

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1603

Amending Alaska Bar Rule 29 to permit appeals or petitions for hearing in reinstatement matters.

IT IS ORDERED:

Alaska Bar Rule 29 is amended to read as follows:

Rule 29. Reinstatement.

* * * *

(c) **Reinstatement Proceedings.** Petitioners who have been suspended for two years or less will be automatically reinstated by the Court unless Bar Counsel files an opposition to automatic reinstatement pursuant to Section (d) of this Rule.

Proceedings for attorneys who have been disbarred or suspended for more than two years will be conducted as follows:

(1) upon receipt of the petition for reinstatement, the Director will refer the petition to a Hearing Committee in the jurisdiction in which the Petitioner maintained an office at the time of his or her misconduct; the Hearing Committee will promptly schedule a hearing; at the hearing, the Petitioner will have the burden of demonstrating by clear and convincing evidence that (s)he has the moral qualifications, competency, and knowledge of law required for admission to the practice of law in this State and that his or her resumption of the practice of law in the State will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive of the public interest; within 30 days of the conclusion of the hearing, the Hearing Committee will issue a report setting forth its findings of fact,

conclusions of law, and recommendation; the Committee will serve a copy of the report upon Petitioner and Bar Counsel, and transmit it, together with the record of the hearing, to the Board; any appellate action will be subject to the appellate procedures set forth in Rule 25;

(2) at its next scheduled meeting at least 30 days after receipt of the Hearing Committee's report, the Board will review the report and the record; the Board will file its findings of fact, conclusions of law, and recommendation with the Court, together with the record and the Hearing Committee report; ~~the petition will be placed upon the calendar of the Court for acceptance or rejection of the Board's recommendation; and the matter will be submitted to the court for action.~~ Bar Counsel may petition for hearing and the Petitioner may appeal from the Board's findings of fact, conclusions of law, and recommendation within 10 days after the Board files its recommendations with the Court. If Bar Counsel files a petition for hearing, the time for serving and filing a response shall be 20 days after service of the petition. If Petitioner files a notice of appeal, the time for serving and filing the opening brief shall be 20 days after the record is prepared and transmitted to the Court, the time for serving and filing the opposing brief shall be 20 days, and the time for serving and filing the reply brief shall be 10 days. Briefing shall be in memorandum format and, in the case of an appeal or a granted petition for hearing, either Bar Counsel or the Petitioner may request oral argument;

(3) in all proceedings concerning a petition for reinstatement, Bar Counsel may cross-examine the Petitioner's witnesses and submit evidence in opposition to the petition; and

(4) the retaking and passing of Alaska's general applicant bar examination will be conclusive evidence that the Petitioner possesses the knowledge of law necessary for reinstatement to the practice of law in Alaska, as required under Section (b)(1) of this Rule.

* * * *

DATED: August 23, 2007

EFFECTIVE DATE: April 15, 2008

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti