

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 1330

Amending Alaska Rule of
Professional Conduct 1.5
concerning fees.

IT IS ORDERED:

Alaska Rule of Professional Conduct 1.5 is amended to read:

Rule 1.5 Fees.

* * * *

(b) ~~When the lawyer has not regularly represented the client,~~ The basis or rate of the a fee exceeding \$500 shall be communicated to the client, preferably in writing, a written fee agreement before or within a reasonable time after commencing the representation. This written fee agreement shall include the disclosure required under Rule 1.4(c). In a case involving litigation, the lawyer shall notify the client in the written fee agreement of any costs, fees or expenses for which the client may be liable if the client is not the prevailing party.

ALASKA COMMENT

The words "if" apparent to the client" were deleted from Model Rule 1.5(a)(2). An attorney should be allowed to increase his or her fees if there is a likelihood that the representation will preclude other employment. This is true regardless of whether the likelihood is apparent to the client.

The Committee concluded that advice to the client concerning potential liability for costs, attorney's fees and other expenses should be specifically set out in the written fee agreement in order that the client might be fully informed.

In addition to the definition in Rule 9.1(b), the term "client" in this rule means any person or entity legally responsible to pay the fees for professional services rendered by a lawyer.

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DATED: July 9, 1998

EFFECTIVE DATE: January 15, 1999

/s/
Chief Justice Matthews

/s/
Justice Compton

/s/
Justice Eastaugh

/s/
Justice Fabe

/s/
Justice Bryner