

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1641

Adding Alaska Bar Rule 43.2
providing for pro bono practice
by emeritus attorney.

IT IS ORDERED:

Alaska Bar Rule 43.2 is added to read as follows:

Rule 43.2. Emeritus Attorney.

(a) Purpose. The purpose of this rule is to encourage attorneys who do not otherwise engage in the active practice of law in Alaska to provide pro bono legal representation to persons who cannot afford private legal services.

(b) Bar Dues. An attorney who serves as an emeritus attorney at any time during a year shall have bar dues for the following year waived.

(c) Definitions.

(1) An "emeritus attorney" is an inactive or retired member of the Alaska Bar Association who is not otherwise engaged in the practice of law in Alaska and who:

(A) provides free civil legal services in Alaska under the supervision of a qualified legal services provider as defined in this rule;

(B) is a member in good standing of the Alaska Bar Association and has no record of public discipline for professional misconduct imposed at any time within the past fifteen (15) years in any jurisdiction; and

(C) neither asks for nor receives personal compensation of any kind for the legal services rendered under this rule.

(2) A "qualified legal services provider" is a not-for-profit legal assistance organization that is approved by the Board of

Governors. A legal assistance organization seeking approval from the Board to use an emeritus attorney shall file a petition with the Board of Governors certifying that it is a not-for-profit organization and explaining with specificity:

(A) the structure of the organization and whether it accepts funds from its clients;

(B) the major sources of funds used by the organization;

(C) the criteria used to determine eligibility for legal services performed by the organization;

(D) the types of legal and nonlegal services provided by the organization;

(E) the names of all members of the Alaska Bar Association who are employed by the organization and who regularly perform legal work for the organization; and

(F) the extent of malpractice insurance that will cover the emeritus attorney.

(d) Authority.

(1) An emeritus attorney is authorized to practice law to the extent permitted an active member of the Alaska Bar Association, but only for services performed in association with a qualified legal services provider.

(2) An emeritus attorney shall not be paid by the qualified legal services provider, but the qualified legal services provider may reimburse the emeritus attorney for actual expenses incurred while rendering services. If allowed by law, the emeritus attorney may seek attorney's fees on behalf of the client, but may not personally retain them. The emeritus attorney and the client shall enter into a written fee agreement under Rule of Professional Conduct 1.5 for the disposition of such fees. Collection of any money from the client, including but not limited

to reimbursements for expenses incurred, shall be handled exclusively by the qualified legal services provider.

(e) Duties of An Emeritus Attorney. A member who wishes to perform pro bono work as an emeritus attorney on behalf of a qualified legal services provider shall file a sworn statement with the Alaska Bar Association that states:

(1) the name of the emeritus attorney and the name of the qualified legal services provider for whom the emeritus attorney will provide pro bono services;

(2) that the emeritus attorney will not be paid compensation;

(3) that the emeritus attorney will be covered by the legal services provider's malpractice insurance;

(4) that the emeritus attorney has read and is familiar with the Alaska Rules of Professional Conduct; and

(5) that the emeritus attorney has not been publicly disciplined within the last fifteen (15) years in any jurisdiction.

DATED: June 26, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti