

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 619

Amending Appellate Rules
508(d), (e), and (f)
relating to the awarding
of costs and fees on
appeal.

IT IS ORDERED:

Appellate Rules 508(d), (e), and (f) are amended to read as follows:

(d) Costs to be Awarded. When costs are awarded in the appellate courts, they shall include, unless the court otherwise orders, the filing fee, the costs of preparing the record and transcript, premiums for any bond under Rule 204(c) or 204(d), and the costs of duplicating and mailing briefs. Costs for duplicating briefs will not be awarded in excess of the rate generally charged by printers in the city in which counsel is located.

(e) Attorney's Fees. Attorney's fees may be allowed in an amount to be determined by the court. If such an allowance is made, the clerk shall issue an appropriate order awarding fees at the same time that an opinion or an order under Rule 214 is filed. If the court determines that an appeal or cross-appeal is frivolous or that it has been brought simply for purposes of delay, actual attorney's fees may be awarded to the appellee or cross-appellee.

(f) Procedure.

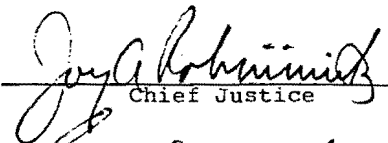
(1) At the time an opinion or an order under Rule 214 is filed, the clerk shall notify the party or parties entitled to recover costs under sections (b) and (c) of this rule. That party or parties shall serve and file an itemized and verified bill of costs within 10 days after the date of notice of the opinion or order. Date of notice is

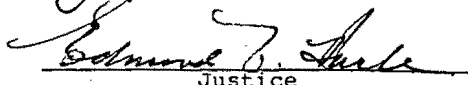
defined in Civil Rule 58.1(c). The bill of costs shall be limited to the items specified in subsection (d) of this rule. Failure to file a timely bill of costs is a waiver of the right to recover costs. Objections to the bill of costs may be filed within 7 days after service of the bill.


(2) Promptly after expiration of the time for filing objections, the clerk shall issue an itemized award of costs. A party aggrieved by the clerk's action in awarding costs under subsection (f)(1) of this rule or attorney's fees under subsection (e) of this rule may file a motion for reconsideration of the clerk's award, which motion will be determined by an individual justice or judge. A hearing on the bill of costs shall not be held unless requested by the clerk. The clerk may not delegate to a deputy clerk the authority to award costs in cases in which objection is filed, except with the approval of the chief justice. Return of the record shall not be delayed pending the award of costs.

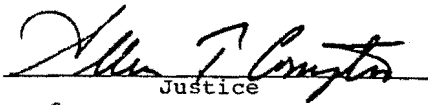
DATED: March 20, 1985

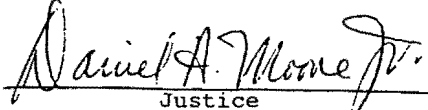
EFFECTIVE DATE: June 15, 1985


Chief Justice


Justice


Justice


Justice


Justice