

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 879

Amending Civil Rule 16.1 (d),  
(f) and (h).

IT IS ORDERED:

1. Civil Rule 16.1(d) is amended to provide:

(d)(1) Witness and Exhibit List and Exhibit Copies. A party desiring to file a Motion to Set Trial must first serve on all other parties and file with the court a list of witnesses and exhibits expected to be used at trial. Exhibit copies must be served on all other parties, but not filed with the court. Evidence to be used solely for impeachment is excepted. This service and filing may not occur until 90 days after service of the summons and complaint. Within 15 days after service of the witness and exhibit list and exhibit copies all other parties shall file and serve their lists of witnesses and exhibits, and serve their exhibit copies. For good cause shown, the trial court may extend the foregoing time period. After all necessary filings and service under this section are made or the time for such filings has expired, any party may serve and file a motion to set trial and certificate under paragraph (c) of this rule.

(2) Witness Lists. Each party's witness list must include, to the extent known, the current name, address, work and home telephone number of each witness. The witness list must identify those witnesses with whom counsel for the party asserts there exists an attorney-client relationship by virtue of his or her representation of the corporation. The witness list must also disclose those witnesses whom the party intends to call as experts.

2. Civil Rule 16.1(f) is amended to provide:

(f) Active Calendar. If an opposition certificate has been timely filed, the court shall decide without oral argument the motion and opposition. Where the opposition is without good cause, the assigned judge shall immediately set a trial setting conference date on the earliest calendar opening within [AT LEAST] 60 days. A later date may be set only where good cause therefore is found in the opposition certificate. If an opposition certificate has not been filed, the court shall proceed as if the opposition is without good cause.

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3. Civil Rule 16.1(h) is amended to provide:

(h) Setting for Trial. The trial shall be calendared for the first available date within [AT LEAST] 120 days following the trial setting conference held pursuant to paragraph (f) of this rule. Preference shall be accorded cases entitled by law to priority on the trial calendar and cases estimated to require not more than two hours of trial. Counsel and pro se parties shall be provided not less than 60 days advance written notice of the trial date.

DATED: February 4, 1988

EFFECTIVE DATE: July 15, 1988

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Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

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Justice Compton

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Justice Moore