

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1519

Amending Alaska Bar Rule 30(g)
regarding timeframes for processing
applications for reinstatement.

IT IS ORDERED:

Alaska Bar Rule 30(g) is revised to read as follows:

Rule 30. Procedure: Disabled, Incapacitated or Incompetent Attorney.

(g) **Reinstatement.** No attorney transferred to disability inactive status under the provisions of this Rule may resume active or inactive status until reinstated by order of the Court. Any attorney transferred to disability inactive status under the provisions of this Rule will be entitled to apply for reinstatement to active or inactive status once a year, but initially not before one year from the date of the Court order transferring him or her to disability inactive status, or at such shorter intervals as the Court may direct in the order transferring the Respondent to inactive status or any modification thereto.

The attorney seeking transfer from disability inactive status shall file a verified application for reinstatement with the Court, with a copy served upon the Director. In the application, the attorney will

(1) state that (s)he has met the terms and conditions of the order transferring him or her to disability inactive status;

(2) state the names and addresses of all his or her employers during the period of disability inactive status;

(3) describe the scope and content of the work performed by the attorney for each such employer;

(4) provide the names and addresses of at least three character witnesses who have knowledge concerning the activities of the attorney during the period of disability inactive status;

(5) provide the names and addresses of all health care providers, hospitals, and other institutions by whom or in which the attorney has been examined or treated since his or her transfer to disability inactive status.

(6) state that the disability or incapacitating condition has been removed and attach the expert opinion of a physician, psychiatrist or psychologist that the disability or incapacity has been removed.

(7) state whether any of the incidents listed in Rule 2(1)(d)(1)-(10) have occurred during the period of disability inactive status.

Upon receipt of the application for reinstatement, the Director will refer the application to a Hearing Committee in the jurisdiction in which the attorney maintained an office at the time of his or her transfer to disability inactive status; the Hearing Committee will promptly schedule a hearing at the hearing, the attorney will have the burden of demonstrating that the attorney's disability has been removed and (s)he meets the standards of character and fitness contained in Rule 2(1)(d); within 30 days of the conclusion of the hearing, the Hearing Committee will

issue a report setting forth its findings of fact, conclusions of law, and recommendation; the Committee will serve a copy of the report upon the attorney and Bar Counsel, and transmit it, together with the record of the hearing, to the Board; any appellate action will be subject to the appellate procedures set forth in Rule 25.

At its next scheduled meeting at least 30 days after receipt of the Hearing Committee's report, the Board will review the report and the record; the Board will file its findings of fact, conclusions of law, and recommendation with the Court, together with the record and the Hearing Committee report; the application will be placed upon the calendar of the Court for acceptance or rejection of the Board's recommendation.

In all proceedings concerning an application for reinstatement from disability inactive status, Bar Counsel may cross-examine the attorney's witnesses and submit evidence in opposition to the application.

The application will be granted by the Court upon a showing that the attorney's disability has been removed and (s)he is fit to resume the practice of law. Upon application, the Court may take or direct any action it deems necessary to determine whether the attorney's disability or incapacity has been removed, including an order for an examination of the attorney by qualified medical and/or psychological experts that the Court may designate. In its discretion, the Court may order that the expense of the examination be paid by the attorney. In addition, the Court may direct that the necessary

expenses incurred in the investigation and processing of any application for reinstatement from disability inactive status be paid by the attorney.

Prior to reinstatement, the attorney must pay to the Bar, in cash or by certified check, the full active membership fees due and owing the Association for the year in which (s)he is reinstated.

DATED: March 30, 2004

EFFECTIVE DATE: October 15, 2004

Chief Justice Bryner

Justice Matthews

Justice Eastaugh

Justice Fabe

Justice Carpeneti