No. 1

ORDER ADOPTING SUPREME COURT RULES

It is hereby ordered:

That the foregoing rules, numbered from 1 to 55, inclusive, be and the same hereby are adopted as the rules of the Supreme Court of the State of Alaska, effective October 5, 1959.

DATED at Juneau, Alaska, this 25th day of September, 1959.

/s/ Buell A. Nesbett
Chief Justice

/s/ Walter H. Hodge
Associate Justice

/s/ John H. Dimond
Associate Justice

ORDER #1

Rules of The Supreme Court of Alaska

STATE OF ALASKA

SCO

SCO #1

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RULES OF THE SUPREME COURT OF ALASKA

PART I. THE COURT

Rule 1. Title of the Court.

The court adopts "The Supreme Court of the State of Alaska" as the title of the court.

Rule 2. Terms and Sessions of Court - Headquarters and Offices.

(a) Terms and Sessions of Court. Terms of this court shall be held annually in the cities of Juneau, Anchorage and Fairbanks, and at such other places as may be required, as ordered by the court.

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

Rule 3. Clerk.

(a) The clerk's office shall be kept at the State Capitol Building at Juneau.

(b) The clerk shall not practice, either as attorney or counsellor, in this court or any other court while he shall

continue to be clerk of this court.

(c) The clerk shall, before entering on the execution of his office, take and subscribe to the oath set forth in section 5, article XII, of the state constitution and such further oaths or affirmations as may be prescribed by the legislature, and shall give bond in the sum to be fixed, and with sureties to be approved by the court, faithfully to discharge the duties of his office. The bond shall be deposited for safekeeping as the court may direct.

(d) The clerk shall not permit any original record or paper to be taken from the supreme court, without an order from that court, except as otherwise provided in these rules.

PART II. ATTORNEYS AND COUNSELLORS

Rule 4. Attorneys and Counsellors.

All attorneys duly admitted to practice law in the State of Alaska shall be qualified to practice in this court.

Rule 5. Clerks to Justices Not to Practice.

No one serving as a law clerk or secretary to a member of this court shall practice as an attorney or counsellor in any court while continuing in that position; nor shall he after separating from that position practice as an attorney or counsellor in this court, or permit his name to appear on a brief filed in this court, until one (1) year shall have elapsed after such separation. He shall never participate, by way

of any form of professional consultation and assistance, in any case that was pending in this court during the period that he held such position.

PART III. APPEAL - WHEN ALLOWED

Rule 6. Judgments From Which Appeal May Be Taken.

An appeal may be taken to this court from a final judgment entered by the superior court or a judge thereof in any action or proceeding, civil or criminal, except that the state shall have a right to appeal in criminal cases only to test the sufficiency of the indictment or information.

PART IV. PRACTICE ON APPEAL - CIVIL CASES

Rule 7. Appeal: Time - Notice - Bonds.

(a) When Taken. The time within which an appeal may be taken to the supreme court shall be thirty (30) days from the entry of the judgment appealed from unless a shorter time is provided by law, except that in any action in which the state or an officer or agency thereof is a party, the time as to all parties shall be sixty (60) days from such entry, and except that upon a showing of excusable neglect based on a failure of a party to learn of the entry of the judgment the court from which the appeal is taken may, in any action, extend the time for appeal not exceeding thirty (30) days from the expiration of the original time herein prescribed.

The running of the time for appeal is terminated by a timely motion made pursuant to any of the rules of civil procedure for the superior court in suits of a civil nature, and the full time for appeal fixed in this subdivision commences to run and is to be computed from the entry of any of the following orders made upon a timely motion under such rules: granting or denying a motion for judgment under Rule 50 (b); or granting or denying a motion under Rule 52 (b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted; or granting or denying a motion under Rule 59 to alter or amend the judgment; or denying a motion for a new trial under Rule 59.

(b) Notice of Appeal. A party may appeal from a judgment by filing with the court from which the appeal is being taken a notice of appeal in duplicate with sufficient additional copies for all parties. The notice of appeal shall specify the parties taking the appeal; shall designate the judgment or part thereof appealed from; and shall name the court to which the appeal is taken. Notification of the filing of the notice of appeal shall be given by the clerk of the superior court by mailing copies thereof to all the parties to the judgment other than the party or parties taking the appeal, but his failure so to do does not affect the validity of the appeal. The notification to a party shall be given by mailing a copy of the notice of appeal to his attorney of record or, if the party is not represented by an attorney, then to the party at his last known address. The duplicate notice of appeal shall be forwarded immediately by the clerk of the court whose judgment is being appealed to the clerk of this court.

Failure of the appellant to take any of the further steps to secure the review of the judgment appealed from does not affect the validity of the appeal, but is ground only for such remedies as are specified in these rules, or, when no remedy is specified, for such action as the supreme court deems appropriate, which may include dismissal of the appeal.

(c) Bond on Appeal. Unless a party is exempted by law, a bond for costs on appeal shall be filed with the notice of appeal. The bond shall be in the sum of two hundred and fifty dollars ($250.00), unless the superior court fixes a different amount or unless a supersedeas bond is filed, in which event no separate bond on appeal is required. The bond on appeal shall have sufficient surety and shall be conditioned to secure the payment of costs if the appeal is dismissed or the judgment affirmed, or such costs as the supreme court may award if the judgment is modified. If a bond on appeal in the sum of two hundred and fifty dollars ($250.00) is given, no approval thereof is necessary. After a bond on appeal is filed an appellee may by motion raise objections to the form or amount of the bond or to the sufficiency of the surety which shall be determined by the superior court.

(d) Supersedeas Bond. Whenever an appellant entitled thereto desires a stay on appeal, he may present to the superior court for its approval a supersedeas bond which shall have such surety or sureties as the court requires. The bond shall be conditioned for the satisfaction of the judgment in full together with costs and interest, if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs and inter-

est as the supreme court may adjudge and award. When the judgment is for the recovery of money not otherwise secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied, costs on the appeal, and interest, unless the court after notice and hearing and for good cause shown, fixes a different amount or orders security other than the bond. When the judgment determines the disposition of the property in controversy as in real actions, replevin, and actions to foreclose mortgages or when such property is in the custody of the marshal or state police or when the proceeds of such property or a bond for its value is in the custody or control of the court, the amount of the supersedeas bond shall be fixed at such sum only as will secure the amount recovered for the use and detention of the property, the costs of the action, costs on appeal, and interest, unless the court after notice and hearing and for good cause shown, fixes a different amount or orders security other than the bond.

