

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1684**

Amending Alaska Bar Rule 35(b)  
concerning a written fee  
agreement

**IT IS ORDERED:**

Alaska Bar Rule 35 is amended to read as follows:

**Rule 35. Fees for Legal Services; Agreements.**

\* \* \* \*

(b) **Written Fee Agreement.** If a fee will exceed \$1000, ~~the~~ basis or rate of the fee ~~to be charged, including any fee of retainer or initial deposit, exceeding \$500~~ shall be communicated to the ~~that~~ client in a written fee agreement, before commencing the representation or within a reasonable time thereafter. This written fee agreement shall include the disclosure required under Alaska Rule of Professional Conduct 1.4(c). In a case involving litigation, the attorney shall notify the client in the written fee agreement of any costs, fees or expenses for which the client may be liable if the client is not the prevailing party. In the absence of a written fee agreement, the attorney must present clear and convincing evidence that the basis or rate of fee exceeded the amount alleged by the client.

\* \* \* \*

DATED: October 28, 2008

EFFECTIVE DATE: April 15, 2009

/s/  
Chief Justice Fabe

/s/  
Justice Matthews

/s/  
Justice Eastaugh

/s/  
Justice Carpeneti

/s/  
Justice Winfree