

STANDING ORDER NO. 12

Relating to Extensions of Time for Filing Briefs in the Court of Appeals

1. Court of Appeals Standing Order No. 6 is hereby rescinded.

2. The provisions of this Standing Order apply to all appeals governed by Appellate Rules 204, 217, or 215. The provisions of this Standing Order also apply to a petition or application governed by Appellate Rules 302, 402, or 404 if the Court has granted the petition or application and has ordered formal briefing.

3. The Court of Appeals shall publish a schedule of briefing extension limits, prescribing the maximum amount of extension that will normally be allowed for a brief, and describing the periods of time that will be exempted from the calculation of the extension limits. The extension limits established in this schedule may vary according to the type of case, the type of brief, and the date on which the party's last request for an extension was filed. This schedule shall be included in the Alaska Rules of Court as an appendix to the Appellate Rules.

4. Notwithstanding the provisions of Appellate Rule 503.5(b) and (c), if a party requests a briefing extension that falls within the applicable limit established in the Court's schedule of extension limits, the party's motion will be accepted without a supporting affidavit and without a statement regarding the other party's position on the request. The party's motion must specify:

- the original due date for the brief;
- the proposed new due date;
- any exempted periods of time that do not count against the extension limit; and
- what the total briefing extension will be if the motion is granted.

5. If a party's requested extension exceeds the applicable limit established in the Court's schedule of extension limits, the party's motion must be supported by affidavit, and in addition to the information listed in paragraph 4, the motion must also specify:

- how much the requested extension exceeds the applicable extension limit;
- the other party's position on the requested extension; and
- the extraordinary and unforeseeable circumstances that justify extending the briefing deadline beyond the Court's limits. (When appropriate, this explanation can be submitted in a separate confidential affidavit.)

Dated: February 6, 2015

Effective Date: February 6, 2015

APPENDIX to STANDING ORDER No. 12
Court of Appeals
Schedule of Briefing Extension Limits
(last modified: August 1, 2017)

Introduction: Over the past several years, this Court observed that the briefing of criminal appeals was taking longer and longer. By the end of calendar year 2013, the briefing of a felony appeal was taking close to two years.

Our law guarantees a right of appeal to all criminal defendants, and there is no closure to a criminal case until the appeal is decided. Excessive appellate delay harms the interests of all the participants in the criminal justice system — not only the defendants and victims and their families, but also the police agencies who investigated the crime, and the community affected by the crime. This Court owes a duty to all of these people, and a duty to the public at large, to maintain the health and effectiveness of the criminal justice system. Accordingly, we will no longer grant any briefing extensions beyond the deadlines set forth in this schedule, absent truly extraordinary circumstances.

Briefing Extension Limits:

The Court will apply the following briefing extension limits to all requests for extension filed within the specified dates. The Court can relax these limits, but the Court will do so only for extraordinary circumstances.

Note regarding reply briefs: The extension limits specified in this Appendix apply only to the appellant's opening brief and the appellee's brief in a case. If a reply brief is allowed, motions to extend the filing deadline for that reply brief are governed by Appellate Rule 503.5. Under Appellate Rule 503.5(b)(1), a party can obtain a "routine" extension of 15 days for filing a reply brief. Extensions exceeding 15 days are considered "non-routine", and any request for such an extension must be accompanied by the supporting statements specified in Appellate Rule 503.5(c).

For extension requests filed from February 1, 2014 to August 31, 2014:

total for the opening brief: 530 days

total for the appellee's brief: 250 days

For extension requests filed from September 1, 2014 to February 28, 2015:

total for the opening brief: 500 days

total for the appellee's brief: 230 days

For extension requests filed from March 1, 2015 to August 31, 2015:

total for the opening brief: 465 days

total for the appellee's brief: 230 days (unchanged)

For extension requests filed from September 1, 2015 to February 29, 2016:

total for the opening brief: 430 days

total for the appellee's brief: 210 days

For extension requests filed from March 1, 2016 to August 31, 2016:

total for the opening brief: 395 days

total for the appellee's brief: 205 days

For extension requests filed from September 1, 2016 to the present:

total for the opening brief: 390 days

total for the appellee's brief: 200 days

Explanatory Notes: How the Court of Appeals calculates the total briefing extension

1. The Court calculates the total extension by taking the currently requested due date and subtracting the original due date.

2. Because the Court automatically adjusts for weekends and holidays when it grants an extension request, the total extension (as calculated under paragraph 1) will sometimes be a little larger than the sum of the previous requests for extension.

For example, if a party requests an extension of 45 days, and if the 45th day falls on a Saturday, the due date will be set for Monday. If the brief is actually filed by that Monday, the Court will count that brief as having been filed within the requested 45 days. But if the party then files *another* request for an additional extension of time, the Court will treat the party's previous extension as a 47-day extension for purposes of calculating the new total.

3. When the Court calculates the total extension for a brief, we will not count periods of interruption for events that must take place before briefing can continue — for example, interruptions to allow for the preparation of a supplemental transcript, or to allow for a representation hearing or other supplemental proceeding in the trial court.

When a party files a motion asking for a delay of briefing for one of these reasons, the exempted period will begin on the day the motion was filed, and the Court will normally exempt 30 additional days from the time the supplemental transcript or trial court hearing is completed (to allow the attorney to work the case back into their schedule).