

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 289

Amending Civil Rule 73(b) and (c)
by Clarifying the Scope of the
Clerk's Authority.

IT IS ORDERED:

1. Paragraph (b) of Rule 73, Rules of Civil Procedure, is amended to read:

(b) Orders by Clerk. The clerk is authorized to sign and enter the following orders of the superior or district court without further direction by the court:

(1) Orders on consent for the substitution of attorneys.

(2) Orders on consent satisfying a judgment or an order for the payment of money, withdrawing stipulations, annulling bonds and exonerating sureties.

(3) Order entering default for failure to plead or otherwise defend as provided in Rule 55(a).

(4) Orders upon motions and applications for issuing mesne process and issuing final process to enforce and execute judgments.

(5) Any other orders which do not require allowance or order of the court.

The clerk must forthwith notify the judge before whom the action is pending of his action in entering any such order. Any order so entered may be suspended, altered or rescinded by the court for cause shown.

2. Paragraph (c) of Rule 73, Rules of Civil Procedure, is amended to read:

(c) Judgments by Clerk. The clerk is authorized to enter the following judgments of the superior or district court forthwith without further direction from the court:

(1) Judgments on a general verdict of a jury in the circumstances specified in Rule 58, unless the court directs otherwise.

(2) Judgments by default under Rule 55(b) upon the following proof: an affidavit that the person against whom judgment is sought is not an infant or an incompetent person, and an affidavit under the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, that defendant is not in the armed forces of the United States.

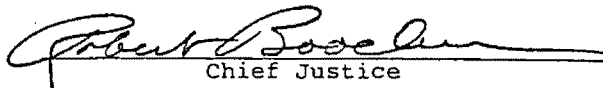
(3) Judgments on offers of judgment in the circumstances set forth in Rule 68.

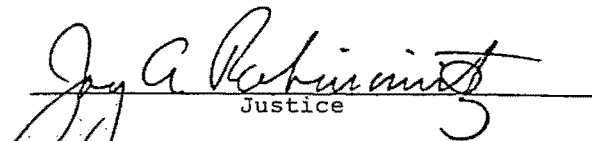
DATED: Dec. 13, 1977

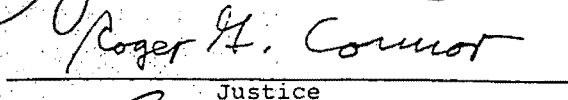
EFFECTIVE DATE: January 15, 1978

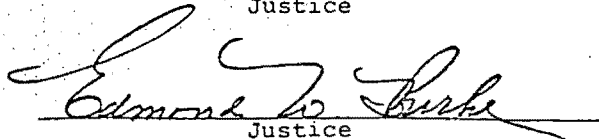
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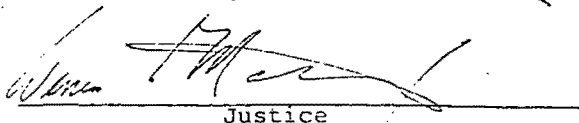
S/C Justices
Sup/Ct Judges
Dist/Judges
Magistrates
Magr/Supr
Clks/Ct
Law Librarian
Probate Masters
Adm/Dir
All Members ABA
Gov
Dep/Law
Legs/Affairs
Pub Def Agency
Dep/Pub Safety
Ak. Legal Services


Chief Justice


Justice


Justice


Justice


Justice