

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1627 (AMENDED)

Amending Civil Rule 81
concerning an attorney's
certificate of good standing,
entries of appearance, and
withdrawal of an attorney.

IT IS ORDERED:

Civil Rule 81 is amended to read as follows:

Rule 81. Attorneys.

(a) Who May Practice.

(1) *Members of the Alaska Bar Association.* Subject to the provisions of paragraph (2) of this subdivision, only attorneys who are members of the Alaska Bar Association shall be entitled to practice in the courts of this state.

(2) *Other Attorneys.* A member in good standing of the bar of a court of the United States, or of the highest court of any state or any territory or insular possession of the United States, who is not a member of the Alaska Bar Association and not otherwise disqualified from engaging in the practice of law in this state, may be permitted, upon motion and payment of the required fee to the Alaska Bar Association, to appear and participate in a particular action or proceeding in a court of this state. The motion, and the notice of hearing, if any, shall be served on the executive director of the Alaska Bar Association and, unless the court directs otherwise by an order pursuant to Rule 5(c) of these Rules, on each of the parties to the action or proceeding. With the motion, the applicant must file with the court the following:

(A) The name, address and telephone number of a member of the Alaska Bar Association with whom the applicant will be associated, who is authorized to practice in the courts of this state.

(B) A written consent to the motion, signed by such member of the Alaska Bar Association.

(C) A certificate from the presiding judge, clerk of the court, or bar association where the applicant has been admitted to practice, executed not earlier than 60 days prior to the filing of the motion, showing that the applicant has been so admitted in such court, that he is in good standing therein and that the applicant's professional character appears to be good.

(D) Proof of payment of the required fee to the Alaska Bar Association.

An attorney thus permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom the attorney is associated.

(3) *Authority and Duties of Attorneys.* * * * *

(b) **Ex Parte Applications.** * * * *

(c) **General Appearance by Counsel.**

(1) An attorney who files a pleading or appears in a court proceeding on behalf of a party shall be deemed to have entered an appearance for all purposes in that case unless the attorney has filed and served a limited entry of appearance under (d) of this rule.

(2) Except as otherwise ordered by the court, or except as provided in Rule 81(d) and 81(e)(1)(D), a party who has appeared by an attorney may not thereafter appear or act in the party's own behalf in any action or proceeding, unless order of substitution shall have been made by the court after notice to such attorney.

(d) **Limited Appearance By Counsel.** A party in a non-criminal case may appear through an attorney for limited purposes during the course of an action, including, but not limited to, depositions, hearings, discovery, and motion practice, if the following conditions are satisfied:

(1) The attorney files and serves an entry of appearance with the court before or during the initial action or proceeding that expressly states that the appearance is limited, and all parties of record are served with the limited entry of appearance; and

(2) The entry of appearance identifies the limitation by date, time period, or subject matter.

(e) **Withdrawal of Attorney.**

(1) An attorney who has appeared for a party in an action or proceeding may be permitted to withdraw as counsel for such party only as follows:

(A) For good cause shown, upon motion and notice of hearing served upon the party in accordance with Rule 77 and after the withdrawing attorney provides

(i) to the client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times; and

(ii) to the court the last known address and telephone number of the attorney's client and a certification that the attorney has complied with (e)(1)(A)(i) of this rule; or

(B) Where the party has other counsel ready to be substituted for the attorney who wishes to withdraw; or

(C) Where the party expressly consents in open court or in writing to the withdrawal of the party's attorney, the party has provided in writing or on the record a current service address and telephone number, and the attorney who wishes to withdraw has provided to the client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times; or

(D) In accordance with the limitations set forth in any limited entry of appearance filed pursuant to Civil Rule 81(d). An attorney may withdraw under this subparagraph by filing a notice with the court, served on all parties of record, stating that the attorney's limited representation has concluded; certifying that the attorney has taken all actions necessitated by the limited representation; and providing to the court a current service address and telephone number and to the client a list of pending pretrial or post-trial deadlines, appellate deadlines, motion deadlines, and hearing dates and times. Upon the filing of such notice, the withdrawal shall be effective, without court action or approval.

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(f) **Stipulations.** * * * *

(g) **Time for Argument.** * * * *

(h) **Disbarment and Discipline.** * * * *

DATED: April 10, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti