

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1052

Amending Alaska Bar Rule 40(q)
concerning fee arbitrations.

IT IS ORDERED:

1. Bar Rule 40(q) is amended to provide:

(q) Decision of the Arbitrator or Arbitration Panel. The arbitrator or arbitration panel will make its decision within thirty days of the close of the arbitration hearing. The decision will be based upon the standards set forth in these rules and the Alaska Code of Professional Responsibility. The decision will be in writing and need not be in any particular form; however, the decision will include:

(1) a preliminary statement reciting the jurisdictional facts, including that a hearing was held upon proper notice to all parties and that the parties were given the opportunity to testify, cross-examine witnesses, and present evidence;

(2) a brief statement of the dispute;

(3) the findings of the arbitrator or panel on all issues and questions submitted which are necessary to resolve the dispute;

(4) a specific finding as to whether the matter should be referred to Bar Counsel for appropriate disciplinary proceedings; and

(5) the award, if any.

The original of the decision shall be signed by the arbitrator or members of the arbitration panel concurring in the decision. A separate dissent may be filed. The award may provide for payment in installments. The arbitrator or the panel chair will forward the decision, together with the file and the record, to Bar Counsel, who will then serve a copy of the signed decision on each party to the arbitration.

DATED: October 11, 1990

EFFECTIVE DATE: January 15, 1991

Chief Justice Rabinowitz

Justice Matthews

Justice Burke

Justice Compton

Justice Moore