

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1899

Amending Administrative Rule 40(b) to substitute "Not Published" for a party name that is protected; and amending Administrative Rule 40 (b) and (c) and adding a new subsection (d) to maintain the status of the public index while a request that the party name not appear is pending.

IT IS ORDERED:

Administrative Rule 40 is amended to read as follows:

Rule 40. Index to Cases.

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party's true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party's name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party's date of birth. The court system shall publish a public version of the index, which excludes only

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(11) party names protected under paragraphs (b) or (c) of this rule.

The court system shall continue to list a case on the public index even though the case file has been sealed or made confidential under Administrative Rule 37.6, unless the party names were protected under paragraphs (b) or (c) of this rule. The public index

will be available to the public in electronic form except as limited by Administrative Rule 37.8.

(b) The presiding judge of a judicial district may direct the clerk of the court to substitute “Not Published” ~~the pseudonym “Jane Doe” or “John Doe” or initials~~ for a party’s true name on the public index if the presiding judge finds that the issues in the case involve matters of a sensitive and highly personal nature, that publication of the name could expose a person to harassment, injury, ridicule, or personal embarrassment, and that protection of the party’s name outweighs the public’s interest in disclosure and any prejudice to the opposing party. If the presiding judge determines that the true name of more than one party in a case should be protected under this subsection, the parties shall be distinguished by number (“Not Published 1, Not Published 2”). ~~with alphabetical middle initials (“Jane A. Doe, Jane B. Doe”). Unless otherwise ordered, a party’s name will not appear on the public index.~~ While a request to protect the name is pending before the presiding judge, subsection (d) applies.

(c) The presiding judge of a judicial district may direct the clerk of court to remove a party’s name from the public index for a period of five years if the presiding judge finds that publication of the name is likely to result in substantial physical harm to the party or members of the party’s household and protection of the party’s name outweighs the public’s interest in disclosure. After five years, the party’s name will appear on the public index unless the presiding judge orders the name protected for an additional period of time, upon another showing that publication of the name is likely to result in substantial physical harm to the party or members of the party’s household. ~~Unless otherwise ordered, a party’s name will not~~

~~appear on the public index. While~~ a request to protect the name is pending before the presiding judge, subsection (d) applies.

(d) Unless otherwise ordered, while a request under subsection (b) or (c) is pending,

(1) the party's name will not be added to the public index if the request is made with or in the filing that initiates the case; and

(2) the party's name will remain on the public index if the request is made in an existing case.

DATED: December 14, 2016

EFFECTIVE DATE: January 1, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney