

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1598**

Amending Appellate Rules 213,  
215, 216, 217, 218, 219, 305,  
403, 404, and 505 concerning  
oral argument

**IT IS ORDERED:**

1. Appellate Rule 213 is amended to read as follows:

**Rule 213. Oral Argument.**

~~(a) Either party may serve and file a written request for oral argument not later than 10 days after the date on which appellant's reply brief is due pursuant to Rule 212(a) (1), or pursuant to any extension of that time granted under Rule 502 or 503. If oral argument is timely requested, it will automatically be scheduled. When a request is made by one party, the right to oral argument extends to all parties. Oral argument shall be scheduled and held as provided in Rule 505. The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505.~~

~~(b) **Opening and Conclusion.** The original appellant shall be entitled to open and conclude the argument of the case. When there is a cross-appeal, the appeal and cross-appeal shall be argued together. In such cases the order of oral argument shall be determined by the court at the request of either party or upon its own motion.~~

2. Appellate Rule 215 is amended to read as follows:

**Rule 215. Sentence Appeal.**

\* \* \* \*

(h) **Oral Argument.** ~~Disposition of Appeals by Reviewing Court.~~ Sentence appeals will be disposed of by the appellate court on the record. Oral argument, if timely requested no later than ten days after the date on which the appellee's sentence memorandum is due, is limited to fifteen minutes per side, unless otherwise ordered by the court of appeals. The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505. The order of argument is as provided in Rule 213(b). In cases where sentence appeals are consolidated with appeals on the merits, a timely request for argument on the merits in accordance with Rule 213(a) or Rule 217(h) is deemed to include a request for argument on the sentence appeal.

\* \* \* \*

3. Appellate Rule 216 is amended to read as follows:

**Rule 216. Expedited Appeals.**

\* \* \* \*

(g) **Disposition of Appeals.** Appeals under this rule will be disposed of expeditiously by the court of appeals on the record and memoranda. If Oral argument is requested, if timely requested no later than ten days after the date on which the appellee's memorandum is due, will

~~be governed by Rule 213 and Rule 505, and it~~ may be held on an expedited basis or telephonically under Rule 505(f)(g) as necessary to ensure an expeditious resolution. The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505.

4. Appellate Rule 217 is amended to read as follows:

**Rule 217. Appeals from District Court.**

\* \* \* \*

(h) ~~Oral argument, if timely requested under Rule 213(a), shall be limited to 15 minutes per side, unless otherwise ordered by the Court of Appeals on its own motion.—A party may request oral argument whether the party has filed a brief or~~ has instead filed a notice under subsection paragraph (f) of this rule. The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505.

5. Appellate Rule 218 is amended to read as follows:

**Rule 218. Expedited Appeals in Child Custody Cases.**

\* \* \* \*

(g) **Oral Argument.** ~~If oral argument, ifis~~ requested, shall be governed by Rule 213 and Rule 505, and ~~it~~ may be held on an expedited basis or telephonically under Rule 505(f)(g) as necessary to ensure an expeditious resolution. The parties' right to oral argument and the

procedures governing oral argument are set out in Rule 505.

\* \* \* \*

6. Appellate Rule 219 is amended to read as follows:

**Rule 219. Juvenile Appeals.**

\* \* \* \*

(f) **Oral Argument.** ~~If Oral argument is,~~ if requested, ~~shall be governed by Rule 213 and Rule 505, and it~~ may be held on an expedited basis or telephonically under Rule 505(f)(g) as necessary to ensure an expeditious resolution. The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505.

\* \* \* \*

7. Appellate Rule 305 is amended to read as follows:

**Rule 305. Procedure When Hearing Granted.**

\* \* \* \*

(b) ~~Either party may serve and file a written request for oral argument in the court of discretionary review within the time allowed by Rule 213(a). If oral argument is timely requested, it will automatically be scheduled. When a request is made by one party, the right to oral argument extends to all parties. Oral argument shall be scheduled and held as provided in Rule 505.~~ The parties' right to oral argument and the procedures governing oral argument are set out in Rule 505.

\* \* \* \*

8. Appellate Rule 403 is amended to read as follows:

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

\* \* \* \*

(f) **Consideration by the Court.** As soon as practicable, the court will decide whether to grant or deny the petition. Oral argument will not be held on the question of whether the petition should be granted. If the petition is granted, the ~~The order granting a~~ the petition will specify any further actions to be required. If the court orders further briefing, oral argument will be governed by the procedures set out in Rule 505.

\* \* \* \*

9. Appellate Rule 404 is amended to read as follows:

**Rule 404. Original Applications.**

\* \* \* \*

(e) **Consideration by the Court.** ~~The application shall be considered in accordance with Rule 403(f) relating to petitions for review.~~ As soon as practicable, the court will decide whether to grant or deny the application. Oral argument will not be held on the question of whether the application should be granted. If the application is granted, the order granting the application will specify any further actions to be required. If the court orders further briefing, oral argument will be governed by the procedures set out in Rule 505.

\* \* \* \*

10. Appellate Rule 505 is amended to read as follows:

**Rule 505. Oral Argument.**

**(a) Oral Argument; Requests for Oral Argument.**

Unless otherwise ordered by the court, oral argument will be held only as provided in this subsection.

(1) In expedited election appeals under Rule 216.5 and judicial bypass appeals under Rule 220, oral argument will automatically be held unless it is affirmatively waived under Rule 216.5(g) or Rule 220(f).

(2) In all other appeals governed by Part Two of these rules, oral argument will be held if it is timely requested. A request for oral argument is timely if it is made not later than 10 days after the due date of the reply brief or, if no reply brief is allowed, not later than 10 days after the due date of the appellee's brief.

(3) In all petitions or applications for discretionary review governed by Parts Three and Four of these rules, the parties have no right to oral argument unless the appellate court grants review and orders further briefing. If review is granted and further briefing is ordered, oral argument will be held if a party timely requests it. A request for oral argument is timely if it is made not later than 10 days after the due date of the reply brief or, if no reply brief is allowed, not later than 10 days after the due date of the respondent's brief.

(4) When the parties have a right to oral argument, a timely request for oral argument by any party will give all

parties the right to orally argue the case, except for appellees who fail to file a brief, as provided in Rule 212(c)(10).

~~(a)~~**(b) Scheduling.** The clerk shall prepare the calendars of cases for oral argument, under the direction of the courts. The clerk shall give written notice to counsel of record of the time and place at which argument is scheduled.

~~(b) Order of Preference.~~ Any case entitled by law or court rule to preference shall be placed on the first oral argument calendar prepared after the completion of briefing. All other cases shall be scheduled for oral argument in the order in which briefing is completed.

(c) **Postponement.** Once a case has been placed on the calendar for oral argument, argument will not be postponed except upon filing of a motion accompanied by an affidavit of counsel or the party or both showing good cause for postponement. Notwithstanding Rule 503(e)(f), such a motion shall not be ruled upon by the clerk.

(d) **Limitation of Counsel.** Unless otherwise ordered by the court, no more than two counsel will be heard for each party on the argument of the case.

(e) **Length of Arguments.** ~~Argument shall not exceed one-half hour by each side, unless otherwise ordered by the court. Argument of shorter duration may~~ The length of oral argument shall be prescribed by the clerk ~~at~~under the direction of the court.

(f) **Opening and Conclusion.** The original appellant, petitioner, or applicant shall be entitled to open and conclude the argument of the case. When there is a cross-appeal, the appeal and cross-appeal shall be argued together. In such cases, the order of oral argument shall be determined by the court at the request of either party or upon its own motion.

(f)(g) **Expedited Appeals; Preference.** If a party requests oral argument in an expedited appeal or in a case that is entitled to preference by law, court rule, or order, and substantial delay will result if argument cannot be conducted until the next scheduled argument session, the court may, upon motion of a party or on its own initiative, schedule oral argument on an expedited basis, and the argument may be held telephonically as necessary to ensure the participation of all parties.~~or require telephonic argument.~~



DATED: April 24, 2006

EFFECTIVE DATE: October 15, 2006

/s/  
Chief Justice Bryner

/s/  
Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Carpeneti