

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 911

Disapproving or Modifying Certain
Second Judicial District Judicial
Administrative Orders and Local
Form Orders

IT IS ORDERED:

The following judicial administrative orders and local form orders are disapproved or modified pursuant to Administrative Rule 46:

1. Order for Presentence Report and Sentencing Calendar. (Attachment A)

This local form order is modified to eliminate the paragraph on page 2 beginning "Note Well," and to eliminate footnote 1 on page 2. These provisions are inconsistent with Criminal Rule 32(d).

2. Order for Omnibus Hearing, Pre-Trial Discovery, Assignment of Judge and Trial Date. (Attachment B)

This local form order is modified such that the fourth paragraph on page 3 concerning telephonic hearings is changed to provide:

A motion to allow telephonic participation in hearings under Criminal Rule 38.1(a) must be made at least five days before the hearing. If defendant will not be physically present, a written consent to proceed in defendant's absence must be filed at least five days before the hearing (even if telephonic participation is not requested).

3. Notice of Next Court Appearance. (Attachment C)

This local form order is modified to delete the last paragraph concerning time for filing Rule 45 objections and motions.

4. Order Fixing Time and Notice of Pre-Trial Conference and Trial Setting Conference. (Attachment D)

This local form order is modified such that the last paragraph concerning telephonic hearings is changed to provide:

Telephonic hearings are governed by Civil Rule 99 and Administrative Rule 48. Counsel has the responsibility of initiating the telephone call. The number for the Nome trial courts is 443-5216.

5. Order Re: Grand Jury. (Attachment E)

This judicial administrative order is disapproved.

6. In Re Charge to the Grand Jury. (Attachment F)

Paragraph IX of this judicial administrative order is modified to provide:

At least twelve (12) of you must be present in order to conduct business. An indictment may be found only upon the concurrence of a majority of the total number of grand jurors on the panel at the commencement of the proceedings against the defendant.

The following sentence in paragraph XI is modified as indicated:

If the defendant has not been held to answer, and a majority of the jurors do not agree in finding an indictment, the indictment and the log notes shall be sent to the court [DESTROYED BY THE GRAND JURY].

Paragraph XVIII is deleted to the extent it allows smoking in public hall ways (see Supreme Court Order 842).

7. Order and Notice: Notice and Order: Order of Dismissal Without Prejudice Pursuant to Civil Rule 41(e). (Attachment G)

These 3 local form orders are disapproved.

8. Order [concerning reassignment when judge is preempted]. (Attachment H)

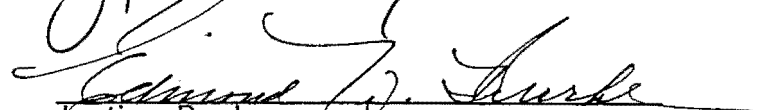
This local form order is disapproved.

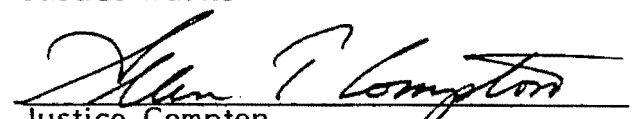
DATED: July 19, 1988

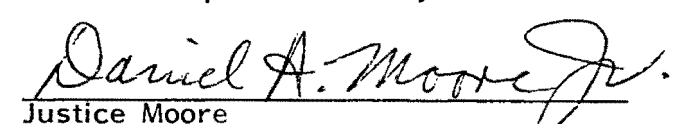
EFFECTIVE DATE: July 19, 1988


Chief Justice Matthews


Justice Rabinowitz


Justice Burke


Justice Compton


Justice Moore

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT AT _____

STATE OF ALASKA,)

Plaintiff,)

v.)

Defendant.)

Case No. _____ CR

ORDER FOR PRESENTENCE REPORT
AND SENTENCING CALENDAR

TO: DIVISION OF CORRECTIONS AND ATTORNEYS OF RECORD

The defendant has been found guilty of the crime(s) of:

IT IS ORDERED that the Division of Corrections prepare a presentence report as follows:

Full presentence report Updated report

This report shall be submitted by _____, 19__.

Sentencing is set for:

Time: _____

Date: _____

Courtroom: _____

at: _____, Alaska.

