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IN THE HOUSE

BY MR. KALAMARIDES

HOUSE BILL NO. 378

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska Bar Association and the regulation of the practice of law; amending Ch. 196, SLA 1955 as amended by Ch. 33, SLA 1957; and providing for an effective date."

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

Section 1. Sec. 5, Ch. 196, SLA 1955 is amended to read as follows:

Section 5. BOARD OF GOVERNORS. There is hereby constituted a Board of Governors of the Alaska Bar to be first elected pursuant to rules promulgated by the Alaska Bar Commission and, subsequent to the first election, to rules promulgated by the Board of Governors. The Board shall consist of nine (9) active, practicing members who shall be elected by the active members of the Alaska Bar from the four judicial districts as described in Sec. 16, Ch. 50, SLA 1959. Three (3) members shall be elected from the First Judicial District [DIVISION], three (3) members from the Third Judicial District [DIVISION], and three (3) members from the combined area of the Second and Fourth Judicial Districts [DIVISIONS]; provided however that no more than two shall be resident practicing attorneys in the Fourth Judicial District [DIVISION] unless membership on the Board of Governors is specifically waived in writing by the active practicing members, if any, of the

1 Second Judicial District [DIVISION]. The members of the Board
2 of Governors shall hold office for three years and until their
3 successors are elected and qualified. The members of the
4 first elected Board of Governors, at their first meeting,
5 shall so classify themselves by lot that three of them shall
6 hold office for one year only, three others for two years
7 only, and three others for three years only; after which first
8 election three Board members shall be elected annually, one
9 from each area, as hereinabove defined. The Board shall elect
10 from among its members the officers of the Alaska Bar.

11 Vacancies in Board membership shall be filled by appointment
12 by the remaining Board members until the next annual election.

13 Sec. 2. Subsec. f., Sec. 7, Ch. 196, SLA 1955 is amended to
14 read as follows:

15 f. Providing for the organization and government of
16 district [DIVISIONAL], municipal and other local subdivisions
17 of the Alaska Bar;

18 Sec. 3. Sec. 9, Ch. 196, SLA 1955 as amended by Sec. 1, Ch.
19 33, SLA 1957 is amended to read as follows:

20 Section 9. ELIGIBILITY FOR ADMISSION. Any person may
21 apply and shall be eligible for admission to the Alaska Bar,
22 upon examination or by reciprocity as provided in this Act,
23 if such person (1) is a citizen of the United States, over 21
24 years of age, and has been a resident of Alaska for at least
25 90 days prior to the date of application for admission by
26 examination or by reciprocity, and the date for the examina-
27 tion for admission or for certification by the Board of
28 Governors that the person be admitted on reciprocity shall be
29 at least 90 days after the application is made; [SET FOR

1 EXAMINATION FOR ADMISSION, OR THE DATE OF CERTIFICATION BY
2 THE BOARD OF GOVERNORS THAT THE PERSON MAY BE ADMITTED ON
3 RECIPROCITY;] and (2) is a graduate of a law school approved
4 by the American Bar Association, or is an attorney in good
5 standing in the Bar of another state or territory, or has
6 completed a clerkship in the manner which was required by
7 Sec. 35-2-44, ACLA 1949, which clerkship was commenced prior
8 to January 1, 1956.

9 (a) RECIPROCITY. Attorneys in good standing in
10 the Bar of another state or territory or the District of
11 Columbia, which admits members of the Alaska Bar to the prac-
12 tice of law therein, shall be admitted without examination
13 and otherwise upon substantially the same terms and condi-
14 tions as are fixed in their respective jurisdictions for the
15 admission of attorneys from Alaska; Provided, however, that as
16 a prerequisite to admission to the Alaska Bar the Board may
17 require any such attorneys to take and pass a written examina-
18 tion when, in the judgment of the Board, the facts of any
19 particular case indicate that the best interests of the pub-
20 lic and of the Alaska Bar will be served by first testing by
21 means of such written examination such attorneys' qualifica-
22 tions and fitness to engage in the practice of law in Alaska.
23 This proviso shall not be applicable to those attorneys whose
24 applications were filed with the Board prior to the effective
25 date of this Act.

