

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 1082

Amending Alaska Bar Rules 10,  
12, 21, and 25, Part II, of the  
Rules of Disciplinary  
Enforcement.

IT IS ORDERED:

1. Bar Rule 10 is amended to read as follows:

Rule 10. The Disciplinary Board of the  
Alaska Bar Association.

. . . .

(f) Board Discipline Liaison.

The president will appoint on an  
annual basis a member of the Board to serve  
as the Board Discipline Liaison to Bar  
Counsel and Bar Counsel's staff. The  
Board Discipline Liaison will

(1) provide guidance and assistance  
to Bar Counsel and Bar Counsel's staff in  
implementing the Board's policies;

(2) have the duties provided in these  
Rules and as assigned by the President;

(3) be excused from sitting on any  
grievance or disability matter in which  
the liaison has knowledge of the matter  
arising from the performance of the  
liaison's duties;

(4) not be considered a member of the Disciplinary Board for the purposes of establishing a quorum when excused from sitting on a grievance or disability matter;

(5) have access to any grievance or disability matter necessary to perform the liaison's duties or to assist Bar Counsel in making a decision on a grievance or disability matter;

(6) maintain the confidentiality of Bar Counsel's files as required by Rule 21(c).

2. Bar Rule 12 is amended to read as follows:

**Rule 12. Area Discipline Divisions and Hearing Committees.**

. . . .

**(b) Powers and Duties of Area Division Members.**

Upon selection and assignment by the Executive Director of the Bar (hereinafter "Director"), Area Division members will have the powers and duties to

. . . .

(4) review Bar Counsel's decision to file a formal petition pursuant to Rule 25[(D) OR] (e);

3. Bar Rule 21 is amended to read as follows:

**Rule 21. Public Access to Disciplinary Proceedings.**

. . . .

**(c) Bar Counsel's Files.**

All files maintained by Bar Counsel and staff will be confidential and are not to be reviewed by any person other than Bar Counsel or Area Division members appointed for purposes of review or appeal under these Rules. This provision will not be interpreted to:

. . . .

(7) prevent the Board Discipline Liaison from having access to any and all files maintained by Bar Counsel as necessary in the performance of the Liaison's duties.

. . . .

4. Bar Rule 25 is amended to read as follows:

. . . .

(d) Review of Bar Counsel's Decision to File Formal Petition.

A decision by Bar Counsel to initiate formal proceedings before a Hearing Committee will be reviewed by [A MEMBER OF ANY AREA DIVISION DESIGNATED BY THE DIRECTOR] the Board Discipline Liaison prior to filing of a formal petition. The [AREA DIVISION MEMBER] Board Discipline Liaison will, within 20 days, approve, modify, or disapprove the filing of a petition, or order further investigation.

(e) Appeal by Bar Counsel.

Bar Counsel may appeal the decision made under Section (d) of this Rule within 10 days following receipt of the [AREA DIVISION MEMBER'S] Board Discipline Liaison's decision. The Director will designate an [SECOND] Area Division Member to hear this appeal. The decision of the [SECOND] Area Division Member will be final.

. . . .

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DATED: October 3, 1991

EFFECTIVE DATE: January 15, 1992

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Chief Justice Rabinowitz

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Justice Burke

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Justice Matthews

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Justice Compton

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Justice Moore