

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

IN THE HOUSE

BY MR. BLODGETT

HOUSE BILL NO. 203

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the Alaska Bar Association and the discipline of the members; amending Secs. 8 and 13, Ch. 196, SLA 1955, and repealing and re-enacting Sec. 14, Ch. 196, SLA 1955, as amended by Sec. 6, Ch. 178, SLA 1960; and providing for an effective date."

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

Section 1. Sec. 8, Ch. 196, SLA 1955, is amended to read:

Sec. 8. ADMISSION AND DISCIPLINE [, SUSPENSION AND DISBARMENT]. The Board of Governors shall have power to adopt rules fixing the qualifications, requirements and procedure for admission to the practice of law, except as otherwise provided in this Act: to establish and enforce rules of professional conduct for all members of the Alaska Bar, which shall conform but need not be limited to the standards of the Code of Ethics of the American Bar Association; to appoint boards or committees to examine applications for admission; to investigate [, PROSECUTE, HEAR AND FINALLY DETERMINE] all causes involving discipline, disbarment, suspension or reinstatement; and to prescribe rules establishing the procedure for the investigation [AND HEARING] of such matters, and to petition the supreme court for the discipline, suspension or disbarment of an attorney

1 [AND ESTABLISHING DIVISIONAL OR MUNICIPAL AGENCIES TO ASSIST
2 THEREIN TO THE EXTENT PROVIDED BY SUCH RULES. NO PERSON
3 WHO SHALL HAVE PARTICIPATED IN THE INVESTIGATION OR PROSECU-
4 TION OF ANY SUCH CAUSE SHALL SIT AS A MEMBER OF ANY BOARD
5 OR COMMITTEE HEARING THE SAME].

6 Sec. 2. Sec. 13, Ch. 196, SLA 1955, is amended to read:

7 Section 13. UNLAWFUL PRACTICE A MISDEMEANOR. Any per-
8 son not an active member of the Alaska Bar who engages in
9 the private practice of law or represents himself as entitled
10 to engage in the private practice of law in Alaska other
11 than as permitted by this Act, shall be guilty of a misde-
12 meanor and upon conviction shall be punished by a fine of
13 not more than \$1,000.00 or by imprisonment in jail for not
14 more than one year, or by both such fine and imprisonment.
15 [UPON CONVICTION OF AN ATTORNEY OF A MISDEMEANOR INVOLVING
16 MORAL TURPITUDE, OR OF A FELONY, THE MEMBER SHALL BE SUS-
17 PENDED FOR A PERIOD NOT TO EXCEED NINETY DAYS, DURING WHICH
18 PERIOD THE BOARD OF GOVERNORS SHALL ACT PROMPTLY TO MAKE A
19 FINAL DETERMINATION OF THE MEMBER'S RIGHT TO PRACTICE.
20 NOTHING HEREIN CONTAINED SHALL BE HELD IN ANY WAY TO AFFECT
21 THE POWER OF THE COURTS TO GRANT INJUNCTIVE RELIEF OR TO
22 PUNISH AS FOR CONTEMPT.]

23 Sec. 3. Sec. 14, Ch. 196, SLA 1955, as amended by Sec. 6,
24 Ch. 178, SLA 1960, is repealed and re-enacted.

25 Section 14. DISCIPLINARY PROCEEDINGS AND REINSTATEMENT.

26 a. Upon its own information or upon petition of any person,
27 including any judge or any bar association in this state,
28 the supreme court may discipline, suspend or disbar an
29 attorney for any of the following causes arising after his

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

admission to practice:

(1) Upon his being convicted of a felony or misdemeanor involving moral turpitude.

(2) For wilful disobedience or violation of the order of a court requiring him to do or forbear an act connected with or in the courts of his profession.

(3) For misconduct in office or for good cause shown.

b. Upon its own initiative or upon petition of a suspended or disbarred attorney, the supreme court may reinstate the attorney.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.