

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 467

Amending Rules 13(c), 14(a)(7),
and 15(i)(j), Alaska Bar Rules,
Relating to Bar Disciplinary
Procedures.

IT IS ORDERED:

1. Subparagraph (4) of paragraph (c) of Rule 13, Alaska Bar Rules, is amended to read:

(4) To hear appeals from the recommendations of Hearing Committees, and to modify the findings of fact, conclusions of law or proposed orders of Hearing Committees[.], regardless of whether there has been an appeal to the Board, and without regard to the discipline recommended by the Hearing Committee.

2. Paragraph (c) of Rule 13, Alaska Bar Rules, is amended by amending subparagraph (5) to read:

(5) [TO FORWARD TO THE COURT THE HEARINGS OF FACT, CONCLUSIONS OF LAW AND PROPOSED ORDERS OF HEARING COMMITTEES, TOGETHER WITH ANY MODIFICATIONS MADE BY THE BOARD UPON APPEAL IN CASES WHERE THE BOARD, OR THE HEARING COMMITTEE IF NO APPEAL IS TAKEN TO THE BOARD, HAS RECOMMENDED DISCIPLINE AS PROVIDED IN RULE 12(a), (b) OR (c)] In cases where Hearing Committees have recommended discipline as provided in Rule 12(a), (b) or (c), to forward to the Court the findings of fact, conclusions of law and proposed orders of the Hearing Committees, and such modifications as the Board shall have made to the findings of fact, conclusions of law and proposed orders of the Hearing Committees.

3. Subparagraph (7) or paragraph (a) of Rule 14, Alaska Bar Rules, is amended to read:

(7) In his discretion, prosecute complaints and appeals. He may advocate discipline other than that recommended or ordered by a Hearing Committee or by the Board.

3. Paragraphs (i) and (j) of Rule 15, Alaska Bar Rules, are amended to read:

(i) Unless the Respondent or the Administrator makes a written request to the Board for oral argument within the date established for the submission of briefs, oral argument shall be waived. If neither the Respondent nor the Administrator objects to the conclusions and recommendations of the Hearing Committee within 10 days from the submission of the Hearing Committee's report, the submission of briefs may be waived by stipulation, subject to approval by the Board. The Board shall review the record and briefs and enter an appropriate order as provided in Rule 13(c), 6, [AND] 7[.] and 8. Proceedings before the Board shall be conducted by the Administrator.

(j) If the Board has recommended discipline as provided in Rule 12(a), (b) or (c), the Board shall submit the record, which shall include a transcript of all proceedings before the Board, with briefs to be submitted in accordance with Appellate Rule [11] 212. Unless the Respondent or the Administrator makes a written request to the Court for oral argument within the date established for submission of briefs, oral argument shall be waived. If neither the Respondent nor the Administrator objects to the conclusions and recommendations of the Board, the submission of briefs may be waived by stipulation, subject to approval by the Court. The Court shall review the record and briefs and enter an appropriate order[.] which may include a requirement that the Respondent reimburse the Association for reasonable costs and attorney's fees incurred by the Association in connection with the proceedings. Proceedings before the Court shall be conducted by the Administrator.

DATED: May 7, 1981

EFFECTIVE DATE: June 1, 1981

/s/ Jay A. Rabinowitz
Chief Justice

/s/ Roger G. Connor
Justice

/s/ Edmond W. Burke
Justice

/s/ Warren W. Matthews
Justice

/s/ Allen T. Compton
Justice