

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1236

Amending Alaska Bar Rule 26
concerning criminal conviction
and interim suspension.

IT IS ORDERED:

1. Paragraph (c) of Alaska Bar Rule 26 is amended to read as follows:

(c) **Certificate of Conviction.** A certificate of conviction for any crime will be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against an attorney based upon the conviction. The requirement of a certificate of conviction may be satisfied by a certificate from a clerk of court that an attorney has been convicted of a crime in that court, by a certified copy of a judgment of conviction or another court document evidencing the conviction, or by an affidavit establishing the fact of conviction which is also served on the attorney. A certificate of conviction may be filed with the Court by any clerk of courts, Bar Counsel, the Board, or any District Attorney. ~~Within 10 days of the judgment of conviction, the certificate of conviction will be transmitted to the Court by any clerk of courts within the state in which the attorney is convicted. Should Bar Counsel or a District Attorney learn of a criminal conviction of an attorney where there is no certificate of conviction, it will be the responsibility of Bar Counsel or the District~~

~~Attorney to obtain the certificate and
transmit it to the Court.~~

2. Alaska Bar Rule 26 is amended to included a new paragraph (d) to read as follows:

(d) Duty to Report. The clerk of court of any court of this state in which an attorney is convicted of a crime shall advise the Alaska Bar Association of the conviction, and upon request shall provide the Association with a certificate that the attorney has been convicted of a crime in that court, or with a certified copy of the judgment of conviction or another court document evidencing the conviction.

3. Existing paragraph (d) of Alaska Bar Rule 26 is re-lettered (e).

4. Existing paragraph (e) of Bar Rule 26 is amended to read as follows:

~~(e)~~ (f) Reinstatement after Interim Suspension. An attorney suspended under Section (a) of this Rule may petition for reinstatement upon the filing of a certificate demonstrating that the underlying conviction for a serious crime has been reversed or set aside. The reinstatement will not terminate any formal proceeding then pending against the attorney, the disposition of which shall be determined by the Hearing Committee and the Board on the basis of the available evidence.

5. Existing paragraphs (f) through (j) of Alaska Bar Rule 26 are re-lettered (g) through (k), respectively.

4. Alaska Bar Rule 26 is amended to include a new paragraph (l) to read as follows:

(l) Conviction. Conviction for purposes of this rule occurs upon entry of a plea of guilty or no contest or upon entry of a finding or verdict of guilt.

DATED: May 2, 1996

EFFECTIVE DATE: May 2, 1996

/s/
Chief Justice Compton

/s/
Justice Rabinowitz

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Fabe