

IN THE SUPREME COURT OF THE STATE OF ALASKA{PRIVATE }

ORDER NO. 1366

Adopting Alaska Bar Rule 65 concerning continuing legal education.

IT IS ORDERED that the Alaska Bar Rules are amended to include new Rule 65, which provides:

RULE 65. Continuing Legal Education

(a) In order to promote competence and professionalism in members of the Association, the Alaska Supreme Court and the Association encourage all members to engage in Continuing Legal Education (CLE). This rule is intended to set minimum standards for Continuing Legal Education.

(b) Every active member of the Alaska Bar Association should complete at least 12 credit hours of approved CLE, including 1 credit hour of ethics CLE, each year. An active Bar member may carry forward from the previous reporting period a maximum of 12 credits. To be carried forward, the credit hours must have been earned during the calendar year immediately preceding the current reporting period.

Commentary.—The Alaska Supreme Court and the Association are convinced that CLE contributes to lawyer competence and benefits

the public and the profession by assuring that attorneys remain current regarding the law, the obligations and standards of the profession, and the management of their practices. But the Supreme Court is not convinced that a mandatory rule is necessary and believes that a CLE program can become successful by using incentives to encourage voluntary participation in CLE rather than sanctions to penalize non-compliance with a mandatory rule. Accordingly, the Supreme Court and the Association have adopted this rule as a three-year pilot project. At the end of this pilot project, the Supreme Court will assess the project's results, including recommendations and statistics provided by the Association, and will determine whether a sanction-based mandatory CLE program is necessary.

(c) At the end of each year, each member will certify on a form, prescribed by the CLE Director and distributed with the invoice for bar dues, the member's approved CLE hours earned during the preceding year. The CLE Director will supervise the CLE program and perform the duties and responsibilities contained in these rules.

(d) Members who comply with this rule by completing the minimum recommended hours of approved CLE provided in section (b) of this rule will receive a reduction in their bar dues, in an amount to be determined each year by the Board. Only members who complete the minimum recommended hours of approved CLE are eligible to participate in the Alaska Bar Association's Lawyer Referral Service. If a member does not comply with this rule by completing the minimum recommended hours of approved CLE, that fact may be taken into account in any Bar disciplinary matter relating to the requirements of Alaska Rule of Professional Conduct 1.1. The Association shall publish annually, and make available to members of the public, a list of attorneys who have complied with this rule's minimum recommended hours of approved CLE. The Association may devise other incentives to encourage compliance with this rule.

Commentary.—This rule contemplates a modest reduction in bar dues, to be determined annually at the Board's discretion, that will serve as an incentive for members who have voluntarily complied with the CLE standard; the reduction is not intended as reimbursement for CLE costs actually incurred by members.

(e) A member may file a written request for an extension of time for compliance with this rule. A request for extension shall be reviewed and determined by the CLE Director. A member who is granted an extension and completes the minimum CLE requirements after the end of the reporting period is not entitled to the discount on bar dues.

(f) The CLE requirement of this rule may be met either by attending approved courses or completing any other continuing legal education activity approved for credit under these rules. The following activities may be considered for credit when they meet the conditions set forth in this rule:

(1) preparing for and teaching approved CLE courses; credit will be granted for up to two hours of preparation time for every one hour of time spent teaching;

(2) studying audio or video tapes or technology-delivered approved CLE courses;

(3) writing published legal texts or articles in law reviews or specialized professional journals;

(4) attendance at substantive Section or Inn of Court meetings;

(5) participation as a faculty member in Youth Court;

(6) attendance at approved in-house continuing legal education courses;

(7) attendance at approved continuing judicial education courses;

(8) attendance at approved continuing legal education courses.

(g) The CLE director shall approve or disapprove all education activities for credit. CLE activities sponsored by the Association are deemed approved. Forms for approval may be submitted electronically.

(1) An entity or association must apply to the Board for accreditation as a CLE provider. Accreditation shall constitute prior approval of CLE courses offered by the provider, subject to

amendment, suspension, or revocation of such accreditation by the Board.

(2) The Board shall establish by regulation the procedures, minimum standards, and any fees for accreditation of providers, in-house continuing legal education courses, and publication of legal texts or journal articles, and for revocation of accreditation when necessary.

(h) This rule will be effective September 2, 1999. The reporting period will be the calendar year, from January 1st to December 31st, and the first calendar year to be reported will be the year 2000. Any CLE credits earned from September 2, 1999 to December 31, 1999 may be held over and applied to the reporting period for the year 2000.

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DATED: September 2, 1999

EFFECTIVE DATE: September 2, 1999

Chief Justice Matthews

Justice Eastaugh

Justice Fabe

Justice Bryner

Justice Carpeneti