(e) Failure to File or Insufficiency of Bond. If a bond on appeal or a supersedeas bond is not filed with the notice of appeal, or if the bond filed is found insufficient, and if the record on appeal has not been forwarded to the supreme court, a bond may be filed at such time before the record is so forwarded as may be fixed by the superior court. After the record has been forwarded, application for leave to file a bond may be made only in the supreme court.

(f) Judgment Against Surety. By entering into an appeal or supersedeas bond given pursuant to subdivisions (c) and (d) of this rule, the surety submits himself to the jurisdiction of the superior court and irrevocably appoints the clerk of that court as his agent upon whom any papers affecting his liability on the bond may be served. His liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forthwith mail copies to the surety if his address is known.

Rule 8. Joint or Several Appeals to the Supreme Court.

Parties interested jointly, severally, or otherwise in a judgment may join in an appeal therefrom; or, without summons and severance, any one or more of them may appeal separately or any two or more of them may join in an appeal.

Rule 9. Record on Appeal.

(a) Designation of Contents of Record on Appeal. Immediately after an appeal to the supreme court is taken, the appellant shall serve upon the appellee and file with the superior court, a designation of the portions of the record, proceedings, and evidence to be contained in the record on appeal, unless the appellee has already served and filed a designation. Within ten (10) days after the service and filing of such a designation, any other party to the appeal may serve and file a designation of additional portions of the record, proceedings, and evidence to be included. If the appellee files the original designation, the parties shall proceed under subdivision (b) of this rule as if the appellee were the appellant.

(b) Transcript. If there be designated for inclusion

any evidence or proceedings at a trial or hearing which was stenographically reported or electronically recorded, the appellant shall file with his designation the original or an unblurred and legible copy of the reporter's transcript of the evidence or proceedings included in the designation, which transcript shall be certified by the official court reporter or other officer of the court. If the designation includes only part of the reporter's transcript, the appellant shall file a copy of such additional parts thereof as the appellee may need to enable him to designate and file the parts he desires to have added, and if the appellant fails to do so the court on motion may require him to furnish the additional parts needed. In the event that a copy of the reporter's transcript or of the necessary portions thereof is already on file, the appellant shall not be required to file or serve any additional copies.

All such transcripts shall be in typewritten form upon paper 8½" by 11", bound on the left-hand margin, and shall be indexed.

(c) Stipulation as to Record. Instead of serving designations as above provided, the parties by written stipulation filed with the clerk of the superior court may designate the parts of the record, proceedings, and evidence to be included in the record on appeal.

(d) Record to be Abbreviated. All matters essential to the decision of the questions presented by the appeal must be included in the record on appeal, and all matters not essential to the decision of such questions shall be omitted; and the court will consider nothing but those parts of the record so designated. For any infraction of this rule, the supreme court

may withhold or impose costs as the circumstances of the case and discouragement of like conduct in the future may require, and such costs may be imposed upon offending attorneys or parties; and in addition, if at the hearing it shall appear that any material part of the record, proceedings and evidence has not been included in the record on appeal, the appeal may be dismissed, or such other order made as the circumstances may appear to the court to require.

(e) Statement of Points. In every case the appellant shall serve and file with his designation, or shall serve and file at the time that the stipulation as to record is filed, a concise statement of the points on which he intends to rely on the appeal. The court will consider nothing but the points so stated.

(f) Record to be Prepared by Clerk - Necessary Parts.

(1) The clerk of the superior court shall prepare the record on appeal which shall consist of original papers, exhibits and transcript as designated by the parties, and which shall always include, whether or not designated, the following: the material pleadings, without unnecessary duplication; the verdict or the findings of fact and conclusions of law together with the direction for the entry of judgment thereon; in an action tried without a jury, the referee's or master's report, if any; the opinion; the judgment or part thereof appealed from; the notice of appeal with date of filing; the designations or stipulations of the parties as to matter to be included in the record; and the statement by the appellant of the points on which he intends to rely.

(2) The record on appeal shall be assembled by the clerk in one or more separate parts or volumes, as the clerk may deem convenient, and with each paper and exhibit numbered at the bottom consecutively, in order that convenient and easy reference, by page and volume numbers, may be had to any particular paper or exhibit in the record.

(3) The clerk shall also prepare, sign and attach to the record on appeal a document containing the following: A table of contents which shall list each document contained in the record on appeal with corresponding volume and page numbers where each such document may be found; the date upon which the preparation of the record was completed; and the dates upon and manner in which notice of such completion of the record was given by the clerk and the names of the parties or their attorneys to whom such notice was given.

(4) Promptly upon the completion of the preparation of the record on appeal, the clerk shall give notice thereof in writing to all parties to the judgment, but his failure so to do does not relieve any party from serving and filing his brief within the times prescribed in Rule 11.

(g) Time for Completion of Record - Filing. The preparation of the record on appeal shall be completed within forty (40) days from the date of filing the notice of appeal, and shall be filed with the supreme court within one hundred twenty (120) days from the date of filing the notice of appeal; except that, when more than one appeal is taken from the same judgment to the supreme court, the superior court may prescribe the time when the preparation of the record shall be completed, which in

no event shall be less than forty (40) days from the date of filing the first notice of appeal, and may likewise prescribe the time for filing the record with the supreme court, which in no event shall be less than one hundred twenty (120) days from the date of filing the first notice of appeal. In all cases the superior court, in its discretion and upon motion and notice, may extend the time for completion of the preparation of the record and for filing the record, if its order for extension is made before the expiration of the period for the completion of the preparation of the record or for the filing of the record as originally prescribed or as extended by previous order; but the superior court shall not extend the time for completion of the preparation of the record to a day more than ninety (90) days from the date of filing the first notice of appeal, and shall not extend the time for filing the record to a day more than one hundred seventy (170) days from the date of filing the first notice of appeal.

(h) Power of Court to Correct or Modify Record. It is not necessary for the record on appeal to be approved by the superior court or a judge thereof except as provided in subdivision (k) of this rule and in Rule 10, but if any difference arises as to whether the record truly discloses what occurred in the superior court, the difference shall be submitted to and settled by that court and the record made to conform to it. If anything material to either party is omitted from the record on appeal by error or accident or is misstated therein, the parties by stipulation, or the superior court either before or after the record is transmitted to the supreme court, or the supreme court, on a proper suggestion or of its own initiative, may direct that the omission or misstatement shall be correct-

ed, and if necessary that a supplemental record shall be certified and transmitted by the clerk of the superior court. All other questions as to the content and form of the record shall be presented to the supreme court.

(i) Record for Preliminary Hearing in Supreme Court. If, prior to the time the complete record on appeal has been prepared as herein provided, a party desires to make in the supreme court a motion for dismissal, for a stay pending appeal, for additional security on the bond on appeal or on the supersedeas bond, or for any intermediate order, the clerk of the superior court, at the party's request, shall prepare and transmit to the supreme court such portion of the record or proceedings below as is needed for that purpose.

(j) Several Appeals. When more than one appeal is taken to the supreme court from the same judgment, a single record on appeal shall be prepared containing all the matter designated or agreed upon by the parties, without duplication.

(k) Appeals When No Stenographic Report or Electronic Recording Was Made. In the event no stenographic report or electronic recording of the evidence or proceedings at a hearing or trial was made, the appellant may prepare a statement of the evidence or proceedings from the best available means, including his recollection, for use instead of a stenographic or electronically recorded transcript. This statement shall be served on the appellee who may serve objections or proposed amendments thereto within ten (10) days after service upon him. Thereupon the statement, with the objections or proposed amendments, shall be submitted to the court from which the appeal is being taken for settlement and approval, and as settled and approved shall be included by the clerk of that court in the record on appeal.

(l) Reference to Record. The statement of points to be filed by appellant, and all other statements and stipulations filed under this rule, shall distinctly and accurately specify the particular portion of the record to which reference is made.

(m) Filing Fee. The clerk of this court shall file the record on appeal upon payment to him by the appellant of a filing fee of twenty five dollars ($25.00).

Rule 10. Record on Agreed Statement.

When the questions presented by an appeal to the supreme court can be determined without an examination of all the pleadings, evidence and proceedings in the superior court, the parties may prepare and sign a statement of the case showing how the questions arose and were decided in the superior court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the questions by the supreme court. The statement shall include a copy of the judgment appealed from, a copy of the notice of appeal with its filing date, and concise statement of the points to be relied on by the appellant. If the statement conforms to the truth, it, together with such additions as the superior court may consider necessary to fully present the questions raised by the appeal, shall be approved by the superior court and shall then be certified to the supreme court as the record on appeal.

Rule 11. Briefs.

(a) Appellant's Brief. Within thirty (30) days after the preparation of the record on appeal has been completed, counsel for the appellant shall file with the clerk of this court the original of a typewritten brief. This brief shall contain, in the order here stated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of the cases, alphabetically arranged, with citation to the official reports and national reporter system, textbooks, statutes, treaties, regulations, and rules cited, with references to the pages where they are cited.

(2) A statement of the pleadings and facts disclosing the basis upon which it is contended that the superior court had jurisdiction and that this court has jurisdiction to review the judgment in question. The statement shall refer distinctly to the statutory provisions believed to sustain the jurisdictions, and shall give the volume and page where the statute may be found in the official edition.

(3) To any statute, the validity of which is involved by giving the volume and page where the statute may be found in the official edition and by setting it out verbatim or appropriately summarizing its pertinent provisions.

(4) A concise abstract or statement of the case, presenting succinctly the questions involved and the manner in which they are raised.

(5) A specification of errors relied upon which

shall be numbered and shall set out separately and particularly each error intended to be urged. When the error alleged is to the admission or rejection of evidence, the specification shall quote the grounds urged at the trial for the objection and the full substance of the evidence admitted or rejected, and refer to the page number in the transcript as contained in the record on appeal where the same may be found. When the error alleged is to the charge of the court, the specification shall set out the part referred to verbatim, whether it be in instructions given or in instructions refused, together with the grounds of the objections urged at the trial. When findings are specified as error, the specification shall state as particularly as may be wherein the findings of fact and conclusions of law are alleged to be erroneous. When the error alleged is to a ruling upon the report of a referee or a master the specification shall state the objections to the report and the action of the court upon such objections.

(6) A concise argument of the case (preferably preceded by a summary), containing a clear statement of the points of law or facts to be discussed, with a reference to the pages of record and the authorities relied upon in support of each point. When a statute, treaty, regulation or rule is cited, so much thereof as may be deemed necessary to the decision of the case shall be printed verbatim. If the matter so to be quoted, or matter quoted from opinions, is long it may be set out in an appendix. Except after leave granted, the clerk will not accept a brief of either party which, exclusive of the appendix is more than forty (40) pages, or a reply brief of more than fifteen (15) pages.

(7) Where exhibits are a part of the record, counsel for appellant in an appendix to his opening brief shall set forth in table form, in adjoining columns, page references to the record where the exhibits were identified, offered, and received or rejected as evidence.

(b) Appellee's Brief. Counsel for an appellee shall file with the clerk of this court the original of a typewritten brief within thirty (30) days after receipt of the appellant's brief. The appellee's brief shall be of like character with that required of the appellant, except that no specification of error shall be required, and no statement of the case unless that presented by the appellant is controverted.

(c) Appellant's Reply Brief. Counsel for the appellant may file with the clerk of this court the original of a typewritten reply brief, within twenty (20) days after the receipt of the appellee's brief.

(d) Failure to File Briefs. When the brief for appellant is not filed as required, the clerk of this court shall give notice to counsel for both parties that the matter will be called to the attention of this court on a day certain, for such action as the court deems proper, which may include dismissal of the appeal. In the absence of such notification by the clerk, the appeal may be dismissed on motion made to this court by the appellee. When the brief for appellee is not filed as required, then appellee will not be heard on the argument on appeal before this court except on consent of his adversary, or by request of the court.

(e) Brief of Amicus Curiae.

(1) A brief of an amicus curiae may be filed only after order of this court or when accompanied by written consent of all parties to the case.

(2) When consent to the filing of a brief of an amicus curiae is refused by a party to the case, a timely motion, independent of the brief, for leave to file may be presented to this court. It shall concisely state the nature of the applicant's interest, set forth facts or questions of law that have not been or reasons for believing that they will not be, adequately presented by the parties, and their relevancy to the disposition of the case. A party served with such motion may seasonably file in this court an objection concisely stating the reasons for withholding consent.

(3) Consent to the filing of a brief of an amicus curiae need not be had when the brief is presented for the state sponsored by the attorney general; for any agency of the state authorized by law to appear in its own behalf, sponsored by its appropriate legal representative; for the United States sponsored by its attorney general; for a territory sponsored by its attorney general; or for a political subdivision of a state sponsored by the authorized law officer thereof.

(f) Defective Briefs. When a brief fails to comply with the requirements of these rules, this court on application of any party or on its own motion, and with or without notice as it may determine, may: (1) order the brief to be returned to counsel for correction by interlineation, cancellation, revisions or replacement in whole or in part, and to be redeposited with the clerk within a time specified in the or-

der; (2) order the brief stricken from the files, with leave to file a new brief within a specified time; or (3) disregard defects and consider the brief as if it were properly prepared.

(g) Duplication of Briefs - Service. When a brief has been filed with the clerk of this court it shall be reproduced under his supervision by multilith or other approved copying methods. Each party shall pay the estimated expense of reproducing his brief or briefs. The clerk shall have the reproduction done at reasonable rates, and he shall promptly cause an estimate to be made of the expense of reproduction and shall notify the parties of the amount of such estimated expense, which amount must be paid within ten (10) days after such notification or within any additional time fixed by the court. If the expense of such reproduction shall be less than the amount estimated and paid, the clerk shall refund the difference to the party paying the same. If the expense is greater than the estimate, the excess shall be paid to the clerk before he shall file the brief of such party.

Each brief shall be reproduced in such number of copies as the clerk may determine or as ordered by the court. At least two reproduced copies of each brief shall be served upon each counsel of record by the clerk of this court.

Rule 12. Form of Briefs and Motions.

All briefs and motions prepared for the use of this court must be in such form and size that they can be conveniently bound together, having pages 8½ by 13 inches. They and all quotations contained therein must be reproduced in clear type;

the paper must be white, opague and unglazed. Only one side of the paper shall be used, and the margins shall be as follows: (1) not less than one and three-eighths inches on the left hand side and top of the page; (2) not less than one and one-eighth inches on the bottom of the page; and (3) not less than five-sixteenths inches on the right hand side of the page. The lines on each page shall be double spaced, and shall be numbered consecutively in black type. The clerk of this court may refuse to receive any brief or motion which has been prepared otherwise than in substantial conformity to this rule.

Rule 13. Assigning of Causes for Hearing.

(a) Calendars. The calendars of the court shall be made up by the clerk under the direction of the court.

(b) Notice of Hearing. When an appeal is ready for hearing, the clerk shall give notice to the parties of the time and place of such hearing.

(c) Cases Entitled to Preference. Any case entitled by law to preference shall be assigned upon the first calendar made up after the record and briefs have been filed.

Rule 14. Motions.

(a) What to Contain - Service. All motions to the court shall be typewritten, shall contain a brief statement of the facts and objects of the motion, shall be supported by points and authorities, and where the facts are not otherwise proved in the cause, by affidavits, and shall be served upon opposing counsel at least ten (10) days before the day noticed

for the hearing. Except when otherwise ordered by the court, no motion shall be heard unless previous notice as herein specified has been given to the adverse party, or to the counsel or attorney of such party.

(b) Number of Copies. An original and three identical legible copies of each motion and supporting papers must be transmitted to this court.

Rule 15. Translations.

Whenever any record transmitted to this court shall contain any document, paper, testimony or other proceeding in a foreign language, and the record does not also contain a translation of such document, paper, testimony or other proceeding made under the authority of the court below, or admitted to be correct, the record shall not be filed; but the case shall be reported to this court by the clerk, and the court will thereupon remand it back to the superior court in order that a translation may be there supplied and inserted in the record.

Rule 16. Quorum.

(a) At least two (2) justices shall constitute a quorum.

(b) If, at any term or session, a quorum does not attend on any day appointed for holding it, any justice who does attend may adjourn the court from time to time, or in the absence of any justice, the clerk may adjourn the court from day to day. If during a term, after a quorum has assembled, less than that number attend on any day, any justice attending

may adjourn the court from day to day until there is a quorum, or may adjourn without designation of a day for the holding of any such term or session.

(c) Any justice attending when less than a quorum is present may make all necessary orders touching any suit, proceeding or process pending in or returned to the court preparatory to hearing, trial or decision thereof.

Rule 17. Assignment of Superior Court Judges.

The chief justice of this court, or an associate justice designated by him, may designate and assign one or more superior court judges to sit upon the supreme court whenever the business of that court so requires.

Rule 18. Oral Arguments.

(a) Opening and Conclusion. The appellant in this court shall be entitled to open and conclude the argument of the case. But when there are cross appeals they shall be argued together as one case, and the plaintiff in the superior court shall be entitled to open and conclude the argument.

(b) Limitation of Counsel. Unless otherwise ordered by the court, two counsel will be heard for each party on the argument of the case.

(c) Length of Arguments. In all cases, and unless otherwise ordered by the court prior to setting the case for argument, one-half hour of argument on motions, and forty-five (45) minutes on other matters, shall be allowed on each side. The time thus allowed may be apportioned between the counsel on

the same side at their discretion, provided always that a fair opening of the case shall be made by the party having the opening and closing argument.

(d) Submission of Case on Briefs Only. Any case entitled to be heard at any term or session of the court may be submitted by either or both of the parties on briefs. Consent to submit a case on briefs may be filed at any time prior to or at the time the case is reached for hearing.

PART V. PRACTICE ON APPEALS - CRIMINAL CASES

Rule 19. Appeal in Criminal Cases.

(a) Taking Appeal - Notice. An appeal to this court is taken by filing with the clerk of the court whose judgment is being appealed a notice of appeal in duplicate with sufficient additional copies for adverse parties. The notice of appeal shall set forth the title of the case, the name and address of the appellant, and of appellant's attorney, a general statement of the offense, a concise statement of the judgment, giving its date and any sentence imposed, the place of confinement if the defendant is in custody and a statement that the appellant appeals from the judgment. The notice of appeal shall be signed by the appellant or appellant's attorney, or by the clerk if the notice is prepared by the clerk as provided in subdivision (b) of this rule. The duplicate notice of appeal and a statement of the docket entries shall be forwarded immediately by the clerk of the court whose judgment is being appealed to the clerk of this court. Notification of the filing of the notice of appeal shall be given by the clerk by mailing copies thereof to adverse parties, but his failure to do so does not affect the validity of the appeal.

(b) Time for Taking Appeal. An appeal by a defendant may be taken within ten (10) days after entry of the judgment appealed from, but if a motion for a new trial or an arrest of judgment has been made within the ten (10) day period, an appeal from a judgment of conviction may be taken within ten (10) days after entry of the order denying the motion. When a court after trial imposes sentence upon a defendant not represented by counsel, the defendant shall be advised of his right to appeal and if he so requests, the clerk shall prepare and file forthwith a notice of appeal on behalf of the defendant. An appeal by the state when authorized by law may be taken within thirty (30) days after entry of the judgment or order appealed from.

Rule 20. Stay of Execution and Relief Pending Review.

(a) Stay of Execution.

(1) Imprisonment. A sentence of imprisonment shall be stayed if an appeal is taken and the defendant elects not to commence service of the sentence or is admitted to bail.

(2) Fine. A sentence to pay a fine or a fine and costs, if an appeal is taken, may be stayed by the superior court or by this court upon such terms as the court deems proper. The court may require the defendant pending appeal to deposit the whole or any part of the fine and costs in the registry of the superior court or to give bond for the payment thereof, or to submit to an examination of assets, and it may

make any appropriate order to restrain the defendant from dissipating his assets.

(3) Probation. An order placing the defendant on probation shall be stayed if an appeal is taken.

(b) Bail. In the event a motion for admission to bail pending appeal is made to the superior court and denied, a motion for bail may be made in this court agreeable to the provisions of Rule 14. If the record on appeal is not available, counsel for appellant shall file with the motion affidavits showing the existence of a substantial question to be determined in this court. Counsel for appellee may file counter affidavits with this court at any time prior to the date the motion is noticed for hearing.

(c) Application for Relief Pending Review. If application is made to this court or to a justice of this court for bail pending appeal or for an extension of time for filing the record on appeal or for any other relief which might have been granted by the superior court, the application shall be upon notice and shall show that application to the superior court or a judge thereof is not practicable or that application has been made and denied with the reasons given for the denial, or that the action on the application did not afford the relief to which the applicant considers himself to be entitled.

Rule 21. Supervision of Appeal in Criminal Cases.

(a) Supervision in Supreme Court. The supervision and control of the proceedings on appeal shall be in the supreme court from the time the notice of appeal is filed with its

clerk, except as otherwise provided in these rules. The court may at any time entertain a motion to dismiss the appeal, or for directions to the superior court, or to modify or vacate any order made by the superior court or by any judge in relation to the prosecution of the appeal, including any order fixing or denying bail.

(b) Record on Appeal. The record on appeal shall be filed with this court within one hundred twenty (120) days from the date the notice of appeal is filed in the superior court, but if more than one appeal is taken from the same judgment, the superior court may prescribe the time for filing which in no event shall be less than one hundred twenty (120) days from the date the first notice of appeal is filed. In all cases the superior court or this court, or if this court is not in session any justice thereof, may for cause shown extend the time for filing.

(c) Setting the Appeal for Argument. Unless good cause is shown for an earlier hearing, this court shall set the appeal for argument on a date not less than thirty (30) days after the filing herein of the record on appeal and as soon after the expiration of that period as the state of the calendar will permit. Preference shall be given to appeals in criminal cases over appeals in civil cases.

Rule 22. Applicability of Rules in Criminal Cases.

The rules governing the practice and procedure in civil cases including, but not limited to, the rules governing the preparation and form of record and the preparation, form and filing of briefs, shall apply to appeals in criminal cases, ex-

cept as otherwise provided in these rules, and except where any such rule is obviously inconsistent with or not reasonably adaptable to appeals in criminal cases.

PART VI. SUPPLEMENTARY REMEDIES IN AID OF APPELLATE JURISDICTION.

Rule 23. Review of Non-Appealable Orders or Decisions.

An aggrieved party may petition this court for review of any order or decision of the superior court, not otherwise appealable under Rule 6, in any action or proceeding, civil or criminal, as follows:

(a) From interlocutory orders granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions.

(b) From interlocutory orders appointing receivers or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property.

(c) From any order affecting a substantial right in an action or proceeding which either (1) in effect terminates the proceeding or action and prevents a final judgment therein; or (2) discontinues the action; or (3) grants a new trial.

(d) Where such an order or decision involves a controlling question of law as to which there is substantial ground for difference of opinion, and where an immediate and present review of such order or decision may materially advance the ultimate termination of the litigation.

(e) Where postponement of review until appeal may be taken from a final judgment will result in injustice because of impairment of a legal right, or because of unnecessary delay, expense, hardship or other related factors.

Relief heretofore available by writs of review, certiorari, mandamus, prohibition, and other writs necessary or appropriate to the complete exercise of this court's jurisdiction, may be obtained by petition for review, and the procedure for obtaining such relief shall be as prescribedin Part VI of these rules.

Rule 24. Considerations Governing Review.

A review shall not be a matter of right, but will be granted only: (1) where the order or decision sought to be reviewed is of such substance and importance as to justify deviation from the normal appellate procedure by way of appeal and to require the immediate attention of this court; (2) where the sound policy behind the general rule of requiring appeals to be taken only from final judgments is outweighed by the claim of the individual case that justice demands a present and immediate review of a particular non-appealable order or decision; or (3) where the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an inferior court or administrative tribunal, as to call for this court's power of supervision and review.

Rule 25. Scope and Construction.

The use of a petition for review shall be considered as affording a supplementary and not extraordinary remedy, and may be utilized in aid of this court's appellate jurisdiction. No such supplementary remedy need be sought by any party; an appeal from a final judgment shall bring up for review any order or decision made in the action or proceeding from which such review might otherwise have been sought.

Rule 26. How to Seek Review.

(a) Filing Record and Petition. Review shall be sought by filing with the clerk of this court such portion of the record and proceedings in the superior court as is needed for the purpose of reviewing such order or decision, together with the original and two legible copies of the petition. The record and proceedings to be filed shall be such as requested by the petitioner, and shall be prepared by the clerk of the superior court in substantial conformity with paragraphs (1), (2) and (3) of subdivision (f) of Rule 9, except that notice of the completion of the preparation of the record need not be given as therein required. If in the judgment of the superior court the filing of original papers will unduly interfere with the conduct of further proceedings in the case, it will suffice if legible copies of such papers, certified to be true copies by the clerk of the superior court, are filed with this court. The cost of preparing such copies shall be paid by the party who requests the same.

(b) Filing Fee - Notice. Upon the filing of the petition and the record required by the preceding paragraph, counsel for the petitioner shall enter his appearance and pay a filing fee of $25.00. It shall be the duty of counsel for the petitioner to notify all respondents, on a form supplied by the clerk, of the date of filing and of the docket number of the case, and to indicate thereon the contents of the record filed, either itemized in detail as in a designation of record on appeal, or else appropriately summarized.

(c) Cross-Review. A party seeking a cross-review in this court of the same order or decision need not file any record additional to that filed by the petitioner.

(d) Additional Record. Any respondent, including the cross-petitioner, within the time allowed for filing his memorandum in opposition or his cross-petition, may file portions of the record and proceedings additional to those filed by the petitioner.

(e) Applicability of Rules of Practice on Appeals. The provisions of Rule 9 (c), (d) and (k) and of Rule 10, when applicable, shall apply to petitions for review. A reporter's transcript of evidence or proceedings filed with the clerk of this court shall be prepared in conformity with Rule 9 (b).

Rule 27. Time for Seeking Review.

A petition for review shall be deemed in time when it and the record of proceedings required by Rule 26 are filed with the clerk of this court within ten (10) days after the making of such order or decision. A justice of this court, for good cause shown, may extend the time for filing in such cases for an additional period of ten (10) days.

Rule 28. The Petition.

(a) Contents. The petition shall conform in all respects to Rule 11 (a) with reference to an appellant's brief, and shall also contain the following: A copy of the order with respect to which review is sought, showing the date that it was made or entered; copies of all opinions in connection therewith; and a direct and concise argument amplifying the reasons for granting the petition as suggested by Rules 23 and 24.

(b) Accuracy, Brevity and Clarity Required. The failure of a petitioner to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration will be a sufficient reason for denying his petition.

(c) Multiple Cases. Where orders or decisions arising from different cases or proceedings pending in the same court are sought to be reviewed, and they involve identical or closely related questions, it shall suffice to file a single petition covering all the cases or proceedings.

Rule 29. Memorandum in Opposition - Reply.

(a) Memorandum in Opposition. Counsel for the respondent shall have ten (10) days after receipt of a petition within which to file an original and two legible copies of a memorandum disclosing any matter or ground why the relief sought by the petition should not be granted.

(b) Reply Memoranda. Timely reply or supplemental

memoranda will be considered, but a determination of the matter will not be delayed pending the filing of such memoranda.

(c) Motion to Dismiss Not Permitted. Motions to dismiss a petition or cross-petition will not be received. Objections to the exercise of the discretionary power of the court to grant a petition or cross-petition must be included in memoranda in opposition.

Rule 30. Consideration by Court.

As soon as practicable after the time has expired for filing memoranda in opposition to a petition or cross-petition, the matter shall be considered by the court and, unless otherwise ordered, without oral argument.

Rule 31. Service of Petitions and Memoranda - Duplication.

(a) Service. Service of petitions, memoranda and notices shall be made in conformity with Rule 14 governing the service of motions, and when filed shall be accompanied by proof of service on all parties.

(b) Duplication. If directed by the court or a justice thereof, petitions and memoranda shall be duplicated at the expense of the parties as provided by Rule 11 (g).

Rule 32. Parties.

The party seeking review shall be known as the petitioner. All other parties to the proceedings shall be named as respondents.

Rule 33. Stay.

A petition for review shall not stay proceedings in the superior court unless the judge thereof, or this court or a justice thereof, shall so order.

PART VII. DISPOSITION OF CAUSES

Rule 34. Decisions.

Decisions of this court shall be deemed made when announced from the bench, or when the signed opinions or other documents evidencing such decision are filed with the clerk. All decisions of the court other than upon motions shall be reduced to writing.

Rule 35. Rehearing.

A petition for rehearing may be filed within ten (10) days after judgment, and a brief in support thereof must be filed within thirty (30) days after judgment. The brief must briefly and distinctly state the grounds for the petition, and the petition must be supported by certificate of counsel that in his judgment it is well founded and that it is not interposed for delay. Original copies of the petition and supporting brief shall be prepared in conformity with Rule 12, shall be filed with the clerk of this court, and shall be duplicated and served on the other parties to the action in accordance with the provisions of Rule 11 (g).

Rule 36. Mandate.

Except as otherwise provided in these rules, in all cases finally determined in this court a mandate or other process shall, upon the payment of any costs due in the case, be issued as of course from this court to the superior court for the purpose of informing the latter of the proceedings in this court, and so that further proceedings may be had in the superior court as may be required. Such mandate, if not stayed by order of a justice who participated in such decision, shall be issued as follows: (1) on the expiration of ten (10) days from the date of such final determination if a petition for rehearing is not filed; (2) on the expiration of thirty (30) days from the date of such final determination if a petition for rehearing is filed but a supporting brief is not filed; or (3) on the expiration of five (5) days from the date of the determination of a petition for rehearing if the petition and brief are filed.

Rule 37. Costs.

(a) Dismissal. In all cases where an appeal shall be dismissed or petition denied by this court, costs shall be allowed to the appellee or respondent, unless otherwise ordered by the court.

(b) Affirmance of Judgement. In all cases of affirmance of a judgment or any order or decision of the superior court, costs shall be allowed to the appellee or respondent unless otherwise ordered by the court.

(c) Reversal of Judgment or Order. In cases of reversal by this court of any judgment, order or decision of the su-

perior court, costs shall be allowed the appellant or petitioner, including the costs of preparation of the record on appeal and of the reproduction of briefs, unless otherwise ordered by the court.

(d) Attorney's Fees. Where costs are allowed in this court, attorney's fees may also be allowed in an amount to be determined by the court.

