

LDIR#056

JUDICIARY

COUNCIL

CORRESPON-

DENCE

JUDICIAL COUNCIL
Juneau

May 18, 1959

Dear Bar Member:

Enclosed herewith you will find a tentative draft of Rules on Appeal of the Supreme Court of the State of Alaska.

These have been prepared by a group designated by the Legislative Council and are being sent to you at the request of the Judicial Council.

Feeling that every practicing attorney in the state is vitally interested in the final adoption of appellate rules by the supreme court, this draft is being sent to you for your examination with a request that you transmit your comments and recommendations to the Board of Governors of the Alaska Bar in order that the subject may be considered at the Alaska Bar Association meeting in Fairbanks starting May 27th.

Please direct your communications to W. C. Stump, President, Alaska Bar Association, c/o William Boggess, Fairbanks, Alaska.

Judicial Council

Revised

TENTATIVE DRAFT

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RULES ON APPEAL of the SUPREME COURT of the
STATE OF ALASKA

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SYNOPSIS OF PROPOSED RULES ON APPEAL
SUPREME COURT OF THE STATE OF ALASKA

Rule 1

Appeal, When Allowed

Any party aggrieved may appeal to the Supreme Court in the manner prescribed in these rules from any of the following determinations made by the Superior Court or the judges thereof in any action or proceeding, civil or criminal:

- (1) From the final judgment entered in any action or proceeding, except that in criminal cases the State may appeal only from an order setting aside an indictment or information, testing the sufficiency thereof. An appeal from any such final judgment shall also bring up for review any order made in the same action or proceeding, either before or after the entry of judgment (28 U.S.C.A. 1291; S.Ct.Wash., Rule 14; Sec. 1 Art. I, Ch. 50, S.L.A. 1959);
- (2) From a judgment refusing to allow a writ of mandamus or directing a peremptory mandamus (Sec. 57-3-14 A.C.L.A. 1949);
- (3) From a judgment or order in a proceeding for contempt (Sec. 57-6-16 A.C.L.A. 1949);
- (4) From a finding or a judgment made or rendered in condemnation proceedings (Sec. 57-7-6 A.C.L.A. 1949);
- (5) From interlocutory orders granting, continuing, modifying, refusing or dissolving injunctions (28 U.S.C.A. 1292; S.Ct.Wash., Rule 14);
- (6) From interlocutory orders appointing receivers or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property (28 U.S.C.A. 1292; S. Ct., Wash., Rule 14);
- (7) From an order refusing to vacate an order of arrest in a civil action (S. Ct., Wash., Rule 14);