

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1708

Amending Alaska Bar Rule 44
regarding legal intern permits.

IT IS ORDERED:

Alaska Bar Rule 44 is amended to read as follows:

Rule 44. Legal Interns.

Section 1. Practice Authorized When. The Integrated Bar Act prohibits the practice of law by anyone not admitted to practice in Alaska. This rule does not authorize an intern to perform any function prohibited by that Act other than those specifically set forth herein.

Section 2. Definition of Legal Intern. A "legal intern" is any person who has on file with the Alaska Bar Association an effective permit issued by the Bar Association through its Executive Director.

Section 3. Eligibility for Intern Permit. Every applicant for an intern permit shall:

(a) File a written request for an intern permit, a letter from an attorney authorized to practice law in Alaska agreeing to supervise the intern, ~~n application in the form prescribed by the Board and produce and file the evidence and documents herein required by this rule~~ as proof of eligibility for the permit;

(b) Be a student who:

(1) Is duly enrolled in a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered, or is enrolled in a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school in which he or she is enrolled meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has successfully completed at least one-half of the course work required for a law degree;

(3) Has filed with the application a certificate from the dean or other chief administrative officer of his or her law school, stating that he or she meets the requirements as set forth in subsections (b) (1) and (b) (2); or

(c) Be a law school graduate who:

(1) Has graduated from a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated, or has graduated from a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school from which he or she has graduated meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has never failed the Alaska bar examination;

(23) Has never failed a bar examination administered by any other state of the United States, or the District of Columbia, or, despite failure, has subsequently passed such a bar examination administered by any state of the United States or the District of Columbia; and

(34) Has filed with the executive director a certificate from the dean or other chief administrative officer of his or her law school which states that the legal intern applicant meets the requirements set forth in subsection (c) (1), and either

(i) A personal affidavit stating that he or she (i) has never failed the Alaska bar examination, and (ii) has never failed another a-bar examination or, despite failure, has subsequently passed a bar examination administered by any state of the United States or the District of Columbia, as set forth in subsection (c)(23), or

(ii) A certificate from the supreme court of the state in which, subsequent to failure, a bar examination was passed.

Section 4. Prior Admission. Any applicant who has been admitted to practice in another jurisdiction must file a certificate of good standing from each jurisdiction in which the applicant is admitted. If not in good standing, the applicant shall submit satisfactory proof that the applicant has never been disbarred, suspended or otherwise disciplined.

Section 5. Act Authorized by Permit.

(a) A legal intern may appear and participate in all trial court proceedings before any district or superior court of this state, and

in proceedings in the court of appeals, to the extent permitted by the judge or the presiding officer if the attorney representing the client is personally present and able to supervise the intern and has filed an entry of appearance with the court ~~and the office of the Alaska Bar Association substantially in compliance with the form set forth in Section 9 of this rule;~~ a legal intern may also sign a brief or motion filed in the supreme court if the supervising attorney also signs that document;

(b) A legal intern may also appear and participate before any district court in small claims matters, arraignments, pleas, bail hearings, sentencings and recorded in-chambers conferences without an attorney being personally present to supervise the intern under the following conditions:

~~(1) If the attorney representing the client has filed an appearance in the case and with the Bar office substantially in compliance with the form set forth in Section 9 of this rule;~~

~~(2) If the supervising attorney has filed an affidavit with the judge before whom the legal intern will be appearing files a certificate~~ stating that the intern (i) has an effective legal intern permit on file with the Alaska Bar Association, and (ii) has previously been present and supervised in a similar proceedings and that the attorney believes the intern is competent to conduct such proceedings without the personal presence of the attorney;

~~(3) If the client gives written consent to the appearance. A governmental body may grant approval through its attorney; and~~

~~(4) If the judge or magistrate agrees to permit the legal intern to participate in the proceedings.~~

Section 6. Termination of Permit. A permit shall cease to be effective as follows:~~upon the occurrence of one of the following events whichever occurs first:~~

(a) For a law student who obtains a permit under Section 3(b) of this rule, upon the~~The~~ expiration of a period of eight~~six~~ months in cumulative time that the intern participates in any acts authorized by the permit in any Alaska court; this cumulative time limit may be divided into two or three separate time periods if appropriate for the law student's schedule;~~from date of issuance;~~

(b) For a law school graduate who obtains a permit under Section 3(c) of this rule, upon the expiration of a period of ten months from the date of issuance, or upon the

~~(b) The failure of an intern to take the first Alaska Bar examination for which the intern is eligible;~~

~~(c) The failure of the~~an~~ intern to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.~~

Section 7. Revocation ~~Renewal~~ of Expired Permit. A permit may be revoked by the Executive Director on a showing that the intern has failed to comply with the requirements of this rule or violated the Alaska Bar Rules or the Alaska Rules of Professional Conduct ~~which has expired under Section 6(a) may be renewed upon compliance with the conditions for issuing an original permit, providing there has been no prior revocation of any certificate, authorization or approval required by Section 5 of this rule. No other permit shall be renewed.~~

Section 8. Practice of Law Under Statutory Authority. To be eligible to practice law without a license under the provisions of AS 08.08.210(d), a person must meet the eligibility requirements for obtaining a legal permit listed in Section 3(c)(1), (2), and (3) of this rule. Persons practicing under AS 08.08.210(d) must obtain a license to practice law in Alaska no later than 10 months following commencement of their employment. The authority for those persons to practice law terminates upon the failure of that person to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

~~**Section 8. Prior Certification.** All interns certified prior to the effective date of this rule must comply with the provisions of this rule within 30 days of its effective date.~~

~~**Section 9. Form.** The form for entry of appearance under Section 5 of this rule shall be substantially as follows:~~

~~COMES NOW, (Name of Attorney), attorney at law, and enters his/her appearance on behalf of (Name of Party). Please service all pleadings and notices at counsel's address of record:~~

~~_____~~

~~Pursuant to Alaska Bar Rule IV-44, (Name of Intern) hereby enters his/her appearance as a legal intern. Supervising counsel (Name of Attorney), certifies that he/she is supervising (Name of Intern) in all matters relating to this case.~~

~~(Name of Attorney), also certifies that (Name of Intern) has been supervised in previous proceedings and that the legal intern is competent to appear alone in the following proceedings: (Name of~~

~~Intern) is a legal intern within the meaning of Alaska Bar Rule IV-44.~~

DATED: _____
_____ SUPERVISING ATTORNEY

DATED: _____
_____ LEGAL INTERN CONSENT

~~I, (Name of Client), hereby agree that (Name of Intern) may represent me in this case under the supervision of (Name of Attorney).~~

DATED: _____
_____ CLIENT CONSENT

~~IT IS HEREBY ORDERED that (Name of Intern) may hereby appear in the above entitled case for all proceedings except~~

DATED: _____
_____ JUDGE

DATED: March 18, 2011

EFFECTIVE DATE: April 1, 2011

/s/
Chief Justice Carpeneti

/s/
Justice Fabe

/s/
Justice Winfree

/s/
Justice Christen

/s/
Justice Stowers