

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 402

Seven Part Order Rescinding
Alaska Bar Rule 5; Renumbering
Alaska Bar Rules 6, 7, and 7.1
as Bar Rules 5, 6, and 7,
Respectively; Amending Bar
Rules 5, 6, and 8.

IT IS ORDERED:

1. Alaska Bar Rule 5 is hereby rescinded.

2. Alaska Bar Rules 6, 7, and 7.1 are hereby re-
numbered 5, 6, and 7, respectively.

3. Section 1 of Rule 5, Alaska Bar Rules is amended
to read:

Section 1. (a) An applicant receiving notice that he or she has successfully passed the bar examination prescribed by the Board pursuant to Rule 4, and who has been found by the Board to be of good moral character and has in other respects been determined eligible shall file within one year an Alaska Bar Association registration card in the form provided by the Board; certify under oath that he or she is domiciled in the State of Alaska; and pay prorated active membership fees for the balance of the calendar year in which he or she is admitted, computed from the date of payment.

(b) The Board may conduct a character investigation of an applicant, or may continue such an investigation, after an applicant has been permitted to take, or has passed, the examination prescribed by the Board pursuant to Rule 4. The fact that the Board has permitted an applicant to take the examination, and has given the applicant notice that he or she has passed the examination shall not thereafter preclude the Board from denying the admission of the applicant on the grounds of lack of good moral character.

4. Alaska Bar Rule 6 is amended by adding new Section 1 which reads:

Section 1. Notice and representation by counsel.

(a) Notice of any final adverse determination by the Board, a master, or a committee appointed by the Board, shall be given to an applicant. Such notice shall be sufficiently specific to allow the applicant to be able to prepare a response, petition for review, or request for hearing as may be permitted under these rules.

(b) The Board shall send written notice by certified mail to the applicant's latest address on file with the Executive Director.

(c) An applicant may be represented by counsel in all proceedings for admission to the practice of law. Such counsel shall be admitted to practice in the State of Alaska or authorized to practice law pursuant to the provisions of Rule 81, Alaska R. Civ. P., and shall file a written appearance with the Board. Thereafter, notices required or permitted to be served upon the applicant shall be served upon the applicant's counsel.

5. Former Section 1 of Alaska Bar Rule 6 is redesignated as Section 2 and amended to read:

Section 2. An applicant who has been denied an examination permit or who has been denied certification to the Supreme Court for admission to practice shall have the right, within thirty days after receipt of written notice of such denial, to file with the Board a written statement of appeal. Such statement of appeal shall be verified by the oath of the applicant that all statements contained therein are true, on the applicant's own knowledge, or on the basis of information furnished to the applicant. Failure to file a timely appeal statement shall constitute a waiver of any right to appeal. The statement of appeal filed by the applicant shall state all grounds upon which the applicant intends to rely and may:

(a) object to the form of notice from which such appeal is taken on the ground that it is so indefinite or uncertain that the applicant cannot reasonably prepare his or her statement;

(b) present the materials and documents on which the applicant relies to establish his or her eligibility to take the examination or for admission to practice, whichever is applicable.

An applicant who is denied an examination permit or who is denied certification shall allege facts which, if true, would establish an abuse of discretion or improper conduct on the part of the Board, the Executive Director, the Committee, or a master. If the allegations in the verified statement are found to be sufficient by the Board, a hearing shall be granted. If a hearing is denied, the applicant may appeal from the denial of the hearing under the procedures of Rule 8.

6. The following sections of Alaska Bar Rule 6 are renumbered as follows:

Section 2 is reenumerated as Section 3

Section 3 is reenumerated as Section 4

Section 4 is reenumerated as Section 5

Section 5 is reenumerated as Section 6

Section 6 is reenumerated as Section 7

7. Section 2 of Alaska Bar Rule 8 is amended to read:

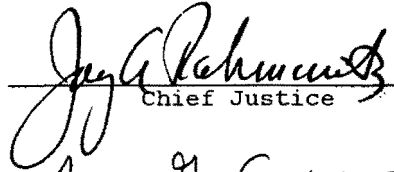
Section 2. An appeal to the Supreme Court may be filed by an applicant from a decision of the Board entered as provided in Section 7 of Rule 7.

DATED: April 9, 1980

EFFECTIVE DATE: May 1, 1980

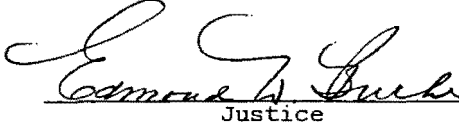
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