Name of defendant's attorney: _____

The defendant is currently:

In custody

Released on \$ _____ bail.

IT IS ORDERED that initial contact with the probation office will be made by defendant's attorney within three (3) working days hereof.

IT IS FURTHER ORDERED that the defense attorney shall file written notice of denial of any factual matters in the presentence report no later than ten (10) days prior to the sentencing hearing. Matters not addressed in the denial notice will not require an evidentiary presentation at the sentencing hearing.

NOTE WELL: IT IS THE FURTHER ORDER OF THIS COURT THAT copies of the Presentence Report ordered hereby are NOT to be provided to the defendant or anyone else without requesting approval from the probation office./1

DATED at _____, Alaska this _____ day of _____, 19____.

SUPERIOR COURT JUDGE

1. Defense counsel can, of course, read the report to the defendant and/or allow the defendant to read the report in the presence of counsel. However, copies are not to be provided anyone, including the defendant for his own personal possession without the approval of the probation office. If the probation office does not grant that relief requested by counsel, appropriate motion can be made to the court. This restriction does not relieve the probation officer to make an appropriate Criminal Rule 32(b)(2) motion in those rare instances when the probation officer believes disclosure of information to the defendant would be harmful to the defendant's rehabilitation or safety of the public. A Criminal Rule 32(b)(2) motion would be filed in those situations by the probation officer.

Copies sent to: Division of Corrections; District Attorney;
Defendant's Attorney

Date: _____ Clerk: _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

STATE OF ALASKA,)
)
 Plaintiff,)
)
 v.)
)
)
 Defendant.)
)
 _____)

ORDER FOR OMNIBUS HEARING,
PRE-TRIAL DISCOVERY, ASSIGNMENT
OF JUDGE AND TRIAL DATE

Case No.

This case is assigned to the Honorable _____.
Pursuant to Rule 16(f), Rules of Criminal Procedure. An Omnibus Hear-
ing will be held on _____, 19____, _____ (a.m.)(p.m.).
Call of the Trial Calendar is set for _____, 19____
at _____ (a.m.)(p.m.), trial to be the week of _____

Any objections to the Trial Date (the last day of the trial week being
considered the trial date for purposes of Rule 45, Criminal Rules of
Procedure) set forth herein as to the limitation of Rule 45, Criminal
Rules of Procedure, shall be filed within five (5) days hereof.

Within ten (10) days after the entry of this Order, the prosecuting
attorney, or the assistant assigned to the case, shall disclose to
defense counsel and make available for inspection and copying all
information and material within the possession and control of the
prosecuting attorney which is required to be disclosed by subsections
(b)(1), (b)(2), and (b)(3) of Rule 16, Rules of Criminal Procedure.
Such materials coming into the prosecuting attorney's possession or
control after that date shall be disclosed promptly without necessity
of a request or further order of this Court.

Unless otherwise directed, the prosecuting attorney shall, upon the
written request served and filed by defense counsel, disclose and
permit inspection, testing, copying and photographing of any relevant
material and information regarding: specified searches and seizures;
the acquisition of specified statements from the accused; and the
relationship, if any, of specified witnesses to the prosecuting
attorney [Rule 16(b)(6), Rules of Criminal Procedure], and
specifically advise defense counsel whether any Glass warrants issued,
where any such warrants were issued and whether the record in support
thereof is sealed by Court order.

- Attachment B -

Within ten (10) days after the entry of this Order, defense counsel, or the assistant assigned to the case, shall disclose to the prosecuting attorney and make available for inspection and copying, any reports or statements of experts made in connection with the case, including results of physical or mental examinations and of scientific tests, experiments or comparisons which are intended by the defendant to be used at trial [Rule 16(c)(4), Rules of Criminal Procedure]. Such materials coming into defense counsel's possession or control after that date shall be disclosed promptly without the necessity of a request or further order of this Court.

If counsel wishes cassette tapes of the grand jury testimony pursuant to Criminal Rule 6(e), such may be requested from the court, private counsel paying \$7.00 per cassette. If any party thereafter wishes a typed transcript of any grand jury testimony, private counsel are advised the Second Judicial District does not have the capabilities to prepare transcripts at all. Applying the process of Appellate Rule 210(b)(2), private counsel shall contract with an authorized transcribing firm to prepare the transcript at a price agreed upon by them, or by appropriate motion may move for such to be prepared otherwise. A public sector attorney shall make any request for a typed transcript in writing within ten (10) days after the entry of this Order, certifying that (1) counsel has listened to the cassette recording and (2) good cause exists for transcribing the recording, describing in detail such cause. Counsel shall further specify that portion of the recording which is requested to be transcribed and state the date by which it is needed. Whatever portion of the transcript is not used for motion practice or for trial will be paid by the attorney or agency requesting the transcript. Notice is further given that with the new recording equipment, if the cassette is unintelligible to counsel, so will it be to anyone transcribing it and thus a request based on the unintelligibility of the cassette will be automatically denied.

No later than thirty (30) days prior to the scheduled trial date, defense counsel, or the assistant assigned to the case, shall disclose to the District Attorney's office any intention to present an alibi defense and/or to present a diminished capacity defense, entrapment defense, coercion defense. [Notice of an insanity defense and/or mentally ill defense is governed by the time requirements of A.S. 12.47.020(a), i.e., ten (10) days of the date of entering of plea.]

ANY AND ALL MOTIONS SHALL BE SERVED AND FILED NO LATER THAN TEN (10) DAYS PRIOR TO THE DATE SCHEDULED FOR THE OMNIBUS HEARING; ANY OPPOSITIONS ARE TO BE FILED ACCORDING TO THE TIME SCHEDULE PROVIDED BY REUL 40, CRIMINAL RULES OR PROCEDURE.

ONLY ARGUMENTS WILL BE PERMITTED AT THE OMNIBUS HEARING. IF COUNSEL REQUIRE AN EVIDENTIARY HEARING OR HEARINGS AS TO ANY MOTIONS OR MATTERS, THEY SHALL CONTACT THE CALENDAR CLERK FOR A SUITABLE TIME. THE CALENDAR CLERK MUST BE CONTACTED NO LATER THAN TEN (10) DAYS PRIOR TO THE OMNIBUS HEARING FOR A TIME, OR SAID EVIDENTIARY HEARING IS DEEMED WAIVED.

The Calendar Clerk and Court must be notified no later than the date of the Omnibus Hearing of the need for translation services required for the trial. Counsel are to notify the Calendar Clerk at least ten (10) days prior to any hearing of any translation services needed for the hearing.

IT IS THE RESPONSIBILITY OF COUNSEL to notify the Court and opposing counsel of (a) any inability to meet the above deadlines, and (2) any discovery materials that are known to exist and that have not been provided as set forth herein.

Any hearings required herein can be scheduled for telephonic participation with the consent of all parties and at least five (5) days notice to the Calendar Clerk, the party requesting the same to pay the costs thereof. Further, if the defendant will not be physically present before the Court, a written consent to proceed in defendant's absence must be filed at least five (5) days prior to the hearing (such applying even if telephonic participation is not requested).

Upon a showing of good cause, and after appropriate notice to the Court and counsel, any application may be made for adjustment of the deadlines set forth herein. Further, upon a showing of good cause and application, the disclosure required by this Order may be restricted, deferred or denied pursuant to subsections (d)(4), (d)(5), and (d)(6) of Rule 16, Rules of Criminal Procedure. Unless otherwise ordered, the prosecuting attorney and defense counsel, and each of them, are HEREBY ORDERED to comply with the terms of the foregoing or to appear at the Omnibus Hearing prepared to show cause why appropriate sanctions should be not imposed. Any requests for deviations herefrom filed after a deadline set forth in this Order for which a change is desired will be presumed to lack good cause for the requested change.

DATED at _____, Alaska, this _____ day of _____, 19____.

SUPERIOR COURT JUDGE

Copy sent to: District Attorney; Defense Counsel
Date: _____ Clerk: _____

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT AT

***** NOTICE OF NEXT COURT APPEARANCE *****

CASE NO:

THIS CASE ASSIGNED TO:

DEFENDANT MUST BE PRESENT:

DATED at Alaska this Day of , 1988

DISTRIBUTION:

- DA : _____
- PD : _____
- DEFENDANT : _____
- ATTORNEY : _____
- PROBATION OFFICER: _____
- AK STATE TROOPERS: _____
- ALCOHOL SAFETY : _____
- NDME POLICE DEP: _____
- SUBSTANCE ABUSE : _____

CALENDARING CLERK

Any objections to the Trial date set herein as to the limitations of Criminal Rule 45 will be filed with this court within five (5) days hereof. All Discovery (CrR16) and all Motions will be filed by the date set for Calendar Call in all Misdemeanor cases.

- Attachment C -

IN THE TRIAL COURTS FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

)	Counsel for Plaintiff
)	
Plaintiff,)	
vs.)	
)	
)	Counsel for Defendant
)	
Defendent.)	
_____)	

Action No.

ORDER FIXING TIME AND NOTICE OF PRE-TRIAL CONFERENCE
AND TRIAL SETTING CONFERENCE

Plaintiff having filed a Memorandum To Set Civil Case For Trial, on or about _____, _____, and this court being fully advised in the premises, it is hereby,

ORDERED that a Trial Setting Conference and Pretrial Conference, pursuant to Civil Rule 16, shall be held herein in the Nome Trial Courts, Nome, Alaska, on _____, _____ at the hour of _____ .m.

Counsel are instructed to have present their trial calendars as dates set thereat will be strictly enforced.

Counsel shall further file no later than 3 days prior to the conference, a typewritten memorandum covering the items specified in Civil Rule 16(c), and as stated by such Rule, counsel are requested to discuss with each other the matters listed therein while preparing for

the pre-trial conference ordered hereby. Counsel will also be prepared to fully discuss all matters referred to in Civil Rule 16(a) as this court intends such conference to be a serious matter and controlling subsequent proceedings herein.

If counsel desires to be present telephonically, all counsel must agree to the telephonic presence and such counsel will be responsible for initiating the telephone call. The telephone number for the Nome Trial Courts is 443-5216.

Dated at _____ Alaska this ____ day of _____, 19__.

SUPERIOR COURT JUDGE

IN THE TRIAL COURTS FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT

In the Matter of:)
)
THE ESTABLISHMENT OF A PROCEDURE)
FOR THE RECEIPT OF)
GRAND JURY RETURNS, DELEGATING)
POWERS AND DUTIES GIVING NOTICE)
TO CHALLENGE THE ARRAY OF JURORS)
OR THE JUROR'S QUALIFICATIONS)
AND DELEGATING POWER TO EXCUSE)
GRAND JUROR.)
)
)
)

ORDER RE: GRAND JURY

The following procedure is hereby adopted regarding Grand Juries in the Superior Courts in Kotzebue, Barrow and Nome, effective immediately:

1. Ordinarily, a Superior Court Judge will receive such returns. If, however, a Superior Court Judge is unavailable at such time as the Grand Jury is ready to make its Grand Jury returns, other judges, as the Presiding Judge may direct, including a Magistrate may be appointed to receive such returns.

2. This Court construes Criminal Rule 6(n) as not requiring the entire Grand Jury panel to be present when returns are presented in open court. Rather, the court concludes that the Grand Jury Foreperson or Deputy Foreperson may present the returns in open court in the absence of the other members of the Grand Jury panel.

3. The Court further interprets Criminal Rule 6(n) as

requiring the destruction and/or erasure of the indictment, evidence, minutes, notes and record of any Grand Jury proceeding in which a "no true bill" has been returned. However, such indictment, evidence, minutes, notes and records shall be maintained, under seal, for 60 days to provide the State or defendant an opportunity to apply to the Court for leave to have access to such materials, should good cause for access thereto be shown.

4. Each Superior Court Judge in this judicial district is delegated the powers and duties of the Presiding Judge, specified in Criminal Rule 6(c), (d), (f), (g) and (s), pursuant to the authority of Criminal Rule 6(t).

5. All attorneys in this state are hereby notified that pursuant hereto, that any attorney may write, telephone, or personally appear before the Clerk of the Trial Court at Barrow, Kotzebue and/or Nome and receive the date the next Grand Jury members will be summoned before the Superior Court Judge thereat, to be qualified, and at such time and place, any attorney can appear thereat and exercise any of those challenges provided pursuant to Criminal Rule 6(f)(1); failure of any attorney to appear at such place and at such time as the Grand Jury is being qualified, is hereby ORDERED to result in a waiver by that attorney to file in Motion to Dismiss pursuant to Criminal Rule 6(f)(2).

6. The Foreperson or in the absence of the Foreperson, the Deputy Foreperson, is hereby delegated that power provided by Criminal Rule 6(s), to excuse any grand juror who indicates,

while the Grand Jury is in session, that such grand juror believes he or she cannot fairly sit on a specific case that may then being presented or inquired into by the Grand Jury; such excuse is only for the case or that inquired into, that is then before the Grand Jury.

Dated at Nome, Alaska this ____ day of _____, 1988.

CHARLES R. TUNLEY
SUPERIOR COURT JUDGE

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

IN RE CHARGE TO THE GRAND JURY)
_____)

MEMBERS OF THE GRAND JURY:

I

Under the Constitution and the laws of the State of Alaska and the rules of this court, you have been selected, summoned and qualified as a grand jury to inquire into the facts concerning all felonies and offenses committed within Alaska.

II

Our state constitution (Article I, Section 8) provides that no person shall be held to answer for a capital or otherwise infamous crime unless on an indictment of a grand jury. This means that no person can be brought before the superior court on a charge of a felony until the grand jury has first returned an indictment or unless the defendant should have in open court waived the right of indictment. A felony is defined as a crime which is punishable by more than one (1) year in a correctional institution. Any other offense may be prosecuted by indictment or information.

III

The grand jury is a means not only of bringing to trial those persons who may be properly accused of a crime, but at the same time is a means of protecting the individual citizen against unfounded accusation, whether coming from public authority or prompted by private malice or enmity. So there is a two-fold

duty imposed upon you under your obligations as grand jurors. First, to the government or the public to cause persons whom there is just grounds for charging the commission of a felony to answer for the same, and, second, to each person individually to see that no one is subjected to prosecution except justly and legally.

IV

It is my duty as presiding judge to appoint one of your number to be foreperson and another to be deputy foreperson and another as secretary. I now appoint _____ as foreperson, _____ as deputy foreperson, and _____ as secretary. The foreperson, or in the foreperson's absence, the deputy foreperson, shall have the power to administer oaths and affirmations and shall endorse all indictments. The secretary, or the foreperson, or some other juror designated by the foreperson, shall keep a record of the number of jurors concurring in the finding of each indictment, and shall file the record with the Clerk of the Court, but the record may not be made public except on the order of the presiding judge.

V

The District Attorney shall prepare all indictments for the grand jury and shall attend your sittings to advise you in relation to your duties and to examine witnesses in your presence. Only the District Attorney, the witnesses under examination, interpreters as needed, and for the purpose of recording the evidence, a deputy clerk of the court to operate

the recording machine, may be present while the grand jury is in session, and no persons other than the jurors shall be present while the grand jury is deliberating or voting.

VI

All proceedings before the grand jury, while it is in session, including the testimony of witnesses and any statements made by the prosecuting attorney or by any of the jurors, shall be electronically recorded.

VII

Disclosure of matters occurring before the grand jury, other than its deliberations and the vote of any juror, may be made to the District Attorney for use in the performance of his duties. Otherwise, a grand juror, attorney, interpreter or deputy clerk of the court or stenographer, may only disclose matters occurring before the grand jury when so directed by the court.

VIII

The oath you have taken obligates you to preserve the secrecy required by law as to all proceedings had before you. You should exercise great care so that you do not inadvertently make an improper disclosure to anyone concerning the proceedings before you.

IX

At least twelve (12) of you must be present in order to conduct business and an indictment may be found only upon the concurrence of a majority of the total number of jurors present. A grand jury shall serve until discharged by the presiding

superior court judge of the judicial district but no grand jury may serve more than five (5) months, unless for good cause, such period is extended. At any time, for cause shown, the presiding judge may excuse a juror either temporarily or permanently, and in the latter event, said judge may impanel another person in place of the juror excused.

X

When an indictment is found, the names of the witnesses examined before the grand jury must be inserted at the foot of the indictment or endorsed thereon before it is presented to the court.

XI

If, before the grand jury session, the defendant has had a preliminary hearing, and if the magistrate had found probable cause that the crime was committed and the defendant committed it, we say that the defendant has already been "held to answer" in the Superior Court. If the defendant has already been held to answer, but the grand jury does not return an indictment in the case, the indictment will have "not a true bill" written on it and it will be signed by the foreperson. If an indictment is returned, "a true bill" shall be written on it, and it shall be signed by the foreperson. Either way, these indictments will be included in the public file on the case. If the defendant has not been held to answer, and a majority of the jurors do not agree in finding an indictment, the indictment and the log notes about the evidence about it shall be destroyed by the grand jury. When the grand jury does not return an indictment in a case, then

the felony charges are dismissed by the District Attorney. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail. In that event, the deputy clerk of the court shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

XII

When there is a doubt from the evidence presented whether the facts constitute a crime or whether an offense is subject to prosecution by reason of lapse of time or former acquittal or conviction, the grand jury upon concurrence of at least five (5) members may make a presentment of fact to the court with the request for instructions on the law. The presentment shall be made by the foreperson in the presence of the grand jury. It shall not mention names of individuals and shall not be filed with the court or kept beyond the time that the grand jury is discharged. When a presentment is made, the court shall give such instructions on the law which it considers proper and necessary. Most cases of doubt on questions relating to your duties and the law pertaining thereto may be settled, however, by the aid and counsel of the District Attorney who will attend your meetings.

XIII

When the grand jury has reason to believe that other available evidence will explain away the charge, it shall order such evidence to be produced and for that purpose may require the prosecuting attorney to subpoena witnesses. An indictment shall

not be found nor a presentment made upon the statement of a grand juror unless such grand juror is sworn and examined as a witness. The grand jury shall find an indictment when all the evidence taken together, if unexplained and uncontradicted, would warrant a conviction of the defendant.

XIV

Evidence which would be legally admissible at trial shall be admissible before the grand jury. In appropriate cases, however, witnesses may be presented to summarize admissible evidence if the admissible evidence will be available at trial. Hearsay evidence shall not be presented to the grand jury absent compelling justification for its introduction. If hearsay evidence is presented to the grand jury, the reasons for its use shall be stated on the record. "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated. Except as provided by law, hearsay evidence is inadmissible.

XV

AS 12.40.020 states: Number of jurors. The grand jury shall consist of not less than twelve (12) nor more than eighteen (18) members.

AS 12.40.030 states: Duty of inquiry into crimes and general powers. The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public

welfare or safety.

AS 12.40.040 states: Juror to disclose knowledge of crime. If an individual grand juror knows or has reason to believe that a crime has been committed which is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.

AS 12.40.050 states: Holding to answer as affecting indictment or presentment. The grand jury may indict or present a person for a crime upon sufficient evidence, whether that person has been held to answer for the crime or not.

AS 12.40.060 states: Access to public jails, prisons and public records. The grand jury is entitled to access, at all reasonable times, to the public jails and prisons, to offices pertaining to the courts of justice in the state, and to all other public offices, and to the examination of all public records in the state.

AS 12.40.070 states: Duty of prosecuting attorney. The prosecuting attorney (1) shall submit an indictment to the grand jury and cause the evidence in support of the indictment to be brought before them in every case when a person is held to answer a criminal charge in the court where the jury is formed; (2) may submit an indictment in any case when he has good reason to believe a crime has been committed which is triable by the court; and (3) shall, when required by the grand jury, prepare indictments or presentments for them and attend their sittings to advise them in relation to their duties or to examine witnesses in their presence.

AS 12.40.080 states: Effect of failure to return indictment. When a grand jury does not return an indictment, the charge is dismissed, and it may not be again submitted to or inquired into by the grand jury unless the court so orders.

AS 12.40.090 states: Questioning juror for conduct. A grand juror cannot be questioned for anything he may say or any vote he may give while acting as a grand juror, in relation to any matter legally pending before the grand jury, except for a perjury of which he may be guilty in giving testimony before that jury.

AS 12.40.100 states: Contents of indictment.

