

APPENDIX P – Attorneys

An attorney who represents a party in a case must file a notice with the court advising the court that he or she represents the party. Civil Rule 81(c) and Criminal Rule 50(a). These notices are frequently titled "Entry of Appearance" or "Appearance". In criminal cases, the court-supplied Appearance form (CR-160) may be used.

When the court appoints an attorney, the attorney does not have to file an appearance because the court appointment order serves the same purpose. A party who is represented by an attorney may not thereafter appear or act in his or her own behalf without an order of the court or without other requirements having been met. Civil Rule 81(c). Any document that must be distributed by the court or served by opposing counsel must be sent to the attorney of record, not the individual party. See Section III of this Appendix.

NOTE: A Power of Attorney does not entitle a non-attorney to appear in a court case on behalf of another person. This includes filing a complaint, answer, or any other document pertaining to a case file. If a non-attorney tries to submit a document on behalf of another person, the document must be rejected. Christensen v. Melindez, Opinion No. 3994 (August 1993)

I. Accepting Entry of Appearance and Verifying Information

Some courts check forms and verify information prior to accepting the documents. Other courts accept the documents and later review the documents and other requirements. See local practice.

If the document is incomplete or inaccurate or if the other requirements set out below are not met, return the document to the party filing it. The Small Claims Deficiency Memo (SC-35) or Civil Deficiency Memo (CIV-600) may be used. See Appendix E (Rejecting Documents).

Whatever procedure is used, the following steps must be completed.

- A. File stamp Entry of Appearance. See Appendix E, File Stamp Procedures.
- B. Pull the case file and check accuracy of the court location, case number and caption.
- C. Verify that Appearance has been signed and distributed to all parties.
- D. Make entry on Counsel of Record card (TF-900). See local practice as to use of Counsel of Record cards.
- E. Tie the Entry of Appearance in the case file.

II. Out-of-State Attorneys

A. Licensed to practice law in the State of Alaska.

Out of state attorneys who are members of the Alaska Bar Association may practice law in the State of Alaska. Civil Rule 81(a)(1).

1. File stamp Entry of Appearance. See Appendix E, File Stamp Procedures.
2. Pull the case file and verify the following:
 - a. Correct court location, case number and caption.
 - b. Appearances are signed.
 - c. The bar number by reviewing the letterhead or completing a computer search. If no bar number can be located, call the attorney directly or reject the document using a Deficiency Memo.
3. Update names record in computer. See Section IV of this appendix.
4. Make entry on Counsel of Record card (TF-900). See local practice.

B. Not licensed to practice law in the State of Alaska. Civil Rule 81(a)(2).

If attorneys are not licensed in Alaska, they may be permitted to practice by motioning the court and paying a fee to the Alaska Bar Association, on a case by case basis.

If filings are received along with the paperwork for participation as an out of state attorney, no action can be taken on the filings until the order allowing the attorney to participate is entered.

1. File stamp the following required documents:
 - a. Motion to participate as out-of-state attorney.

- b. Written consent to the motion signed by the member of the Alaska Bar Association with whom the applicant will be associated.
 - c. Certificate from the clerk of court or presiding judge in the state where the applicant is licensed stating that the applicant is a member in good standing with that state's bar association. The certificate must be dated within 60 days of filing the motion.
 - d. Proof of payment of the required fee to the Alaska Bar Association.
 2. Lodge proposed order.
 3. Pull the case file and verify the following:
 - a. Check accuracy of the court location, case number and caption.
 - b. Copies to all parties who have appeared, including client.
 4. Tickle for opposition and reply. See Appendix A, Tickle Procedures.
 5. At the conclusion of tickle period, route order and file to judge.
 6. Distribute order:
 - a. Original to case file.
 - b. Copies to all parties who have appeared.
 7. Process any filing held pending order permitting attorney to participate.

NOTE: All future documents must also bear the signature of the local counsel with whom the attorney is associated. Civil Rule 81 (2)(d).

III. Withdrawal of Attorney

An attorney in a criminal or civil case may withdraw as attorney for a party in one of the ways outlined below. Computerized courts must update the computer records whenever an attorney withdraws from a case and, when applicable, another attorney files an Appearance. Follow the steps in Section II.A of this Appendix for computer entry.

Note: In all cases, a credit agency must be represented by an attorney. District Court Rule 15. In civil cases, a corporation must be represented by an attorney. A.S.22.20.040.

A. By Motion

An attorney may file a motion (request) to withdraw for good cause and must serve all parties who have appeared in the action. The attorney must request a hearing and give notice to the attorney's client and provide the court with the last known address and phone number of the client. Civil Rule 81(d)(1)(i). See local practice for scheduling hearings.

1. File stamp motion and lodge order. See Appendix E. File Stamp Procedures.

2. Pull the case file and verify the following items:
 - a. Court location case number and caption.
 - b. Last known address and phone number of the client in the pleadings.
3. Tickle for response. See Appendix A, Tickle Procedures.
4. At conclusion of tickle period, forward file to judge.
5. Distribute order when file is returned:
 - a. Original to case file.
 - b. Copies to all parties who have appeared, including client.
6. Update names record in computer.
7. Make entry on Counsel of Record card (TF-900). See local practice.

B. By Substitution

Substitution of attorneys may be permitted if with the client's approval and a "Substitution of Attorney" form is signed by both counsel. The new attorney then files an Entry of Appearance. Civil Rule 81(d)(1)(i).

The clerk is authorized to enter orders on consent for the substitution of attorneys. Civil Rule 73(b)(1). See local practice.

1. File stamp the Substitution of Attorney and the Entry of Appearance if submitted at this time. Lodge order. See Appendix E. File Stamp Procedures.
2. Pull the case file and check accuracy of the court location, case number and caption.
3. Tickle for response. See Appendix A, Tickle Procedures.
4. At conclusion of tickle period, forward file to judge.
5. Distribute Order:
 - a. Original to case file
 - b. Copies to all parties who have appeared, including client.
6. Update names record in computer.
7. Make entry on Counsel of Record card (TF-900). See local practice as to use of Counsel of Record cards.

C. By Consent

An attorney may request to withdraw if a party expressly consents in open and telephone number. Civil Rule 81(d)(1)(iii).

1. File stamp motion. See Appendix E. File Stamp Procedures.
2. Pull the case file and check accuracy of the court location, case number and caption.
3. Tickle for response. See Appendix A, Tickle Procedures.
4. At conclusion of tickle period, forward file to judge.
5. Distribute Order:
 - a. Original to case file.
 - b. Copies to all parties who have appeared, including client.
6. Update names record in computer.
7. Make entry on Counsel of Record card (TF-900). See local practice as to use of Counsel of Record cards.

IV. Computerized Courts

- A. Advance to the name screen by selecting **Inq/Mod/Del** (Multifile).
- B. Enter case number.
- C. Select the **number** for the "**NAMES**" screen of the party being represented.
- D. Select **M** (Modify).
- E. Advance to Attorney-1. Type the attorney's last name in the blank space. Attorney's name will appear on the screen in the upper right-hand corner. The attorney's full name and Alaska Bar number will be listed.
- F. Enter the Bar number at the prompt at the bottom of the screen reading "Enter Attorney NUMBER or (RETURN) to Continue". Hit the Return key, and the number will automatically be inserted into the Attorney-1 blank.
- G. Clerk's initials and date.