

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1973**

Rescinding Appellate Rule 512;  
Amending Appellate Rules 206,  
207, and 507 to clarify when an  
appellate decision takes effect  
and jurisdiction returns to the trial  
court;

Amending Appellate Rule 212(c)  
concerning the substantive  
requirements of a brief;

Amending Appellate Rule 215(f)  
concerning a sentencing appeal  
record; and

Amending Appellate Rule 604  
concerning return of the record in  
superior court appeals.

**IT IS ORDERED:**

1. Appellate Rule 512 is rescinded.
2. Appellate Rule 206 is amended to read as follows:

**Rule 206. Stay of Execution and Release Pending  
Appeal in Criminal Cases.**

\* \* \* \*

(c) The decision of the court of appeals on any application under this rule is a “final decision” within the meaning of Rule 302, governing when petitions for hearing are permitted. The decision of the court of appeals concerning release pending appeal takes effect on the day it is issued, notwithstanding the filing of a petition for hearing in the supreme court.

3. Appellate Rule 207 is amended to read as follows:

**Rule 207. Appeals Relating to Release Prior to Judgment.**

An appeal authorized by AS 12.30.030(a), relating to the release of a criminal defendant prior to the entry of final judgment, shall be determined promptly. The appeal shall take the form of a motion and shall comply with Rules 206(b) and 503. The appellee may respond as provided in Rule 503(d). The court of appeals or a judge thereof may order the release of the appellant pending such an appeal. The decision of the court of appeals on such an appeal is a “final decision” within the meaning of Rule 302, governing when petitions for hearing are permitted. The decision of the court of appeals concerning release pending final judgment takes effect on the day it is issued, notwithstanding the filing of a petition for hearing in the supreme court.

4. Appellate Rule 212(c) is amended to read as follows:

**Rule 212. Briefs.**

\* \* \* \*

**(c) Substantive Requirements.**

(1) *Brief of Appellant.* The appellant’s brief shall contain the following items under appropriate headings. The items shall be presented in the order here indicated, except the statement of the case may be divided so that the description of the lower court proceedings relevant to a particular issue is paired with the arguments pertaining to that issue:

(A) A table of contents, including the titles and subtitles of all arguments, with page references.

(B) A table of cases alphabetically arranged, statutes, and other authorities cited, with references to the pages of the brief where they are cited.

(C) The constitutional provisions, statutes, court rules, ordinances, and regulations principally relied upon, set out in full or in pertinent part.

(D) A jurisdictional statement of the date judgment was entered, whether the judgment is final and disposes of all claims by all parties or whether it is a partial final judgment entered under Civil Rule 54(b), and of legal authority of the appellate court to consider the appeal.

(E) A list of all parties to the case, without using “et al.,” or any similar indication, unless the caption of the case on the cover of the brief contains the names of all parties. This list may be contained in a footnote.

(F) A statement of the issues presented for review. In cases involving a cross-appeal, the cross-appellant may present a statement of the issues presented for review that would require determination if the case is to be reversed and remanded for further proceedings in the trial court.

(G) A statement of the case, which shall provide a brief description of the facts of the case and the trial court proceedings pertinent to the issues presented on appeal. For each issue, other than those concerning the sufficiency of the evidence, the statement of the case must explain whether, and if so, when and how, that issue was raised and argued in the lower court. For each issue, the statement of the case must identify whether, and if so, when and how, the lower court ruled on that issue. All assertions in the statement of the case must be

supported by references to the record as required by paragraph (c)(8).

(H) An argument section, which shall explain the contentions of the appellant with respect to the issues presented on appeal, and the legal and factual support for those contentions, with citations to the authorities, statutes, and parts of the record relied on. References to the record shall conform to the requirements of paragraph (c)(8).

For each issue presented, the party must identify the standard of review governing the appellate court's consideration of that issue. For any issue not raised or ruled on in the lower court, the appropriate argument section must address the applicability of the plain error doctrine.

Each major contention shall be preceded by a heading indicating the subject matter. The argument section may be preceded by a summary.

(I) A short conclusion stating the precise relief sought.

(J) If the appeal concerns a property division in a divorce case, an appendix consisting of a table listing all assets and liabilities of the parties as reflected in the record, including the trial court's findings as to the nature (marital or individual), value, and disposition of each asset or liability.

(2) *Brief of Appellee.* The appellee's brief shall conform to the requirements of subdivisions (1)(A) through (1)(I) except that a statement of jurisdiction, of the issues, or of the case need not be made unless the appellee is dissatisfied with the statement of the appellant, and a list of all parties need not be included.

