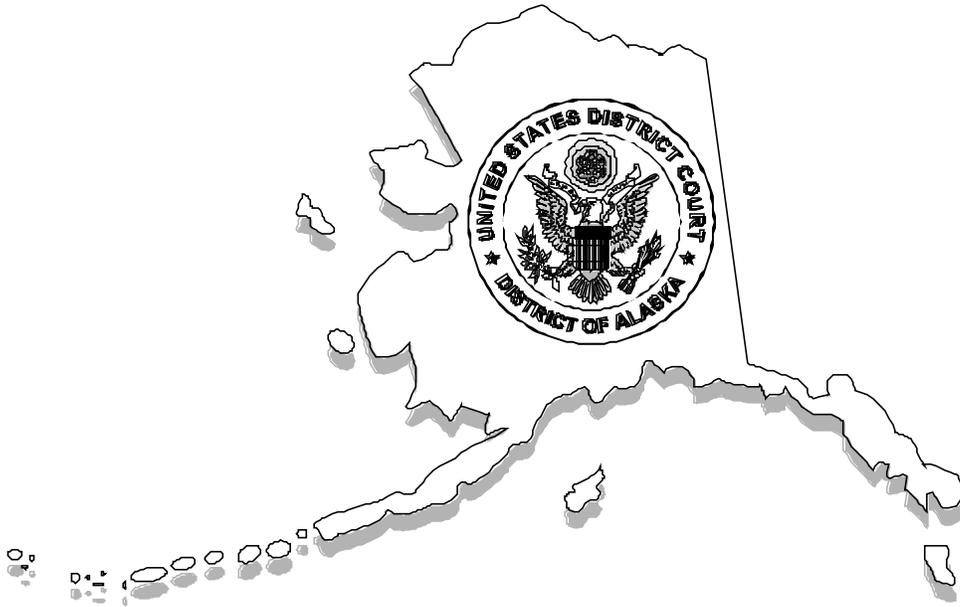


**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**



NEW ATTORNEY REFERENCE MANUAL

OFFICE OF THE CLERK OF COURT

OCTOBER 2000

REVISED APRIL 2009

INTRODUCTION

This reference *Manual* has been prepared to familiarize attorneys with the administrative aspects of the U.S. District Court for the District of Alaska. This Manual is only a **guide**. It is not intended to answer questions regarding practice and is not a substitute for statutes, rules and case law. This Manual does not take the place of the Federal Rules of Practice and Procedure or the Local Rules of Court. United States Code, the United States Statutes, the U.S. Reports and the Code of Federal Regulations (CFR) all can be found in either the U.S. District Court Law Library located at 222 West 7th Avenue, Anchorage, the Alaska State Court Law Library located at 303 K. St., Anchorage, or on-line.

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I. GENERAL INFORMATION ABOUT THE COURT

A. STAFF OF THE U.S. DISTRICT COURT — DISTRICT OF ALASKA

Anchorage

Judges

Chief Judge John W. Sedwick
Judge Ralph R. Beistline
Judge Timothy M. Burgess
Senior Judge James A. von der Heydt
Senior Judge James M. Fitzgerald
Senior Judge H. Russell Holland
Senior Judge James K. Singleton, Jr.
Magistrate Judge John D. Roberts
Magistrate Judge Deborah M. Smith

Clerk's Office

Ida Romack, Clerk of Court
Marvel Hansbraugh, Chief Deputy Clerk

Fairbanks

Judges

Magistrate Judge Scott A. Oravec

Clerk's Office

Sherry Mons, Deputy Clerk

Juneau

Judges

Magistrate Judge Leslie Longenbaugh

Clerk's Office

Yvonne Davis, Deputy Clerk

Ketchikan

Judges

Magistrate Judge Michael A. Thompson

Clerk's Office

Beverly Zaugg, Deputy Clerk

Nome

Judges None

Clerk's Office

Tracey Buie, Deputy Clerk

Kodiak

Judges

Magistrate Judge Matthew Jamin

Clerk's Office None

B. LOCATION AND HOURS OF CLERK'S OFFICE

The *main* office of the Clerk of Court for the District of Alaska is located in Anchorage. In addition to the Anchorage office, the Clerk maintains satellite offices in: Fairbanks, Juneau, Ketchikan and Nome, all of which are staffed.

The physical locations of the clerk's offices, telephone numbers and hours of operation:

Anchorage

222 W. 7th Avenue Room 229
Anchorage, AK 99513-7564
907-677-6000
Office Hours: 9:00 am - 4:30 pm
Closed: 12:30 pm – 1:30 pm

Fairbanks

101 12th Ave., Room 332
Fairbanks, AK 99701-6283
907-451-5791
Office Hours: 9:00 am - 4:30 pm
Closed 12:00 pm – 1:00 pm

Juneau

648 Mission St., Room 507
Ketchikan, AK 99901-6534
907-247-7576
Office Hours: 9:00 am - 4:00 pm

Ketchikan

709 W. 9th Ave., Room 979
Juneau, AK 99802-0349
907-586-7458 Office
Hours: 9:00 am – 11:00 am

Nome

U.S. Courthouse, Front Street
Nome, AK 99762-0130
907-443-5216
Office Hours: 9:00 am - 4:30 pm

For filing by mail, the following addresses should be used.

Anchorage

U.S. District Court - Clerk's Office
222 W. 7th Avenue Box 4
Anchorage, AK 99513-7564

Juneau

U.S. District Court - Clerk's Office
648 Mission St., Room 507
Ketchikan, AK 99901-6534

Nome

U.S. District Court - Clerk's Office
Box 130
Nome, AK 99762-0130

Fairbanks

U.S. District Court - Clerk's Office
101 12th Ave., Box 1
Fairbanks, AK 99701-6283

Ketchikan

U.S. District Court - Clerk's Office
Box 20349
Juneau, AK 99802-0349

C. LEGAL HOLIDAYS

The Court observes the following **LEGAL HOLIDAYS**: New Year's Day, Martin Luther King's Birthday, President's Day, Seward's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, day after Thanksgiving Day, and Christmas Day.

D. FILING DOCUMENTS

The court has made filing electronically using the CM/ECF System mandatory for all attorneys admitted to practice before the court, except as the Chief Judge may, for good cause, waive that requirement. See D. Ak. LR 5.3(c)(1), (e)(1). Attorneys admitted to practice before the court are expected to comply with the CM/ECF Administrative Policies. Information on the use of the CM/ECF System is available on the court's website, www.akd.uscourts.gov, by clicking on the "CMECF" Tab.

For documents filed conventionally, D. Ak. LR 3.3(c) provides:

- (1) In cases where venue is proper in Anchorage, complaints and subsequent pleadings, motions, papers, and other documents, may only be filed conventionally in Anchorage; and
- (2) except as provided in paragraph (3), in all other cases, complaints and subsequent pleadings, motions, papers, and other documents, may be filed conventionally in either Anchorage or the location of the court in which venue lies.
- (3) All documents filed by delivery utilizing the U.S. Postal Service, Fed-Ex, UPS, DHL, or similar service, are to be filed in the Anchorage office only.
- (4) In all cases in which a hearing or trial is scheduled, all pleadings, motions, papers, and other documents required for the hearing or trial filed conventionally less than five (5) business days before the scheduled event must be—

[A] filed in the location where the hearing or trial is to be held, and

[B] if the presiding judge does not maintain chambers in that location, an additional copy must be delivered or mailed to the court location where the presiding judge maintains chambers.

Filings Are Not to Be Delivered Directly to the Judges' Chambers or Mailed Directly to the Judge.

E. AFTER-HOURS CONVENTIONAL FILING IN ANCHORAGE

In *Anchorage*, Documents may be filed conventionally after 4:30 p.m. or before 9:00 a.m. by placing them in a drop box located outside the door of the Clerk's Office [room229]. The drop box is accessible when the building is open. All documents placed in the drop box after 4:30 p.m. and before 9:00 a.m. the next day will be date stamped as of 4:30 p.m. on the previous workday. Documents dropped after 9:00 a.m. will be date stamped that same day.

