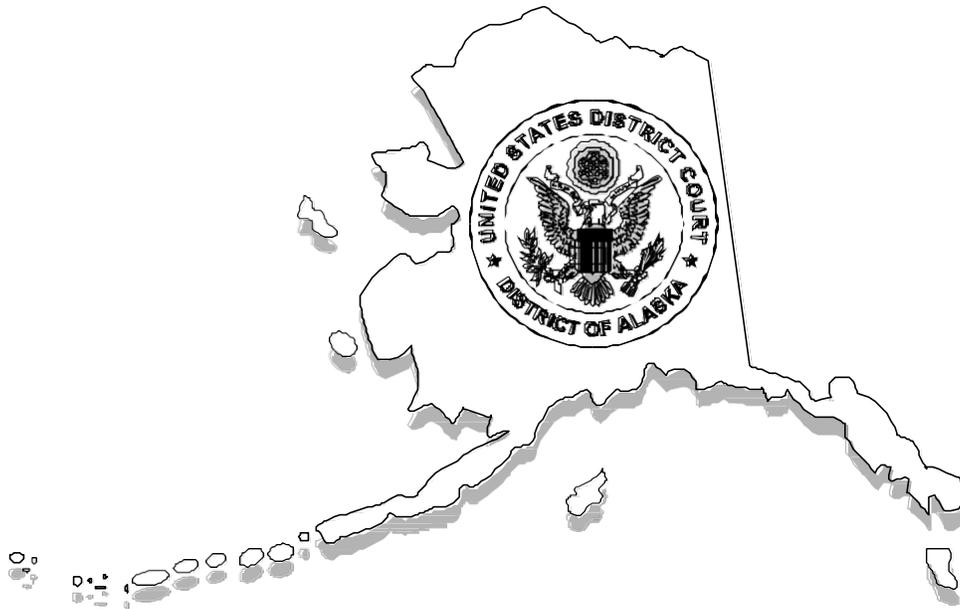


**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**



NEW ATTORNEY REFERENCE MANUAL

OFFICE OF THE CLERK OF COURT

(October 2020)

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 Status, 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 Street, 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 Timothy M. Burgess
Judge Sharon L. Gleason
Judge Joshua M. Kindred
Senior Judge H. Russel Holland
Senior Judge James K. Singleton
Senior Judge John W. Sedwick
Senior Judge Ralph R. Beistline
Chief Magistrate Judge Deborah M. Smith
Magistrate Judge Matthew M. Scoble

Clerk's Office:

Brian Karth, Clerk of Court
Stephanie Lawley, Chief Deputy Clerk

Fairbanks

Judges:

Magistrate Judge Scott A. Oravec

Clerk's Office:

Jennifer Meismer-House, Deputy Clerk

Juneau

Judges: NONE

Clerk's Office:

Katrina Crossley, Deputy Clerk

Ketchikan

Judges: NONE

Clerk's Office:

Dorene Smith, Deputy Clerk

Nome

Judges: NONE

Clerk's Office: Tracie Buie, Clerk

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: 8:00 a.m. – 4:30 p.m.

Juneau

709 W. 9th Avenue, Room 979
Juneau, AK 99802-0349
907-586-7458
Office Hours: 8:00 a.m. – Noon and
1:00 p.m. - 4:30 p.m.

Nome

U.S. Courthouse, Front Street
Nome, AK 99762-0130
907-443-5216
Office Hours: 9:00 a.m. – 12:00 p.m.

Fairbanks

101 12th Avenue, Room 332
Fairbanks, AK 99701-6283
907-451-5791
Office Hours: 8:00 a.m. – 4:30 p.m.

Ketchikan

648 Mission St., Room 507
Ketchikan, AK 99901-6534
907-247-7576
Office Hours: 9:00 a.m. - 12:00 p.m.

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
709 W. 9th Avenue, Box 20349
Juneau, AK 99802-0349

Nome

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

Fairbanks

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

Ketchikan

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

C. LEGAL HOLIDAYS

The court observes the following **LEGAL HOLIDAYS**: New Year's Day, Martin Luther King's Birthday, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans 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 L.Civ.R. 5.1. 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, L.Civ.R. 7.3(c) provides: If an exhibit cannot be filed electronically, a party may file it conventionally as follows:

- (1) A "Notice of Filing Conventional Materials" must be filed electronically in the case including a brief description of the materials.
- (2) The filer must include a page in the appropriate place sequentially in the electronic document to which the exhibit pertains, with a conspicuous notation in the middle of the page "Exhibit (insert brief description of the exhibit) to be filed conventionally."
- (3) When an exhibit is filed conventionally, two copies of the exhibit must be delivered to the clerk's office. One copy will be retained in the clerk's office as part of the official court file, the copy will be forwarded to chambers.

