

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2031

Amending Bar Rules 2, 3, 43, 43.1,
43.3, 43.4, and 44 concerning
admission and practice waiver
requirements.

IT IS ORDERED:

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

Rule 2. Eligibility for Admission

Section 1. * * * *

Section 2. (a) An applicant who meets the requirements of (a) through (e) of Section 1 of this Rule and

~~——(1) has passed a written bar examination required by another reciprocal state, territory, or the District of Columbia for admission to the active practice of law, and~~

~~——(2) has engaged in the active practice of law in one or more states, territories, or the District of Columbia for three ~~five~~ of the five ~~seven~~ years immediately preceding the date of the applicant's ~~his or her~~ application, may, upon motion be admitted to the Alaska Bar Association without taking the bar examination. The motion shall be served on the executive director of the Alaska Bar Association. An applicant will be excused from taking the bar examination upon compliance with the conditions above, and payment of a non-refundable fee to be set by the Board for applicants seeking admission on motion. ~~For the purposes of this~~~~

~~section, “reciprocal state, territory or district” shall mean a jurisdiction which offers admission without bar examination to attorneys licensed to practice law in Alaska, upon their compliance with specific conditions detailed by that jurisdiction, providing the conditions are not more demanding than those set forth in this Rule.~~

(b) An applicant is not eligible for admission under this section if

~~— (1) — the applicant was admitted to the practice of law in the reciprocal state, territory or district without taking a written bar examination;~~

~~— (2) — the applicant has engaged in the unauthorized practice of law in Alaska; or~~

~~— (3) — the applicant has taken and failed to pass an Alaska Bar examination, unless this occurred before the applicant engaged in the five years of practice required by (a)(2) of this section.~~

(c) * * * *

(d) * * * *

Section 3. (a) ~~A person~~ An individual who has not graduated from a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools shall be eligible to take the bar examination as a general applicant if the person ~~he/she~~

(1) has been licensed to practice law in one or more jurisdictions in the United States for three ~~five~~ of the five ~~seven~~ years immediately preceding the date of the person’s ~~his/her~~ first or subsequent applications for admission to the practice of law in Alaska,

(2) was engaged in the active practice of law for three ~~five~~ of those five ~~seven~~-years, and

(3) meets the requirements of (a), (c), (d), and (e) of Section 1 of this Rule.

(b) A person ~~An individual~~ shall also be eligible to take the bar examination as a general applicant if the person ~~he/she~~

(1) has successfully completed not less than one academic year of education at a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools,

(2) has successfully completed a clerkship program under AS 08.08.207, and

(3) meets the requirements of (a), (c), (d), and (e) of Section 1 of this Rule.

(c) A person ~~An individual~~ who is a graduate of a law school in which the principles of English law are taught but which is located outside the United States and beyond the jurisdiction of the Council of Legal Education of the American Bar Association or the Association of American Law Schools may be eligible to take the bar examination as a general applicant if the person ~~he/she~~ submits proof that

(1) the foreign law school from which the person ~~he/she~~ graduated meets the American Bar Association's Council of Legal Education standards for approval,

(2) the person ~~he/she~~ has either

(a) successfully completed not less than one academic year of education at a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools, including evidence satisfactory to the Board of Governors that the person applicant has successfully completed not less than one course in United States Constitutional Law and one course in Civil Procedure in the United States, or

(b) is a member in good standing of the Bar of one or more states, territories, or the District of Columbia and was admitted to the Bar of that state, territory, or the District of Columbia after written examination, and

(3) meets the requirements of (a), (c), (d), and (e) of Section 1 of this Rule.

(d) A person ~~An individual~~ eligible to take the bar examination as a general applicant under (a) through (c) of this section shall request that:

(1) certified proof of graduation and/or attendance be sent directly from the law school(s) attended to the Alaska Bar Association, and

(2) where applicable under Section 3(c)(2)(b), a certificate of good standing from the Bar of the state, territory, or District of Columbia where the person ~~he/she~~ is licensed to practice law be sent directly to the Alaska Bar Association. Proof of attendance and/or graduation and the certificate of good standing must be received prior to the date of the examination.

Section 4. * * * *

2. Bar Rule 3 is amended to read as follows:

Rule 3. Applications.

Section 1. * * * *

Section 2. Any person seeking admission to the practice of law shall file with the Executive Director at the office of the Alaska Bar Association an application in the form provided by the board. The application shall be made under oath and contain such information relating to the applicant's age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board; ~~however, the application must contain the applicant's social security number.~~ Any notice required or permitted to be given an applicant under these rules, if not personally delivered shall be delivered to the mailing address declared on the application unless notice in writing is actually received by the Board declaring a different mailing address. Any notice concerning the eligibility of the applicant sent by certified mail to the last mailing address provided shall be deemed sufficient under these rules. ~~Every applicant shall submit two 2-inch by 3-inch photographs of the applicant showing a front view of the applicant's head and shoulders.~~ The application shall be deemed filed only upon receipt of a substantially completed form with payment of all required fees. Applications received without payment of all fees or which are not substantially complete shall be promptly returned to the applicant with a notice stating the

reasons for rejection and requiring payment of such additional fees as may be fixed by the Board as a condition of reapplication.

Section 3. * * * *

3. Bar Rule 43 is amended to read as follows:

Rule 43. Waivers to Practice Law for Alaska Legal Services Corporation.

