

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1249

Amending Alaska Bar Rule 40
concerning arbitration of fee
disputes.

IT IS ORDERED:

1. Paragraph (d) of Alaska Bar Rule 40 is amended to read as follows:

(d) **Respondent Answer to Petition ~~Not~~ Required.** ~~No response to a petition is required or expected of the respondent and all material allegations contained in the petition are deemed denied~~ Respondent shall respond to each of the allegations in the petition within 20 days of receipt of the notification that the petition has been accepted by Bar Counsel. Supporting documents may be submitted at that time.

2. Paragraph (e) of Alaska Bar Rule 40 is amended to read as follows:

(e) **Assignment to Arbitration, Dismissal for Failure to Proceed with Arbitration.**

(1) If, at the end of the ten-day period, Bar Counsel has not been informed that the matter has been settled, in accordance with Rule 37(c) or (e), (s)he will select and assign an arbitrator or arbitration panel from the members of the appropriate area division to consider the matter.

(2) Bar Counsel will contact the petitioner, the respondent, and the

arbitrator(s) to determine their availability for hearing. If the petitioner fails to provide scheduling information within 30 days of the date of a written request, Bar Counsel shall transfer the matter to inactive status and notify the parties in writing that the petition will be dismissed unless the petitioner provides the information within 30 days of the date of the notice. If the petitioner fails to provide the information, Bar Counsel shall dismiss the petition without prejudice to refile subject to the jurisdictional limitations of Rule 34(c). Bar Counsel's initial written request to a petitioner for scheduling information must advise the petitioner that failure to respond may result in dismissal of the petition.

DATED: May 2, 1996

EFFECTIVE DATE: July 15, 1996

/s/
Chief Justice Compton

Justice Rabinowitz

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe