

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1392

Amending the Comment to Alaska Rule
of Professional Conduct 1.5.

IT IS ORDERED:

The Comment to Alaska Rule of Professional Conduct 1.5 is amended to read:

ALASKA COMMENT

The words “if apparent to the client” were deleted from Model Rule 1.5(a)(2). An attorney should be allowed to increase his or her fees if there is a likelihood that the representation will preclude other employment. This is true regardless of whether the likelihood is apparent to the client.

The Committee concluded that advice to the client concerning potential liability for costs, attorney's fees and other expenses should be specifically set out in the written fee agreement in order that the client might be fully informed.

In addition to the definition in Rule 9.1(b), the term “client” in this rule means any person or entity legally responsible to pay the fees for professional services rendered by a lawyer.

Lawyers may use the following language to notify the client of the client's potential liability for costs, fees or expenses if the client is not the prevailing party in litigation: “Under the law, you may have to pay some or all of the costs, fees and expenses of your opponents in your case if you don't win your case or if you reject an offer that turns out to be better than your results at trial.”

COMMENT

Basis or Rate of Fee

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DATED: April 5, 2000

EFFECTIVE DATE: October 15, 2000

/s/
Chief Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner

/s/
Justice Carpeneti