

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1360

Amending Appellate Rule 210(c)  
concerning contents of the  
excerpts of record.

IT IS ORDERED:

Paragraph (c) of Appellate Rule 210 is amended to read as follows:

(c) **Excerpts of Record.**

\* \* \* \*

(2) *Contents.* (A) Appellant's Excerpt. The appellant's excerpt of record ~~shall contain a true and correct copy of~~ must contain the following parts of the record:

(i) all charging documents, or the petition or complaint, counterclaim, crossclaim and answer setting out the issues to be tried;

(ii) the judgment or interlocutory order from which the appeal is taken;

(iii) other orders or rulings sought to be reviewed;

(iv) supporting opinions, findings of fact, conclusions of law or other statements showing the reasoning of the trial court; ~~and~~

(v) if the appeal is from the grant or denial of a motion, relevant portions of

briefs, memoranda, and documents filed in support of and in opposition to the motion;

(vi) if the appellant is challenging the admission or exclusion of evidence, the giving or failure to give a jury instruction, or another oral ruling or order, a copy of the pages of the transcript at which the evidence, offer of proof, ruling or order and relevant discussion by the court, and any necessary objection are recorded; and

~~(v)~~ (vii) specific portions of other documents in the record, including documentary exhibits, that are both cited in referred to in appellant's brief and essential to the resolution of an issue on appeal.

(B) Appellee's Excerpt. The appellee's excerpt of record ~~shall~~ must contain a ~~copy~~ of those parts of the record required under (c)(2)(A) and relied on by appellee ~~which~~ that were not included in the appellant's excerpt.

(C) Portions of the Transcript. In an appeal to the supreme court, a party may also include in the excerpt selected pages of the transcript that are critical to the appeal.

(D) Items Not to Be Included in the Excerpts. Pages of the transcript ~~should not be included in the excerpts and, except where they have independent relevance,~~ briefs and

memoranda ~~of law~~ filed in the trial court ~~should not~~ may only be included in the excerpts if required under (c)(2)(A) or permitted under (c)(2)(C). The fact that parts of the record are not included in the excerpts ~~shall~~ does not prevent the parties or the appellate court from relying on ~~such~~ those parts.

(3) *Supplemental Excerpts.* Appellant may file and serve a supplemental excerpt of record with appellant's reply brief or within the time specified for filing a reply brief. No other supplemental excerpt may be filed except by leave of the appellate court granted on motion, or at the request of the appellate court. A supplemental excerpt may not include parts of the record ~~which~~ that appear in another excerpt filed in the appeal.

(4) *Form, Filing and Service.* Each party's excerpt of record must be arranged in chronological order, ~~shall~~ must be bound separately from the party's brief, and ~~shall~~ must contain a table of contents at the beginning of the first volume. The excerpt and the table of contents ~~shall~~ must be in the form specified in the Clerk's Instructions for Preparation of Excerpts published in these rules. One copy of the excerpt ~~shall~~ must be filed and served with the party's original brief. Six copies of the excerpt ~~shall~~ must be filed with the bound copies of the brief, and one copy ~~shall~~ must

be served on counsel for each party separately represented. The appellate court may specify the filing or service of a different number of copies than required by this rule.

(5) *Excerpts to be Abbreviated.* The parties shall include in the excerpts only those parts of the record ~~which~~ that are essential to a determination of the questions presented on appeal. For any infraction of this rule, the appellate court may impose sanctions and withhold or impose costs as the circumstances of the case and discouragement of like conduct in the future may require.

(6) *Costs.* Subject to ~~subparagraph 210(c)(5)~~, the prevailing party ~~shall be~~ is entitled to recover the cost of copying its excerpt of record under Appellate Rule 508(d).

DATED: July 23, 1999

EFFECTIVE DATE: September 1, 1999

/s/  
Chief Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Bryner

/s/  
Justice Carpeneti