

1 IN THE SENATE

BY SENATOR POLLOCK

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SENATE BILL NO. 130

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to continuances of trials;
7 changing Rule 40(f) of the Supreme Court
8 Rules of Civil Procedure; and providing for
9 an effective date."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. Rule 40(f) of the Supreme Court Rules of Civil

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Procedure is amended by adding a new paragraph to read:

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(4) If a party to an action or proceeding is unable

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to be represented at the trial or hearing by the attorney

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of record or by any other attorney willing and able to

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represent the party because the attorney of record is

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incapacitated or unavoidably engaged in another proceeding

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in another court of record, or has withdrawn from the

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case, or is otherwise unable to represent the party for

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reasons beyond control of the party, other than nonpayment

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of legal fees, and no other attorney declares himself ready,

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willing and able to be substituted for the attorney of record

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to handle the matter on the date set, and if the party makes

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written or oral application for a continuance, the judge

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shall immediately grant a continuance of the trial or pro-

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ceeding for a sufficient period of time to allow the party

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to obtain other qualified counsel and to enable that counsel

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to prepare himself adequately. The continuance shall not

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be less than 30 nor more than 120 days, unless the parties

1 stipulate otherwise. Only one continuance of this type
2 shall be granted to each side in any one action or proceed-
3 ing. A judgment which may be entered as a result of failure
4 to comply with this paragraph is null and void and unen-
5 forceable and shall be set aside as a matter of right upon
6 the application of any interested party.

7 * Sec. 2. Section 1 of this Act changes a rule of procedure
8 promulgated by the supreme court and to be effective must be
9 approved by an affirmative vote of two-thirds of the membership
10 of each house.

11 * Sec. 3. This Act shall have prospective application to
12 any action or proceeding commenced or pending on or after the
13 effective date of this Act.

14 * Sec. 4. This Act takes effect on the day after its passage
15 and approval or on the day it becomes law without such approval.

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