IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1654

Amending the title of Appellate Rule 214 and Appellate Rule 214(d) concerning citation of unpublished decisions.

IT IS ORDERED:

Appellate Rule 214 is amended to read as follows:

Rule 214.   <u>Summary</u> Disposition of Appeals.

* * * *

(d)   ~~Summary decisions under this rule are without precedential effect and may not be cited in the courts of this state.~~ <u>*Citation of Unpublished Decisions.*</u>

<u>(1) Citation of unpublished decisions in briefs and oral arguments is freely permitted for purposes of establishing res judicata, estoppel, or the law of the case. Citation of unpublished decisions for other purposes is not encouraged. If a party believes, nevertheless, that an unpublished decision has persuasive value in relation to an issue in the case, and that there is no published opinion that would serve as well, the party may cite the unpublished decision.</u>

<u>(2) If a party cites an unpublished decision that is available in a publicly accessible electronic database, the citation must specify that it is unpublished in a parenthetical following the citation, and must also specify where the decision is available. If a party cites an unpublished decision that is not available in a publicly accessible electronic database, the party must specify that</u>

it is unpublished in a parenthetical following the citation and must also file and serve a copy of that unpublished decision with the brief or other document in which it is cited.

 (3)   For purposes of this rule, "unpublished decision" means any judicial opinion, order, judgment, or other written disposition that is not published in a national or state law reporter and that has been designated as "unpublished," "not for publication," "non-precedential," "not precedent," "memorandum opinion and judgment," "memorandum opinion," or by another similar term.

DATED: December 6, 2007

EFFECTIVE DATE: April 15, 2008

/s/_____
Chief Justice Fabe

/s/_____
Justice Matthews

/s/_____
Justice Eastaugh

/s/_____
Justice Carpeneti