

**IN THE SUPREME COURT OF THE STATE OF ALASKA**  
**ORDER NO. 1880**

Adding new Bar Rule 43.3 permitting practice by non-admitted lawyers in Alaska National Guard courts-martial and subsequent appeals.

**IT IS ORDERED:**

The Bar Rules are amended to include new Bar Rule 43.3, which reads as follows:

**Rule 43.3. Waivers to Practice Law Before Alaska National Guard Courts-Martial and All Subsequent Appeals.**

**Section 1. Eligibility.** A person not admitted to the practice of law in this state may receive permission to practice law before Alaska National Guard courts-martial and all subsequent appeals if such person meets all of the following conditions:

- (a) The person is a graduate of a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the person entered or graduated and is an attorney in good standing, licensed to practice before the courts of another state, territory, or the District of Columbia, or is eligible to be admitted to practice upon taking the oath of that state, territory, or the District of Columbia;
- (b) The person has been certified to practice before courts-martial under Title 27 of the Uniform Code of Military Justice; and
- (c) The person has not failed the bar exam of this state.

**Section 2. Application.** Application for such permission shall be made as follows:

- (a) The Staff Judge Advocate of the Alaska National Guard shall apply to the Board of Governors on behalf of a person eligible under Section 1;
- (b) Application shall be made on forms approved by the Board of Governors; and
- (c) Proof shall be submitted with the application that the applicant is a graduate of an accredited law school as provided in Section 1 of this rule and is an attorney in good standing, licensed to practice before the courts of another state, territory, or the District of Columbia, or is eligible to practice upon taking the oath of the state, territory, or the District of Columbia.

**Section 3. Approval.** The Board of Governors shall consider the application as soon as practicable after it has been submitted. If the Board finds that the applicant meets the requirements of Section 1 above, it shall grant the application and issue a waiver to allow the applicant to practice law before Alaska National Guard courts-martial and all subsequent appeals. The Board of Governors may delegate the power to the Executive Director of the Bar Association to approve such applications and issue waivers, but the Board shall review all waivers so issued at its regularly scheduled meetings.

**Section 4. Conditions.** A person granted such permission may practice law only as allowed in Alaska National Guard courts-martial and all subsequent appeals and shall be subject to the provision of Part II of these rules to the same extent as a member of the Alaska Bar Association. Such permission shall cease to be effective upon the failure of the person to pass the Alaska Bar examination.

DATED: May 16, 2016

EFFECTIVE DATE: June 1, 2016

/s/  
Chief Justice Stowers

/s/  
Justice Winfree

/s/  
Justice Maassen

/s/  
Justice Bolger