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IN THE HOUSE

BY MESSRS. STRINGER AND EASTAUGH

HOUSE BILL NO. 166

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act to create an association to be known as the 'Alaska Bar Association'; to provide for its organization, government, membership and powers; to regulate the practice of law and to provide penalties for the violation of said Act and repealing all Acts or parts of Acts in conflict herewith."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. TITLE OF ACT. This act may be known and cited as the Alaska Bar Act.

Section 2. OBJECTS AND POWERS. There is hereby created as an agency of Alaska, for the purpose and with the powers hereinafter set forth, an association to be known as the Alaska Bar Association, hereinafter designated as the Alaska bar, which association shall have a common seal and may sue and be sued, and which may, for the purpose of carrying into effect and promoting the objects of said association, enter into contracts and acquire, hold, encumber and dispose of such real and personal property as is necessary thereto.

Section 3. FIRST MEMBERS. The first members of the Alaska Bar Association shall be all persons now entitled to practice law in Alaska.

Section 4. NEW MEMBERS. After the organization of the

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Alaska Bar, as herein provided, all persons who are admitted to practice in accordance with the provisions of this act, except judges of courts of record, shall become by that fact active members of the Alaska bar.

Section 5. BOARD OF GOVERNORS. There is hereby constituted a Board of Governors of the Alaska bar, which shall consist of the president of the Alaska bar, as an ex-officio member, who shall be elected pursuant to rules promulgated by the State Bar Commission and subsequently to the first election to rules promulgated by the Board of Governors, and two members from each judicial division <sup>who shall be elected by the active</sup> ~~wherein they reside by Alaska bar active, practicing members of the Alaska Bar in each such Division~~ <sup>Alaska</sup> ~~practicing members of each such judicial division.~~ The members of the board of governors shall hold office for four years and until their successors are elected and qualified; provided, however, the members of the first elected board of governors, at their first meeting, shall so classify themselves by lot that two of them shall hold office for one year only, two others for two years only, two others for three years only, and the remaining two for four years, after which first election two board members shall be elected annually. Vacancies in board membership shall be filled by the remaining board members until the next annual election.

Section 6. ALASKA BAR GOVERNED BY BOARD OF GOVERNORS. The Alaska bar shall be governed by the board of governors which shall be charged with the executive functions of the Alaska bar and the enforcement of the provisions of this act and all rules adopted in pursuance thereof. The members of the board of governors shall receive no salary by virtue of their office.

Section 7. POWERS OF GOVERNORS. The said board of gover-



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enforce rules of professional conduct for all members of the Alaska bar; and, with such approval, to appoint boards or committees to examine applications for admission; and, to investigate, prosecute and hear all causes involving discipline, disbarment, suspension or reinstatement, and make recommendations thereon to the district judges; and, with such approval, to prescribe rules establishing the procedure for the investigation and hearing of such matters, and establishing divisional or municipal agencies to assist therein to the extent provided by such rules; Provided however, that no person who shall have participated in the investigation or prosecution of any such cause shall sit as a member of any board or committee hearing on the same.

*Nothing in this Act shall be construed to permit the Board of*

Section 9. ACTIVE MEMBERS' FEES. The annual membership fee for active members shall be the sum of five dollars (\$5.00) payable on or before February first of each year; Provided, That the membership fee for the year 1953 shall be payable not later than ninety days after the effective date of this act. The board of governors shall have power before January first of any year to increase such fee to a sum not exceeding ten dollars (\$10.00).

Section 10. INACTIVE MEMBERS' FEES. The annual membership fee for inactive members shall be the sum of two dollars (\$2.00), payable on or before the first day of February of each year; Provided, That the membership fee for the year 1953 shall be payable not later than ninety days after the effective date of this act.

Section 11. ADMISSION FEES. Applicants for admission to the bar upon accredited certificates or upon examination, not having been admitted to the bar in another state or territory,

*Does not prohibit the practice of qualifying for admission to the Alaska bar by a person who has been admitted to the practice of a profession under the supervision of a practicing member of the profession.*

1 shall pay a fee of <sup>fifty</sup> twenty-five dollars (\$25.00) and all other  
2 applicants a fee of <sup>one hundred</sup> fifty dollars (\$50.00). Said admission fees  
3 shall be used to pay the expenses incurred in connection with  
4 examining and admitting applicants to the bar, including salaries  
5 of examiners, and any balance remaining at the close of each  
6 biennium shall be paid to the Territorial Treasurer and be by  
7 him credited to the general fund.

8 Section 12. SUSPENSION FOR NON-PAYMENT OF FEES. Any mem-  
9 ber failing to pay any fees after the same become due, and after  
10 two month's written notice of his delinquency, <sup>shall</sup> must be suspended  
11 from membership in the Alaska bar, but may be reinstated upon  
12 payment of accrued fees and such penalties as may be imposed by  
13 the board of governors, not exceeding double the amount of the  
14 delinquent fee.

15 Section 13. ONLY ACTIVE MEMBERS MAY PRACTICE LAW. No per-  
16 son shall practice law in Alaska subsequent to the first meeting  
17 of the Alaska bar unless he shall be an active member thereof as  
18 hereinbefore defined; Provided, that a member of the bar in good  
19 standing in any other state or jurisdiction shall be entitled to  
20 appear in the courts of Alaska under such rules as the board of  
21 governors may prescribe.

22 Section 14. UNLAWFUL PRACTICE A MISDEMEANOR. Any person,  
23 who, not being an active member of the Alaska bar, or who, after  
24 he has been disbarred in Alaska or elsewhere, or who, while sus-  
25 pended from membership in the Alaska bar, shall practice law, or  
26 hold himself out as entitled to practice law, shall be guilty of  
27 a misdemeanor and, upon conviction shall be punished by a fine  
28 of not more than \$1,000.00 or by imprisonment in jail for not  
29 more than one year, or by both such fine and imprisonment; Pro-

1 vided, that upon conviction of an attorney in any court of  
2 record of a misdemeanor involving moral turpitude, or of a  
3 felony, the judgment shall include an order that the offender  
4 be forthwith disbarred or suspended as the court may see fit;  
5 Provided further, Nothing herein contained shall be held to in  
6 any way affect the power of the courts to grant injunctive relief  
7 or to punish as for contempt.

8 Section 15. <sup>Alaska</sup> STATE BAR COMMISSION. Five members of the bar  
9 qualified for active membership in the Alaska bar, shall within  
10 ten days after the effective date of this act, be appointed by  
11 the majority of the District Court judges to constitute a com-  
12 mission which shall within ninety days thereafter organize the  
13 Alaska bar, and take such steps and adopt such rules and regula-  
14 tions for the time being, as it may deem necessary to complete  
15 the organization thereof as herein provided, after which organi-  
16 zation the said commission shall be deemed abolished.

17 Section 16. REPEAL. All acts and parts of acts in conflict  
18 with this act, or with any rule adopted hereunder, are from the  
19 effective date of this act or of any such rule, hereby repealed.

20 Section 17. SEVERABILITY. If any provision of this Act,  
21 or the application thereof to any person or circumstance is held  
22 invalid, the remainder of the Act and such application to other  
23 persons or circumstances shall not be affected thereby.