

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1048

Amending Alaska Bar Rules 10(c),  
16(a), 16(b), 16(d), 22(d), and  
28(h) concerning disciplinary  
action.

IT IS ORDERED:

1. Bar Rule 10(c) is amended to provide:

(c) Powers and Duties. The Board  
will have the powers and duties to

...

(8) impose [PRIVATE] reprimand as a  
Board upon a respondent attorney (herein-  
after "Respondent") upon referral by Bar  
Counsel under Rule 22(d);

...

2. Bar Rule 16(a) is amended to provide:

(a) Discipline Imposed by the Court  
or Board. A finding of misconduct by the  
Court or Board will be grounds for

(1) disbarment by the Court; or

(2) suspension by the Court for a  
period not to exceed five years; or

(3) probation imposed by the Court;  
or [FOR A PERIOD NOT TO EXCEED TWO YEARS;  
OR]

(4) public censure by the Court; or

(5) [PUBLIC] reprimand by the  
Disciplinary Board.

3. Alaska Bar Rule 16(b) is amended to provide:

(b) Discipline Imposed by the Board  
or Bar Counsel. When Bar Counsel has made  
a finding that misconduct has occurred, the  
following discipline may be imposed:

(1) [PRIVATE] reprimand in person by  
the Board, pursuant to Rule 10(c)(8); or

(2) written private admonition by  
Bar Counsel, pursuant to Rule 11(a)(12).

4. Alaska Bar Rule 16(d) is amended to provide:

(d) Conditions. Written conditions  
may be attached to a [PRIVATE OR PUBLIC]  
reprimand or to a private admonition.  
Failure to comply with such conditions will  
be grounds for reconsideration of the  
matter by the Board or Bar Counsel.

5. Alaska Bar Rule 22(d) is amended to provide:

(d) Imposition of Private Admonition  
or Reprimand. Upon a finding of mis-  
conduct, and with the approval of one Area  
Division member, Bar Counsel may impose a

written private admonition upon a Respondent. A Respondent will not be entitled to appeal a private admonition by Bar Counsel but may demand, within 30 days of receipt of the admonition, that a formal proceeding be instituted against him or her before a Hearing Committee. If Respondent demands a formal proceeding, the admonition will be vacated and Bar Counsel will proceed under Section (e) of this Rule.

In the discretion of Bar Counsel, (s)he may refer a matter to the Board for approval and imposition of a [PRIVATE] reprimand by the Board, provided that the Respondent has, under Section (h) of this Rule, consented to the discipline before the Board.

6. Alaska Bar Rule 28(h) is amended to provide:

(h) Circulation of Notice; National Discipline Data Bank. The Board will promptly transmit a copy of the order of disbarment, suspension, interim suspension, probation, or public censure [OR PUBLIC REPRIMAND] to the presiding judges of the superior court [AND DISTRICT COURT] in each judicial district in Alaska; to the presiding judge of the United States District Court for the District of Alaska; and to the Attorney General for the State of Alaska, together with the request that the Attorney General notify the appropriate

administrative agencies. The presiding judges will make such orders as they deem necessary to fully protect the rights of the clients of the disbarred, suspended, or probationary attorney.

Bar Counsel will transmit to the National Discipline Data Bank maintained by the American Bar Association, and any jurisdiction to which Respondent has been admitted, notice of all [PUBLIC] discipline imposed by the Court [OR THE BOARD] and all orders granting reinstatement.

DATED: September 20, 1990 nunc pro tunc to September 12, 1990  
EFFECTIVE DATE: September 12, 1990

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Chief Justice Matthews

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Justice Rabinowitz

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Justice Burke

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Justice Compton

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Justice Moore