

IN THE SUPREME COURT FOR THE STATE OF ALASKA  
ORDER NO. 867

Amendments to Alaska Bar  
Rules, Part V, Relating  
to the Client Security  
Fund, including changes  
to Rules 51 and 52.

IT IS ORDERED:

1. Bar Rule 51 is amended to read as follows:

When Testimony is to be Reported and Transcribed.

The testimony of all witnesses appearing before the Committee or the Board shall be recorded; but a transcript of said testimony shall not be prepared unless the Committee or the Board or its President orders its preparation. Either party may request a transcript at their own expense.

2. Bar Rule 52 is amended to read as follows:

Consideration by Committee.

(a) Upon receipt of an application the Committee shall conduct such investigations and hold such hearings as it determines necessary to establish whether the application should be granted. Hearings will be conducted informally. Both the applicant and the lawyer shall be afforded opportunities to present argument and evidence, and to cross-examine opposing witnesses. The Committee may request the attorney selected pursuant to Rule 47(a) to present argument and evidence, if the Committee believes this will assist it in reaching its decision.

(b) The Committee may delegate responsibility for holding a hearing to a subcommittee of one or more of its members. The subcommittee shall prepare a proposed report containing the information required by Rule 52 (c), which shall be promptly considered by the Committee. The Committee shall (1) approve and adopt the proposed report, or (2) remand the proposed report to the same or a different subcommittee for the taking of further evidence or for preparation of a new proposed report, or (3) consider the matter de novo on the basis of the record made at hearing.

(c) At the conclusion of the Committee's consideration of an application pursuant to this Rule, it shall promptly make and transmit to the office of the Alaska Bar Association a report consisting of a brief statement of the proceedings had, clear and concise findings of fact adopted by the Committee a brief statement of its conclusions and a recommendation to the Board.

(d) Upon receipt of the report, the Executive Director shall provide copies of it to the attorney or his representative and the claimant.

(e) On application to the Committee by either party to a claim, the Committee will modify or correct a report if:

(1) there was an error in the computation of figures or a mistake in the description of a person, thing, or property referred to in the report;

(2) the report is imperfect in a matter of form not affecting the merits of the proceeding; or

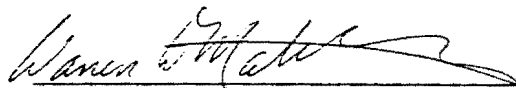
(3) the report needs clarification.

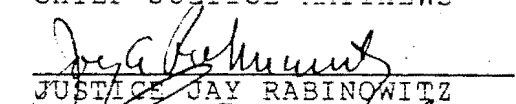
An application for modification shall be filed with the Executive Director of the Alaska Bar Association within ten (10) days after delivery of the report to the parties. Written notice of the application for modification will be served promptly on the opposing party, stating that objection to the application must be served within ten (10) days from the receipt of the notices of the application for modification. After ruling on an application under this section, or if timely application is not made, the Committee will forward its report to the Executive Director for consideration by the Board. The Executive Director will promptly notify the parties of any action taken under this section.

(f) Within twenty (20) days of receiving notice of the filing of the report with the Board, any party may file written objections to the report.


EFFECTIVE DATE: December 10, 1987

DATED: July 15, 1988

  
CHIEF JUSTICE MATTHEWS

  
JUSTICE JAY RABINOWITZ

  
JUSTICE EDMOND BURKE

  
JUSTICE ALLEN COMPTON

  
JUSTICE DANIEL MOORE