

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1903

Revising Bar Rule 16(c) to include permission to assess fees and costs associated with the discipline process.

IT IS ORDERED:

Bar Rule 16(c) is amended to read as follows:

Rule 16. Types of Discipline and Costs.

* * * *

(c) Restitution; Reimbursement; Costs. When a finding of misconduct is made, in addition to any discipline listed above, ~~the Court or the Board may impose; the following requirements against the Respondent:~~

- (1) restitution to aggrieved persons or organizations;
- (2) reimbursement of the Lawyers' Fund for Client Protection; ~~and~~
- (3) payment of a costs and fees assessment according to the schedule below:

• <u>Discipline by Consent Issued by the Court or Disciplinary Board (No Assessment for Written Private Admonition Issued by Bar Counsel)</u>	<u>\$1000</u>
• <u>Determination of Misconduct Following Hearing</u>	<u>\$2000</u>
• <u>Determination of Misconduct Following Appeal to Disciplinary Board</u>	<u>\$3000</u>
• <u>Discipline by Reciprocity</u>	<u>\$ 500</u>

~~payment of the costs, including attorney's fees, of the proceedings or investigation or any parts thereof. In imposing costs and fees, consideration shall be given to the following factors:~~

- ~~(A) the complexity of the disciplinary matter;~~
- ~~(B) the duration of the case;~~
- ~~(C) the reasonableness of the number of hours expended by Bar Counsel and the reasonableness of the costs incurred;~~
- ~~(D) the reasonableness of the number of Bar Counsel used;~~
- ~~(E) Bar Counsel's efforts to minimize fees;~~
- ~~(F) the reasonableness of the defenses raised by the Respondent;~~
- ~~(G) vexatious or bad faith conduct by the Respondent;~~
- ~~(H) the relationship between the amount of work performed by Bar Counsel and the significance of the matters at stake;~~
- ~~(I) the financial ability of the Respondent to pay attorney's fees; and~~
- ~~(J) the existence of other equitable factors deemed relevant.~~

(d) Conditions. Written conditions may be attached to a reprimand or to a private admonition. Failure to comply with such conditions will be grounds for reconsideration of the matter by the Board or Bar Counsel.

DATED: March 20, 2017

EFFECTIVE DATE: October 15, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney