

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1415

Amending the rules that affect civil judgments.

IT IS ORDERED:

1. The following Civil Rules are amended as shown in the attachment to this order:

Civil Rule 10	Form of Pleadings
Civil Rule 54	Judgments – Costs
Civil Rule 55	Default
Civil Rule 58	Entry of Judgment
Civil Rule 60	Relief from Judgment or Order
Civil Rule 78	Findings, Conclusions, Judgments, and Orders – Preparation and Submission

2. Civil Rule 76, which governs the form of documents filed in the trial court, is rescinded and readopted as shown in the attachment to this order.

3. New Civil Rule 58.2, which governs the form of judgments for the payment of money, is adopted as shown in the attachment to this order.

DATED: August 23, 2000

EFFECTIVE DATE: October 15, 2000

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti

Rule 10. Form of Pleadings.

(a) **Caption — Names of Parties.** Every pleading shall contain a caption setting forth the title of the court, the ~~number of the~~ judicial district in which the action is filed, the city in which the court is located, the title of the action (i.e., the names of the parties), the file case number, and a designation as in Rule 7(a). In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with appropriate indication of other parties. When identifying parties in the complaint, the plaintiff shall include as much of each party's full legal name as is known to the plaintiff.

(b) **Paragraphs — Separate Statements.** All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) **Adoption by Reference — Exhibits.** Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

(d) Title of Pleading – Citation of Statute. A party filing a complaint, counterclaim, or cross-claim seeking relief under any specific statute is required to cite the statute relied upon in parentheses following the title of the pleading or in the heading for the section asserting the statutory claim.

~~(d)~~ (e) **Conformity With Rule 76.** All pleadings shall be prepared and filed in conformity with the provisions of Rule 76 as well as this rule.

Rule 54. Judgments and Decrees — Costs.

(a) **Definition — Form — Preparation and Submission.** “Judgment” as used in these rules includes a decree ~~and any order from which an appeal lies~~. A judgment shall not contain a recital of pleadings, the report of a master, or the record of prior proceedings. Judgments for the payment of money must be in the form required by Civil Rule 58.2. The procedure for the preparation and submission of ~~forms of proposed~~ judgments and orders ~~shall be~~ is governed by Rule 78.

(b) **Judgment Upon Multiple Claims or Involving Multiple Parties.** When more than one claim for relief is presented in an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all of the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(c) **Demand for Judgment.** A default judgment shall not be different in kind from or exceed in amount that prayed for in the demand for judgment. Except as to a party against whom a default judgment is entered, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in the pleadings.

(d) **Costs.** Except when express provision therefor is made either in a statute of the state or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs. The procedure for the taxing of costs by the clerk and review of the clerk's action by the court shall be governed by Rule 79.

Rule 55. Default.

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(h) Costs and Attorney Fees. To recover costs and attorney fees, a party entitled to entry of default judgment without the need for further hearing under (c)(1) must include in the application for default judgment (1) an itemized statement of costs incurred in the action and allowable under Civil Rule 79(f), and (2) the party's actual attorney's fees. In such case, no cost bill or motion for attorney's fees is required. Civil Rule 82(b)(4) governs the amount of attorney's fees that may be awarded in a default case.

(i) Proposed Judgment. An application for default judgment must be accompanied by a proposed judgment in the form required by Civil Rule 58.2.

Rule 58. Entry of Judgment.

Subject to the provisions of Rule 54(b): (1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the court or the clerk, upon direction of the court, shall forthwith enter the judgment; (2) upon a decision by the court granting other relief, or upon a special verdict or a general verdict accompanied by answers to interrogatories, the court shall promptly enter judgment. Every judgment ~~shall~~ must be set forth on a separate document distinct from any findings of fact, conclusions of law, opinion, or memorandum. ~~The e~~Entry of the judgment shall not be delayed, nor the time for appeal extended, for the taxing of costs or the award of fees , but a blank space may be left in the form of judgment for insertion of costs by the clerk after they have been taxed. Judgments for the payment of money must be in the form required by Civil Rule 58.2.

Rule 58.2 Judgments for the Payment of Money.

(a) Form Generally. In addition to identifying each judgment creditor and each judgment debtor, a judgment for the payment of money must include the following information, if applicable, in the form shown in the sample judgment published at the end of this rule:

(A) the principal amount of the judgment;

(B) the portion of the principal that accrues prejudgment interest and the prejudgment interest rate, except as provided in (b);

(C) the date from which prejudgment interest should be calculated, except as provided in (b);

(D) a blank space for the court to fill in the amount of prejudgment interest;

(E) a blank space for the court to fill in the amount of attorney's fees awarded;

(F) a blank space for the court to fill in the amount of costs awarded;

(G) a blank space for the total judgment amount; and

(H) the post-judgment interest rate.

(b) Prejudgment Interest. The total amount of prejudgment interest will be calculated by the court. If more than one interest rate applies or interest is calculated from more than one date, the interest rate and date should not be listed in the judgment as provided in (a). Instead, the party preparing the judgment must submit a separate computation sheet showing the interest calculations, including all applicable interest rates and dates, any payments, and how payments were applied to interest, costs, and principal.

(c) Identification of Judgment Creditors and Judgment Debtors. When identifying judgment creditors and judgment debtors, the party preparing the judgment must include as much of each person's full legal name as is known to that party and each person's date of birth, if known to that party.

(d) Name of Judge. In a proposed judgment, the name of the judge, if known, must be typed under the judge's signature line.

(e) Child Support Orders. This rule does not apply to child support orders. The form of child support orders is governed by Civil Rule 90.3(j).

(f) **Rejection for Noncompliance.** The clerk may reject proposed judgments that do not comply with this rule and Civil Rule 76.

Rule 60. Relief from Judgment or Order.

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(c) Form of Amended or Corrected Judgments. A motion to amend or correct a judgment must be accompanied by a proposed amended or corrected judgment and a separate proposed order. The new judgment must include the word "amended" or "corrected" in the title.

Rule 76. — Form of Pleadings and Other Papers — Filing.

~~(a) — Form in General.~~ All pleadings, motions, affidavits, memoranda, instructions and other papers and documents, including exhibits thereto, presented for filing with the clerk or intended for use of the judge, (1) shall be upon letter size (8½" x 11") white paper of good quality, of at least sixteen pound weight, and not onionskin except where ripple finish or other opaque paper is used, in which event the weight shall be at least thirteen pound; (2) shall be two hole punched at the center of the top of each page; (3) shall be either in original clear and legible typewriting with black ribbon, or in clear and legible printing in black ink; (4) shall be in either double-spaced or one and one-half spaced typewriting or printing, except that quotations shall be single spaced and indented; and (5) shall, if consisting of more than one page, have each consecutive page numbered at the bottom center of each page. The text of documents, including headings and footnotes, must be in a typeface permitted by Appellate Rule 513.5(e)(1).

~~(b) — Deleted.~~

~~(c) — Exhibits.~~ All exhibits to pleadings shall be numbered progressively according to the number of the page of the exhibit followed by the number or identification of the exhibit, as, for example, page 1 — Ex. A. All exhibits shall be so permanently attached to the pleadings to which they belong as to be easily accessible and easily readable without detaching them from the principal document. Exceptions to progressive paging of exhibits may be permitted by the court where acceptable copies of original documents make it impracticable to comply with the requirement.

~~(d) — Interlineations — One Side of Paper to Be Used.~~ All pleadings and other papers shall be without interlineations unless noted by the court, and shall be printed or written upon only one side of the paper.

~~(e) — Information to Be Placed on First Page.~~ The first page of each pleading, motion, affidavit, brief, memorandum, judgment, order and instruction shall be prepared as follows:

~~(1) —~~ The name, address and telephone number of the attorney appearing for a party to an action or proceeding, or of a person appearing in propria persona, shall be typewritten or printed in the space to the left of center of the paper and beginning at least 1¼" inches below the top edge, or the attorney's name, address and telephone number may be printed on the left hand margin of the paper.

~~(2) —~~ The title of the court shall be centered on the paper and shall commence not less than 1 1/2 inches below the top edge, and in any event not less than 1/2 inch below the

name, address and telephone number of the attorney or person appearing in propria persona if this appears at the top of the page as provided in paragraph (1).

