

shall be subject to the provision of Part II of these rules to the same extent as a member of the Alaska Bar Association. Such permission shall cease to be effective upon the failure of the person to pass the Alaska Bar examination.

(Added by SCO 1880 effective June 1, 2016)

#### **Rule 44. Legal Interns.**

**Section 1. Practice Authorized When.** The Integrated Bar Act prohibits the practice of law by anyone not admitted to practice in Alaska. This rule does not authorize an intern to perform any function prohibited by that Act other than those specifically set forth herein.

**Section 2. Definition of Legal Intern.** A “legal intern” is any person who has on file with the Alaska Bar Association an effective permit issued by the Bar Association through its Executive Director.

**Section 3. Eligibility for Intern Permit.** Every applicant for an intern permit shall:

(a) File a written request for an intern permit, a letter from an attorney authorized to practice law in Alaska agreeing to supervise the intern, and the documents required by this rule as proof of eligibility for the permit;

(b) Be a student who:

(1) Is duly enrolled in a law school which was 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 is enrolled in a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school in which he or she is enrolled meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has successfully completed at least one-half of the course work required for a law degree;

(3) Has filed with the application a certificate from the dean or other chief administrative officer of his or her law school, stating that he or she meets the requirements as set forth in subsections (b) (1) and (b) (2); or

(c) Be a law school graduate who:

(1) Has graduated from a law school which was 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, or has graduated from a law school in which the principles of English common law are taught but which is located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, provided that the foreign law school from which he or she has graduated meets the American Bar Association Council of Legal Education Standards for approval;

(2) Has never failed the Alaska bar examination;

(3) Has never failed a bar examination administered by any other state of the United States, or the District of Columbia, or, despite failure, has passed a bar examination administered by any state of the United States or the District of Columbia; and

(4) Has filed with the executive director a certificate from the dean or other chief administrative officer of his or her law school which states that the legal intern applicant meets the requirements set forth in subsection (c) (1), and a personal affidavit stating that he or she (i) has never failed the Alaska bar examination, and (ii) has never failed another bar examination or, despite failure, has subsequently passed a bar examination administered by any state of the United States or the District of Columbia, as set forth in subsection (c)(3).

**Section 4. Prior Admission.** Any applicant who has been admitted to practice in another jurisdiction must file a certificate of good standing from each jurisdiction in which the applicant is admitted. If not in good standing, the applicant shall submit satisfactory proof that the applicant has never been disbarred, suspended or otherwise disciplined.

#### **Section 5. Act Authorized by Permit.**

(a) A legal intern may appear and participate in all trial court proceedings before any district or superior court of this state, and in proceedings in the court of appeals, to the extent permitted by the judge or the presiding officer if the attorney representing the client is personally present and able to supervise the intern and has filed an entry of appearance with the court; a legal intern may also sign a brief or motion filed in the supreme court if the supervising attorney also signs that document;

(b) A legal intern may also appear and participate before any district court in small claims matters, arraignments, pleas, bail hearings, sentencings and recorded in-chambers conferences without an attorney being personally present to supervise the intern under the following conditions:

(1) If the supervising attorney has filed an affidavit with the judge before whom the legal intern will be appearing stating that the intern (i) has an effective legal intern permit on file with the Alaska Bar Association, and (ii) has previously been present and supervised in similar proceedings and that the attorney believes the intern is competent to conduct such proceedings without the personal presence of the attorney;

(2) If the client gives consent to the appearance. A governmental body may grant approval through its attorney; and

(3) If the judge or magistrate judge agrees to permit the legal intern to participate in the proceedings.

**Section 6. Termination of Permit.** A permit shall cease to be effective as follows:

(a) For a law student who obtains a permit under Section 3(b) of this rule, upon the expiration of a period of eight

months in cumulative time that the intern participates in any acts authorized by the permit in any Alaska court; this cumulative time limit may be divided into two or three separate time periods if appropriate for the law student's schedule;

(b) For a law school graduate who obtains a permit under Section 3(c) of this rule, upon the expiration of a period of ten months from the date of issuance, or upon the failure of the intern to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

**Section 7. Revocation of Permit.** A permit may be revoked by the Executive Director on a showing that the intern has failed to comply with the requirements of this rule or violated the Alaska Bar Rules or the Alaska Rules of Professional Conduct.

**Section 8. Practice of Law Under Statutory Authority.** To be eligible to practice law without a license under the provisions of AS 08.08.210(d), a person must meet the eligibility requirements for obtaining a legal permit listed in Section 3(c)(1), (2), and (3) of this rule. Persons practicing under AS 08.08.210(d) must obtain a license to practice law in Alaska no later than 10 months following commencement of their employment. The authority for those persons to practice law terminates upon the failure of that person to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.

(Added by Amendment No. 2 to SCO 176 dated June 28, 1974; and amended by Amendment No. 3 to SCO 176 dated September 17, 1974; by Amendment No. 4 to SCO 176; by SCO 342 effective December 18, 1978; by SCO 433 effective November 1, 1980; by SCO 1153 effective July 15, 1994; by SCO 1708 effective April 1, 2011; by SCO 1829 effective October 15, 2014; and by SCO 1849 effective April 15, 2015)

### **Rule 44.1. Foreign Law Consultants.**

(a) **Introduction.** A person who is admitted to practice in a foreign country as an attorney or counselor at law or the equivalent, and who complies with the provisions of this rule for licensing of foreign law consultants, may provide legal services in the State of Alaska to the extent allowed by this rule.

(b) **Eligibility.** In its discretion, the court may license to practice as a foreign law consultant, without examination, an applicant who:

(1) for a period of not less than 5 of the 7 years immediately preceding the date of application:

(A) has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country, and

(B) has engaged either (i) in the practice of law in that country or (ii) in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in that country;

(2) be of good moral character, which will be found unless prior or present conduct of the applicant would cause a reasonable person to believe that the applicant, if admitted to practice as a foreign legal consultant, would be unable or unwilling to act honestly, fairly and with integrity; and

(3) intends to practice as a foreign law consultant in the State of Alaska.

#### **(c) Applications.**

(1) An applicant for a license as a foreign law consultant shall file with the Executive Director at the office of the Alaska Bar Association an application, in duplicate, in the form provided by the Board. The application must be made under oath and must contain information relating to the applicant's age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board. Any notice required or permitted to be given an applicant under these rules, if not personally delivered, will be delivered to the mailing address declared on the application unless notice in writing is actually received by the Board declaring a different mailing address. An applicant shall submit two duplicate 2-inch by 3-inch photographs of the applicant showing a front view of the person's head and shoulders. The application is deemed filed only upon receipt of a substantially completed form with payment of all required fees. Applications received without payment of all fees or which are not substantially complete will be promptly returned to the applicant with a notice stating the reasons for rejection and requiring payment of such additional fees as may be fixed by the Board as a condition of reapplication.

(2) The application must be accompanied by the following documents, together with duly authenticated English translations if the documents are not in English:

(A) a certificate from the authority having final jurisdiction over professional discipline in the foreign country or jurisdiction in which the applicant was admitted to practice, which must be signed by a responsible official, or one of the members of the executive body of such authority, and which must be accompanied by the official seal, if any, of the authority, and which must certify:

(i) as to the authority's jurisdiction in such matters,

(ii) as to the applicant's admission to practice in the foreign country, the date of admission and the applicant's good standing as an attorney or counselor at law or the equivalent, and

(iii) as to whether any charge or complaint has ever been filed against the applicant with the authority, and, if so, the substance of each charge or complaint and the adjudication or resolution thereof;

(B) a letter or recommendation from one of the members of the executive body of the authority or from one of the judges of the highest law court or court of general original jurisdiction of the foreign country, certifying the applicant's professional qualifications, together with a certificate from the