

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE

April 19, 2009

10:06 a.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Gene Therriault

MEMBERS ABSENT

Senator Lesil McGuire

COMMITTEE CALENDAR

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 88(FIN)

"An Act extending the termination date of the Board of Governors of the Alaska Bar Association to June 30, 2013; and providing for an effective date."

MOVED CSHB 88(FIN) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 88

SHORT TITLE: EXTEND BAR ASS'N BOARD OF GOVERNORS

SPONSOR(S): REPRESENTATIVE(S) RAMRAS

01/26/09	(H)	READ THE FIRST TIME - REFERRALS
01/26/09	(H)	JUD, FIN
02/04/09	(H)	JUD AT 1:00 PM CAPITOL 120
02/04/09	(H)	Moved Out of Committee
02/04/09	(H)	MINUTE(JUD)
02/06/09	(H)	NR: LYNN, COGHILL, DAHLSTROM
02/06/09	(H)	JUD RPT 1DP 3NR 2AM
02/06/09	(H)	AM: GRUENBERG, GATTO
02/06/09	(H)	DP: HOLMES
04/16/09	(H)	FIN AT 1:30 PM HOUSE FINANCE 519
04/16/09	(H)	Moved CSHB 88(FIN) Out of Committee
04/16/09	(H)	MINUTE(FIN)
04/17/09	(H)	DP: THOMAS, FOSTER, FAIRCLOUGH, SALMON, JOULE, HAWKER
04/17/09	(H)	NR: AUSTERMAN, KELLY
04/17/09	(H)	TRANSMITTED TO (S)
04/17/09	(H)	VERSION: CSHB 88(FIN)
04/17/09	(H)	FIN RPT CS(FIN) NT 6DP 2NR

04/18/09 (S) JUD
04/18/09 (S) READ THE FIRST TIME - REFERRALS
04/19/09 (S) JUD AT 10:00 AM BELTZ 211

WITNESS REGISTER

THERESA OBERMEYER
Anchorage AK

POSITION STATEMENT: Spoke in opposition to HB 88.

ACTION NARRATIVE

10:06:45 AM

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 10:06 a.m. Present at the call to order were Senators Wielechowski and French. Senator Therriault arrived soon thereafter.

HB 88-EXTEND BAR ASS'N BOARD OF GOVERNORS

10:07:03 AM

CHAIR FRENCH announced the consideration of HB 88. [Before the committee was CSHB 88(FIN).]

At ease from 10:07:38 AM to 10:08:15 AM due to technical difficulties.

10:09:23 AM

THERESA OBERMEYER, representing herself, referenced page 19 of the Division of Legislative Audit review of the activities of the Board of Governors of the Alaska Bar Association audit. It lists five reasons for the bar association to exist: 1) to cultivate and advance the science of jurisprudence; 2) to promote reform in the law and in judicial procedure; 3) to facilitate the administration of justice; 4) to encourage legal education for the membership; and 5) to increase the public service and efficiency of the Bar. She expressed the view that the board leadership does not live up to the reasons for its existence.

MS. OBERMEYER highlighted that Steven Van Goor recently stated that the Alaska Bar Exam is, "designed to illustrate minimal competence to practice law, knowledge of Alaska law, an ability to spot issues, and an ability to thoroughly explain a legal problem in a manner expected of a lawyer." If it's a test of minimal competency, then anyone who has gotten through an accredited law school is minimally competent to practice law,

she said. She highlighted that the Alaska Bar Association takes in hundreds of thousands of dollars on the exam, yet it issues licenses to less than 60 percent of the applicants. She asked the committee to focus on the fact that the board is making a lot of money on this.

[10:13:28 AM](#)

MS. OBERMEYER said she can't support renewing the Board of Governors of the Alaska Bar Association and she has some ideas for the next year. First, create a one-year probationary period for this board and conduct an audit. She noted that she sent an email this morning that includes issues to address in the audit.

She would like to know how many bar association applicants in the last two years have been admitted by reciprocity and how many have been admitted by passing the bar exam. She noted that an attorney who is licensed in a reciprocal state and has not yet come to Alaska is able to pay \$1,500 and he or she is automatically licensed [to practice law in Alaska]. However, attorneys who are licensed in reciprocal states and come to Alaska to live and subsequently make application to practice law are excluded from admission by reciprocity. They must pass the bar exam. She questions the basis for the exclusion and believes it stifles commerce and competition among lawyers.

CHAIR FRENCH acknowledged that he has her recent email in hand.

[10:17:24 AM](#)

SENATOR THERRIAULT joined the committee.

CHAIR FRENCH closed public testimony and asked for a motion.

SENATOR WIELECHOWSKI moved to report HB 88 from committee with individual recommendations and attached fiscal note(s). There being no objection, CSSB 88(FIN) moved from the Senate Judiciary Standing Committee.

[10:18:11 AM](#)

There being no further business to come before the committee, Chair French adjourned the Senate Judiciary Standing Committee meeting at 10:18 pm.