

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 443

Thirteen-Part Order Amending
the Alaska Rules Governing the
Administration of All Courts to
Provide for the Alaska Court of
Appeals.

IT IS ORDERED:

1. Paragraphs (b), (c), (e) and (f) of Rule 3, Rules Governing the Administration of All Courts, are amended to read:

(b) Each area court administrator, or the presiding judge in those judicial districts not having an area court administrator, shall maintain a current list of all matters under advisement in the superior and district courts in his judicial district. The clerk of the appellate courts shall maintain a list of all matters under advisement in the supreme court and the court of appeals. Such lists shall contain the following information:

(1) The name of the justice, judge or master having such matter under advisement;

(2) The date upon which each matter was referred to the justice or judge for decision or, in the case of a master, for preparation of report;

(3) The nature of the decision or matter under advisement;

(4) The title of the action; and

(5) The court's file number.

(c) In each judicial district such lists shall be circulated on a weekly basis among the judges and masters regularly assigned to that judicial district, and a copy thereof sent to any other judge or master whose name appears thereon, and to the administrative director. The clerk of the appellate courts shall circulate the list maintained for the supreme court on a weekly basis among the justices and to the administrative director, and the list for the court of appeals on a weekly basis among the judges of that court and to the administrative director.

(e) Any judge or master having a motion under advisement more than 10 calendar days from the date submitted, or having a decision following trial of a case under advisement more than 30 calendar days from the date submitted, shall submit in writing to the presiding judge of his judicial district an explanation of the circumstances justifying the delay and the date on or before which such motion or case shall be decided.

(f) A justice or judge who disqualifies himself for cause shall set forth the specific reasons for the disqualification in writing. A superior court judge or a district court judge shall send his statement of reasons to the presiding judge of his judicial district and a copy of the statement to the administrative director. A court of appeals judge shall send his statement of reasons to the chief judge of that court and to the clerk of that court. The chief judge of the court of appeals or a presiding judge of the superior court shall send his statement of reasons to the chief justice and a copy of his statement to the administrative director. A supreme court justice shall send his statement to the other justices and to the clerk of the appellate courts.

2. Existing paragraphs (a), (b), (c) and (d) of Rule 4, Rules Governing the Administration of All Courts, are redesignated as paragraphs (b), (c), (d) and (e), respectively, and new paragraph (a) is added to read:

(a) Seal of the Court of Appeals. The seal of the court of appeals is a vignette of the official flag of the state with the words "Seal of the Court of Appeals of the State of Alaska" surrounding the vignette.

3. The title of paragraph (a), and subsection (1) of paragraph (a), Rule 9, Rules Governing the Administration of All Courts, are amended to read:

(a) In the Supreme Court and the Court of Appeals:

(1) Filing Fees:

(1) Upon filing a written notice of appeal or cross-appeal (Appellate Rule

204(b)(1)).....\$50.00

- (11) Upon filing a petition for review or cross-petition for review (Appellate Rule 403(a))..... 50.00
- (111) Upon filing original proceedings (Appellate Rule 104)..... 50.00

4. Subsection (2)(11) of paragraph (a) of Rule 9, Rules Governing the Administration of All Courts, is amended to read:

- (11) For copies of documents on file with the supreme court or the court of appeals, whether or not certified:
First page or fraction thereof... 1.00
Each additional page or any fraction thereof..... .25

5. Paragraph (f) of Rule 12, Rules Governing the Administration of All Courts, is amended by adding new subsection (9) to read:

- (9) Petition for hearing; including successive petitions to the court of appeals and the supreme court in the circumstances permitted by statute:
 - (1) If denied.....\$ 750.00
 - (11) If granted..... 1,000.00

6. Rule 17 of the Rules Governing the Administration of All Courts is amended to read:

RULE 17. SESSIONS AND OFFICES OF THE SUPREME COURT.

(a) Sessions of the Supreme Court. Sessions of the supreme court shall be held at such locations and times as may be designated by the chief justice, after consultation with the supreme court.

(b) Offices. The principal office of the supreme court shall be at Anchorage, Alaska. The chief justice or an associate justice may maintain his office at a place other than the principal office as designated by order of the court or of the chief justice.

(c) When Clerk's Office Is Open. The clerk's office with the clerk or a deputy in attendance shall be open during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays.

7. The Rules Governing the Administration of All Courts are amended by adding new Rule 17.5 to read:

RULE 17.5 SESSIONS AND OFFICES OF THE COURT OF APPEALS.

(a) Sessions of the Court of Appeals. Sessions of the court of appeals shall be held at such times as may be designated by the chief judge, after consultation with the court of appeals, and at locations designated by the chief judge after consultation with the court of appeals and the chief justice.

(b) Office. The office of the court of appeals shall be at Anchorage, Alaska.

(c) When Clerk's Office Is Open. The clerk's office with the clerk or a deputy in attendance shall be open during business hours from 8:00 a.m. until 4:30 p.m. on all days except judicial holidays and Saturdays.

8. Paragraph (b) of Rule 21, Rules Governing the Administration of All Courts, is amended to read:

(b) Judicial Robes. All justices of the supreme court, all judges of the court of appeals, all judges of the superior court, all district court judges, and all magistrates, while presiding in a public session of court, shall wear a suitable black judicial robe.

9. Paragraph (a) of Rule 23, Rules Governing the Administration of All Courts, is amended to read:

(a) Appointment Pro Tempore. The chief justice may by special assignment appoint a retired justice or a retired judge of the court of appeals or the superior court to sit pro tempore as a senior justice or judge in any court of this state, and a retired judge of the district court to sit as a judge of the district court pro tempore where such assignment is deemed necessary for the efficient administration of justice.

