

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1370

Amending Alaska Rule of Professional
Conduct 1.4 concerning communication.

IT IS ORDERED that Alaska Rule of Professional Conduct 1.4 is amended to read as follows:

Rule 1.4 Communication.

* * * *

(c) A lawyer shall inform an existing client in writing if the lawyer does not have malpractice insurance of at least \$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate and shall inform the client in writing at any time the lawyer's malpractice insurance drops below these amounts or the lawyer's malpractice insurance is terminated. A lawyer shall maintain a record of these disclosures for six years from the termination of the client's representation.

ALASKA COMMENT

Subsection (c) does not apply to lawyers in government practice or lawyers employed as in-house counsel.

Lawyers may use the following language in making the disclosures required by this rule:

(1) no insurance: "Alaska Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least \$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate and if, at any time, a lawyer's malpractice insurance drops below these amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm) does not have malpractice insurance coverage of at least \$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate."

(2) insurance below amounts: "Alaska Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least \$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate and if, at any time, a lawyer's malpractice insurance drops below these amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm)'s malpractice insurance has dropped below at least \$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate."

(3) insurance terminated: "Alaska Rule of Professional Conduct 1.4(c) requires that you, as the client, be informed in writing if a lawyer does not have malpractice insurance of at least

\$100,000 per ~~claimant~~ claim and \$300,000 ~~total~~ annual aggregate and if, at any time, a lawyer's malpractice insurance drops below these amounts or a lawyer's malpractice insurance coverage is terminated. You are therefore advised that (name of attorney or firm)'s malpractice insurance has been terminated."

COMMENT

* * * *

DATED: September 2, 1999

EFFECTIVE DATE: April 15, 2000

/s/
Chief Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner

/s/
Justice Carpeneti