F. CASE NUMBER FORMAT

All cases have distinctive numbers in the following format:

One number designation of the place where the case was filed: 1 for Juneau, 2 for Ketchikan, 3 for Anchorage, 4 for Fairbanks, and 5 for Nome;

followed by a colon (:) and the two digit indicator of the year the case was filed;

the year is followed by a hyphen (-) and abbreviated cv (Civil) or cr (Criminal);

followed by a hyphen (-) and the sequential five-digit case number; and

followed by a hyphen (-) and the initials of the Judge assigned to the case.

For Example:

The first civil action case number filed in Anchorage in 2007 would be 3:07-cv-00001-JWS and is assigned to Judge John W. Sedwick.

The first criminal action case number filed in Fairbanks in 2007 would be 4:07-cr-00001-RRB and is assigned to Judge Ralph R. Beistline

A miscellaneous case number is used for certain non-criminal filings not given a civil case number. Examples include: out of district subpoenas, registration of foreign judgments, receiver appointments, and attorney disciplinary proceedings.

All open active cases in the district court are maintained in the Clerk's Office, either electronically (CM/ECF System) or paper (conventionally filed). After the final disposition of the case, paper files of closed cases are kept for one year or more in the Clerk's Office. Paper files for most cases closed longer than three years are maintained at the Federal Records Center in Seattle, Washington or the Records Center in Anchorage, Alaska. The Front Counter Clerk can provide the exact location of a paper file upon request. Files maintained electronically (on the CM/ECF System) are retained indefinitely.

G. SEARCHING FOR CASE INFORMATION

Computer terminals in the public viewing area of the Clerk's Office may be used to obtain case information. All records in the Clerk's Office, whether in electronic (C/ECF System) or paper format, are filed and retrieved by case number. If the case number is not known a party index, using the person's name, can be researched to identify the case number for a given plaintiff or defendant. The party index is available to the public Monday through Friday during regular business hours.

H. PUBLIC ACCESS TO COURT ELECTRONIC RECORDS (PACER)

The District Court provides Public Access to Court Electronic Records for cases filed in Anchorage, Fairbanks, Juneau, Ketchikan and Nome divisional offices. PACER provides the following case related information: civil case and criminal case lists, court calendars for the current and next day events; party name searches; case number searches. This information is available for viewing, printing or faxing. For subscription and computer set up information contact the PACER Service Center at 1-800-676-6856.

- Civil & Criminal Case List: Access to case, party, dockets, and calendar information for specific cases.
- Court Calendar: Provides information for the current day and the next working day.
- Party Name Search: Find a case and party information based on partial party names.
- Case Number Search: Locate basic case information for specific Civil and Criminal cases.
- Case List by Filing Date: Find Civil and Criminal cases filed within specified date range.

I. WEB PAGE (www.akd.uscourts.gov):

The Court has established a Web Page to provide public information about the District Court. The major categories on the Web Page are CM/ECF Filing System, Court Information, Offices, Links, Reference, and Calendar Information. Information provided on the Web includes:

- ◆ Court Information
 - Clerk's Offices information [location, telephone numbers, hours of operation,
 - General Frequently Asked Questions (FAQ)
 - Court Forms
 - Public Notices
 - Judicial Opinions and other Chambers Publishing

◆ Reference

Federal Rules of Civil Procedure
Federal Rules of Criminal Procedure
Federal Rules of Evidence
Federal Rules of Bankruptcy Procedure
Local Court Rules

◆ Docketing Information

Where you can access public information from the court database.

The court is able to provide full docket sheet information that you can request sent to you via e-mail.

◆ Calendar

The daily court calendar and next day's calendar are available via the web.

◆ Links

Ninth Circuit
Bankruptcy Court
Alaska State Court System
Alaska Bar Association
Federal Judicial Center
Treasury Bond Information

J. FEES OF THE U.S. DISTRICT COURT

Fees required under 28 U.S.C. § 1914 may be paid by cash, personal, or cashier's check. All checks or money order are to be made payable to Clerk of the Court. The fees are shown on the Clerk's Fee Schedule which is available at the Clerk's Office or on-line at the court's web page www.akd.uscourts.gov under Court Info: Fees.