(e) Procedure Where Allowed. Where costs are allowed in this court, the clerk shall insert the amount thereof in the body of the mandate or other process sent to the court below, and annex to the same the bill of items taxed in detail.

Rule 38. Interest.

In all cases on appeal where the judgment of the superior court is affirmed, interest shall be calculated and levied from the date of the judgment below until the same is paid, at the same rate that judgments bear interest in the courts in this state.

Rule 39. Damages.

(a) When Appeal Brought For Delay. Where an appeal or petition for review shall delay the proceedings in the superior court or the enforcement of the judgment or order of the superior court, and shall appear to have been sued out merely for delay, damages may be awarded in addition to interest, costs and attorney's fees.

(b) Infraction of Rules. For any infraction of these rules, this court may withhold or assess costs or attorney's

fees as the circumstances of the case and discouragement of like conduct in the future may require; and such costs and attorney's fees may be imposed upon offending attorneys or parties.

Rule 40. Dismissal of Causes.

(a) Dismissal by Agreement - Superior Court. If the record on appeal has not been filed with the supreme court the parties, with the approval of the superior court, may dismiss the appeal by stipulation filed in that court, or that court may dismiss the appeal upon motion and notice by the appellant. Notice of dismissal shall be promptly given to the clerk of this court by the clerk of the superior court.

(b) Dismissal by Agreement - Supreme Court. Whenever the parties, by their attorneys of record, shall file with the clerk of this court an agreement in writing that an appeal or petition be dismissed, specifying the terms with respect to costs, and shall pay to the clerk of this court any fees that may be due him, the clerk shall enter an order of dismissal without further reference to this court.

(c) Dismissal by Appellant or Petitioner.

(1) Whenever an appellant or petitioner in this court, by his attorney of record, shall file with the clerk of this court a motion to dismiss a proceeding to which such appellant or petitioner is a party, with proof of service as prescribed by these rules, and shall tender to the clerk any fees and costs that may be due, the adverse party, within fifteen (15) days after service thereof, may file an objection. Within ten (10) days thereafter the party moving for dismissal may

file a reply, after which time the matter shall be presented to the court for its determination.

(2) If no objection is filed, the clerk shall enter an order of dismissal without further reference to this court.

(d) Dismissal in Other Cases. At any time this court may entertain a motion to dismiss an appeal or petition for failure to prosecute the same or for failure to comply with these rules.

(e) Mandate Not Required. No mandate or other process shall issue on a dismissal under this rule without an order of the court.

Rule 41. Record and Briefs After Final Determination.

After final determination of any matter in this court, the record shall be returned to the clerk of the superior court for permanent filing. All briefs, petitions and memoranda filed with the supreme court shall be retained by it as part of its permanent records.

PART VIII. SPECIAL PROCEEDINGS

Rule 42. Custody of Prisoners on Habeas Corpus.

(a) Where Writ Denied. Pending review of a decision refusing a writ of habeas corpus the custody of the prisoner shall not be disturbed, except by order of the court wherein the case is then pending, or of a judge thereof, upon a showing

that custodial considerations require his removal. In such cases, the order of the court or judge will make appropriate provision for change of custody so that the case will not become moot.

(b) Where Writ Discharged After Issuance. Pending review of a decision discharging a writ of habeas corpus after it has been issued, the prisoner may be remanded to the custody from which he was taken by the writ, or detained in other appropriate custody, or released upon recognizance with surety, as may appear fitting in the circumstances of the particular case to the court in which the case is pending or a judge thereof.

(c) Where Prisoner Discharged. Pending review of a decision discharging a prisoner on habeas corpus, he shall be released upon recognizance, with surety, for his appearance to answer and abide by the judgment in the appellate proceedings. If in the opinion of the court in which the case is pending, or of a judge thereof, surety ought not to be required, the personal recognizance of the prisoner shall suffice.

Rule 43. Proceedings In Forma Pauperis.

(a) Fees and Costs. The superior court may authorize an appeal or petition for review, without prepayment of fees and costs or the giving of security therefor, by a person who makes affidavit that he is unable to pay such fees or costs or give security. The affidavit shall state the nature of the appeal or petition and affiant's belief that he is entitled to redress.

An appeal may not be taken in forma pauperis if the su-

perior court certifies in writing that it is not taken in good faith.

(b) Costs of Transcript and Brief. In any civil or criminal case, upon the filing of a like affidavit, the superior court may direct that the expense of preparation of the record, of furnishing a transcript of the evidence or proceedings, and of the costs of duplicating briefs, be paid by the state, and the same shall be paid when authorized by the administrative director of courts.

(c) Counsel. In criminal matters the superior court may appoint an attorney to represent any such person unable to employ counsel.

(d) Dismissal. The superior court or this court may dismiss an appeal or deny a petition if the allegation of poverty is untrue, or if satisfied that the appeal or petition for review is frivolous or malicious.

(e) Costs. Costs, attorneys fees, damages and interest may be allowed as in other cases, but the state shall not be liable for any of the same. If the state has paid the costs of preparing a transcript or reproducing briefs for the prevailing party, such costs shall be taxed in favor of the state.

PART IX. GENERAL PROVISIONS.

Rule 44. Applications on Routine Matters.

Except as otherwise provided in these rules, applications to extend time for filing petitions, records and briefs, applications to shorten time for notice of motion, and applications relating to other matters of routine may be presented to the chief justice or an associate justice without notice to any other party; provided, however, that the chief justice or an associate justice may require notice to be given or an additional showing to be made. The application may be granted or denied by the chief justice or an associate justice unless the court otherwise determines.

Rule 45. Time - Computation and Extension.

(a) Computation of Time. In computing any period of time prescribed or allowed by these rules, by order of court or by any applicable statute, the day of the act, event or default after which the designated period of time begins to run, is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.

(b) Extensions of Time. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, this court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon mo-

tion made after the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

(c) Unaffected by Expiration of Term. The period of time provided for the doing of any act or the taking of any proceeding is not affected or limited by the continued existence or expiration of a term of court. The continued existence or expiration of a term of court in no way affects the power of the court to do any act or take any proceeding in any appeal or other matter which has been pending before it.

(d) Additional Time After Service by Mail. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, three (3) days shall be added to the prescribed period.

Rule 46. Service.

