

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2020

Adopting Bar Rule 43.6 to establish a practice waiver for out-of-state attorneys to participate in pro bono practice under the supervision of a qualified legal services provider; and adding headings to Parts IV and VI.

IT IS ORDERED:

1. Bar Rule 43.6 is adopted as follows:

Rule 43.6. Waiver to Engage in Pro Bono Practice as an Out-of-State Attorney Supervised by a Qualified Legal Services Provider.

Section 1. Eligibility. An attorney who is not licensed to practice law in Alaska, but who is admitted and active in another state or the District of Columbia, may provide pro bono legal services, subject to the following conditions:

(a) The attorney provides free civil legal services in Alaska under the supervision of a qualified legal services provider as defined in this rule;

(b) The attorney is in good standing in all jurisdictions where the attorney has ever been licensed and has no record of public discipline for professional misconduct in any jurisdiction where the attorney has ever been licensed;

(c) The attorney agrees to abide by the Alaska Rules of Professional Conduct and submit to the disciplinary jurisdiction of the Alaska Supreme Court and the Alaska Bar Association; and

(d) The attorney’s legal services in Alaska are covered by malpractice insurance, whether provided by the attorney or the qualified legal services provider.

Section 2. Application. The attorney and qualified legal services provider will submit an application to provide legal services under this rule on a form approved by the Board of Governors. The attorney will also submit certificates of good standing for all jurisdictions where the attorney is admitted.

The qualified legal services provider will notify the bar when it is no longer supervising the attorney.

Section 3. Bar Dues and Continuing Legal Education Exemption. Attorneys certified to practice under the rule are exempt from bar dues and mandatory continuing legal education requirements.

Section 4. Definitions.

A “qualified legal services provider” is a not-for-profit organization that regularly provides legal services to persons of limited means and is approved by the Board of Governors. An organization approved as a qualified legal services provider under Rule 43.2 prior to the adoption of this rule is automatically approved as a qualified legal services provider for this rule. An organization seeking approval from the Board to use out-of-state pro bono attorneys will file a petition with the Board of Governors certifying

that it is a not-for-profit organization and explaining with specificity:

(a) the structure of the organization and whether it accepts funds from its clients;

(b) the major sources of funds used by the organization;

(c) the criteria used to determine eligibility for legal services provided by the organization;

(d) the types of legal and nonlegal services provided by the organization;

(e) the training and supervision the organization provides for volunteer attorneys;

(f) the names of all members of the Alaska Bar Association who are employed by the organization and who regularly perform legal work for the organization; and

(g) the extent of malpractice insurance that may cover an out-of-state pro bono attorney or that it will require an out-of-state pro bono attorney to carry.

2. The following heading is added to Part IV:

PART IV. PRACTICE WAIVERS

3. The following heading is added to Part VI:

PART VI. MISCELLANEOUS

DATED: March 21, 2024

EFFECTIVE DATE: May 1, 2024

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate