

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 971

Amendments and Additions to
Alaska Bar Rules 2, 5, 6, and
61 of the Admission Rules.

IT IS ORDERED:

1. Bar Rule 2(1)(d) is amended to read as follows:

(d) [BE OF GOOD MORAL CHARACTER, WHICH SHALL BE FOUND UNLESS PRIOR OR PRESENT CONDUCT OF THE APPLICANT WOULD CAUSE A REASONABLE PERSON TO BELIEVE THAT THE APPLICANT WOULD, IF ADMITTED TO PRACTICE OF LAW, BE UNABLE OR UNWILLING TO ACT HONESTLY, FAIRLY, AND WITH INTEGRITY.] Be one whose conduct justifies the trust of clients, adversaries, courts and others with respect to the professional duties owed to them. Conduct manifesting a significant deficiency in the honesty, trustworthiness, diligence or reliability of an applicant is a basis for denial of admission.

Any of the following should be treated as cause for further inquiry before the bar examining authority decides whether the applicant possesses the character and fitness to practice law:

(1) a criminal conviction except minor traffic violations;

(2) academic misconduct which has resulted in disciplinary action;

(3) making of false statements under oath or affirmation, including omissions;

(4) acts involving dishonesty, fraud, deceit or misrepresentation;

(5) unjustifiable neglect of financial obligations;

(6) violation of an order of a court;

(7) evidence of mental or emotional disorders;

(8) evidence of drug or alcohol abuse or dependency;

(9) denial of admission to the Bar in another jurisdiction on character and fitness grounds;

(10) disciplinary action by an attorney disciplinary agency, other professional disciplinary agency or any governmental or administrative agency of any jurisdiction.

In weighing each of the above factors, the following should be considered in assigning weight and significance to prior conduct or condition:

(1) the applicant's age at the time of the conduct or condition;

(2) the recency of the conduct or condition;

(3) the reliability of the information concerning the conduct or condition;

(4) the seriousness of the conduct or condition;

(5) the circumstances surrounding the conduct or condition;

(6) the cumulative effect of conduct, condition or information;

(7) the evidence of stabilization or rehabilitation;

(8) the applicant's positive social contribution since the conduct or condition;

(9) the applicant's truthfulness in the admissions process; and

(10) the materiality of any omissions or misrepresentations.

2. Bar Rule 5(1a)(3) is amended to read as follows:

(3) be found by the Board to meet the standard of character and fitness [BE OF GOOD MORAL CHARACTER], as required pursuant to Rule 2(1)(d).

3. Bar Rule 5(1)(c) is amended to read as follows:

(c) The Board may conduct a character investigation of an applicant, or may continue such an investigation, after the applicant has been permitted to take, or has passed, the examination prescribed by the Board pursuant to Rule 4. The fact that the Board has permitted the applicant to take the examination, and has given the applicant notice that he or she has passed the examination, shall not thereafter preclude the Board from denying the admission of the applicant on the grounds of character

and fitness as set forth in Rule 2(1)(d) [LACK OF GOOD MORAL CHARACTER].

4. Bar Rule 6(7)(c) is amended to read as follows:

(c) 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 his application has been discussed, together with a statement of the specific grounds upon which denial of the permit was based.

5. Bar Rule 6(8) is amended to read as follows:

Section 8. When the Board denies an examination permit on the basis of character and fitness, the Board shall give the applicant immediate written notice of its action, together with a statement of the specific grounds on which the denial of the examination permit is based. Within 10 days of receipt of such written notice, the applicant may submit to the Board such written argument, documentation, or other material as the applicant deems relevant to the proof of his or her character and fitness [GOOD MORAL CHARACTER]. Upon receipt of any such material, the Board shall reconsider the denial in a timely fashion and give written notice of its decision.

6. Bar Rule 61(b)(2) is amended to read as follows:

(2) Any member who has been suspended for a year or more, upon determination of character and fitness as set forth in Rule 2(1)(d) [OF GOOD CHARACTER] by the Board, upon payment of all accrued dues, in addition to a penalty of \$160.00, shall be reinstated upon certification by the Executive Director to the Supreme Court and the clerks of court that the member meets the standard of character and fitness set forth in Rule 2(1)(d) [IS OF GOOD CHARACTER] and that dues and penalties have been paid.

DATED: April 6, 1989

EFFECTIVE DATE: July 15, 1989

Chief Justice Matthews

Justice Rabinowitz

Justice Burke

Justice Compton

Justice Moore