

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 540

Amending Rule 1, District
Court Rules of Civil
Procedure Relating to Scope
of Rules and Construction

IT IS ORDERED:

Rule 1, District Court Rules of Civil Procedure, is amended to read:

PART I. PROCEEDINGS BEFORE DISTRICT JUDGES AND MAGISTRATES

Rule 1. Scope of Rules--Construction.

(a) Scope of Rules.

(1) The procedure in civil actions and proceedings before [A] district judges and magistrates shall be governed by the rules governing the procedure in the superior court to the extent that such rules are applicable.

(2) If in any action or proceeding a magistrate finds it impracticable to proceed or finds himself at a disadvantage because of the application of any of such rules, he may hold the action or proceeding in abeyance, without prejudice to the rights of the parties, for further action by a district judge.

[(2)] (3) The following rules are inapplicable in their entirety to proceedings before [A] district judges and magistrates:

<u>CIVIL RULE</u>	<u>TITLE</u>
Rule 18(b)	Joinder of Remedies--Fradulent Conveyances.
Rule 27	Deposition Before Actions or Pending Appeal.
Rule 40(c)	Visiting Judges.
Rule 40(d)	Applications for Orders.
Rule 48(b)	Instructions; Argument; Retirement of Jury.
Rule 57	Declaratory Judgments.
Rule 65	Injunctions.
Rule 66	Receivers.
Rule 70	Judgment for Specific Acts--Vesting Title.
Rule 72	Eminent Domain.
Rule 84	Change of Name.

[(3)] WHERE A CIVIL ACTION OR PROCEEDING BEFORE A DISTRICT JUDGE IS ONE WHICH WOULD BE WITHIN THE JURISDICTION OF A MAGISTRATE, THE SIMPLIFIED RULES OF PROCEDURE FOR ACTIONS AND

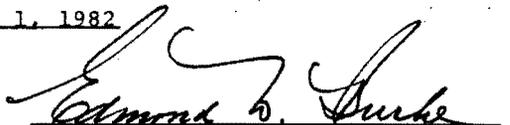
PROCEEDINGS BEFORE A MAGISTRATE SHALL BE APPLICABLE. IN SUCH ACTION OR PROCEEDING IT SHALL NOT BE NECESSARY FOR AN ATTORNEY TO APPEAR ON BEHALF OF A CORPORATION WHICH IS A PARTY, AND SUCH CORPORATION MAY INSTEAD BE REPRESENTED BY ANY AUTHORIZED OFFICER OR EMPLOYEE.]

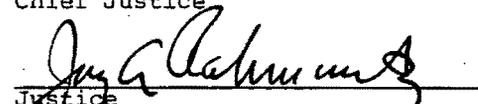
(b) Construction. Where the words "court" or "judge" are used in these rules, they shall be construed to include a district judge[,] or a magistrate, and where functions and duties are prescribed for the clerk, they shall be performed by [THE] a magistrate or [HIS] a clerk.

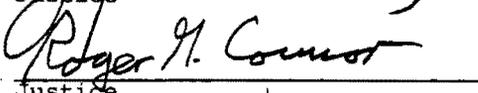
CROSS REFERENCE: AS [26.15.040] 22.15.040

DATED: August 18, 1982

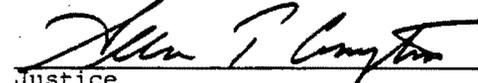
EFFECTIVE DATE: October 1, 1982


Chief Justice


Justice


Justice


Justice


Justice

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