

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1881

Adding new Bar Rule 43.4 permitting practice by non-admitted lawyers who qualify as military spouses.

IT IS ORDERED:

The Bar Rules are amended to include new Bar Rule 43.4, which reads as follows:

Rule 43.4. Waiver to Practice Law for Attorney Spouses of Active Duty Military Personnel Stationed Within the State.

Section 1. Purpose. Due to the unique mobility requirements of military families, an eligible applicant who is the spouse of a member of the United States Uniformed Services (“service member”), stationed within Alaska, may apply to obtain permission to practice law pursuant to the terms of this rule.

Section 2. Eligibility. A person not admitted to the practice of law in this state may receive permission to practice law in the state if such person (applicant) meets all of the following conditions:

- (a) The applicant is a graduate of a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated and is an attorney in good standing, licensed to practice before the courts of another state, territory, or the District of Columbia;
- (b) The applicant is not currently subject to attorney discipline or the subject of a pending disciplinary matter in any jurisdiction;

- (c) The applicant possesses the character and fitness to practice law in Alaska, pursuant to Alaska Bar Rule 2(1)(d);
- (d) The applicant demonstrates presence in Alaska as a spouse of a member of the United States Uniformed Services pursuant to military orders;
- (e) The applicant has passed the Multistate Professional Responsibility Examination at any time prior to admission to Alaska by obtaining a scaled score of 80; and
- (f) The applicant complies with all other requirements of Bar Rule 5.

Section 3. Application. An applicant must file with the Alaska Bar Association the forms provided by the Board, formally requesting permission to practice law in Alaska under the terms of this rule.

The Board of Governors may require such information from an applicant under this rule as is authorized for any applicant for admission to practice law, and may make such investigations, conduct such hearings, and otherwise process applications under this rule as if made pursuant to this state's rules governing application for admission without examination. Upon a showing that strict compliance with the provisions of this section would cause the applicant unnecessary hardship, the Board of Governors may in its discretion waive or vary the application of such provisions and permit the applicant to furnish other evidence instead.

Section 4. Approval. The Board of Governors shall consider the application as soon as practicable after it has been submitted and conduct such investigation as the Board of Governors may deem appropriate. If it concludes that the applicant has the qualifications required of all other applicants for admission to practice law in this state, the applicant shall be granted permission to practice law under the terms of this rule. Except as provided in this rule and the Standing

Policies of the Board of Governors, attorneys granted permission to practice under this rule shall be entitled to all privileges, rights, and benefits and subject to all duties, obligations, and responsibilities of active members of the Alaska Bar, and shall be subject to the jurisdiction of the Board of Governors and agencies of the state with respect to the laws and rules of this state governing the conduct and discipline of attorneys.

Section 5. Duration and Termination of License. The permission to perform legal services under this rule shall be limited by any of the following events:

- (a) The service member is no longer a member of the United States Uniformed Services;
- (b) The military spouse attorney is no longer married to the service member;
- (c) The service member's military orders are changed to reflect a permanent change of station to a military installation other than Alaska, except that if the service member has been assigned to an unaccompanied or remote assignment with no dependents authorized, the military spouse attorney may continue to practice pursuant to the provisions of this rule until the service member is assigned to a location with dependents authorized;
- (d) The attorney is admitted to the general practice of law under any other rule of this court; or
- (e) The attorney is suspended or disbarred in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which the attorney has been admitted to practice.

If any of the events listed in subparagraph (a)-(e) occur, the attorney granted permission under this rule shall promptly notify the Board of

Governors in writing. The permission and authorization to perform services under this rule shall terminate 90 days after the date of the limiting event.

DATED: March 20, 2017

EFFECTIVE DATE: October 15, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney