

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1811

Amending Alaska Bar Rule 26(i) regarding Lawyers' Assistance Committee confidentiality and specifying review and appeal procedure; and amending Bar Rule 21(c)(4) regarding confidentiality.

IT IS ORDERED:

1. Alaska Bar Rule 26(i) is amended as follows:

Rule 26. Criminal Conviction; Interim Suspension.

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(i) Proceedings Following Conviction of a Crime Relating to Alcohol or Drug Abuse; Interim Suspension for Noncompliance.

(1) Upon receipt of a certificate of conviction of a crime relating to alcohol or drug abuse, other than a crime described in Section (b) of this Rule, the Court may, in its discretion, refer the matter to the Lawyers' Assistance Committee of the Alaska Bar Association.

(2) The convicted attorney shall meet with the Committee. The Committee shall serve on the attorney in writing any and comply with its recommendations for professional evaluation and professionally recommended treatment. The attorney shall comply with any recommendations of the Committee. All information received by the Committee shall remain confidential. The Committee shall report to Bar Counsel once the matter has been concluded to the satisfaction of the Committee.

(3) Reconsideration and Appeal.

(A) The attorney may, within 10 days of service, ask for reconsideration by the Committee if the attorney presents new and material information relevant to the Committee's recommendations. The Committee will decide whether to reconsider the matter and shall issue a written decision either modifying or confirming its recommendations.

(B) The attorney may appeal any written decision or recommendations of the Committee's recommendations to the Board within 10 days after the date of service the recommendations were made. If the attorney appeals, the Committee shall disclose to the Board, on a confidential basis, all relevant information received by the Committee. The Board, in its discretion, may approve, disapprove or modify the recommendations.

(C) The attorney may seek review of the Board's decision by filing an appeal petition for review with the Court pursuant to Appellate Rule 402. Unless the attorney waives confidentiality in writing, the appeal, the attorney's identity, and all relevant information received by the Committee shall remain confidential. The caption for the appeal should state: In the Matter of Attorney [NAME].

(4) In the event that the attorney does not meet with the Committee or comply with the Committee's recommendations, the Committee will mail to shall serve on the convicted attorney notice of the attorney's failure to meet or comply with its recommendations and require the attorney to cure the deficiency within 10 days of service after the date of the notice. If the convicted attorney fails to cure the deficiency as required, the

Committee shall make a confidential report to the Court regarding the attorney's failure to meet or comply. The report shall disclose to the Court, on a confidential basis, all relevant information received by the Committee. ~~The Court may, based on a report by the Committee,~~ order the attorney to show cause why the attorney should not be suspended from the practice of law until the attorney demonstrates to the Court that the deficiency is cured.

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2. Alaska Bar Rule 21(c)(4) is amended as follows:

Rule 21. Public Access to Disciplinary Proceedings.

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(c) **Bar Counsel's Files.** All files maintained by Bar Counsel and staff will be confidential and are not to be reviewed by any person other than Bar Counsel or Area Division members appointed for purposes of review or appeal under these Rules. This provision will not be interpreted to:

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(4) deny the public facts regarding the stage of any proceeding or investigation concerning a Respondent's conviction of a crime, except as provided under Rule 26(i);

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DATED: December 4, 2013

EFFECTIVE DATE: April 15, 2014

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger