

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 582

Amending Appellate Rules 303,
305 and 505 relating to petitions
for hearing.

IT IS ORDERED:

1. Appellate Rule 303(a)(1) is amended to read:

(1) The petition for hearing shall be filed within 15 days after the date of notice of the opinion, order, or memorandum opinion and judgment of the intermediate appellate court. Date of notice is defined in Civil Rule 58.1(c) and Criminal Rule 32.3(c). The original [ALONE] of the petition shall be filed, together with [PROOF OF SERVICE.] five complete copies and proof of service. No fee shall be collected by the clerk for filing a petition for hearing.

2. Appellate Rule 303(b) is amended to read:

(b) Format, Length and Contents. The petition for hearing shall be in the format prescribed for motions under Rule 503(b), shall not exceed fifteen pages in length, excluding the decision of the intermediate appellate court, and shall contain in the following order:

(1) A caption identifying the party filing the petition as the petitioner, and all other parties to the action in the intermediate appellate court as respondents;

(2) [(1)] A prayer for review;

(3) [(2)] A short statement of facts relevant to the appeal, but facts correctly stated in the opinion of the intermediate appellate court should not be re-stated;

(4) [(3)] A statement of the points relied on for reversal of the decision of the intermediate appellate court, including appropriate authorities;

(5) [(4)] A statement of concrete reasons, apart from those asserted for reversal, explaining why the issues presented have importance beyond the particular case and require decision by the court of discretionary review, and referring to specific paragraphs of Rule 304; and

(6) [(5)] A complete copy of the opinion, memorandum opinion and judgment, or order of the intermediate appellate court.

[THE CAPTION OF THE PETITION FOR HEARING SHALL IDENTIFY AND ALIGN THE PARTIES IN THE SAME MANNER AS IN THE INTERMEDIATE APPELLATE COURT. THE FIRST PARAGRAPH OF THE PETITION SHALL CLEARLY IDENTIFY THE PARTY OR PARTIES FILING THE PETITION. NO FEE SHALL BE COLLECTED BY THE CLERK FOR FILING A PETITION FOR HEARING.]

Order No. 582
Page 3 of 7
Effective Date: February 1, 1984

3. Appellate Rule 303(c) is amended to read:

(c) Response. Within 15 days after service, any other party to the proceeding in the intermediate appellate court may file an original and five copies of a response. The response shall not exceed fifteen pages in length. Motions to dismiss a petition for hearing will not be received; all objections to exercise of the discretionary power shall be contained in the response. The party filing a petition for hearing may not file a reply to the response without leave of the court of discretionary review. Consideration of the petition for hearing will not be delayed on account of the filing of a motion for leave to file a reply. Oral argument will not be held on the question whether a petition for hearing should be granted.

Order No. 582
Page 4 of 7
Effective Date: February 1, 1984

4. Appellate Rule 303(d) is amended to read:

(d) Extensions of Time. The time periods in this rule may be extended only by the court of discretionary review or a justice or judge thereof. They may not be extended by the intermediate appellate court or a judge thereof[, OR BY THE CLERK]. Motions for extension of time may be determined by the clerk in the circumstances permitted by Rule 503(e). Motions for extensions of time shall comply with Rule 503.

Order No. 582
Page 5 of 7
Effective Date: February 1, 1984

5. Appellate Rule 305(a) is rescinded and re-promulgated to read:

(a) Unless the order granting a hearing specifies otherwise,

(1) hearing is granted as to all points raised in the petition (see Rule 303(b)(4)), and

(2) the case shall be briefed in the manner prescribed in Rule 212. The petitioner shall serve and file his opening brief within 30 days after service of the order granting a hearing.

Order No. 582
Page 6 of 7
Effective Date: February 1, 1984

6. Appellate Rule 305(b) is amended to read:

(b) Either party may serve and file a written request for oral argument in the court of discretionary review [NOT LATER THAN 15 DAYS AFTER SERVICE OF THE ORDER GRANTING A HEARING.] within the time allowed by Rule 213(a). If oral argument is timely requested, it will automatically be scheduled. When a request is made by one party, the right to oral argument extends to all parties. Oral argument shall be scheduled and held as provided in Rule 505.

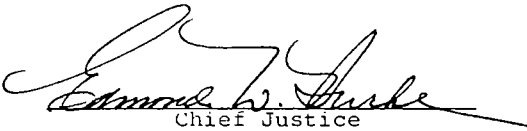
Order No. 582
Page 7 of 7
Effective Date: February 1, 1984

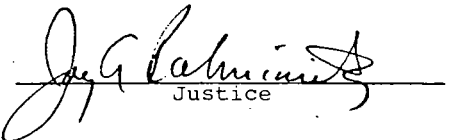
7. Appellate Rule 505(b) is amended to read:

(b) Order of Preference. Any case entitled by law or court rule to preference shall be placed on the first oral argument calendar prepared after the completion of briefing. All other cases shall be scheduled for oral argument in the order in which briefing is completed [OR THE PETITION FOR HEARING GRANTED].

DATED: November 22, 1983

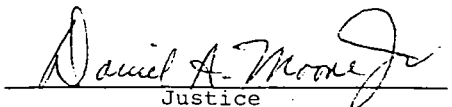
EFFECTIVE DATE: February 1, 1984


Chief Justice


Justice


Justice


Justice


Justice

Usual distribution