(3) *Reply Brief.* The appellant may file a brief in reply to the appellee's brief. The reply brief shall conform to the requirements of subdivisions (1)(A), (1)(B), (1)(C), (1)(H), and (1)(I). This brief may raise no contentions not previously raised in either the appellant's or appellee's brief. If the appellee has cross-appealed and has not filed a single brief under (c)(6) of this rule, the appellee may file a brief in reply to the response of the appellant to the issues presented by the cross-appeal. No further briefs may be filed except with leave of the court.

\* \* \* \*

(8) *References in Briefs to the Record or Excerpt.* References in the briefs to parts of the record reproduced in an excerpt shall be to the pages of the excerpt at which those parts appear. The form for references to pages of the excerpt is [Exc. \_\_\_\_\_]. Briefs may reference parts of the record not reproduced in an excerpt. The form for references to pages of the transcript is [Tr. \_\_\_\_\_] and to pages of the trial court file is [R. \_\_\_\_\_]. The form for references to untranscribed portions of the electronic record is [CD (#), at Time 00:00:00 or Tape (#), at Log 00:00:00 or Date at Time 00:00:00].

\* \* \* \*

5. Appellate Rule 215(f) is amended to read as follows:

**Rule 215. Sentence Appeal.**

\* \* \* \*

(f) **Record on Appeal.**

(1) Except as provided in paragraph (2), Appellate Rule 210 governs the content and preparation of the record on appeal.

(2) The parties must designate transcripts as set forth in Rule 210(b). The designation in a sentence appeal must include at least the entire sentencing hearing at which the sentence was imposed. If the sentence appeal is from a probation revocation proceeding, the designation must also include the original sentencing hearing and all prior probation revocation sentencing hearings.

\* \* \* \*

6. Appellate Rule 507 is amended to read as follows:

**Rule 507. Judgment and Return of Jurisdiction.**

(a) The opinion of the appellate court, or its order summarily disposing of the appeal under Appellate Rule 214, or an order from the appellate court or the clerk of the appellate courts dismissing the appeal, shall constitute its judgment. No mandate shall be issued.

(b) Unless the opinion or order states otherwise, the appellate court's judgment takes effect and full jurisdiction over the case returns to the trial court on the day specified in subsections (c), (d), and (e).

(c) In a case decided by the supreme court,

(1) if a timely petition for rehearing or motion for reconsideration is filed, then jurisdiction returns on the day after the supreme court disposes of the case on rehearing or reconsideration;

(2) if no timely petition for rehearing or motion for reconsideration is filed, then, subject to subsection (f),

jurisdiction returns on the day after the deadline for filing a petition for rehearing or motion for reconsideration expires; or

(3) if the supreme court denies a petition for hearing, then jurisdiction returns on the day after the court denies the petition for hearing.

(d) In a case decided by the court of appeals,

(1) if no petition for hearing is filed, then jurisdiction returns on the day after the deadline for filing a petition for hearing expires; or

(2) if a timely petition for hearing is filed, then return of jurisdiction is governed by subsection (c).

Subsection (d) does not apply to an appeal filed under Rule 206 or 207.

(e) In a case decided by the superior court under its appellate authority, return of jurisdiction is as follows:

(1) *Appeals from District Court.* Return of jurisdiction is governed by subsection (d)(1) – (2).

(2) *Appeals from Administrative Agencies.*

(A) If no notice of appeal is filed, then jurisdiction returns on the day after the deadline for filing a notice of appeal expires.

(B) If a timely notice of appeal is filed, then return of jurisdiction is governed by subsection (c).

(f) An untimely filing in the appellate court after jurisdiction has returned to the lower court or administrative agency has no effect on the jurisdiction that has been returned under this rule, unless the appellate court orders otherwise.

(g) Any motion to stay the effect of the judgment of the appellate court, or otherwise alter the timelines in this rule, shall be made first to that court.

7. Appellate Rule 604 is amended to read as follows:

**Rule 604. Record.**

**(a) Appeals from District Court.**

*(1) Record on Appeal.*

\* \* \* \*

*(2) Power of Court to Correct or Modify Record of District Court.* \* \* \* \*

*(3) Return of Record.* Unless the court otherwise orders, the clerk shall return the original record to the district court upon return of jurisdiction as provided by Rule 507(e)(1).

**(b) Appeals from Administrative Agencies.**

*(1) Record on Appeal.*

\* \* \* \*

*(2) Return of Record.* Unless the court otherwise orders, the clerk shall return all original papers and physical exhibits to the administrative agency upon return of jurisdiction as provided by Rule 507(e)(2).



DATED: August 18, 2021

EFFECTIVE DATE: April 15, 2022

/s/  
Chief Justice Winfree

/s/  
Justice Maassen

/s/  
Justice Carney

/s/  
Justice Borghesan

/s/  
Justice Henderson