

BAR COUNSEL RESPONSIBILITIES

Alaska Bar Association

DISCIPLINE

Administrative:

- (1) Supervise assistant bar counsel concerning the performance of their intake and investigative duties for attorney discipline under the Alaska Bar Rules.
- (2) Supervise assistant bar counsel, confer with assistant bar counsel concerning disciplinary procedure and case dispositions, and review proposed disposition letters or documents and summaries to be presented to the Board of Governors (Disciplinary Board).
- (3) Supervise executive assistant, discipline secretary and discipline paralegal/investigator in the processing and record keeping of disciplinary matters.
- (4) Conduct regular meetings of Discipline Section to discuss case activity, goals, procedures, and the resolution of any problems.
- (5) Prepare quarterly discipline status reports to the Alaska Supreme Court and Board. Prepare discipline status reports for regular Board meetings.
- (6) Prepare and/or review summaries of public and private discipline imposed for publication in the *Alaska Bar Rag*. Prepare and/or review articles concerning attorney discipline.
- (7) Review and revise portions of the annual report to the Alaska Legislature which relate to discipline and changes to rules and bylaws.
- (8) As requested, prepare and present reports at the annual meeting of the Bar Association.
- (9) Provide disciplinary/fee arbitration information to the Alaska Commission on Judicial Conduct concerning candidates for appointment or judges standing for judicial retention. Provide similar information to the American Bar Association judicial review committees for federal judicial candidates.
- (10) Supervise the response to requests from other admitting/disciplinary jurisdictions for information concerning the disciplinary history of Alaska Bar members.
- (11) Supervise the response to requests from complainants and respondent attorneys for copies of correspondence and documents submitted by them in disciplinary complaints.

(12) Respond to general requests from Bar members and the public for information about the disciplinary process.

(13) Respond to media inquiries about the disciplinary process or public discipline cases.

(14) Prepare proposed rule changes for the consideration of the Board or standing committees of the Bar Association. Monitor publication, revision, adoption, and transmittal of rule changes to the Supreme Court.

(15) Supervise the review of disciplinary files for final disposal under the Bar Rules.

(16) Provide data and procedural information to the Legislative Budget and Audit Committee during "sunset" reviews.

(17) Attend meetings of the National Organization of Bar Counsel held in conjunction with meetings of the American Bar Association.

Prosecutorial:

(18) As appropriate, investigate and prosecute grievances in coordination with assigned assistant bar counsel.

(19) As appropriate, represent or coordinate with assigned assistant bar counsel to represent the Bar Association in attorney reinstatement proceedings.

(20) As appropriate, request or coordinate with assigned assistant bar counsel regarding interim suspension of respondent attorneys by the Supreme Court for threat of irreparable harm to clients or the public. Similarly, process referrals from the Supreme Court of an attorney's conviction of a crime.

(21) Review developments in disciplinary law reflected in *ABA/BNA Lawyer's Manual on Professional Conduct*, American Bar Association materials, National Organization of Bar Counsel materials, and the *Pacific Reporter*.

RECIPROCAL DISCIPLINE

(1) Respond to notices of Supreme Court that an Alaska Bar member has been disciplined in another jurisdiction or provide notices to the Court if it has not been previously advised.

(2) As appropriate, represent or coordinate with assigned assistant bar counsel to represent the Bar Association before the Court in the Court's determination whether identical reciprocal discipline should be imposed upon the Bar member.

(3) Perform the same post-sanction responsibilities required for disciplinary matters arising in this jurisdiction.

DISABILITY

(1) Investigate or coordinate with assigned assistant bar counsel to investigate reports of attorney disability and file appropriate petitions for interim suspension by Supreme Court and/or initiate formal proceedings in the manner provided for disciplinary proceedings under the Bar Rules.

(2) Make referrals to the Lawyers' Assistance Committee in situations not warranting disability proceedings but indicating the necessity of intervention.

(3) Review petitions to return to active status and represent or coordinate with assigned assistant bar counsel to represent the Bar Association in reinstatement hearings held before a hearing committee, the Disciplinary Board and the Supreme Court following standard hearing and review procedures.

(4) Prepare quarterly disability status reports to the Supreme Court and the Board.

(5) Respond to requests from other admitting/disciplinary jurisdictions for information concerning the disability status of Alaska Bar members.

(6) Respond to general requests from Bar members and the public for information about the disability process.

(7) Respond to media inquiries about the disability process or the disability status of Alaska Bar members.

TRUSTEE COUNSEL

(1) Investigate reports of attorney unavailability caused by death, disappearance, abandonment, or transfer to disability status with no person remaining to handle the attorney's practice as provided in the Bar Rules.

(2) File petitions with the superior court seeking appointment of a trustee counsel to perform an inventory of the practice of the unavailable attorney and to provide notification to clients.

(3) Review periodic reports and monitor trustee counsel's progress. Ensure that trustee counsel's duties are completed prior to discharge.

(4) Prepare quarterly status reports to the Supreme Court and the Board concerning trustee counsel matters.

(5) Respond to general requests from Bar members and the public for information about the trustee counsel process.

(6) Respond to media inquiries about the trustee counsel process.

