionnaire shall be furnished by the administrative director of court. Where a prospective juror's response to such questionnaire indicates that he is disqualified for service, or in the opinion of the judge or magistrate he has stated grounds sufficient to be excused, he shall not be summoned.

(b) Where a juror is summoned after having responded to the questionnaire and found then to be disqualified or is excused at his request, he shall be denied reimbursement for

Second Judicial District - 1

Third Judicial District - 4

Fourth Judicial District - 2

The number of district magistrates may be changed from time to time by the supreme court as circumstances require.

(b) Deputy Magistrates. Deputy Magistrates shall be appointed to serve at the places indicated below:

First Judicial District

Craig	Kake	Skagway
Haines	Ketchikan	Wrangell
Hoonah	Petersburg	Yakutat

Second Judicial District

Barrow	Fortuna Ledge	Unalakleet
Candle	Kotzebue	

Third Judicial District

Cold Bay	Kenai	Seward
Cordova	Kodiak	Shemya
Dillingham	Naknek	Talkeetna
Glennallen	Palmer	Unalaska
Homer	Pribilof Islands	Valdez
Iliamna	Seldovia	Whittier

Fourth Judicial District

Aniak	Galena	North Pole
Bethel	Manley Hot Springs	Ophir
Delta Junction	McGrath	Rampart
Port Yukon	Nenana	Tanana
		Tok

The number and location of deputy magistrates may be changed from time to time by the supreme court as circumstances require.

Rule 32. District Magistrate Courts - Time and Place of Sitting.

(a) Regular Sessions. Except as otherwise provided by order of the supreme court, the district magistrate court in each judicial district shall sit at the places hereinafter designated:

- (1) First judicial district: Juneau and Ketchikan
- (2) Second judicial district: Nome
- (3) Third judicial district: Anchorage
- (4) Fourth judicial district: Fairbanks

(b) District Magistrates - When Open for Business. The district magistrate courts shall always be open for the transaction of business, except on judicial holidays; provided, however, that the courts may at any time:

- (1) Exercise their powers in a criminal action, or in a proceeding of a criminal nature, including the issuance of orders pertaining to bail,
- (2) Receive a verdict or discharge a jury,
- (3) Issue writs of habeas corpus,
- (4) Issue warrants of arrest and summons and search warrants.

(c) District Magistrates - Time of Sitting - Office Hours. The district magistrates shall sit in the conduct

(d) The administrative director of courts shall furnish to the magistrates and deputy magistrates concerned a copy of the current memorandum of agreement between the state and the political subdivision for which magistrate services are being rendered, and they shall at all times be governed by the terms thereof. Should any difference of opinion arise over the interpretation or application of the agreement, the magistrate shall immediately notify the administrative director of courts in writing with a copy to the presiding superior court judge of his district. Until the matter has been clarified, the magistrate shall cooperate in every reasonable manner so as to preserve harmony between the judiciary and the officials and enforcement officials of political subdivisions.

Rule 42. District Magistrates and Deputy Magistrates May Also Serve as United States Commissioners.

Additional to their duties as established by statute and rule, certain district and deputy magistrates shall be required to act as part-time United States commissioners when so designated by the U. S. District Judge for the District of Alaska. District or deputy magistrates may retain any fees paid to them by the United States for such services and they will submit to the administrative director of the Alaska courts such reports concerning this additional activity as may be required by him. When acting in the capacity of a United States commissioner, the district or deputy magistrate shall be governed in all respects by United States law and instructions from federal officials or agencies.

Rule 43. Reports to Bureau of Vital Statistics - Superior Courts.

(a) Divorce - Annulment - Adoption. Before judgment or

decree is entered in any action for divorce or annulment or proceeding for adoption, the court shall require the parties or their counsel to submit such personal particulars and other information necessary to enable the clerk to prepare a record of such divorce, annulment or adoption in accordance with law and the regulations and instructions of the Bureau of Vital Statistics. Every such record shall be prepared by the clerk and filed in the manner and within the time prescribed by law and the regulations and instructions of the Bureau of Vital Statistics.

(b) Change of Name - Delayed Birth Certificate - Legitimation. In the following actions and proceedings, the court shall file with the Bureau of Vital Statistics such reports, information and copies of judgments and orders as may be required and in the manner provided by law and the regulations and instructions of the Bureau:

(1) A proceeding for change of name. (Sec. 57-9-1 - 57-9-2 ACLA 1949)

(2) A proceeding to establish a public record of the time and place of birth and parentage (Sec. 40-11-49 ACLA 1949 Cum. Supp.)

(3) An action or proceeding for legitimation (Sec. 21-3-3 ACLA 1949 Cum. Supp.)

Before entering any order or judgment in any of the above-mentioned actions or proceedings, the court shall require the parties or their counsel to submit such information as may be necessary to enable the court to comply with this rule.