

**IN THE SUPREME COURT OF THE STATE OF ALASKA**

**ORDER NO. 1756**

Amending Alaska Bar Rule 10(f) to provide for the appointment of one or more members of the Board as Board Discipline Liaison;

Amending Alaska Bar Rule 26(d) to add a duty to self-report a criminal conviction;

Amending Alaska Bar Rule 36(a) to correct appointment language for bar counsel;

Amending Alaska Bar Rule 39(d)(2) to clarify waiver of the right to request or maintain arbitration;

Amending Alaska Bar Rule 40(f)(11) concerning recordings; and

Amending Alaska Bar Rule 65(g) to concerning activities qualifying for VCLE or MECLE credit.

**IT IS ORDERED:**

1. Alaska Bar Rule 10(f) is amended as follows:

**Rule 10. The Disciplinary Board of the Alaska Bar Association.**

\* \* \* \*

(f) **Board Discipline Liaison.** The president will appoint on an annual basis one or more members of the Board to serve as the Board Discipline Liaison to Bar Counsel and Bar Counsel's staff. The Board Discipline Liaison will

(1) provide guidance and assistance to Bar Counsel and Bar Counsel's staff in implementing the Board's policies;

- (2) have the duties provided in these Rules and as assigned by the President;
- (3) be excused from sitting on any grievance or disability matter in which the Liaison has knowledge of the matter arising from the performance of the Liaison's duties;
- (4) not be considered a member of the Disciplinary Board for the purposes of establishing a quorum when excused from sitting on a grievance or disability matter;
- (5) have access to any grievance or disability matter necessary to perform the Liaison's duties or to assist Bar Counsel in making a decision on a grievance or disability matter;
- (6) maintain the confidentiality of Bar Counsel's files as required by Rule 21(c).

2. Alaska Bar Rule 26(d) is amended to read as follows:

**Rule 26. Criminal Conviction; Interim Suspension.**

\* \* \* \*

(d) **Duty to Report.** The clerk of court of any court of this state in which an attorney is convicted of a crime shall advise the Alaska Bar Association of the conviction, and upon request shall provide the Association with a certificate that the attorney has been convicted of a crime in that court, or with a certified copy of the judgment of conviction or another court document evidencing the conviction. An attorney admitted to practice in Alaska shall also self-report his or her conviction of any crime to the Alaska Bar Association within 30 days of that conviction.

\* \* \* \*

3. Alaska Bar Rule 36(a) is amended to read as follows:

**Rule 36. Bar Counsel of the Alaska Bar Association.**

(a) **Powers and Duties.** The Board of Governors will appoint an attorney admitted to the practice of law in Alaska to be the Bar Counsel for the Alaska Bar Association (hereinafter "Bar Counsel") who will serve at the pleasure of the board. Bar Counsel will:

\* \* \* \*

4. Alaska Bar Rule 39(d)(2) is amended to read as follows:

**Rule 39. Notice of Right to Arbitration; Stay of Proceedings; Waiver by Client.**

\* \* \* \*

(d) **Waiver of Right to Request or Maintain Arbitration.** A client's right to request or maintain an arbitration is waived if:

(1) the attorney files a civil action relating to the fee dispute, and the client does not file a petition for arbitration of a fee dispute within twenty (20) days of receiving the "client's notice of right to arbitrate" pursuant to paragraph (a) of this rule; or

(2) after the client received notice of the fee dispute resolution program, the client commences or maintains a civil action or files any pleading:

(i) seeking judicial resolution of the fee dispute, except an action to compel fee arbitration, or

(ii) seeking affirmative relief against the attorney for damages based upon alleged malpractice or professional misconduct.

5. Alaska Bar Rule 40(f)(11) is amended to read as follows:

**Rule 40. Procedure.**

\* \* \* \*

(f) **Notice of Arbitration Hearing.** Bar Counsel will, at the time the arbitrator or arbitration panel is assigned, and at least twenty days in advance of the arbitration hearing, mail written notice of the time and place of the hearing to the petitioner and respondent. The notice of arbitration hearing will indicate the name(s) of the arbitrator or panelists assigned to hear the matter and will advise the petitioner and respondent that they are entitled to:

\* \* \* \*

(11) have the hearing recorded electronically.

\* \* \* \*

6. Alaska Bar Rule 65(g) is amended to read as follows:

**Rule 65. Continuing Legal Education.**

\* \* \* \*

(g) *CLE Activities.* The MECLE and VCLE standards of this rule may be met either by attending approved courses or completing any other continuing legal education activity approved for credit under these rules. If the approved course or activity or any

portion of it relates to ethics as described in (a) of this rule, the member may claim MECLE credit for the course or activity or for the ethics-related portion of it. Any course or continuing legal education activity approved for credit by a jurisdiction, other than Alaska, that requires continuing legal education is approved for credit in Alaska under this rule. The following activities are approved for credit when they meet the conditions set forth in this rule:

\* \* \* \*

(9) participating as a mentor in a relationship with another member of the Alaska Bar Association for the purpose of training that other member in providing effective pro bono legal services;

(10) participating as a member of the Alaska Bar Association Law Examiners Committee, the Alaska Bar Association Ethics Committee, the Alaska Rules of Professional Conduct Committee, or any standing rules committees appointed by the Alaska Bar Association or the Alaska Supreme Court; and

(11) participating as a member of an Area Discipline Division or an Area Fee Dispute Resolution Division.

\* \* \* \*

DATED: March 3, 2011

EFFECTIVE DATE: October 14, 2011

/s/  
Chief Justice Carpeneti

/s/  
Justice Fabe

/s/  
Justice Winfree

/s/  
Justice Christen

/s/  
Justice Stowers