

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1038

Amendments and additions to  
Alaska Bar Rules 39(a) and  
39(b) concerning fee  
arbitrations.

IT IS ORDERED:

1. Bar Rule 39(a) is amended to provide:

(a) **Notice Requirements by Attorney to Client.** At the time of service of a summons in a civil action against a [HIS OR HER] client for the recovery of fees for professional services rendered, an attorney will serve upon the client a written "notice of client's right to arbitrate," which will state [THAT]:

You are notified that you have a right to file a Petition for Arbitration of Fee Dispute and stay this civil action [BY COMPLETING THE ENCLOSED FORM AND SENDING IT TO THE ALASKA BAR ASSOCIATION, P.O. BOX 100279, ANCHORAGE, AK 99510]. Forms and instructions for filing a Petition for Arbitration of Fee Dispute and a motion for stay are available from the Alaska Bar Association, 310 K Street, Suite 602, Anchorage, AK 99601, (907) 272-7469. If you do not file the Petition for Arbitration of Fee Dispute within 30 days after your receipt of this notice, you will waive your right to arbitration.

Failure to give this notice will be grounds for dismissal of the civil action.

2. Bar Rule 39(b) is amended to provide:

(b) Stay of Civil Proceedings. If an attorney, or the attorney's assignee, commences a fee collection action in any court, the client may stay the action by filing notice with the court that the client has requested arbitration of the [HIS OR HER] fee dispute by the Bar within thirty days of receiving the notice of the client's right to arbitration. This notice will include proof of service on the attorney or the attorney's assignee. If a civil action has been filed, the Alaska Bar Association must receive an order of stay prior to commencing arbitration.

DATED: July 26, 1990

EFFECTIVE DATE: January 15, 1991

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Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

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Justice Compton

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Justice Moore