- (a) The indictment shall be direct and certain as it regards
- (1) the party charged;
 - (2) the crime charged; and
 - (3) the particular circumstances of the crime charged when they are necessary to constitute a complete crime.
- (b) The statement of the facts constituting the offense shall be in ordinary and concise language, without repetition, and in a manner which will enable a person of common understanding to know what is intended.

XVI

Finally, the oath you have taken indicates the impartial spirit in which your duties should be discharged. You are to indict no one from envy, hatred or malice, or should you leave anyone unindicted for fear, favor, affection, hope of reward or gain, but should deal with all things truly as they come to your knowledge according to the best of your understanding. By so

doing, you will discharge the important duties assigned to you with honor to yourselves and merit the confidence of all good citizens of the state.

XVII

When you have completed your work, you should make and file with the court, through your foreperson, a written report covering the duties performed and such recommendations as you may deem just and reasonable in the furtherance of justice in this judicial district.

XVIII

Please be aware that in 1984, the Alaska Legislature passed a law prohibiting smoking in "a courtroom or jury deliberation room." [AS 18.35.300(6)]. You may smoke in the public hallway outside the grand jury room. The foreperson may recess at frequent intervals, at least once each hour, to allow the members the use of lavatory facilities to relieve fatigue and allow the members to smoke in the hallways of the building.

DATED at Alaska this ___ day of _____, 19 .

SUPERIOR COURT JUDGE

IN THE TRIAL COURT FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT

Case Number: _____ Ptff Atty: _____

Date Filed: _____ Def Atty: _____

Title: _____

v.

Service: _____

Apperarance: _____

Last Action: _____

Needed to Close: _____

ORDER AND NOTICE

IT IS HEREBY ORDERED that the above-entitled cause will be dismissed without prejudice, pursuant to Civil Rule 41(e), for failure to prosectue on the ___ day of _____, 19___, without further notice unless appropriate action is taken to ready such cause for trial or to dispose of the same before that date.

Copy of this ORDER is to be mailed to each attorney above named and such mailing shall be considered adequate notice thereof.

DATED at _____ Alaska this ___ day of _____ 1988.

SUPERIOR COURT JUDGE

- Attachment G -

14

IN THE TRIAL COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT AT _____

Plaintiff,)
vs.)
Defendant.)
_____)

Case No.

NOTICE AND ORDER

IT IS HEREBY ORDERED that the above entitled cause will be dismissed without prejudice, pursuant to Civil Rule 41(e), for failure to prosecute on the ___ day of _____, 19__, without further notice unless appropriate action is taken to ready such cause for trial or to dispose of the same before that date.

Copy of this ORDER is to be mailed to each attorney and/or party above named and such mailing shall be considered adequate notice thereof.

Done at _____, Alaska, this ___ day of _____,

19__

SUPERIOR COURT JUDGE

IN THE TRIAL COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT

Plaintiff,)
vs.)
Defendant.)

Case No.

ORDER OF DISMISSAL WITHOUT PREJUDICE

PURSUANT TO CIVIL RULE 41(e)

ORDER AND NOTICE that the above-entitled cause would be dismissed without prejudice, pursuant to Civil Rule 41(e), for failure to prosecute unless appropriate action was taken to ready such cause for trial or to dispose of the same before that date, was mailed _____, 19__, and no response having been received by the Court,

IT IS ORDERED that the above-entitled cause is dismissed without prejudice, pursuant to Civil Rule 41(e) for failure to prosecute.

Dated at _____, Alaska, this ___ day of _____, 19__.

SUPERIOR COURT JUDGE

IN THE TRIAL COURT FOR THE STATE OF ALASKA
SECOND JUDICIAL DISTRICT

In The Matter Of:)
)
Reassignment of Superior Court)
Judge upon Magistrate)
Peremption, Recusal or No)
Consent,)
)
in the Second Judicial District.)
_____)

Case No.

ORDER

IT IS HEREBY ORDERED that when a magistrate is perempted, recused or the defendant does not give consent for the magistrate to preside in the case, the Superior Court Judge of the respective court is automatically assigned to the case.

Dated at Nome, Alaska, this ___ day of _____, 19__.

CHARLES R. TUNLEY
SUPERIOR COURT JUDGE

- Attachment H -

15