

**LDIR#057**

**JUDICIARY**

**STUDY 1959**

**RESEARCH**

**MATERIALS**

File in Judicial Study file  
(no)

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ALASKA LEGISLATIVE COUNCIL

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REPORT  
of the  
COMMITTEE ON FEDERAL-STATE RELATIONSHIPS  
AS AFFECTED BY JUDICIAL DECISIONS

August, 1958

CONFERENCE OF CHIEF JUSTICES  
1313 East Sixtieth Street  
Chicago 37, Illinois

## SUPREME COURT APPEAL RULES

### RULE

1 - GENERAL - All appeals permitted by law in criminal and civil matters shall be governed by these Rules. Except as herein otherwise provided these rules shall be applicable equal to civil and criminal appeals.

2 - TIME FOR APPEAL - An appeal shall be taken within thirty (30) days after either the entry of judgment, or order appealed from, or the entry of an order granting or denying a motion for new trial, arrest of judgment, (directed verdict, see 50b) amendment of judgment (52b).

An appeal shall be taken within fifteen (15) days after the entry of an order issuing, or refusing to issue a pendente lite injunction or restraining order. (see ACLA, 1949)

3 - NOTICE OF APPEAL - An appeal shall be taken by filing a notice thereof in the Superior Court. The notice shall specify the party or parties taking the appeal, designate the judgment order, or parts thereof appealed from, with the date thereof, and in a criminal proceeding the sentence imposed. Notification of the filing of the notice of appeal shall be given by the clerk, and notation thereof entered in his docket, by mailing copies thereof to all parties of record through their counsel, or if none to the party, but his failure so to do, and/or any failure to receive notice, shall not affect the validity of the appeal.

4 - WHO MAY APPEAL - Any party to a judgment or decree, other than a judgment or decree given by confession, (or for want of an answer), may appeal therefrom, except that the State may only do so from a criminal case to test its sufficiency, the information or indictment. Plaintiff may appeal from judgments or decrees by default or confession when the judgment or decree is not in accordance with the relief demanded. The title of the case shall remain the same on the appeal, but the party appealing shall be known as appellant, and the adverse party as the respondent.

EXTRACT OF MINUTES OF CONSTITUTIONAL CONVENTION

December 12, 1955, pp. 96-98

INFERIOR COURTS

WHITE: Going back, I feel there is one big gap in our discussion of this committee proposal, and it has to do with the establishment of other courts. I would like to direct a question to the chairman of the Judiciary Committee merely to get into the record the little fuller explanation of the Committee reasoning in arriving at the language in Section 1 and 8 as to other courts. I think it is important.

MC LAUGHLIN: Mr. Chairman, Section 8, which reads "judges of other courts shall be selected in the manner and for the terms and subject to eligibility qualifications to be prescribed by the Legislature." You will notice that the Committee did not ever prefer to qualify the other courts as being inferior courts or courts of limited jurisdiction. We avoided the word "inferior" because it has a distasteful connotation in modern jurisprudence, and we avoided the other courts of limited jurisdiction because of the fact we wanted a flexible system that could grow with the Territory. One of the problems presented to the Committee was the possibility that our Supreme Court would not be able to handle direct appeals from the superior court and some time in the future have it develop. In Alaska we might require an intermediate court of appeals, such as we have in most states, or a court of appeal that took appeals from the superior court, having heard them, could then be appealed to the supreme court. We did not want to set up a useless court system in our constitution. Under this article we can have a court of appeals, but we cannot say a court of appeals. Would it be independent of the judiciary? No,

TENTATIVE DRAFT

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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

APPLICANTS FOR NOMINATION TO  
SUPERIOR COURT

FIRST DISTRICT

Henry J. Camarot  
Floyd O. Davidson  
Thomas B. Stewart  
Walter E. Walsh

FOURTH DISTRICT

Harry O. Arend  
William V. Boggess  
Everett W. Hepp  
Warren A. Taylor

SECOND DISTRICT

Hubert A. Gilbert

ANY DISTRICT

James M. Fitzgerald  
Verne O. Martin  
James A. von der Heydt

THIRD DISTRICT

Robert Baumgartner  
Quincy Benton  
Harold J. Butcher  
J. Earl Cooper  
Ralph H. Cottis  
Peter J. Kalamarides  
Stanley J. McCutcheon  
Ralph E. Moody  
William W. Renfrew  
John D. Shaw

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