

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 295

Amending Rule 28(b) and (e),
Alaska Bar Rules, relating to
procedures for transferring an
attorney to inactive status
because of disability.

IT IS ORDERED:

1. Rule 28(b), Alaska Bar Rules, is amended to read:

(b) Whenever the Board shall petition the Court to determine whether an attorney is incapacitated from continuing the practice of law by reason of mental or physical infirmity or illness or because of addiction to drugs or intoxicants, the Court may take or direct such action as it deems necessary or proper to determine whether the attorney is so incapacitated including, but not limited to, the examination of the attorney by such qualified medical experts as the Court shall designate and the issuance of an order to show cause, at some reasonable time, to be therein specified, why the attorney should not be transferred to inactive status. If upon due consideration of the matter, the Court concludes that the attorney is incapacitated from continuing to practice law, it shall enter an order transferring him to inactive status on the grounds of such disability for an indefinite period and until further order of the Court. Any pending disciplinary proceeding against the attorney may, in the discretion of the Board of Governors, be held in abeyance. Furthermore, any evidence in any pending disciplinary case which also involves disability may, in the discretion of the Board of Governors, be preserved.

The Court shall provide for such notice to the respondent-attorney of proceedings in the matter as it deems proper and advisable and may appoint an attorney to represent the respondent if he is without adequate representation.

2. Rule 28(e), Alaska Bar Rules, is amended to read:

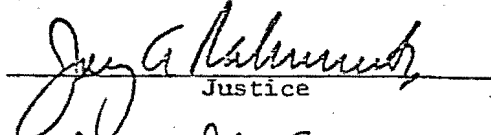
(e) The Board shall promptly transmit a certified copy of the order of transfer to inactive status to the presiding judge


of the Superior Court in each judicial district in the State, to the presiding judge of the United States District Court for the District of Alaska and to the Attorney General for the State of Alaska with the request that he notify the appropriate administrative agencies. The Board shall request such action under the provisions of Rule 29 as may be indicated in order to protect the interests of the disabled attorney and his clients.

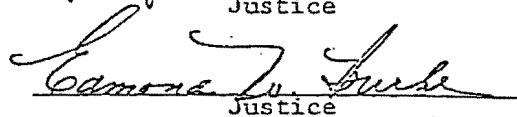
DATED: February 8, 1978

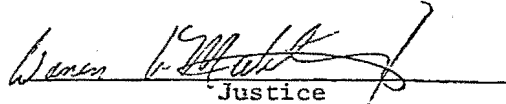
EFFECTIVE DATE: March 1, 1978


Chief Justice


Justice


Justice


Justice


Justice

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