

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1669

Amending Bar Rules 6, 39(a), 40,
and 44.1(f) to make minor
corrections.

IT IS ORDERED:

1. Alaska Bar Rule 6, Section 7 is amended to read as follows:

Rule 6. Review.

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Section 7.

Only the following materials shall be subject to production by the Alaska Bar Association in any proceedings held pursuant to this Rule:

(a) Where certification for admission to practice has been denied, the failing applicant has the right to inspect examination materials only as provided in Rule 4(5); and

(b) Where an examination permit has been denied on the basis of character and fitness, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which the applicant's character and fitness has been discussed, together with a statement of the specific grounds upon which denial of the permit was based.

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2. Alaska Bar Rule 39(a) is amended to read as follows:

**Rule 39. Notice of Right to Arbitration; Stay of Proceedings;
Waiver by Client.**

(a) Notice Requirement by Attorney to Client. At the time of service of a summons in a civil action against his or her client for the recovery of fees for professional services rendered, an attorney will serve upon the client a written "notice of client's right to arbitrate or mediate," which will state:

You are notified that you have a right to file a Petition for Arbitration of Fee Dispute or a Request for Mediation and stay this civil action. Forms and instructions for filing a Petition for Arbitration of Fee Dispute or a Request for Mediation and a motion for stay are available from the Alaska Bar Association, P.O. Box 100279, Anchorage, AK 99510-0279, or contact (907) 272-7469 for the Alaska Bar Association's street address. If you do not file the Petition for Arbitration of Fee Dispute or a Request for Mediation within twenty (20) days after your receipt of this notice, you will waive your right to arbitration or mediation.

Failure to give this notice will be grounds for dismissal of the civil action.

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3. Alaska Bar Rule 40(u) is amended to read as follows:

Rule 40. Procedure.

(a) **Petition for Arbitration of Fee Disputes.** Fee arbitration proceedings will be initiated by a client by filing a petition with the Bar Counsel on a form provided by the Bar. The petition will be in writing, signed by the client (hereinafter "petitioner"), seeking resolution of the fee dispute with his or her attorney (hereinafter "respondent"), and will contain the following:

* * * *

(2) a statement by the petitioner that (s)he understands in filing the petition that the determination of the arbitrator or panel is binding upon the parties; that the determination may be reviewed by a superior court only for the reasons set forth in AS 09.43.120 through AS 09.43.180 or AS 09.43.500 through AS 09.43.595; and that the determination may be reduced to judgment; and

* * * *

(t) **Confirmation of an Award.** Upon application of a party, and in accordance with the provisions of AS 09.43.110 and AS 09.43.140 or AS 09.43.490 and AS 09.43.520, the court will confirm an award, reducing it to a judgment, unless within ninety days either party seeks through the superior court to vacate, modify or correct the award in accordance with the provisions of AS 09.43.120 through 140 or AS 09.43.500 through 520.

(u) **Appeal.** Should either party appeal the decision of the court concerning an arbitration award under the provisions of AS 09.43.160 or 09.43.550, the party must serve a copy of the notice of appeal upon bar counsel. If a matter on appeal is remanded to the arbitrator or panel, a decision on remand will be issued within thirty (30) days after remand or further hearing.

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4. Alaska Bar Rule 44.1(f)(2) is amended to read as follows:

Rule 44.1. Foreign Law Consultants.

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(f) **Disciplinary Provisions.**

(1) A person licensed to practice as a foreign law consultant under this rule is subject to the jurisdiction of the Alaska Supreme Court, the Disciplinary Board of the Alaska Bar Association, the Rules of Disciplinary Enforcement, and Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association.

(2) A person licensed to practice as a foreign law consultant shall execute and file with the clerk, in the form and manner as the court may prescribe:

(A) a statement that the foreign law consultant has read and will observe the Rules of Disciplinary Enforcement, Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association, and the Alaska Rules of Professional Conduct;

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DATED: February 8, 2008

EFFECTIVE DATE: April 15, 2008

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Carpeneti

/s/
Justice Winfree