K. FINES AND RESTITUTION PAYMENTS

The Front Counter Clerk, processes all restitution and fine payments and will issue receipts only for fine and restitution payments accompanied by a coupon.

M. RULES OF COURT

Proceedings in the Federal District Court are governed by several sets of rules of procedure. First, the Federal Rules of Civil Procedure (FRCivP) and the Federal Rules of Criminal Procedure (FRCrP). Next actions are governed by the Local Rules of the United States District Court for the District of Alaska, cited as D. AK. LR_. These Rules may also be applied to admiralty, bankruptcy, criminal and *habeas corpus* proceedings. There are specific local rules for admiralty, criminal, bankruptcy, *habeas corpus*, and magistrate judge proceedings. The

specific rules, rather than the general rules, may be applicable, so all Rules should be reviewed. All national and local rules may be viewed or downloaded from the USDC–District of Alaska WebPage located at www.akd.uscourts.gov.

Attorneys who practice before this court are expected to be familiar with and follow the applicable rules.

II. OTHER FEDERAL AGENCIES

Federal Public Defender's Office	(907) 646-3400
Probation and Pretrial Services Office	(907) 271-5492
U.S. Marshal's Office	(907) 271-5154
U.S. Attorney's Office	(907) 271-5071
Ninth Circuit Law Librarian	(907) 271-5655

III. SUMMARY OF FILING REQUIREMENTS

- ◆ use 1-inch top and bottom margins and 1-inch margins on the sides;
- ◆ all text must be double or one-and-one-half spaced, except for quotations [indent], footnotes and title page, which may be single-spaced;
- ◆ the space to the right center [above the title of court] must be left blank for court markings;
- ◆ the title page must begin 1½ inches from the top of the page and include: name, address, telephone number, fax number, and e-mail address of the appearing attorney placed left of the center of the page. Include the party the attorney represents;
- ◆ the typed name of the judge is to be placed underneath the signature line on all orders;
- ◆ the names of all parties must be included on original pleading and summons only;
- ◆ place file number [including judge's initials after case number], brief nature of document, and nature of relief sought to the right center below the case number;
- ◆ all printed matter must be in at least 11-point, ten-pitch or 12-point proportional faced type;
- ◆ complaints must be accompanied by civil cover sheet, Form AO-JS44, notice of related cases [if applicable], and applicable

filing fee;

- ◆ place name of party the attorney represents under the attorney's signature line on pleading;
- ◆ all amended documents must be retyped entirely [attach to motion to amend];
- ◆ certificate of service must be reflected on the document served, not on a separate pleading;
- ◆ do not file discovery documents, including depositions, unless requested by the court or for use in the proceeding;
- ◆ when responding to interrogatories or requests for admissions, repeat verbatim each query, and then set out response;
- ◆ the initial pleading or appearance must be accompanied by the F.R.Civ.P.7.1 disclosure statement;
- ◆ a proposed order must be filed with non-dispositive motions;
- ◆ the court may require that a proposed order for a dispositive motion be filed on a disk in a format compatible with the court's computer system;
- ◆ principle briefs or memoranda may not exceed 25 pages and replies may not exceed 15 pages, exclusive of tables of contents, citations, reproductions of statutes, rules, regulations, ordinance, *etc*;
- ◆ opposition to a motion will be filed within 15 days of service of the motion.
- ◆ a reply is optional and must be filed within 5 days of service of the opposition;
- ◆ exhibits must be numbered progressively at the bottom of the page with the exhibit identified [*e.g.*, "Page 3, Exh. C" or "Exh. C Page 3"], and, if more than five exhibits, be preceded by a table of contents; and
- ◆ bulky exhibits must clearly show case number, document number and title.

For conventionally filed documents:

- ◆ all documents must be on 8 ½ X 11 inch paper at least 16 lb. with two holes punched at the top center of the page;
- ◆ an original and one copy of ALL documents is required;
- ◆ use only one side of the paper;
- ◆ exhibits are to be tabbed with the identifying number/letter.