



1 IN THE HOUSE

BY MR. KALAMARIDES

2 HOUSE BILL NO. 30

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to create an association to be  
7 known as the 'Alaska Bar Association'; to  
8 provide for its organization, government,  
9 membership and powers; to regulate the  
10 practice of law and to provide penalties  
11 for the violation of said Act and repeal-  
12 ing all Acts or parts of Acts in conflict  
13 herewith."

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

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

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

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

29 Section 4. NEW MEMBERS. After the organization of the

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

5 Section 5. BOARD OF GOVERNORS. There is hereby consti-  
6 tuted a Board of Governors of the Alaska Bar, which shall con-  
7 sist of the president of the Alaska Bar, as an ex-officio member,  
8 who shall be elected pursuant to rules promulgated by the Alaska  
9 Bar Commission and subsequently to the first election to rules  
10 promulgated by the Board of Governors, and two members from each  
11 judicial division who shall be elected by the active practicing  
12 members of the Alaska Bar in each such Division. The members of  
13 the board of governors shall hold office for four years and until  
14 their successors are elected and qualified; provided, however,  
15 the members of the first elected board of governors, at their  
16 first meeting, shall so classify themselves by lot that two of  
17 them shall hold office for one year only, two others for two  
18 years only, two others for three years only, and the remaining  
19 two for four years, after which first election two board members  
20 shall be elected annually. Vacancies in board membership shall  
21 be filled by the remaining board members until the next annual  
22 election.

23 Section 6. ALASKA BAR GOVERNED BY BOARD OF GOVERNORS.  
24 The Alaska Bar shall be governed by the Board of governors which  
25 shall be charged with the executive functions of the Alaska Bar  
26 and the enforcement of the provisions of this act and all rules  
27 adopted in pursuance thereof. The members of the board of gover-  
28 nors shall receive no salary by virtue of their office.

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

1       nors shall have power, in its discretion, from time to time to  
2       adopt rules:

3           (a)   Concerning membership and the classification thereof  
4                into active, inactive and honorary members; and

5           (b)   Concerning the enrollment and privileges of member-  
6                ship; and

7           (c)   Defining the other officers of the Alaska Bar, the  
8                time, place and method of their selection, and their  
9                respective powers, duties, terms of office and com-  
10              pensation; and

11          (d)   Concerning annual and special meetings; and

12          (e)   Concerning the collection, the deposit and the dis-  
13                bursement of the membership and admission fees, pen-  
14                alties, and all other funds; and

15          (f)   Providing for the organization and government of di-  
16                visional, municipal and/or other local subdivisions  
17                of the Alaska Bar; and

18          (g)   Providing for all other matters, whether similar to  
19                the foregoing or not, affecting in any way whatsoever,  
20                the organization and functioning of the Alaska Bar.  
21                Any such rule may be modified, or rescinded, or a new  
22                rule adopted, by a vote of the active members under  
23                rules to be prescribed by the board of governors.

24           Section 8. ADMISSION AND DISBARMENT. The said board of  
25       governors shall likewise have power, in its discretion, from  
26       time to time to adopt rules fixing the qualifications, require-  
27       ments and procedure for admission to the practice of law; and  
28       to establish from time to time and enforce rules of professional  
29       conduct for all members of the Alaska Bar; to appoint boards or

1 committees to examine applications for admission; and to  
2 investigate, prosecute and hear all causes involving dis-  
3 cipline, disbarment, suspension or reinstatement, and make  
4 recommendations thereon to the district judges; to prescribe  
5 rules establishing the procedure for the investigation and  
6 hearing of such matters, and establishing divisional or  
7 municipal agencies to assist therein to the extent provided  
8 by such rules; Provided however, that no person who shall have  
9 participated in the investigation or prosecution of any such  
10 cause shall sit as a member of any board or committee hear-  
11 ing on the same. [Nothing in this Act shall be construed  
12 to permit the Board of Governors to prohibit the practice  
13 of qualifying for admission to the Alaska bar by clerk-  
14 ships under the supervision of a practicing member of  
15 said bar.

16 Section 9. ACTIVE MEMBERS' FEES. The annual member-  
17 ship fee for active members shall be the sum of ten dollars  
18 (\$10.00) payable on or before February first of each year;  
19 Provided, That the membership fee for the year 1955 shall  
20 be payable not later than ninety days after the effect-  
21 ive date of this act. The board of governors shall have  
22 power before January first of any year to increase such fee  
23 to a sum not exceeding twenty dollars (\$20.00).

24 Section 10. INACTIVE MEMBERS' FEES. The annual  
25 membership fee for inactive members shall be the sum  
26 of two dollars (\$2.00), payable on or before the first  
27 day of February of each year; Provided, That the  
28 membership fee for the year 1955 shall be payable not  
29 later than ninety days after the effective date of

1 this act.

2 Section 11. ADMISSION FEES. Applicants for admission to  
3 the bar upon accredited certificates or upon examination, not  
4 having been admitted to the bar in another state or territory,  
5 shall pay a fee of fifty dollars (\$50.00) and all other appli-  
6 cants a fee of one hundred dollars (\$100.00). Said admission  
7 fees shall be used to pay the expenses incurred in connection  
8 with examining and admitting applicants to the bar, including  
9 salaries of examiners, and any balance remaining at the close of  
10 each biennium shall be paid to the Territorial Treasurer and be  
11 by him credited to the general fund.

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

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

26 Section 14. UNLAWFUL PRACTICE A MISDEMEANOR. Any person,  
27 who, not being an active member of the Alaska Bar, or who, after  
28 he has been disbarred in Alaska or elsewhere, or who, while sus-  
29 pended from membership in the Alaska Bar, shall practice law, or

1 hold himself out as entitled to practice law, shall be guilty of  
2 a misdemeanor and, upon conviction shall be punished by a fine  
3 of not more than \$1,000.00 or by imprisonment in jail for not  
4 more than one year, or by both such fine and imprisonment; Pro-  
5 vided, that upon conviction of an attorney in any court of  
6 record of a misdemeanor involving moral turpitude, or of a  
7 felony, the judgment shall include an order that the offender  
8 be forthwith disbarred or suspended as the court may see fit;  
9 Provided further, Nothing herein contained shall be held to in  
10 any way affect the power of the courts to grant injunctive relief  
11 or to punish as for contempt.

12 Section 15. ALASKA BAR COMMISSION. Five members of the bar  
13 qualified for active membership in the Alaska Bar, shall within  
14 ten days after the effective date of this act, be appointed by  
15 the Governor with the advice and consent of a majority of the  
16 members of both Houses of the Legislature to constitute a com-  
17 mission which shall within ninety days thereafter organize the  
18 Alaska Bar, and take such steps and adopt such rules and regula-  
19 tions as it may deem necessary to complete the organization  
20 thereof as herein provided, after which organization the said  
21 commission shall be deemed abolished.

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

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

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