26 (b) EXAMINATION. All other applicants for admis-
27 sion to the Alaska Bar shall, before being certified by the
28 Board for admission, take and pass an examination in the
29 manner required pursuant to this Act.

1 Sec. 4. Sec. 11, Ch. 196, SLA 1955 is amended to read as
2 follows:

3 Section 11. PROCEDURE FOR ADMISSION. The Board of
4 Governors shall pass upon all applications for permission to
5 practice law before the courts of Alaska, and when satisfied
6 that an applicant has the requisite qualifications to prac-
7 tice as an attorney and counselor, the Board shall so certify
8 to the Supreme Court of Alaska [U. S. DISTRICT COURT FOR THE
9 JUDICIAL DIVISION IN WHICH THE APPLICANT RESIDES]. Upon re-
10 ceiving such certification, unless objection be raised there-
11 in within five days, the Court shall make an order admitting
12 the applicant, and the Clerk shall issue him a certificate of
13 admission. In the event that an objection is raised, the suf-
14 ficiency thereof shall be finally determined within thirty
15 days.

16 Sec. 5. Sec. 14, Ch. 196, SLA 1955 is amended to read as
17 follows:

18 Section 14. DISCIPLINARY PROCEEDINGS AND REVIEW. Upon
19 finally determining any cause involving the discipline, dis-
20 barment, suspension or reinstatement of a member of the Alaska
21 Bar, the Board of Governors shall certify its findings and
22 recommendations thereon to the Supreme Court of Alaska [U. S.
23 DISTRICT COURT FOR THE JUDICIAL DIVISION WHEREIN THE ACCUSED
24 MEMBER RESIDES]. Upon receiving the findings and recommenda-
25 tions, the Court shall, within thirty days thereafter, issue
26 an order of disbarment, suspension, reinstatement, dismissal,
27 or otherwise, in full accordance with the recommendations of
28 the Board of Governors, unless the accused member shall sooner
29 petition the Court for review of the proceedings, findings and

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recommendations of the Board. In the event such petition is made, the Court shall proceed promptly with the review in the manner prescribed in the Administrative Procedure Act [IT MAY CHOOSE, AND AFTER COMPLETION OF THE REVIEW SHALL ISSUE SUCH ORDER IN THE CAUSE AS THE COURT MAY, IN ITS DISCRETION, DETERMINE PROPER. ANY HEARINGS OR OTHER PROCEDURES BEFORE THE COURT SHALL BE FOR THE SOLE PURPOSE OF REVIEW OF THE DETERMINATIONS OF THE BOARD OF GOVERNORS AND SHALL NOT CONSTITUTE A TRIAL DE NOVO OF THE CAUSE. THE PROCEDURE FOR REVIEW HEREIN SET FORTH SHALL BE THE EXCLUSIVE METHOD OF APPEAL FROM THE DETERMINATIONS OF THE BOARD OF GOVERNORS IN ANY MATTER INVOLVING THE DISCIPLINE, DISBARMENT, SUSPENSION OR REINSTATEMENT OF A MEMBER OF THE ALASKA BAR. A FULL STENOGRAPHIC RECORD OF ALL HEARINGS ON MATTERS INVOLVING DISCIPLINE, DISBARMENT, SUSPENSION OR REINSTATEMENT SHALL BE KEPT. THE BOARD OF GOVERNORS SHALL HAVE POWER TO ISSUE SUBPOENAS AND TO INVOKE THE AID OF THE U. S. DISTRICT COURT, IF NECESSARY, TO COMPEL THE ATTENDANCE OF WITNESSES AT HEARINGS HELD PURSUANT TO THE POWERS GRANTED HEREIN].

Sec. 6. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.