

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1313

Amending Alaska Bar Rule 16
concerning types of discipline
and costs.

IT IS ORDERED:

Paragraph (c) of Alaska Bar Rule 16 is amended to read:

(c) **Restitution; Reimbursement; Costs.**

When a finding of misconduct is made, in addition to any discipline listed above, the Court or the Board may impose the following requirements against the Respondent:

(1) restitution to aggrieved persons or organizations;

(2) reimbursement of the Lawyers' Fund for Client Protection; or

(3) payment of the costs, including attorney's fees, of the proceedings or investigation or any parts thereof. In imposing costs and fees, consideration shall be given to the following factors:

(A) the complexity of the disciplinary matter;

(B) the duration of the case;

(C) the reasonableness of the number of hours expended by Bar Counsel and the reasonableness of the costs incurred;

(D) the reasonableness of the number of Bar Counsel used;

(E) Bar Counsel's efforts to minimize fees;

(F) the reasonableness of the defenses raised by the Respondent;

(G) vexatious or bad faith conduct by the Respondent;

(H) the relationship between the amount of work performed by Bar Counsel and the significance of the matters at stake;

(I) the financial ability of the Respondent to pay attorney's fees; and

(J) the existence of other equitable factors deemed relevant.

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Effective Date: July 15, 1998
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DATED: February 12, 1998

EFFECTIVE DATE: July 15, 1998

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner