

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 713

Making Minor Amendments in
District Court Civil Rules 22,
10(a)(b), 11(b) and Deleting
the Sample Forms in the Rules
of Court

IT IS ORDERED:

1. District Court Civil Rule 22 is amended as follows:

Rule 22. Legal Effect of Rules.

(a) The forms published by the Alaska Court System to accompany these rules are legally sufficient and are intended to indicate the simplicity and brevity which the rules contemplate.

(b) The Alaska Small Claims Handbook published by the Alaska Court System to accompany these rules is not a rule of court.

(c) The forms for the complaint, the summons and the answer published by the Alaska Court System shall be used by the parties. All other forms are illustrative and not mandatory.

2. District Court Civil Rule 10(a) is amended to provide:

(a) A small claim action is commenced by filing a complaint on the form provided by the Alaska Court System. The complaint is a short, plain written statement showing the nature of the claim for relief, signed by the plaintiff. The complaint shall contain a statement that the plaintiff elects to have the

claim treated as a small claim and waives the right to jury trial and the right to proceed formally. A complaint which does not contain a waiver of the right to jury trial and formal proceedings is governed by Part I of this District Court Rules of Civil Procedure. The plaintiff's mailing address shall be shown on the complaint. When the complaint is based upon a written document, the document or a copy of it shall be attached to the complaint.

3. District Court Civil Rule 10(b) is amended to provide:

(b) A party defending against a claim shall file an answer on the form provided by the Alaska Court System. The answer is a short, plain statement showing the nature of the defense and any claim that the defendant has against the plaintiff arising from the same transaction or occurrence and shall conform with Rule 12 of these rules. The answer must be filed with or mailed to the court where the action was commenced and be signed by the defendant. When the answer or counterclaim is based upon a written document, the document or a copy of it shall be attached to the answer. The defendant's mailing address shall be shown on the answer. The clerk or magistrate shall mail a copy of the answer to the plaintiff, and shall maintain a record of the mailing.

4. District Court Civil Rule 11(b) is amended to provide:

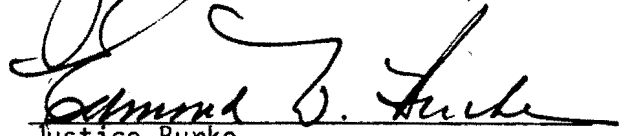
A copy of the Alaska Small Claims Handbook and a blank answer form shall be served with the summons and complaint.

5. The Section of the Rules of Court titled "Forms for District Court Rules of Civil Procedure" are repealed.

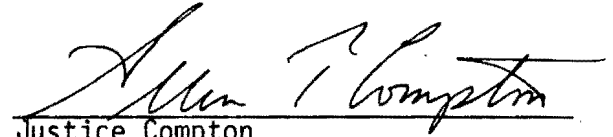
DATED: June 25, 1986

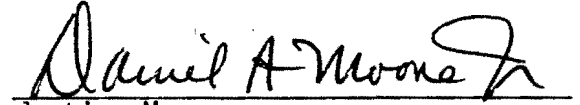
EFFECTIVE DATE: September 15, 1986


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore