

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1553**

Amending Appellate Rules  
210(c)(1)(A), 212(b); and 403(h)(1);  
Commentary to Civil Rule 90.3;  
Criminal Rule 37(a)(1)-(3); and Bar  
Rule 2(3)(b) to correct technical and  
typographical errors.

**IT IS ORDERED:**

- I. Appellate Rule 210(c)(1)(A) is amended as follows:

**Rule 210. Record on Appeal.**

\* \* \* \*

(c) **Excerpts of Record.**

(1) *Duty to Prepare.*

(A) Each party shall file and serve an excerpt of record with the party's brief, ~~unless the parties have waived the preparation of excerpts pursuant to paragraph (d).~~

\* \* \* \*

- II. Appellate Rule 212(b) is amended as follows:

**Rule 212. Briefs.**

\* \* \* \*

(b) **Form.** The form of a brief is governed by Rule 513.5(b)(1)-(5) and (c) and by this rule. The left and right margins of a brief must each be one inch. \* \* \* \*

III. Appellate Rule 403(h)(1) is amended to read as follows:

**Rule 403. Petitions for Review — Procedure.**

\* \* \* \*

**(h) Petitions for Sentence Review**

(1) Except as provided in (h)(2), a defendant seeking relief from a sentence under Appellate Rule 215(a)(2)(~~5~~) must file a notice of intent to file a petition for sentence review no later than 10 days after the date shown in the clerk's certificate of distribution on the written judgment.

\* \* \* \*

IV. The Commentary to Civil Rule 90.3 is amended to read as follows:

**I. INTRODUCTION**

\* \* \* \*

**B. Purpose.**

\* \* \* \*

The final purpose of 90.3 is to ensure that Alaska courts comply with state and federal law. AS 25.24.160(~~2~~)(a)(1) requires that child support be set in an amount which is "Just and proper..." \* \* \* \*

V. Criminal Rule 37(a)(1)-(3) is amended to read as follows:

**Rule 37. Search and Seizure.**

(a) Search Warrant Issuance and Contents.

(1) A search warrant authorized by law shall issue only on

~~(i)(aa)~~ affidavit sworn to before a judge or magistrate or any person authorized to take oaths under the law of the state, or

~~(bb)~~ sworn testimony taken on the record; and

~~(ii)~~ establishing the grounds for issuing the warrant.

(2) If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the judge or magistrate shall issue a warrant

~~(i)~~ identifying the property; and

~~(ii)~~ naming or describing the person or place to be searched.

(3) The warrant

~~(i)~~ shall be directed to a peace officer of the state authorized to enforce or assist in enforcing any law thereof; and

~~(ii)(A)~~ shall state the ground or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof; and

~~(iii)(B)~~ shall command the officer to search the person or place named for the property specified within a reasonable period not to exceed 10 days of the issuance of the warrant; and

~~(iv)(C)~~ shall direct that it be served between 7:00 a.m. and 10:00 p.m., unless the issuing authority by appropriate provision in the warrant, and for reasonable cause shown, authorizes its execution at other than this time; and

~~(v)~~(D) shall designate the judge or the magistrate to whom it shall be returned.

VI. Bar Rule 2(3)(b) is amended to clarify that both requirements of Rule (2)(3)(b) must be met, as follows:

**Rule 2. Eligibility for Examination**

Section 3.

\* \* \* \*

(b) An individual shall also be eligible to take the bar examination as a general applicant if he/she (1) has successfully completed not less than one academic year of education at a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools, and (2) has successfully completed a clerkship program which meets the requirements of (a), (c), and (d) of Section 1 of this Rule.

\* \* \* \*

DATED: July 22, 2004

EFFECTIVE DATE: October 15, 2004

/s/  
Chief Justice Bryner

/s/  
Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Carpeneti