~~(3) — A space below the title of the court and to the right of center on the page shall be reserved for the filing marks of the clerk. Below that shall be inserted the file number of the action or proceeding.~~

~~(4) — Below the title of the court and to the left of center of the page the title of the action or proceeding shall be inserted. In the event all defendants cannot be named on the first page, the names of defendants only may appear on the second page.~~

~~(5) — Below the title of the court and file number, and either centered or to the right of center of the page, there shall be inserted a brief designation of the nature of the paper and, where relief is sought, the nature thereof.~~

~~(f) — Citation of Statute. A party filing a complaint, counterclaim or cross claim seeking relief under any specific statute is required to cite the statute relied upon in parentheses following the title of the pleading.~~

~~(g) — Reference to Other Parts of Pleading. Where practicable, reference to other portions of the same pleadings or other papers should be made to avoid repetition. In any action brought upon or any proceeding involving serial notes, bonds, coupons or obligations for the payment of money which are of the same form, tenor and effect, and are issued under the same law, or by the same authority, and differing only in number, date of maturity or amount, it will be sufficient for the plaintiff to set forth in one claim of the complaint one of such notes, bonds, coupons, or obligations, either verbatim or according to legal effect. The remaining notes, bonds, coupons or obligations may be pleaded, in the same or another claim of the complaint, by a general reference or description sufficient to identify them with like effect as if they had been set forth verbatim. Similar practice may be followed in any pleading where any two or more documents of similar form, tenor or effect are set forth. Any such document referred to in any pleading may be set forth either in the body of the pleading or in an exhibit attached thereto.~~

~~(h) — Compliance With Rule. No paper or document shall be accepted for filing or filed by the clerk which does not comply with the requirements of this rule. The judge to whom the case is assigned may, in cases of emergency or necessity, permit departure from the requirements of this rule.~~

~~(i) — Use of Original File by Court. At the trial of any issue of law or fact, or upon the hearing of any motion, the original file shall be for the use of the court, except as may appear otherwise necessary.~~

~~(j) — Replacing Papers Lost or Withheld. If an original paper or pleading is lost or withheld by any person, the court may order a verified copy thereof to be filed and used in lieu of the original.~~

~~(k) — Name and Bar Number Typed Beneath Signature Line. The name of the person signing a pleading or paper must be typed beneath the signature line. If the person is an attorney, the person's Alaska Bar Association membership number must be entered following the person's name.~~

~~(l) — Judge's Name Typed on Orders. On all orders prepared for signature, the name of the ordering judge, if known, shall be typed immediately under the signature line prior to presentation for signature.~~

Rule 76. Form of Papers.

(a) Form in General. All pleadings, motions, affidavits, memoranda, instructions and other papers and documents presented for filing with the clerk or intended for use by the judge, must conform to the following requirements:

(1) Paper Size and Quality: Documents must be 8-1/2 x 11 inches. The paper must be opaque, unglazed white paper of good quality and at least sixteen pound weight.

(2) Typed or Hand Printed in Ink: Text must be typed in clear and legible black typeface or hand printed in black ink.

(3) Typeface and Size: If typed, the text of a document, including headings and footnotes, must be at least 12 point Courier or another typeface allowed under Appellate Rule 513.5(c) if its size meets the requirements of that rule. Footers required under (a)(5) of this rule and certificates of distribution or service may be typed in a smaller font, but not smaller than 10 point.

(4) Line Spacing: Unless otherwise provided in these rules, text must be double-spaced or one-and-one-half spaced, except that headings and footnotes must be single-spaced, and longer quotations must be single-spaced and indented at least one-half inch on each side. Other parts of a document, including the case caption, headers and footers, signature blocks, certificates, and notarizations, should be single-spaced.

(5) Footer: Documents longer than one page must contain a footer that sets out the title of the document, case name, case number, and page numbering (page x of y). The title of the document and the case name may be abbreviated.

(6) Single-Sided: Text may only be typed or printed on one side of the paper.

(7) Two-Hole Punched: Documents must be two-hole punched at the top center of each page.

(8) Stapled: If a document is longer than one page, all pages must be stapled together at the upper left corner. Documents that are too thick to be stapled must be bound together at the top with a metal fastener (e.g., an Acco fastener).

(b) Interlineations. Interlineations are not permitted unless made by the court.

(c) Exhibits. (1) Each page of an exhibit must be marked with the number or letter of the exhibit, the page number, and the total number of pages in the exhibit. Example: Ex. A, p. 1 of 10.

(2) Exhibits must be attached to the principal document unless they are confidential. Confidential exhibits must be submitted in a sealed envelope marked with the case name, case number, number or letter of the exhibit, and name of the document to which they relate.

(d) Information To Be Placed on First Page.

(1) Attorney Information. The name, address and telephone number of the attorney appearing for a party to an action or proceeding, or of a person appearing in propria personal, should be typewritten or printed in the left-margin of the first page of the document. However, this information may be printed in the space to the left of center of the paper beginning one inch below the top edge. The typeface must be no smaller than 10 point and no larger than 12 point.

(2) Caption. Every document must contain a caption setting forth the title of the court, the city in which the court is located, the title of the action (i.e., the names of the parties), the case number, and the document name. This information must be formatted as follows:

(A) The title of the court and the city in which the court is located must be centered at the top of the page, beginning 1 inch below the top edge or 1/2 inch below the name, address and telephone number of the attorney or pro se party, if this information appears at the top of the page.

(B) The title of the action (i.e., the names of the parties) must be inserted below the title of the court and to the left of center of the page.

(C) A space must be reserved for the clerk's file stamp to the right of the title of the action. The case number must be inserted below this space.

(D) The document name may be centered on the page below the title of the action and the case number or placed to the right of the title of the action beneath the case number.

(3) Title of the Action. The complaint must include the names of all the parties in the title of the action, but in other documents it is sufficient to state the name of the first party on each side with appropriate indication of other parties ("et al" or "and others"). Note: See Civil Rule 10(a) for other requirements related to the names of parties in complaints.

(e) Name and Bar Number Typed Beneath Signature Line. The name of the person signing a pleading or paper must be typed under the signature line. If the person is an attorney, the person's Alaska Bar Association membership number must be entered following the person's name. Documents must be dated and signed in blue or black ink.

(f) Judge's Name Typed on Orders and Judgments. The name of the judge signing an order or judgment must be typed under the judge's signature line.

(g) Replacing Papers Lost or Withheld. If an original paper or pleading is lost or withheld by any person, the court may order a verified copy of the document to be filed and used in lieu of the original.

(h) Compliance With Rule. The clerk may refuse to accept for filing any document that does not comply with the requirements of this rule. The judge to whom the case is assigned may, in cases of emergency or necessity, permit departure from the requirements of this rule.

Rule 78. Findings, Conclusions, Judgments, and Orders – Preparation and Submission.

(a) **Preparation and Submission — Service.** Unless otherwise ordered by the court, counsel for the successful party to an action or proceeding shall prepare in writing and file and serve on each of the other parties proposed findings of fact, conclusions of law, judgments and orders. In a case in which the custody of children is at issue, a party required to prepare findings of fact, conclusions of law, or a judgment or order pertaining to that issue shall serve and file them within 10 days after the day on which the judge announces on the record that the party is to prepare them, pursuant to Rule 58.1(a)(1). ~~Counsel for each of the parties so served shall promptly endorse on the original of each document either (1) an approval as to form, (2) a disapproval as to form, or (3) an acknowledgment of the date and hour of service. Proof of service on the other parties must be on a separate document.~~

(b) **Objections.** Within 5 days after service of any of the documents mentioned in subdivision paragraph (a), a party may file and serve a written detailed statement of objections to any such document and the reasons therefor. If objections are filed and served within the time specified herein, the court may thereafter require the attorneys interested to appear before it, or it may sign the document as prepared by counsel for the successful party or as modified by the court.

(c) **Punitive Damages Award.** When punitive damages are awarded, the party preparing the proposed judgment shall serve on the Attorney General in Juneau a notice entitled "Notice of Award of Punitive Damages" and a copy of the proposed judgment.

~~(e)~~ (d) **Order Upon Stipulation.** When a party desires an order of court pursuant to stipulation, the party shall title the document "Stipulation and Order" and shall endorse at the end of the instrument the words "It is so ordered" with the date and a blank line for the signature of the judge. The word "Judge" shall appear at the end of the blank line. The name of the judge, if known, shall be typed immediately under the signature line prior to presentation for signature. A stipulation extending time or providing for a continuance shall state the grounds therefor.

~~(e)~~ (e) **Instruments on Which Judgment Entered.** In all cases in which a judgment upon a written instrument is entered, such instrument shall be filed with the court, and unless the court otherwise orders, it shall be canceled by marks and writing upon its face. The clerk shall retain the same in the files unless otherwise directed by the court.

~~(e) — Computation of Interest.~~ ~~The party preparing a form of judgment shall show on the proposed judgment the date prejudgment interest should begin. The party shall~~

~~also attach to the proposed judgment a completed prejudgment computation on a form to be provided by the clerk of court.~~

(f) **Form of Judgments.** Judgments for the payment of money must be in the form required by Civil Rule 58.2.