

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1733

Amending Civil Rule 99(a) and adding a Note to implement direct court rule amendments made by chapter 44 SLA 2010 (HB 334);

Adding a Note to Civil Rule 77 concerning indirect rule amendments made by chapter 44 SLA 2010 (HB 334); and

Adding a Note to Criminal Rule 35.1 concerning indirect rule amendments made by chapter 20 SLA 2010 (SB 110).

IT IS ORDERED:

1. Civil Rule 99(a) is amended to read as follows, effective *June 4, 2010*:

Rule 99. Telephonic Participation in Civil Cases.

(a) **Authorization for Telephonic, Video, or Internet Participation.** The court may allow one or more parties, counsel, witnesses or the judge to participate telephonically in any hearing or deposition for good cause and in the absence of substantial prejudice to opposing parties. The court shall allow video or Internet testimony if the hearing or deposition involves the custody or visitation of a child of a parent who is deployed, as that term is defined in AS 25.20.095, at the request of the deployed parent. Authorization for a witness to telephonically participate in a deposition does not bar the witnesses' testimony from being videotaped under Civil Rule 30.1; nor does it bar a party or attorney from being present at the site at which the witness is physically present.

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2. The following note is added to the end of Civil Rule 99, effective *June 4, 2010*:

Note: Chapter 44, section 4, SLA 2010 (HB 334), effective June 4, 2010, amended Civil Rule 99 relating to child custody, modification, and visitation standards for a military parent, as reflected in section 1 of this Order. The changes to Civil Rule 99 are adopted for the sole reason that the legislature has mandated the amendments.

3. The following note is added to the end of Civil Rule 77 effective *June 4, 2010*:

Note: Chapter 44, SLA 2010 (HB 334), effective June 4, 2010, enacted changes relating to child custody, modification, and visitation standards for a military parent. According to section 5 of the Act, AS 25.20.095(d), added by section 1 of the Act, and AS 25.20.110(f), added by section 2 of the Act, have the effect of amending Alaska Rule of Civil Procedure 77(g) by changing the procedure for expedited consideration in certain cases involving child custody or visitation and a military parent.

4. The following note is added to the end of Criminal Rule 35.1, effective *July 1, 2010*:

Note: Chapter 20 SLA 2010 (SB 110), effective July 1, 2010, enacted changes relating to post-conviction relief procedures. According to section 14 of the Act, AS 12.73, added by section 6 of the Act, has the effect of amending Alaska Rule of Criminal Procedure 35.1.

DATED: June 16, 2010

EFFECTIVE DATE: As Provided in the Order

/s/
Chief Justice Carpeneti

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Christen

/s/
Justice Stowers