10. Paragraphs (c), (d), (e) and (f) of Rule 24, Rules Governing the Administration of All Courts, are redesignated as paragraphs (d), (e), (f) and (g), respectively, and new paragraph (c) is added to read:

(c) Assignment of Appellate Judicial Officers. The chief justice may assign a justice of the supreme court or a judge of

the court of appeals, with the consent of the justice or judge, to serve pro tempore as a judge of the superior court or a district court in any judicial district of the state under the same circumstances as the administrative director may assign a judge under paragraph (b) of this rule.

11. Rule 25 of the Rules Governing the Administration of All Courts is amended to read:

RULE 25. TRAVELING EXPENSES OF JUDICIAL OFFICERS AND EMPLOYEES.

Each supreme court justice, court of appeals judge, superior court judge, district court judge and magistrate, and each employee of the Court System is entitled to receive travel expenses and per diem as provided by law for state employees; PROVIDED, that the travel has been approved by the appropriate administrative supervisor of the justice, judge, magistrate or employee.

12. Paragraphs (a), (c) and (d) of Rule 28, Rules Governing the Administration of All Courts, are amended to read:

(a) Vacation Leave. Each supreme court justice, court of appeals judge and superior court judge shall be entitled to an annual vacation of not more than 30 working days. It shall be taken at such time or times as may be prescribed by the chief justice of the supreme court, the chief judge of the court of appeals, or the presiding judge of the appropriate judicial district. Vacation time not taken in any calendar year may be accumulated. However, no more than 15 working days' vacation time may be accumulated in any one year, and no judge may carry over more than 30 working days' unused vacation time in the aggregate. In addition, each supreme court justice and superior court judge shall be entitled to sick leave with respect to any period of illness necessitating absence from his or her judicial duties, which sick leave shall not be charged against his or her vacation time. Annual vacation leave accrues as of January 1 of each year except for the year during which a justice or judge is appointed or retires. During the year of appointment, resignation, or retirement, annual vacation leave accrues at the rate of 2.5 days per month of service. Annual vacation time accrued but not taken at the time of resignation or retirement is forfeited.

(c) Discretion of Chief Justice, Chief Judge, or Presiding Judge. In determining whether a justice or judge shall take a vacation, and the length thereof, the chief justice of the supreme court, the chief judge of the court of appeals, or a presiding judge exercising authority under this rule shall be mindful of the necessity of retention of sufficient judicial manpower in the court or courts under his or her supervision to permit at all times the prompt and effective disposition of the business of such court or courts. Requests for judicial vacations and judicial leave of one week or more must be submitted for approval at least four months in advance.

(d) Administrative Leave. The chief justice of the supreme court may assign one or more justices, judges, or magistrates to attend conferences, seminars, or schools to further legal education or professional qualifications. Such assignment shall be made in consultation with the justice, judge, or magistrate concerned and with the chief judge of the court of appeals for judges of that court or with the presiding judge of the appropriate judicial district for superior or district court judges and magistrates. Travel expenses and per diem may be provided. Administrative leave authorized for such purpose shall not be counted as vacation leave. Nothing in this rule shall prevent a justice, judge, or magistrate not so assigned from attending conferences, seminars, or schools for this purpose at his or her own expense during his or her annual vacation. In addition, a justice, judge or magistrate not so assigned during a calendar year may receive administrative leave during that year not to exceed five working days to attend conferences, seminars or schools when authorized by the administrative director. The administrative director may authorize such administrative leave in excess of five working days upon a delegation of authority from the chief justice. Administrative leave may not be accrued.

13. The Rules Governing the Administration of All Courts are amended by adding new Rule 39.5 to read:

RULE 39.5. STANDING ADVISORY COMMITTEE ON RULES.

(a) The supreme court shall appoint standing advisory committees on rules to assist the supreme court in executing its rule making power under Article IV, Section 15 of the Alaska Constitution. The committees shall carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the supreme court for the courts of the state. Such changes in and additions to those rules as the committees may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the committees from time to time to the supreme court for its consideration. The supreme court shall appoint such members of the judiciary, Alaska Bar Association and other qualified persons to the committees as it deems advisable. The members of the committees shall serve without compensation. However, the members will be reimbursed for per diem and travel expenses incident to their duties as members of the committees.

(b) Any person may propose to the supreme court rules or changes in the rules governing practice and procedure in civil and criminal cases and governing administration of all courts. Such proposals must be in writing and include a statement of the reasons for the proposed rules or changes. All proposals shall be submitted to the administrative director of courts at Anchorage.

DATED: November 13, 1980

EFFECTIVE DATE: November 13, 1980

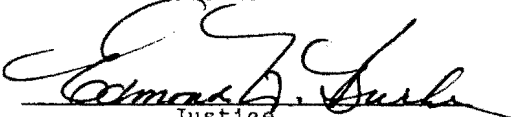
SC Justices
Ct/Appeals Judges
Sup/Ct Judges
Dist/Ct Judges
Magistrates
Mag/Supr
Admin Dir
Clks/Ct
Law Librarian
Masters
Gov
Dep/Law
Leg/Affrs
Pub Def Agency
Dep/Pub Safety
Comm & Reg Affrs
State Library
Sup/Ct Law Clerks
All Members ABA
Alaska Legal Services



Chief Justice



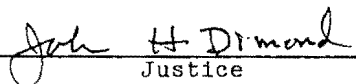
Justice



Justice



Justice



Justice