Filings are not to be delivered directly to the Judge's chambers or mailed directly to the Judge.

E. 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 Nome, **3** for Anchorage, **4** for Fairbanks, and **5** for Ketchikan;

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); 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 2019 would be 3:19-cv-00001-TMB and is assigned to Judge Timothy M. Burgess.

The first criminal action case number filed in Fairbanks in 2019 would be 4:19-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, receive appointments, and attorney disciplinary proceedings.

All open active cases in the District Court are maintained electronically at the Clerk's Office. Closed paper files are maintained at the Federal Records Center in Seattle, Washington. The Intake Clerk can provide the exact location of a paper file upon request. Files maintained electronically (on the CM/ECF System) are retained indefinitely.

F. SEARCH 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 (CM/ECF System) or paper format, are filed and retrieved by case number.

G. 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, party name searches, case number searches. This information is available for viewing or printing.

For registration and computer set up information contact the PACER Service Center at 1-800-676-6856.

- Civil and Criminal Case List: Access to case, party and dockets for a specific case.
- Party Name Search: Find a case and party information based on partial 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.

H. 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 Procedures
Federal Rules of Criminal Procedures
Federal Rules of Evidence
Federal Rules of Bankruptcy Procedure
Local Court Rules

◆ **Docket Information**

Where users can access public information from the court's database (CM/ECF System) via PACER.

◆ **Calendar**

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

◆ **Links**

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

I. FEES OF THE U.S. DISTRICT COURT

Fees required under 28 U.S.C. § 1914 may be paid by cash, credit card, money order, personal, or cashier's check. All checks or money orders are to be made payable to the 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.

J. FINES AND RESTITUTION PAYMENTS

The Intake Clerk processes all restitution and fine payments and will issue receipts of payments.

K. 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 (FRCP) 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 L.Civ.R. 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) 677-6170 |
| 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-spaced, except for quotations longer than 50 words or 5 lines should be single spaced and indented;
- ◆ The title page must begin 1 inch from the top of the page and include: name, address, telephone number, fax number, and email 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 case number [including judge's initials after case number], brief nature of document, and nature of relieve sought to the right center below the case number;
- ◆ All printed matter must be in at least 13-point, proportionally-spaced font, or the equivalent;
- ◆ Complaints must be accompanied by civil cover sheet, Form AO-JS44, notice of related cases [if applicable], and applicable filing fee or request to proceed *in forma pauperis*;
- ◆ Place name of party 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 proceedings;
- ◆ 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. See L.Civ.R 7.1(b);

- ◆ The court may require that a proposed order for a dispositive motion be submitted to the court in both PDF and Word format.
- ◆ For motions **brought under Fed. R. Civ. P. 12(b), 12(c) or 56**
 - Principle briefs or memoranda, may not exceed 35 pages or 10,000 words and replies may not exceed 20 pages or 5,700 words. The page/word limitations are exclusive of case caption, signature blocks, tables of contents, table of citations, or reproductions of statutes, rules, regulations, ordinance;
 - Opposition to a Fed. R. Civ. P. 12(b), 12(c) or 56 motion must be filed within 21 days of service of the motion;
 - A reply is optional. If the motion was brought under Fed. R. Civ. P. 12(b), 12(c) or 56, the reply must be filed within 14 days of service of the opposition;
- ◆ For motions **not brought under Fed. R. Civ. P. 12(b), 12(c) or 56**
 - Principle briefs or memoranda, may not exceed 20 pages or 5,700 words and replies may not exceed 10 pages or 2,750 words;
 - Opposition must be filed within 14 days of service of the motion;
 - A reply is optional. If filed, it must be filed within 7 days of service of the opposition;
- ◆ Oppositions to criminal motions must be filed within 7 days of service of the motion. Unless otherwise ordered by the court, no reply is allowed. See D. AK. LCrR 47.1(b) and (c).
- ◆ Exhibits must be numbered progressively at the bottom of the page with the exhibit identified [e.g. “Exh. C Page 3”], and if more than five exhibits, be preceded by a table of contents. See L.Civ.R. 7.4(c) L.Civ.R. 39.3;
- ◆ 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 white paper of good quality;
- ◆ The original and a copy of ALL documents is required;
- ◆ Use only one side of the paper;
- ◆ Exhibits are to be tabbed with the identifying number/letter.