

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1331

Amending Alaska Bar Rule  
35 concerning fees for  
legal services.

IT IS ORDERED:

Alaska Bar Rule 35 is amended to read:

**Rule 35. Fees for Legal Services; Agreements.**

\* \* \* \*

(b) **Written Fee Agreement.** ~~When the attorney has not previously or regularly represented a client,~~ The basis or rate of the fee to be charged, including any fee of retainer or initial deposit, should exceeding \$500 shall be communicated to that client in writing a written fee agreement, before commencing the representation or within a reasonable time thereafter. This written fee agreement shall include the disclosure required under Alaska Rule of Professional Conduct 1.4(c). In a case involving litigation, the attorney shall notify the client in the written fee agreement of any costs, fees or expenses for which the client may be liable if the client is not the prevailing party. In the absence of a written

fee agreement, the attorney must present clear and convincing evidence that the basis or rate of fee exceeded the amount alleged by the client.

(c) **Contingent Fees.** A fee may be contingent on the outcome of the matter for which the service is rendered, except in a matter in which a contingent fee is prohibited by Section (d) of this rule, or by other law or court rules or decisions. A contingent fee agreement will be in writing and will include the disclosure required under Alaska Rule of Professional Conduct 1.4(c) and state the method by which the fee is to be determined, including:

\* \* \* \*

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DATED: July 9, 1998

EFFECTIVE DATE: January 15, 1999

/s/  
Chief Justice Matthews

/s/  
Justice Compton

/s/  
Justice Eastaugh

/s/  
Justice Fabe

/s/  
Justice Bryner