

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1707

Amending Bar Rule 22(a) and adding a new subsection (e) to Bar Rule 61 to provide for administrative suspension for failure to timely respond to a grievance accepted for investigation.

IT IS ORDERED:

1. Alaska Bar Rule 22(a) is amended to read as follows:

Rule 22. Procedure.

(a) Grievances. Grievances will be in writing, signed and verified by the Complainant, and contain a clear statement of the details of each act of alleged misconduct, including the approximate time and place of each. Grievances will be filed with Bar Counsel. Bar Counsel will review the grievance filed to determine whether it is properly completed and contains allegations that warrant investigation. Bar Counsel may require the Complainant to provide additional information and may request a voluntary verified response from the Respondent prior to accepting a grievance.

If Bar Counsel determines that the allegations contained in the grievance do not warrant an investigation, Bar Counsel will so notify the Complainant and Respondent in writing. Complainant may file a request for review of the determination within 30 days of the date of Bar Counsel's written notification. The request shall be reviewed by the Board Discipline Liaison,

who may affirm Bar Counsel's decision not to accept the grievance for investigation or may direct that an investigation be opened as to one or more of the allegations in the grievance.

If a grievance is accepted for investigation, Bar Counsel will serve a copy of the grievance upon the Respondent for a response. Bar Counsel may require the Respondent to provide, within 20 days of service, verified full and fair disclosure in writing of all facts and circumstances pertaining to the alleged misconduct. Misrepresentation in a response to Bar Counsel will itself be grounds for discipline. Failure to answer within the prescribed time, or within such further time that may be granted in writing by Bar Counsel, will be deemed an admission to the allegations in the grievance, and will result in a petition for immediate administrative suspension from the practice of law as provided in Bar Rule 61(e).

For the purposes of this Rule, a grievance or response is "verified" if it is accompanied by a signed statement that the writing is true and correct to the best knowledge and belief of the writer.

* * * *

2. New subsection (e) is added to Bar Rule 61 to read as follows:

Rule 61. Suspension for Nonpayment of Alaska Bar Membership Fees, Fee Arbitration Awards, and Child Support Obligation; and for Failure to Respond to a Grievance.

* * * *

(e) Suspension for Failure to Respond to a Grievance Accepted for Investigation. If a member fails to respond to a grievance accepted for investigation within the time required by Rule 22(a), or within any further time granted in writing by Bar Counsel, Bar Counsel shall petition the Supreme Court of Alaska for an order immediately suspending the member for failure to respond to a grievance accepted for investigation. Upon suspension of the member for failure to respond to a grievance accepted for investigation, the member shall not be reinstated until Bar Counsel has certified to the Supreme Court that a response to the grievance has been filed as required by Rule 22(a).

DATED: July 18, 2013

EFFECTIVE DATE: October 15, 2013

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger