

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 663

Adding Administrative Rule 46
Relating to all Special Judicial
Administrative Orders

IT IS ORDERED:

Alaska Rule of Administrative Procedure 46 is added as follows:

Rule 46 - Special Orders of the Supreme Court and Court of Appeals and
Presiding Judge Orders

(a) Judicial Administrative Orders. The chief justice of the supreme court shall have authority to make and promulgate administrative orders designated as Special Orders of the Chief Justice. The chief judge of the court of appeals shall have authority to make and promulgate administrative orders designated as Special Orders of the Court of Appeals. The presiding judge of a judicial district shall have authority to make and promulgate administrative orders designated as Presiding Judge Orders. No judicial administrative order may be issued except under the authority of this section.

(b) Uniformity Required. No order shall be promulgated that is inconsistent with the Alaska Statutes or the Alaska Rules of Court. The vesting of all rulemaking authority in the Alaska Supreme Court shall be recognized.

(c) Definitions

(1) Rules. All (i) judicially imposed requirements (ii) indicating a mandatory course of action or nonaction (iii) not part of any case adjudication or statute, are rules.

(2) Judicial Administrative Orders. All (i) non-adjudicatory directives or determinations (ii) effectuating administrative concerns (iii) made and promulgated under Administrative Rule 46, are judicial administrative orders.

(d) Sanctions. Violations of judicial administrative orders are not punishable under Civil Rule 95. Violators shall first be given actual notice of the order transgressed and provided with a reasonable opportunity to comply. Repeated knowing violations may be punished as contempt.

(e) Adoption

(1) Filing. All judicial administrative orders shall be filed with the office of the administrative director and shall contain an effective date and where appropriate a termination date.

(2) Review. Within 30 days of filing, all orders shall be reviewed by the office of the administrative director to (i) ensure the statewide policy of uniform rules and practices has been preserved; and (ii) determine any fiscal impact of the order. Orders inconsistent with court system uniform rules or practices or having unusual fiscal impact shall be referred within the review period to the supreme court.

(3) Supreme Court. Within 30 days of receiving an administrative referral, the supreme court shall approve, refuse to approve, or modify and approve a judicial administrative order. Approval, disapproval, or modification shall be indicated by order of the supreme court.

(4) Distribution. All judicial administrative orders reviewed by the supreme court, the review order of the supreme court, and such other judicial administrative orders as are selected by the office of the administrative director, shall be sent to the chief justice, the chief judge, the administrative director, the presiding judges, the clerks of court, and the court system law libraries. The clerks of court and the law libraries shall maintain a Judicial Administrative Order Book available for public inspection including all of the orders distributed under this subsection grouped according to the appropriate appellate court or judicial district heading.

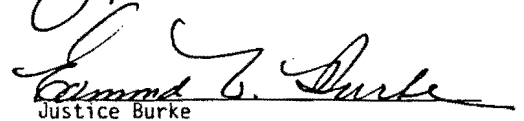
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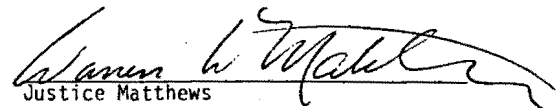
(5) Sunset Review. The office of the administrative director shall annually conduct a review of all judicial administrative orders distributed under subsection (e)(4) for the purpose of recommending to the promulgating judicial office or the supreme court the termination of superannuated orders.

DATED: December 4, 1985

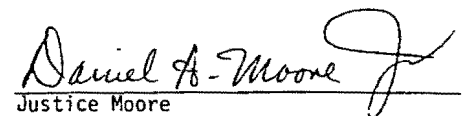
EFFECTIVE DATE: March 15, 1986


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore