

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 909

Amending Administrative Rule 12(c)(2)
Concerning Indigency Determination

IT IS ORDERED:

Administrative Rule 12(c)(2) is amended to provide:

(2) Indigency Determination. For appointments of [TO] the office of public advocacy under this rule, other than an appointment required because of a conflict of interest with the public defender agency, a person is indigent if the person's income does not exceed the maximum annual income level established to determine eligibility for representation by the Alaska Legal Services Corporation [FOR ALASKA SET FORTH IN 45 CFR 1611, APPENDIX A, FOR ELIGIBILITY FOR REPRESENTATION BY THE LEGAL SERVICES CORPORATION]. A person whose income exceeds the maximum amount for legal services representation may be determined indigent only if a judge makes a specific finding of indigency on the record, taking into account the funds necessary for the person to maintain employment, to provide shelter, and to clothe, feed and care for the person and the person's immediate family, the person's outstanding contractual indebtedness, the person's ability to afford representation based on the particular matter and the complexity of the case, the costs of living and attorneys fees in different regions of the state, and any liquid assets which could be counted as income.

DATED: July 20, 1988

EFFECTIVE DATE: January 15, 1989

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore