

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1994

Adopting Bar Rule 43.5
concerning waivers for non-
lawyers trained and supervised by
Alaska Legal Services
Corporation.

IT IS ORDERED:

Bar Rule 43.5 is adopted as follows:

**Rule 43.5. Waiver to Engage in the Limited Practice of
Law for Non-Lawyers Trained and
Supervised by Alaska Legal Services
Corporation.**

Section 1. Eligibility. A person not admitted to the practice of law in this state may receive permission to provide legal assistance in a limited capacity in certain civil matters in the state if such person meets all of the following conditions:

- (a) The person has completed the required training provided by Alaska Legal Services Corporation in the following areas: Rules of Professional Conduct, including, but not limited to conflicts of interest, confidentiality and duty of candor, the substantive area of law in which the person will practice, and appropriate tribunal procedures;
- (b) The person will be supervised by Alaska Legal Services Corporation;
- (c) The person will engage in the limited practice of law exclusively for Alaska Legal Services Corporation on a full-time or part-time basis or as a volunteer;

(d) The person will inform all clients in writing that they are not a lawyer and obtain consent confirmed in writing from the client to their representation by the non-lawyer.

Section 2. Application. Application for such permission shall be made as follows:

(a) The executive director of the Alaska Legal Services Corporation shall apply to the Board of Governors on behalf of a person or persons eligible under Section 1;

(b) Application shall be made on forms approved by the Board of Governors and shall include the proposed scope of each applicant's practice;

(c) Proof shall be submitted with the application that the applicant has completed the requisite training and that appropriate supervision is in place as set forth in Section 1.

Section 3. Approval. The Board of Governors shall consider the application(s) as soon as practicable after it has been submitted. If the Board finds that the applicant meets the requirements of Section 1 above and the applicant has completed training adequate for the scope of practice sought, it shall grant the application and issue a waiver to allow the applicant to provide legal assistance in the state of Alaska in the substantive areas of law in which they have completed requisite training and have supervision as required in Section 1. The scope of legal assistance will be limited to that approved by the Board pursuant to Section 2(b) of this Rule.

Section 4. Conditions. A person granted such permission may provide legal assistance in the scope approved pursuant to Section 3 of this Rule and only as required in the course of

representing clients of Alaska Legal Services Corporation and shall be subject to the provisions of Part II of these rules to the same extent as a member of the Alaska Bar Association.

Section 5. Reporting. Alaska Legal Services Corporation shall provide regular quarterly reports to the Alaska Supreme Court, and the Board of Governors regarding the number of clients served by approved non-lawyers and case outcomes, as well as any complaints related to client harm, and the termination of any active waivers.

DATED: November 29, 2022

EFFECTIVE DATE: November 29, 2022

Dissent*

Chief Justice Winfree

/s/

Justice Maassen

/s/

Justice Carney

/s/

Justice Borghesan

/s/

Justice Henderson

WINFREE, Chief Justice, dissenting:

I agree with the concept set out in this Supreme Court Order. But I am unwilling to sign the present Order in the absence of any requirement that the Board of Governors approve --- conceptually or otherwise --- the proposed training programs or that the Board of Governors maintain some structured overview of the program that can be accessed by the public, including other organizations that may wish to request a similar rule without being held to different standards.

/s/

Chief Justice Winfree