

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

SECOND JUDICIAL DISTRICT AT BARROW

In the Matter of:)
)
FAX FILING PROCEDURES AT)
THE BARROW TRIAL COURTS.)
)
_____)

**STANDING ORDER REGARDING FAX PLEADINGS
[BARROW TRIAL COURTS]**

Alaska Civil Rule 5.1(a) allows parties to “file documents by fax as permitted by administrative order of the presiding judge or with prior written consent of the judge assigned to the case.” Administrative Order 98-03 for the Second Judicial District states that the District policy is to approve the policies implemented at each of the Superior Court locations in the Second District. This Order regulates filing of documents by fax at the Barrow Trial Courts.

1. Only documents that can be served under Civil Rule 5(b) can be filed by fax. This Order does not authorize fax filing of documents that must be served pursuant to Civil Rule 4.

2. Faxed documents shall be treated as originals and filed by the court, unless the judge assigned to a case directs that original pleadings are required. The original pleading shall be retained by the filing party and shall be produced for inspection upon request of another party to the action or as ordered by the court.

3. An unsigned affidavit may be filed by fax, provided that it is accompanied by certification pursuant to Civil Rule 11 that the affiant has verified it. The signed, clearly-identified **original** signature page(s) must then be filed with the Court for placement in the case file. (The unsigned signature page(s) and counsel’s certification are then removed from the case file).

4. Only legible documents should be faxed; the originating fax machine shall be set to the highest resolution allowable for transmission of documents. A document (such as a stipulation) that has been faxed multiple times for signatures of attorneys and/or parties may be filed by fax even if the final transmission is not of good quality. Upon notification of the Clerk of Court that the document is not legible, the original document must be sent to the Court, and the faxed copy will be removed from the case file.

5. Each transmission shall be preceded by a cover sheet indicating the case number, the originating person’s identity, address and phone; a description of the document(s)--including exhibits--being faxed; and the total number of pages. Rubber stamps and “Post It” notes are not acceptable substitutes for cover sheets. Cover sheets will not be file stamped and will not be retained by the Court.

6. The total number of faxed pages per case (including certificate(s) of service, exhibits, appendices, attachments, etc.) shall not exceed **25 pages per day from any party**. Cover sheets and separators are exempt from the page limitation, but captions will count. If a party has more

than one attorney, counsel will need to coordinate with each other to comply with this page limitation. Only the first 25 pages will be accepted.

7. Faxed pleadings shall be file stamped by the clerk's office only after the last page of the complete pleading is received. If the last page is received after 4:30 p.m. on a particular work day, then the pleading will not be file stamped until the following business day. Faxed pleadings are not given priority for handling by the clerk's office. Faxed pleadings are file stamped in the regular course of business by the clerical staff. Pleadings faxed to the court on evenings, weekends, or holidays, shall be file stamped on the first business day following receipt of the document.

8. Persons filing documents by fax are responsible for having a correct date and time header on the faxed documents. However, the time received according to the staff of the clerk's office governs the application of this Order. The decision of the Clerk of Court on this matter is final.

9. All parties must be served by fax, hand delivery, or mail on the same day the Court copy is filed. Proof of service of faxed copies shall comply with Civil Rule 5.1(b)(6).

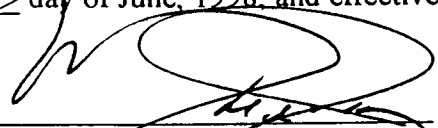
10. Those persons filing documents by fax assume certain risks. The clerk's office will not be responsible for ensuring that the faxes are received correctly, i.e. that all pages are received, that all pages are legible, that the court's fax is operational, that the line to the court's fax is not busy, that solar flares have not interrupted a transmission, that the court's fax has not run out of paper during a transmission, etc. Persons filing by fax should carefully check their machines for confirmation that errors did not occur in the transmission, but such reports are no guarantee that the fax was correctly received in a timely manner.

11. Should any party desire to fax document(s) which do not conform to this order (for example, more than 25 pages), prior approval must be obtained from the assigned judge on a showing of good cause.

12. Failure to comply with this Order will result in rejection of pleadings that have been filed by fax.

13. This Order supersedes any earlier policies or orders pertaining to faxed pleadings at the Barrow Trial Courts. A copy of this order shall be kept at the Barrow Court Library, the Clerk's Office of all Superior Court locations in the Second Judicial District, and the office of the Area Court Administrator for the Second Judicial District, Fairbanks, Alaska. A copy may also be obtained from the Court Rules Attorney, Anchorage, Alaska.

ENTERED AT Barrow, Alaska, this 17 day of June, 1998, and effective immediately.

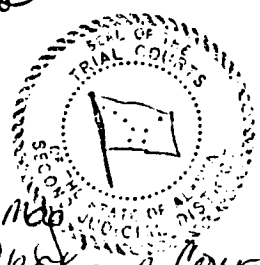

Michael I. Jeffery
Superior Court Judge

I certify that copies distributed to:
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Tom Mize, Area Court Administrator
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Second District Judges/Magistrates
Second District Clerks of Court
Court Rules Attorney, Anchorage
on 7/16/98, Clerk K.H.

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Court Rules Atty-Anch
PD