

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 297

Amending the Alaska Bar Rules by adding Rule 62, relating to procedures for the adoption of rules, by-laws, and regulations.

IT IS ORDERED:

The Alaska Bar Rules are amended by adding Rule 62, to read as follows:

Rule 62. Adoption of Recommended Rules, By-laws, and Regulations.

Section 1. Purpose: This rule provides a procedure whereby the Board of Governors of the Alaska Bar and the Alaska Bar may:

- (a) Recommend for adoption to the Supreme Court of Alaska proposed Alaska Bar Rules;
- (b) Adopt by-laws and regulations for governance of the Alaska Bar.

Section 2. The Board, on its own initiative may, in accordance with this Rule, recommend for adoption proposed Alaska Bar Rules and adopt by-laws and regulations.

Section 3. Any member of either the Alaska Bar or the Board of Governors may petition the Board of Governors or the annual convention of the Alaska Bar for consideration of the adoption, amendment or repeal of an Alaska Bar Rule, By-law or Regulation. The petition shall clearly and concisely state:

- (a) The substance or nature of the rule, amendment or repeal requested; and
- (b) The reasons for the request.

Section 4. (a) Petitions referred to in Section 3 hereof shall be in writing and shall be directed to the Executive Director of the Bar or

to any member of the Board of Governors.

- (b) If such a petition is to be introduced by resolution at the annual convention of the Alaska Bar, it must be received at least (45) days prior to the commencement of the convention.
- (c) Upon receipt of such a petition addressed to it, the Board of Governors shall, at its next regular meeting, deny the petition in writing or schedule the matter for hearing under Section 6, of this Rule.
- (d) Petitions addressed to the annual convention of the Alaska Bar may not be denied by the Board of Governors prior to such submission, or, if the petition is approved at the annual convention of the Alaska Bar, after such convention.

Section 5. At least 30 days before either the Board of Governors or the members in attendance at the annual convention recommend for adoption an Alaska Bar Rule or adopt a By-law or Regulation, notice of the proposed action shall be:

- (a) Published in the Alaska Bar Brief, or such other publication as may then be regularly published by the Bar Association;
- (b) Mailed to every person, not a subscriber to the Alaska Bar Brief, who has filed a request for notice of proposed action with the Bar Association;
- (c) When appropriate in the judgment of the Executive Director, or any member of the Board of Governors, mailed to a person or group of persons whom the Executive Director or any member of the Board of Governors believes is interested in the proposed action.

Section 6. The notice of proposed approval of the adoption, amendment, or repeal of an Alaska Bar Rule, By-law or Regulation shall include:

- (a) A statement of the time, nature and place of the proceeding; and
- (b) Either the express terms or informative summary of the proposed action. If in summary form, a copy of the proposal shall be available for inspection at the office of the Executive Director.

Section 7. (a) With respect to petitions addressed to the Board of Governors, on the day and at the time and place designated in the notice referred to in Sections 5 and 6 hereof, the Board of Governors shall give each interested person or his authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing or orally as the Board of Governors shall determine.

(b) With respect to petitions addressed to the annual convention of the Alaska Bar, the Board of Governors shall, at the time and place designated in the notice referred to in Sections 5 and 6 hereof, present the petition for consideration by the members in attendance at the convention, and shall give each interested person or his authorized representative, or both, the opportunity to present statements, arguments, or contentions in writing or orally, as the Board of Governors shall determine.

(c) With respect to hearings on petitions addressed to the Board of Governors, the Board of Governors may administer oaths or

affirmations, and may continue or postpone the hearing to such time and place as it may deem appropriate. Hearings on petitions addressed to the annual convention of the Alaska Bar shall not be subject to continuance or postponement under this provision.

- (d) After approval of any recommendation with respect to any Alaska Bar Rule, the proposal shall be submitted to the Supreme Court of the State of Alaska for its consideration.
- (e) When the proposed rule has been forwarded to the Court, it shall either approve the proposal or shall set a date on which a meeting shall be held with the Board of Governors to discuss the proposal. Any such meeting may be waived by the mutual consent of the Court and the Board.

Section 8. In the event that the Board makes a finding that an emergency exists and that the notice provisions of this Rule would work an injustice, such notice as the Board deems practicable shall be given prior to action upon a proposed Rule, by-law or regulations.

DATE: January 8, 1978  
EFFECTIVE DATE: April 1, 1978

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