ETHICS

- (1) Respond to telephonic and written requests for informal ethics guidance. Prepare written notes or summaries of guidance given or prepare letters confirming informal guidance. Perform research as necessary. Respond to questions raised by assistant bar counsel regarding requests directed to them.
- (2) Serve as *ex officio* member of the Ethics Committee and provide staff liaison and administrative support to the Committee.
- (3) Serve as *ex officio* member of the Alaska Rules of Professional Conduct Committee and provide staff liaison and administrative support to the Committee.
- (4) Prepare articles on ethics matters for publication in the *Alaska Bar Rag*.
- (5) Prepare and present lectures or seminars on ethical issues for Bar Association Continuing Legal Education (CLE) programs or as requested by Bar sections, committees, paralegal associations, university instructors, state agencies, or other groups.

ADMISSIONS

- (1) Review admissions appeals of character or examination determinations by the Board to formulate recommendations whether a hearing should be granted to the applicant.
- (2) Represent the Bar Association before the hearing master appointed by the president to include preparation and participation in hearings held by the hearing master.
- (3) Represent the Bar Association in review of the hearing master's findings, conclusions, and recommendation by the Board.
- (4) Represent the Bar Association in review of the Board's findings, conclusions, and recommendation by the Supreme Court if appealed by the applicant to include supervision of preparation of the record and preparation of briefing and oral argument.
- (5) Prepare quarterly status reports to the Supreme Court and the Board concerning admissions matters.
- (6) Prepare proposed rule changes for the consideration of the Board or standing committees of the Bar Association relating to admissions. Monitor publication, revision, adoption, and transmittal of rule changes to the Supreme Court.
- (7) Review developments in admissions law reflected in *ABA/BNA Lawyer's Manual on Professional Conduct*, American Bar

Association materials, *The Bar Examiner* published by the National Conference of Bar Examiners, and the *Pacific Reporter*.

FEE ARBITRATION

(1) Supervise the fee arbitration process as described in the Bar Rules.

(2) Review incoming petitions for fee arbitration to ensure that they are properly completed. Supervise the notification to petitioners of deficiencies in petitions and monitor the status of open fee arbitration matters.

(3) Supervise the fee arbitration assistant(s) in the appointment of fee arbitration committees and the scheduling of fee arbitration hearings. Supervise status changes of open fee arbitration matters and record keeping.

(4) Supervise the fee arbitration assistant(s) in the tracking of due dates for committee decisions and follow up when decisions are not received in a timely manner.

(5) Review decisions of fee arbitration committees to determine compliance with the fee arbitration rules. Direct service of the decision on the parties and compile statistical information concerning fee awards or reductions.

(6) Supervise the preparation of copies of recordings and other documents generated in a fee arbitration matter as requested by the parties. Supervise the preparation of the record in appeals of fee arbitration decisions to the superior court.

(7) Maintain statistical information concerning the fee arbitration program and make quarterly reports to the Supreme Court and the Board as well as reports to the Board at regular meetings.

(8) Prepare and/or review articles concerning fee arbitration for the *Alaska Bar Rag*.

(9) Review and revise portions of the annual report to the Alaska Legislature which relate to fee arbitration.

(10) Respond to inquiries from other jurisdictions about the fee arbitration process and individual fee arbitration files.

(11) Respond to telephonic and written questions about the fee arbitration process and individual fee arbitration files.

(12) Review fee arbitration files for final disposal under the Bar Rules.

(13) Review developments in fee arbitration law reflected in *ABA/BNA Lawyer's Manual on Professional Conduct*, American Bar Association materials, National Organization of Bar Counsel materials, and the *Pacific Reporter*.

(14) Provide administrative and staff support to the Fee Arbitration Executive Committee to include: scheduling meetings; preparing agendas, memoranda, and minutes; attending meetings; keeping the Committee informed of developments; and, responding to letters to the Committee.

(15) Prepare proposed rule changes for the consideration by the Committee and the Board. Monitor publication, revision, adoption, and transmittal of rule changes to the Supreme Court.

LAWYERS' FUND FOR CLIENT PROTECTION

(1) Review Lawyers' Fund for Client Protection claims and transmit claims to the Lawyers' Fund for Client Protection Committee.

(2) As requested by the Committee, conduct investigations of claims made.

(3) Provide administrative and staff support to the Lawyers' Fund for Client Protection Committee to include: scheduling meetings of the Committee; preparing memoranda for the Committee; preparing notices of hearing, subpoenas, and assignment of Committee members; serving notices of claims on respondent attorneys; scheduling hearings; and attending meetings and hearings.

(4) Maintain statistical information concerning the Lawyers' Fund for Client Protection program and make quarterly reports to the Supreme Court and the Board as well as reports to the Board at regular meetings.

(5) Prepare and/or review articles concerning the Lawyers' Fund for Client Protection for the *Alaska Bar Rag*.

(6) Review and revise portions of the annual report to the Alaska Legislature which relate to the Lawyers' Fund for Client Protection.

(7) Respond to inquiries from other jurisdictions about the Lawyers' Fund for Client Protection process.

(8) Respond to telephonic and written questions about the Lawyers' Fund for Client Protection process.

(9) Prepare proposed rule changes for the consideration by the Committee and the Board. Monitor publication, revision, adoption, and transmittal of rule changes to the Supreme Court.

(10) Review developments in Lawyers' Fund for Client Protection law reflected in *ABA/BNA Lawyer's Manual on Professional Conduct*, American

Bar Association materials, National Organization of Bar Counsel materials, and the *Pacific Reporter*.

BOARD PROJECTS/COMMITTEES

- (1) Research and prepare presentations to the Board on matters affecting the Association.
- (2) Provide coordination and assistance to the Executive Director as requested.
- (3) Provide support and participate as an *ex officio* member of Board Committees and other Bar Committees as needed.
- (4) Other duties as assigned by the Board.