

APPENDIX T

STANDING AND SPECIAL MASTER APPOINTMENTS

The general functions of a magistrate judge who has been appointed as a master are to preside over specific court matters, hear and rule on the admissibility of evidence, and enter or make recommendations for final orders within the scope of the authority granted by the order of appointment. Recommended findings, conclusions, orders and judgments are then transferred to the assigned superior court judge for review and final approval.

The provisions of all master appointment orders, except those issued under Civil Rule 72 for eminent domain cases, are governed to a certain extent by Civil Rule 53. Depending on the types of cases included in an appointment order, the following rules may also apply: Probate Rule 2, Child-in-Need-of-Aid (CINA) Rule 4, Delinquency (DELQ) Rule 4, and Adoption Rule 3.

I. TYPES OF MASTER APPOINTMENTS

Standing Master: An appointment for a magistrate judge to serve as standing master gives authority to the magistrate judge to hear all cases coming within the scope of the appointment order. The order specifies the type(s) of cases that may be heard (e.g. children's, probate, dissolution, etc.) and may limit the type of proceedings that may be heard. The appointment is generally given to the individual for an indefinite period of time.

Special Master: Unlike a standing master appointment, an appointment for a magistrate judge to serve as a special master usually gives authority to the individual to handle a specific issue or set of issues in a particular case.

II. TYPES OF PROCEEDINGS A MAGISTRATE JUDGE APPOINTED AS STANDING MASTERS MAY HEAR

Standing master appointment orders can vary greatly. Some master appointment orders may authorize a broad range of case types whereas others may be limited to a single case type. All magistrate judges appointed as either a standing master or special master are subject to the specifications and limitations stated in the appointment order.

The following are some examples of proceedings that a magistrate judge, appointed as a standing master, might hear:

- uncontested divorces, dissolutions of marriage, and motions in contested domestic relations matters, to include contested child support cases, AS 25.20 through AS 25.30;

- probate matters, AS 13. and Probate Rule 2;
- minor settlements, Civil Rule 90.2;
- mental commitments, AS 47.30, and alcohol and drug commitments, AS 47.37;
- creditor-debtor matters, AS 09.35 through AS 09.38 and the Alaska Rules of Civil Procedure;
- name changes, AS 09.55.010;
- children's proceedings, AS 47.10;
- emancipation hearings, AS 09.55.590;
- consent to marriage of minor, AS 25.05.171;
- adoption proceedings, AS 25.23;
- forcible entry and detainer matters, AS 09.45.070;
- landlord-tenant proceedings, AS 34.03;
- condemnation of property proceedings, AS 9.55.240 - .460;
- domestic violence civil injunctive relief, AS 18.65 and 18.66.

III. APPOINTMENTS

The presiding judge of the superior court for each judicial district, with approval of the Chief Justice, may appoint one or more magistrate judges to serve as standing masters in the district.

Superior and district court judges may appoint a magistrate judge as a master to hear specific issues in a case to which the superior or district court judge is assigned. Discovery issues are the most common issues handled by magistrate judges appointed as masters under this provision. However, master appointments are also made in cases where the issues are unusually complex or specialized.

Magistrate judges appointed as masters are subject to the order and terms of appointment as set forth in the order.

Note: Civil Rule 53 also provides for the appointment of private citizens to serve as masters.

Distribution of Special Master Appointment Orders (Order of Reference)

Complete the clerk's certificate of distribution per Civil Rule 58.1(d) and distribute the order as follows:

- Original to case file
- Copy to plaintiff (petitioner, applicant, etc.)
- Copy to defendant (respondent, etc.)
- Copies to guardian ad litem, experts, interested parties, etc. in a probate action.

IV. MASTER'S REPORT – DISTRIBUTION, TICKLE PERIOD, AND ROUTING

When a master appointment is made solely under Civil Rule 53, a master must prepare a report upon the matters submitted to the master by the appointment order. In actions to be tried without a jury, the master may also include original exhibits with the report. The report and exhibits must be filed with the clerk of court.

Master appointments made under Adoption Rule 3, Child-in-Need-of-Aid Rule 4, Probate Rule 2, and Delinquency Rule 4, are governed by the reporting requirements of each rule, respectively. Each of these rules includes a provision for the master to either prepare a written report or make oral findings on record.

A. Condemnation Actions.

When a master' report is filed as required by Civil Rule 72, the report must include a coversheet prescribed by the Administrative Director. Form CIV-680, *Master's Report Cover Sheet – Condemnation*, is available on the court's website for this purpose.

1. Distribution

Upon receipt of a master's report, the clerk shall promptly serve the report on all parties who have answered or appeared in the action.

2. Tickle for Review after time for Appeal has run

Tickle the file for 18 days to allow any Appeal of the Master's Report. This time period is based on the defendant's time period for filing an appeal which is 15 days plus three days for mailing.

3. Route the file to the assigned superior court judge after the time for appeal has run.

B. All Others

1. Distribution of a Master's Written Report

Complete the clerk's certificate of distribution per Civil Rule 58.1(d) on the last page of the report and distribute the report as follows:

- Original to case file with documentary exhibits
- Copy to plaintiff (petitioner, applicant, etc.)
- Copy to defendant (respondent, etc.)
- Copies to other interested parties as indicated in the case

2. Tickle Case for Review of Master's Report

a. Written Report

Tickle report for 13 days to allow time for objections to run (includes three days for mailing, Civil Rule 6(c)).

(1) Objection Filed

Tickle the case for six days from the date the objection was filed. This includes three days for the time to file a reply and three days for mailing.

Note: If a case involves multiple parties, each party has ten days to file an objection to the master's report. If multiple objections are filed, the reply time runs from the service date of each objection filed, respectively.

(2) No Objections Filed

If an objection is not filed within the tickle period described above, route the file to the superior court judge for review.

b. Oral Findings on Record

Civil Rule 58.1(c) defines the date of notice for oral orders. See also, DELQ Rule 4(f)(1), CINA Rule 4(f)(1), and Adoption Rule 3(f)(1).

Tickle the case for 13 days for as follows:

For CINA and Adoption Cases:

If a party requests a copy of the electronic recording of a

magistrate judge's* recommendation, the time period for objections runs from receipt of the recording.

If a party does not request a copy of the recording, the time period for objections runs from the date of service of the report unless the court requires objections to be filed earlier.

For Delinquency Cases:

If a party requests a copy of the electronic recording of the magistrate judge's* recommendation, the time period for objection runs from receipt of the recording.

If a party does not request a copy of the recording, the time period for objection begins at the time of entry of findings or the date of service of the report unless the court requires objections to be filed earlier.

For Probate Cases:

The time period for objection begins as provided by Civil Rule 58.1(c), unless the court otherwise provides.

(1) Objection Filed

Tickle the case for six days from the date the objection was filed. This includes three days for the time to file a reply and three days for mailing.

Note: If a case involves multiple parties, each party has ten days to file an objection to the master's report. If multiple objections are filed, the reply time runs from the service date of each objection filed, respectively.

(2) No Objections Filed

If an objection is not filed within the tickle period described above, route the file to the superior court judge for review.

*Master if a private citizen has been appointed as a master.

3. Route the File to a Superior Court Judge

After the time period for objections and replies has passed, route the file to the superior judge for review. The file may be routed to the judge earlier if all parties have replied to filed objections.

V. TERMINATION OF APPOINTMENT ORDER FOR MASTER.

An order appointing a special master terminates upon completion of the task set out in the order, the revocation or termination of the order of appointment, or, in the case of a magistrate judge as standing master, the termination of the appointee's employment with the Alaska Court System or assignment to other duties.