Section 1. Eligibility. A person not admitted to the practice of law in this state may receive permission to practice law in the state if such person meets all of the following conditions:

(a) The person is a graduate of 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 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;~~ 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 the person has graduated meets the American Bar Association Council of Legal Education Standards for approval;

(b) The person 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; and

~~(c)(b)~~ The person will practice law exclusively for Alaska Legal Services Corporation on a full-time or part-time basis;

~~(c)~~—The person has not failed the bar exam of this state.

Section 2. Application. * * * *

Section 3. Approval. * * * *

Section 4. Conditions. A person granted such permission may practice law only as required in the course of representing clients of Alaska Legal Services Corporation, and shall be subject to the provisions 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.~~

4. Bar Rule 43.1 is amended to read as follows:

Rule 43.1. Waivers to Practice Law Under a United States Armed Forces Expanded Legal Assistance Program.

Section 1. Eligibility. A person not admitted to the practice of law in this state may receive permission to practice law in the state if such person meets all of the following conditions:

(a) The person is a graduate of 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 person 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 the person has graduated meets the American Bar Association Council of Legal Education Standards for approval;~~and~~

(b) The person 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; and

(c)(b) The person is an active duty member of the United States Armed Forces assigned to the Judge Advocate General's Corps or the United States Coast Guard;~~and~~

~~(e) The person has not failed the bar exam of this state.~~

Section 2. Application. * * * *

Section 3. Approval. * * * *

Section 4. Conditions. A person granted such permission may practice law only as required in the course of representing military clients or their dependents, or when accepting a case under the auspices of a qualified legal services provider as provided in Bar Rule 43.2(c)(2), and shall be subject to the provisions 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.~~

Section 5. Duration and Termination of License. * * * *

5. Bar Rule 43.3 is amended to read 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, 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 the person has graduated meets the American Bar Association Council of Legal Education Standards for approval; and

(b) The person 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; and

(c)(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. * * * *

Section 3. Approval. * * * *

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.~~

6. Bar Rule 43.4 is amended to read as follows:

Rule 43.4. Waiver to Practice Law for Attorney Spouses of Active Duty Military Personnel Stationed Within the State.

Section 1. Purpose. * * * *

Section 2. Eligibility. A person not admitted to the practice of law in this state may receive permission to practice law in the state if such person (applicant) meets all of the following conditions:

(a) The applicant 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 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 the applicant has graduated meets the American Bar Association Council of Legal Education Standards for approval; and

(b) ~~(a)~~ The applicant is an attorney in good standing, licensed to practice before the courts of another state, territory, or the District of Columbia;

(c)~~(b)~~ The applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;

(d)~~(c)~~ The applicant possesses the character and fitness to practice law in Alaska, pursuant to Alaska Bar Rule 2(1)(d);

(e)~~(d)~~ The applicant demonstrates presence in Alaska as a spouse of a member of the United States Uniformed Services pursuant to military orders;

(f)~~(e)~~ The applicant has passed the Multistate Professional Responsibility Examination at any time prior to admission to Alaska by obtaining a scaled score of 80; and

(g)~~(f)~~ The applicant complies with all other requirements of Bar Rule 5.

Section 3. Application. * * * *

7. Bar Rule 44 is amended to read as follows:

Rule 44. Legal Interns and Supervised Practitioners.

Section 1. Practice Authorized When. * * * *

Section 2. Application. * * * *

Section 3. Eligibility.

(a) Every applicant for a legal intern permit shall 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 the applicant ~~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; and

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

(b) Every applicant for a supervised practitioner permit shall 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 the applicant ~~he or she~~ has graduated meets the American Bar Association Council of Legal Education Standards for approval; and

~~——(2)—— Has never failed the Alaska bar examination;~~

~~——(3)—— Has never failed a bar examination administered by any other state of the United States, or the District of Columbia, or, despite failure, has passed a bar examination administered by any state of the United States or the District of Columbia; and~~

~~(2)(4) Has filed with the executive director a certificate from the dean or other chief administrative officer of the applicant's ~~his or her~~ law school which states that the supervised practitioner applicant meets the requirements set forth in subsection (b). ~~(b)(1)~~, and a personal affidavit stating that he or she (i) ~~has never failed the Alaska bar examination, and (ii) has never failed another bar examination or, despite failure, has passed a bar examination administered by any state of the United States or the District of Columbia, as set forth in subsection (b)(3).~~~~

Section 4. Prior Admission. * * * *

Section 5. Act Authorized by Permit.

* * * *

Section 6. Termination of Permit. A permit shall cease to be effective as follows:

(a) For a law student who obtains a permit under Section 3(a) of this rule, upon the expiration of a period of twelve 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;

(b) For a law school graduate who obtains a supervised practitioner permit under Section 3(b) of this rule, upon the expiration of a period of twelve months from the date of issuance,~~5~~ ~~or upon the failure of the supervised practitioner to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.~~

Section 7. Revocation of Permit. A permit may be revoked by the Executive Director on a showing that the intern or supervised practitioner has failed to comply with the requirements of this rule or violated the Alaska Bar Rules or the Alaska Rules of Professional Conduct.

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 supervised practitioner permit listed in Section 3(b) ~~3(b)(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 completion of practicing law for 10 months.~~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.~~ A person may exclude from the 10-month period time away from employment for medical or family leave, for the two days of the Alaska Bar Examination, or for unpaid leave from the person's position.

DATED: November 12, 2024

EFFECTIVE DATE: November 18, 2024

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate