

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1963

Amending Bar Rule 44 to allow supervised practitioners and revise legal intern practice area.

IT IS ORDERED:

Bar Rule 44 is amended to read as follows:

Rule 44. Legal Interns and Supervised Practitioners.

Section 1. Practice Authorized When. The Integrated Bar Act prohibits the practice of law by anyone not admitted to practice in Alaska. This rule does not authorize an intern or supervised practitioner to perform any function prohibited by that Act other than those specifically set forth herein.

~~**Section 2. Definition of Legal Intern.** A "legal intern" is any person who has on file with the Alaska Bar Association an effective permit issued by the Bar Association through its Executive Director.~~

~~**Section 23. Application, Eligibility for Intern Permit.** Every applicant for an intern or supervised practitioner permit shall:~~

~~(a) File file a written request for an intern or supervised practitioner permit, a letter from an attorney authorized to practice law in Alaska agreeing to supervise the intern or supervised practitioner, and the documents required by this rule as proof of eligibility for the permit.~~

Section 3. Eligibility.

(a) Every applicant for a legal intern permit shall be

~~(b) Be a student who:~~

(1) Is duly enrolled in a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered, or is enrolled in a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school in which he or she is enrolled meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has successfully completed at least one-half of the course work required for a law degree;

(3) Has filed with the application a certificate from the dean or other chief administrative officer of his or her law school, stating that he or she meets the requirements as set forth in subsections ~~(a)(1)(b)(1)~~ and ~~(a)(2)(b)(2)~~; or

(b)(e) Every applicant for a supervised practitioner permit shall be ~~Be~~ a law school graduate who:

(1) Has graduated from a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated, or has graduated from a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school from which he or she has graduated meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has never failed the Alaska bar examination;

(3) Has never failed a bar examination administered by any other state of the United States, or the District of Columbia, or, despite failure, has passed a bar examination administered by any state of the United States or the District of Columbia; and

(4) Has filed with the executive director a certificate from the dean or other chief administrative officer of his or her law school which states that the supervised practitioner ~~legal intern~~ applicant meets the requirements set forth in subsection (b)(1)(c)(1), and a personal affidavit stating that he or she (i) has never failed the Alaska bar examination, and (ii) has never failed another bar examination or, despite failure, has passed a bar examination administered by any state of the United States or the District of Columbia, as set forth in subsection (b)(3)(c)(3).

Section 4. Prior Admission. Any applicant who has been admitted to practice in another jurisdiction must file a certificate of good standing from each jurisdiction in which the applicant is admitted. If not in good standing, the applicant shall submit satisfactory proof that the applicant has never been disbarred, suspended or otherwise disciplined.

Section 5. Act Authorized by Permit.

(a) A legal intern may appear and participate in all trial court proceedings before any district or superior court of this state, and in proceedings in the court of appeals, to the extent permitted by the judge or the presiding officer if the attorney representing the client is personally present and able to supervise the intern and has filed an entry of appearance with the court; a legal intern may also sign a brief or motion filed in the supreme court if the supervising attorney also signs that document;

(b) A legal intern may also appear and participate before any district court in small claims matters, and all district court criminal matters, with the exception of trials and evidentiary hearings, arraignments, pleas, bail hearings, sentencings and recorded in-chambers conferences without an attorney being personally present to supervise the intern under the following conditions:

(1) If the supervising attorney has filed an affidavit with the judge before whom the legal intern will be appearing stating that the intern (i) has an effective legal intern permit on file with the Alaska Bar Association, and (ii) has previously been present and supervised in similar proceedings and that the attorney believes the intern is competent to conduct such proceedings without the personal presence of the attorney;

(2) If the client gives consent to the appearance. A governmental body may grant approval through its attorney; and

(3) If the judge or magistrate judge agrees to permit the legal intern to participate in the proceedings.

(c) A supervised practitioner may:

(1) Enter and participate in all court appearances;

(2) Draft legal documents and pleadings;

(3) Provide legal services to clients; and

(4) Provide other counsel consistent with the practice of law in Alaska.

The supervising attorney's name and Bar number shall appear on all papers filed with the court.

Section 6. Termination of Permit. A permit shall cease to be effective as follows:

(a) For a law student who obtains a permit under Section ~~3(a)~~~~3(b)~~ of this rule, upon the expiration of a period of twelve months in cumulative time that the intern participates in any acts authorized by the permit in any Alaska court; this cumulative time limit may be divided into two or three separate time periods if appropriate for the law student's schedule;

(b) For a law school graduate who obtains a supervised practitioner permit under Section ~~3(b)~~~~3(e)~~ of this rule, upon the expiration of a period of twelve ~~ten~~ months from the date of issuance, or upon the failure of the supervised practitioner ~~intern~~ to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

Section 7. Revocation of Permit. A permit may be revoked by the Executive Director on a showing that the intern has failed to comply with the requirements of this rule or violated the Alaska Bar Rules or the Alaska Rules of Professional Conduct.

Section 8. Practice of Law Under Statutory Authority. To be eligible to practice law without a license under the provisions of AS 08.08.210(d), a person must meet the eligibility requirements for obtaining a supervised practitioner ~~legal~~ permit listed in Section ~~3(b)(1)~~~~3(e)(1)~~, (2), and (3) of this rule. Persons practicing under AS 08.08.210(d) must obtain a license to practice law in Alaska no later than 10 months following commencement of their employment. The authority for those persons to practice law terminates upon the failure of that person to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

DATED: August 12, 2020

EFFECTIVE DATE: August 12, 2020

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan