

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1647

Amending Civil Rule 16(b), adding a Note to the end of Civil Rule 16, and adding a Note to the end of Civil Rule 26, to allow certain procedures to be set by an approved local uniform pretrial order.

IT IS ORDERED:

1. Civil Rule 16 is amended to read as follows:

Rule 16. Pretrial Conferences; Scheduling; Management.

(a) **Pretrial Conferences; Objectives.**

* * * *

(b) **Scheduling Order; ~~Mandatory~~ Scheduling Conference.**

(1) Except in categories of actions exempted under Rule 16(g), the judge shall, ~~after receiving the report from the parties under Rule 26(f),~~ enter a scheduling order that limits or establishes the time:

* * * *

The order shall issue as soon as practicable but in any event within 90 days after the appearance of the defendants or pursuant to a local uniform pretrial order issued and adopted according to the provisions of Administrative Rule 46. A schedule shall not be modified except upon a showing of good cause and by leave of court.

(2) The judge shall meet with the attorneys for the parties and any unrepresented parties prior to entering the scheduling order unless ~~the parties have waived this~~

~~conference in their report and the judge determines that a conference is unnecessary~~ or a local uniform pretrial order issued and adopted under Administrative Rule 46 establishes a different procedure. The court shall distribute notice of the conference date as soon as practicable after the appearance of the defendants. The conference may be held on or off the record.

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2. The following note is added at the end of Civil Rule 16:

Note to SCO 1647: The supreme court has approved pretrial procedures for Anchorage cases that vary from those specified in this rule. Civil Rule 16(b)(1) sets out the normal timing for issuance of a scheduling order and allows a validly-adopted local uniform pretrial order to set a different time. Civil Rule 16(b)(2) provides that a validly-adopted local uniform pretrial order may set a different procedure. As permitted under Civil Rule 16(b)(1), the superior court in Anchorage issues its scheduling order, Administrative Order 3AO-03-04 (Amended) at a different time. That Order also sets a different procedure under Civil Rule 16(b)(2). Administrative Order 3AO-03-04 (Amended), commonly referred to as the Anchorage Uniform Pretrial Order, was issued and adopted according to the provisions of Administrative Rule 46, and is available on the court system's website at <http://www.state.ak.us/courts/orders-cr16-26.htm>.

3. The following note is added to the end of Civil Rule 26:

Note to SCO 1647: The supreme court has approved certain procedures for Anchorage cases that vary from those specified in this rule. Civil Rule 26(a)(1) sets out a procedure to be used “[e]xcept to the extent otherwise directed by order or rule,” and sets a timeline for disclosures “[u]nless otherwise directed by the court.” Civil Rule 26(f) also sets out a procedure to be used “except when otherwise ordered.” In Anchorage, Administrative Order 3AO-03-04 (Amended) applies to modify the procedures set out in subdivisions (a)(1) and (f). That Order, commonly referred to as the Anchorage Uniform Pretrial Order, was issued and adopted according to the provisions of Administrative Rule 46, and is available on the court system’s website at <http://www.state.ak.us/courts/orders-cr16-26.htm>.

DATED: July 18, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti