

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 928

Amending Appellate Rules  
604(a), 216(f), 217(c),  
210(f)(4), and 210(f)(5)  
concerning certification of  
district court appeals.

IT IS ORDERED:

1. Appellate Rule 604(a) is amended to provide:

- (a) Preparation of Record.

- (1) The original papers and exhibits filed in the district court or with the administrative agency, and the record of proceedings before the district court or agency, shall constitute the record on appeal unless otherwise ordered by the court or unless the parties designate an abbreviated record. A party is not required to submit a designation of the record unless the court so requires.

- (2) The record of proceedings before the district court will include cassette tapes rather than transcripts unless the superior court orders the submission of transcripts. In an appeal from the district court, the papers in the record need not be numbered, and the trial court clerk's certificate attached to the record need not include a table of contents. Otherwise, the record on appeal must be prepared and certified in conformity with Appellate Rule 210.

- (3) The clerk of the trial courts shall prepare the record on appeal in an appeal of district court judgments. The administrative agency shall prepare the record on appeal in an appeal of an administrative

decision. All reasonable costs incurred in connection with preparing the record on appeal shall be borne by the appellant; in the instance of a cross-appeal, the costs may be apportioned. The preparing agency may require in advance the costs as reasonably estimated by the agency.

2. Appellate Rule 216(f) is amended to provide:

(f) Record on Appeal. The appellant shall not designate a record on appeal. The entire superior court file shall serve as the record on appeal, together with a cassette tape recording of any hearing held in superior court if deemed necessary by the court of appeals. The papers in the record on appeal need not be numbered at the bottom consecutively, and the trial court clerk's certificate attached to the record need not include a table of contents. Promptly upon the filing of the appellee's memorandum, the clerk of the trial courts shall transmit the original and copies of the record on appeal to the clerk of the appellate courts in the same manner as for other appeals.

3. Appellate Rule 217(c) is amended to provide:

(c) Unless otherwise ordered by the Court of Appeals, the record on appeal shall consist of the entire District Court file, together with cassette recordings of those proceedings designated pursuant to Rule 210(a). Written transcripts may not be prepared except by order of the Court of Appeals. The papers in the record on appeal need not be numbered at the bottom consecutively, and the trial court clerk's certificate attached to the record need not include a table of contents. The clerk of

the trial courts shall complete the preparation of the record on appeal within fifteen days from the date of filing the notice of appeal.

4. Appellate Rule 210(f)(4) is amended to provide:

(4) The record on appeal shall be assembled by the clerk in one or more separate parts or volumes, as the clerk may deem convenient, and with each page numbered at the bottom consecutively, in order that convenient and easy reference, by page and volume numbers, may be had to any particular paper or exhibit in the record. However, if the appeal is taken from the district court, or if the appeal is taken under Rule 216, the pages need not be numbered.

5. Appellate Rule 210(f)(5) is amended to provide:

(5) The clerk shall prepare, sign and attach to the record on appeal a certificate containing the following: a table of contents which shall list each document and exhibit contained in the record on appeal with corresponding volume and page numbers where each such document may be found, and a brief description of each exhibit indicating if the exhibit is a "physical exhibit" which will not be transmitted pursuant to subsection (1) of this rule; the date upon which the preparation of the record was completed; and the dates upon and the manner in which notice of such completion of the record was given by the clerk and the names of the parties or their attorneys to whom such notice was given. However, if the appeal is taken from the district court, or if the appeal is taken under Rule 216, the certificate need not include a table of contents.

6. Appellate Rule 608 is amended to provide:

A sentence appeal to the superior court is governed by Rule 215. That rule will in case of inconsistency prevail over Part Six of these rules, except [AS PROVIDED BY RULE 604(a) THE RECORD ON APPEAL CONSISTS OF THE ENTIRE DISTRICT COURT RECORD AND DESIGNATION OF THE RECORD IS NOT REQUIRED] that the record shall be prepared and certified in accordance with Rule 604(a).

DATED: August 31, 1988

EFFECTIVE DATE: January 15, 1989

\_\_\_\_\_  
Chief Justice Matthews

\_\_\_\_\_  
Justice Rabinowitz

\_\_\_\_\_  
Justice Burke

\_\_\_\_\_  
Justice Compton

\_\_\_\_\_  
Justice Moore