(a) In General. Whenever any motion, notice, brief, petition or other document is required by these rules to be served, such service may be made personally or by mail on each adverse party. If personal, it shall consist of delivery, at the office of counsel of record, to the counsel or a clerk therein. If by mail, it shall consist of depositing the same in the United States post office or mailbox, with first class postage prepaid, addressed to counsel of record at his mailing address.

(b) Service on State. If the State of Alaska or an

officer or agency thereof is a party, service of all motions, notices, briefs, petitions or other documents shall, notwithstanding the foregoing paragraph, be made upon the Attorney General of Alaska, at Juneau, Alaska. A copy shall also be served upon the attorney of record (if he is not the attorney general) who represented the State of Alaska or its officer or agency in the court whose judgment, order or decision is involved.

(c) Proof of Service - How Made. Whenever proof of service is required by these rules, it may be shown, either by endorsement on the document served, or by separate instrument, by any one of the methods set forth below; and it is not necessary that service on each party required to be served be effected in the same manner or evidenced by the same proof:

(1) by acknowledgement of service of the document in question, signed by counsel of record for the party served.

(2) by a certificate of service of the document in question, reciting the fact and circumstance of service in compliance with the appropriate paragraph of this rule, such certificate to be signed by an attorney authorized to practice in this court representing the party in behalf of whom such service has been effected. If counsel certifying to such service has not up to that time entered his appearance in this court in respect to the cause in which such service is made, his appearance shall accompany the certificate of service if the same is to be filed in this court.

(3) by an affidavit of service of a document in

question, reciting the fact and circumstance of service in compliance with the appropriate paragraph of this rule, whenever such service is effected by any person not authorized to practice in this court.

(d) Proof of Service - Filing. Whenever proof of service is required by these rules, it must accompany or be endorsed on the document in question at the time such document is presented to the clerk for filing. Any document filed with the clerk by or on behalf of counsel of record whose appearance has not previously been entered, must be accompanied by an entry of appearance.

Rule 47. Process - How Returnable.

A person serving the process of this court shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to process. If service is made by a person other than a marshal, his deputy, a state police officer, or other officer of the court so designated, he shall make affidavit thereof. Failure to make proof of service shall not affect the validity of the service.

Rule 48. Death of a Party.

(a) Substitution. The death of a party in a civil action or proceeding shall not affect any appeal taken or petition for review made, or the right to take an appeal or to seek review, except as limited by subdivision (b) of this rule. The proper representatives of the estate, or in the personalty or realty, of the deceased party, according to the nature of the

case, may voluntarily appear and be substituted as parties for the decedent, or substitution may be effected as in the case of death of a party pending an action in the superior court. Thereupon proceedings shall be had in this court as in other cases.

(b) Time. The times specified in these rules for taking an appeal or petitioning for review, or for taking any of the further steps to secure a review of the judgment appealed from or the order in respect to which review is sought, shall be extended for the time necessary to enable such representatives to be substituted for the deceased party; provided, that such time shall not extend for more than sixty (60) days after the date of death of such party. If substitution is not effected within such period, these rules relating to the time for taking an appeal or petitioning for review, or for taking such further steps to secure review, shall be as fully applicable as in other cases.

Rule 49. Substitution of Parties and Attorneys.

(a) Parties. Whenever a substitution of parties to a pending appeal is necessary other than by reason of death, it shall be made by proper proceedings instituted for the purpose in the superior court. On proper motion and the filing of a certified copy of the order of substitution made by the court below, a like order of substitution shall be made in this court.

(b) Attorneys. Withdrawal or substitution of attorneys may be effected by serving and filing a stipulation in this court, signed by the party, the retiring attorney and any sub-

stituted attorney. In the absence of stipulation, withdrawal or substitution may be effected only by an order made pursuant to a noticed motion in this court; provided, however, that unless otherwise ordered, service of notice of the motion need be made only on the party and the attorneys affected thereby. A notification of any such withdrawal or substitution shall be given by the clerk of this court to the clerk of the superior court, and substituted counsel shall forthwith give notice thereof to all parties.

Rule 50. Clerical Mistakes.

Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by this court at any time of its own initiative and after such notice, if any, as the court orders, or on motion of any party and after such notice, if any, as the court orders.

Rule 51. General Authority of Supreme Court.

(a) The supreme court, upon motion and notice of a party or upon its own motion, may at any time modify or vacate any order made by the superior court in relation to the prosecution of an appeal or a petition for review.

(b) The supreme court may affirm, modify, vacate, set aside or reverse any judgment, decree, decision or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree or order, or require such further proceedings to be had as may be just under the circumstances.

PART X. CONSTRUCTION - EFFECTIVE DATE - APPLICABILITY TO SPECIAL CASES

Rule 52. Construction.

These rules are designed to facilitate business and advance justice. They may be relaxed or dispensed with by this court where a strict adherence to them will work surprise or injustice.

Rule 53. Effective Date.

These rules shall take effect on October 5, 1959.

Rule 54. Special Application of Rules.

(a) Appeals From District Court. These rules shall be applicable to appeals from the District Court of the District of Alaska which may be allowed in accordance with the provisions of Section 32 (4) of Chapter 50 SLA 1959, as amended by Chapter 151 SLA 1959.

(b) Time for Filing Notice of Appeal. The time for filing a notice of appeal as provided in these rules is extended so that the time for filing such notice will begin to run from the effective date of these rules instead of the effective date of the judgment.

(c) Use of Appellate Records. Insofar as appellate records, briefs, documents and proceedings have already been prepared in conformity with the federal rules and appellate practice on the effective date of these rules, they will be accepted by this court even though not in conformity with the rules otherwise applicable.

(d) Cases of Hardship. Where hardship is created by virtue of the change in procedure requirements or practices from federal courts to the supreme court, the latter, on motion, may grant such procedural relief as the circumstances may require.

Rule 55. Title.

These rules may be known and cited as the "Rules of the Supreme Court of Alaska."

ORDER ADOPTING SUPREME COURT RULES

It is hereby ordered:

That the foregoing rules, numbered from 1 to 55, inclusive, be and the same hereby are adopted as the rules of the Supreme Court of the State of Alaska, effective October 5, 1959.

DATED at Juneau, Alaska, this 25th day of September, 1959.

/s/ Buell A. Nesbett
Chief Justice

/s/ Walter H. Hodge
Associate Justice

/s/ John H. Dimond
Associate Justice