

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1456

Adding Appellate Rule 216.5 regarding expedited appeals in election redistricting cases.

IT IS ORDERED:

Appellate Rule 216.5 is added to the Rules of Court, to read as follows:

Appellate Rule 216.5. Expedited Appeals and Petitions in Election Redistricting Cases.

(a) **Scope.** This rule applies to appeals and petitions from the superior court involving challenges to decisions of the Redistricting Board under art. VI, sec. 11, Constitution of the State of Alaska, and supersedes the other appellate rules to the extent that they may be inconsistent with this rule.

(b) **Notice of Appeal.** (1) A notice of appeal under this rule shall be filed with the clerk of the appellate courts within 2 days from the date shown in the clerk's certificate of distribution on the order or judgment appealed from. The notice of appeal shall be accompanied by the items specified in Appellate Rule 204(b)[1]-[4] and [7]. A notice of cross-appeal shall be filed within 1 day from the date the notice of appeal is filed.

(2) The notice must indicate that the appeal is being filed pursuant to this rule, but the supreme court will apply this rule to cases within its scope whether or not they are so identified.

(3) In addition to service required under Rule 204(h), service of the notice of appeal shall be made on the Redistricting Board, the Office of the Attorney General, and the Office of the Lieutenant

Governor.

(c) **Scheduling Conference.** The clerk of the appellate courts shall hold a mandatory scheduling conference within 2 days from the date the first notice of appeal is filed under paragraph (b) above. All parties to the superior court proceedings from which a redistricting appeal arises shall attend the conference. The court may permit telephonic participation. At the scheduling conference, the clerk shall enter a scheduling order that establishes the following:

(1) the dates by which the parties shall file their memoranda on appeal and excerpts of record as described in paragraph (f) below, the last date of which shall be no later than 90 days before the statutory filing deadline for the first statewide election in which the challenged redistricting plan is scheduled to take effect;

(2) the last date for oral argument, unless waived by the parties, which shall be no later than 75 days before the statutory filing deadline described in subparagraph (c)(1).

(d) **Record on Appeal.** Rule 210 shall not apply. The record on appeal consists of the entire superior court file, including the original papers and exhibits filed in the superior court, with pages numbered consecutively. The record on appeal also includes the electronic record of proceedings before the superior court and transcripts, if any. The appeals clerk shall complete the record on appeal within 5 days from the first notice of appeal, and shall notify the clerk of the appellate courts. The clerk of the appellate courts shall serve a notice of certification of the record on all parties to the appeal.

(e) **Excerpts of Record.** Each party shall file and serve an excerpt of record with the party's memorandum on appeal. In cases

involving multiple appellants or appellees, each side shall prepare a single excerpt according to the procedure described in Appellate Rule 210(c)(1)(B). Appellants' excerpt must contain a true and correct copy of each document in the record that is cited in their memoranda and is essential to the resolution of an issue on appeal. Appellees' excerpt must contain a true and correct copy of each document in the record relied on in their memoranda but not included in the appellants' excerpt. The form of excerpts is governed by Appellate Rule 210(c)(4).

(f) **Memoranda on Appeal.**

(1) Unless otherwise specified in the scheduling order, no later than 10 days from the scheduling conference the appellant shall file the original and six copies of a typewritten memorandum in support of the appeal and the excerpt of record as provided in paragraph (e), together with proof of service on all other parties,

(2) Unless otherwise specified in the scheduling order, no later than 5 days after service of the appellant's memorandum the appellee shall file the original and six copies of a typewritten memorandum in opposition to the appeal and the excerpt of record as provided in paragraph (e), together with proof of service on all other parties.

(3) No reply memorandum may be filed unless ordered by the court.

(4) The memoranda must comply with Rule 513.5, but need not comply with the requirements of Rule 212 unless ordered by the court.

(g) **Oral Argument.** Unless waived by the parties at the

scheduling conference, oral argument will be scheduled on an expedited basis and may be held telephonically as necessary to ensure the participation of all parties to the appeal. The number of counsel allowed to present argument, and the length of argument allowed to each side, shall be determined by the court, and shall ordinarily not exceed one-half hour for each side.

(h) **Petitions for Review.** If the superior court's decision remands the case to the Redistricting Board, any petition for review shall be filed within 5 days of the superior court's decision, and any response shall be filed within 5 days thereafter.

(i) **Disposition of Appeals.** Appeals and petitions under this rule will be decided as expeditiously as possible, and shall have priority over all other matters pending before the court. A decision or order of this court shall be rendered no later than 60 days before the statutory filing deadline for the first statewide election in which the challenged redistricting plan is scheduled to take effect.

(j) **Extensions of Time.** An extension of time under this rule will not be granted without a showing of extraordinary circumstances.

(k) **Personal Same-Day Filing and Service Required.** All documents shall be filed by personal delivery to the office of the Clerk of the Appellate Courts. All service of documents filed under this rule must be achieved by personal delivery on the same day the documents are filed, unless otherwise ordered by the court.

DATED: November 15, 2001

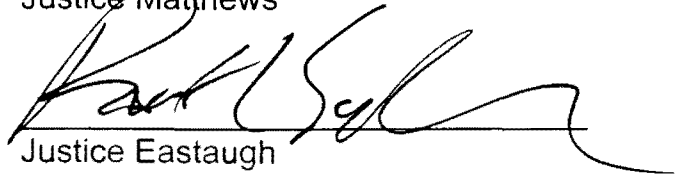
EFFECTIVE DATE: November 15, 2001



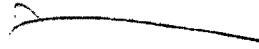
Chief Justice Fabe



Justice Matthews



Justice Eastaugh



Justice Bryner



Justice Carpeneti