

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1450

Correcting typographical and other
errors for 2001-2002 Edition of the
Alaska Rules of Court.

IT IS ORDERED:

I. Paragraph (d) of Civil Rule 3 is amended to read as follows:

(d) Subject to a change of venue motion under AS 22.10.040, a trial and any hearings in an action shall be conducted in a venue district within the judicial district at a location which would best serve the convenience of the parties and witnesses. However, if there is any part of more than one venue district within the boundaries of a borough, the trial and related hearings shall be conducted within the borough's boundaries at a location which would best serve the convenience of the parties and witnesses.

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II. Civil Rule 81 is amended to read as follows:

(a) Who May Practice.

(1) *Members of the Alaska Bar Association.*

Subject to the provisions of paragraph (2) of this subdivision, only attorneys who are members of the Alaska Bar Association shall be entitled to practice in the courts of this state.

(2) *Other Attorneys.* A member in good standing of the bar of a court of the United States, or of the highest

court of any state or any territory or insular possession of the United States, who is not a member of the Alaska Bar Association and not otherwise disqualified from engaging in the practice of law in this state, may be permitted, upon motion and payment of the required fee to the Alaska Bar Association, to appear and participate in a particular action or proceeding in a court of this state. The motion, and the notice of hearing, if any, shall be served on the executive director of the Alaska Bar Association and, unless the court directs otherwise by an order pursuant to Rule 5(c) of these Rules, on each of the parties to the action or proceeding. With the motion, the applicant must file with the court the following:

(A) The name, address and telephone number of a member of the Alaska Bar Association with whom the applicant will be associated, who is authorized to practice in the courts of this state.

(B) A written consent to the motion, signed by such member of the Alaska Bar Association.

(C) A certificate of the presiding judge or clerk of the court where the applicant has been admitted to practice, executed not earlier than 60 days prior to the filing of the motion, showing that the applicant has been so admitted in such court, that he is in good standing therein and that the applicant's professional character appears to be good.

(D) Proof of payment of the required fee to the Alaska Bar Association.

An attorney thus permitted to appear may participate in a particular action or proceeding in all respects, except that

all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom the attorney is associated.

(3) *Authority and Duties of Attorneys.* Local counsel shall be primarily responsible to the court for the conduct of all stages of the proceedings, and their authority shall be superior to that of attorneys permitted to appear under paragraph (2) of this subdivision.

(b) **Ex Parte Applications.** All motions for ex parte orders must be made by an attorney or in propria persona.

(c) **Appearance by Party.** Except as otherwise ordered by the court, a party who has appeared by an attorney may not thereafter appear or act in the party's own behalf in any action or proceeding, unless order of substitution shall have been made by the court after notice to such attorney.

(d) **Withdrawal of Attorney.**

(1) An attorney who has appeared for a party in an action or proceeding may be permitted to withdraw as counsel for such party only as follows:

(A) For good cause shown, upon motion and notice of hearing served upon the party in accordance with Rule 77 and after the withdrawing attorney provides to the court the last known address and telephone number of the attorney's client; or

(B) Where the party has other counsel ready to be substituted for the attorney who wishes to withdraw; or

(C) Where the party expressly consents in open court or in writing to the withdrawal of the party's attorney and the party has provided in writing or on the record a current service address and telephone number.

(2) An attorney shall be considered to have properly withdrawn as counsel for a party in an action or proceeding in which a period of one year has elapsed since the filing of any paper or the issuance of any process in the action or proceeding, and

(A) The final judgment or decree has been entered and the time for filing an appeal has expired, or

(B) If an appeal has been taken, the final judgment or decree upon remand has been entered or the mandate has issued affirming the judgment or decree.

This subparagraph (2) shall not apply to an attorney who files and serves a notice of continued representation.

(e) **Stipulations.** Stipulations between parties or their attorneys will be recognized only when made in open court, or when made in writing and filed with the clerk.

(f) **Time for Argument.** Unless otherwise specially ordered no longer than one quarter hour shall be allowed each party for argument upon any motion, or on any hearing other than a final hearing on the merits. The time for opening statements and arguments at the trial of an action shall be determined in accordance with Civil Rule 46(h).

(g) **Disbarment and Discipline.** Whenever it appears to the court that any member of the bar has been disbarred or suspended from practice or convicted of a felony, that member shall not be permitted to practice

before the court until the member is thereafter reinstated according to existing statutes and rules.

III. Paragraph (f)(1) of Criminal Rule 56 is amended to read as follows:

(1) an offense as defined in AS 11.81.900(b)(61);

IV. The first paragraph of District Court Criminal Rule 1 is amended to read as follows:

Wherever practicable the Rules of Criminal Procedure shall apply to criminal actions within the jurisdiction of the district court.

DATED: August 20, 2001
EFFECTIVE DATE: October 15, 2001

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti