

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1320

Amending Alaska Bar Rule 15
concerning grounds for
discipline.

IT IS ORDERED:

1. Paragraph (b) of Alaska Bar Rule 15 is amended to read:

(b) **Unauthorized Practice of Law.**

(1) For purposes of the practice of law prohibition for disbarred and suspended attorneys in subparagraph (a)(7) of this rule, except for attorneys suspended solely for non-payment of bar fees, "practice of law" is defined as:

~~(i)~~ (A) holding oneself out as an attorney or lawyer authorized to practice law;

(B) rendering legal consultation or advice to a client;

~~(ii)~~ (C) representing another before a hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body which is operating in its adjudicative capacity, including the submission of pleadings; or

~~(iii) providing advice or preparing documents for another which affect legal rights or duties.~~

(D) appearing as a representative of the client at a deposition or other discovery matter;

(E) negotiating or transacting any matter for or on behalf of a client with third parties; or

(F) receiving, disbursing, or otherwise handling a client's funds.

(2) For purposes of the practice of law prohibition for attorneys suspended solely for the non-payment of fees and for inactive attorneys, "practice of law" is defined as it is in subparagraph (b)(1) of this rule, except that these persons may represent another to the extent that a layperson would be allowed to do so.

2. Alaska Bar Rule 15 is amended by adding new paragraph (c) as follows:

(c) Employment of Disbarred, Suspended, or Resigned Attorney.

(1) For purposes of this rule:

(A) "disbarred or suspended attorney" means an attorney who has been disbarred or suspended from the practice of law in any jurisdiction;

(B) "employ" means to engage the services of another, including employees, agents, independent contractors and consultants, regardless of whether any compensation is paid;

(C) "involuntarily inactive attorney" means an attorney who has been transferred to interim disability inactive status or to disability inactive status under Alaska Bar Rule 30 or under a comparable rule in another jurisdiction; and

(D) "resigned attorney" means an attorney who has resigned from the bar association of any jurisdiction while disciplinary charges are pending.

(2) A member shall not employ, associate professionally with, or aid a person the member knows or reasonably should know is a disbarred, suspended, resigned, or involuntarily inactive attorney to perform the following on behalf of the member's client:

(A) render legal consultation or advice to the client;

(B) appear on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, or hearing officer;

(C) appear as a representative of the client at a deposition or other discovery matter;

(D) negotiate or transact any matter for or on behalf of the client with third parties;

(E) receive, disburse, or otherwise handle the client's funds; or

(F) engage in activities which constitute the practice of law.

(3) A member may employ, associate professionally with, or aid a disbarred, suspended, resigned, or involuntarily inactive attorney to perform research, drafting or clerical activities, including but not limited to:

(A) legal work of a preparatory nature, such as legal research, the assemblage of data and other necessary information, drafting of pleadings, briefs, and other similar documents;

(B) direct communication with the client or third parties regarding matters such as scheduling, billing, updates, confirmation of receipt or sending of correspondence and messages; or

(C) accompanying an active member in attending a deposition or other discovery matter for the limited purpose of providing clerical assistance to the active member who will appear as the representative of the client.

(4) Prior to or at the time of employing a person the member knows or reasonably should know is a disbarred, suspended, resigned, or involuntarily inactive attorney, the member shall serve upon the Alaska Bar Association

written notice of the employment, including a full description of such person's current bar status. The written notice shall also list the activities prohibited in paragraph (B) and state that the disbarred, suspended, resigned, or involuntarily inactive attorney will not perform such activities. The member shall serve similar written notice upon each client on whose specific matter such person will work, prior to or at the time of employing such person to work on the client's specific matter. The member shall obtain proof of service of the client's written notice and shall retain such proof and a true and correct copy of the client's written notice for two years following termination of the member's employment with the client.

(5) A member may, without client or Bar Association notification, employ a disbarred, suspended, resigned, or involuntarily inactive attorney whose sole function is to perform office physical plant or equipment maintenance, courier or delivery services, catering, reception, typing or transcription, or other similar support activities.

(6) Upon termination of the disbarred, suspended, resigned, or involuntarily inactive attorney, the member shall promptly serve upon the Bar Association written notice of the termination.

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DATED: March 5, 1998

EFFECTIVE DATE: July 15, 1998

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner