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IN THE SENATE BY SENATOR V. PHILLIPS

SENATE BILL NO.95

IN THE LEGISLATURE OF THE STATE OF ALASKA

SECOND LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act regulating the practice of law; repealing Ch. 196, SLA 1955 as amended by Ch. 33, SLA 1957 and Ch. 178, SLA 1960; and providing for an effective date."

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

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

Sec. 2. OBJECTIVES AND POWERS. The Supreme Court of the State of Alaska is hereby vested with the powers set out in this Act to regulate the practice of law in Alaska.

Sec. 3. FIRST MEMBERS. The first members of the Alaska Bar are those persons admitted to the practice of law in Alaska at the effective date of this Act.

Sec. 4. NEW MEMBERS. After the effective date of this Act, all persons who are admitted to practice in accordance with the provisions of this Act, except judges of courts of record, shall, upon admission, become eligible for active membership in the Alaska Bar.

Sec. 5. THE SUPREME COURT OF THE STATE OF ALASKA. The Supreme Court of the State of Alaska, under rules promulgated by it, shall appoint and supervise an Admissions and Grievance Committee composed of not less than three nor more than five members, one of which shall act as executive secretary. The members of the committee shall hold office for a term not to exceed three out of

1 any four consecutive years, but within that limitation they shall
2 serve at the pleasure of the Supreme Court which is empowered,
3 acting as a body with a majority rule, to shorten the term of any
4 individual committee member under the rules promulgated by it.

5 Sec. 6. POWERS OF THE ADMISSIONS AND GRIEVANCE COMMITTEE.

6 The Admissions and Grievance Committee, under rules promulgated by
7 the Supreme Court, shall act as an aid to the Supreme Court in con-
8 sidering and passing upon all applications for admission to the
9 practice of law in Alaska, in appointing from time to time a board
10 of law examiners for the examination of applicants for admission
11 to the practice of law in Alaska, and in considering and finally
12 determining matters of discipline, suspension, and disbarment of
13 members of the Alaska Bar.

14 Sec. 7. RULES ON MEMBERSHIP AND FUNDS. The Supreme Court
15 of Alaska shall adopt reasonable rules, having the force and effect
16 of law, as to:

17 (1) membership and the classification of membership in
18 the Alaska Bar into active, inactive, and honorary members;

19 (2) enrollment and privileges of membership;

20 (3) collection, deposit, and disbursement of the mem-
21 bership and admission fees, penalties, and all other funds.

22 Sec. 8. ADMISSION, SUSPENSION, AND DISBARMENT. a. The
23 Supreme Court of Alaska shall adopt rules fixing the qualifica-
24 tions, requirements, and procedure for admission to the practice
25 of law, except as otherwise provided in this Act:

26 (1) for establishing and enforcing rules of profes-
27 sional conduct for all members of the Alaska Bar, which shall con-
28 form but need not be limited to the standards of the Code of
29 Ethics of the American Bar Association;

1 (2) for examination and final determination of appli-
2 cations for admission;

3 (3) for hearing and finally determining all causes in-
4 volving discipline, disbarment, suspension or reinstatement which
5 are investigated and prosecuted by the Admissions and Grievance
6 Committee, and prescribing rules establishing the procedure for
7 the investigation and hearing of such matters, and establishing
8 district or municipal agencies to assist therein to the extent
9 provided by such rules.

10 b. No member of the Supreme Court shall participate in the
11 investigation or prosecution of such cause.

12 Sec. 9. ELIGIBILITY FOR ADMISSION. Any person may apply
13 and shall be eligible for admission to the Alaska Bar, upon
14 examination or by reciprocity as provided in this Act, if such
15 person (1) is a citizen of the United States, and (2) is over
16 21 years of age, and (3) has been a resident of Alaska for at
17 least 90 days prior to the date of application for admission by
18 examination or by reciprocity, and the date for the examination
19 for admission or for certification by the Admissions and Grievance
20 Committee that it finds the person eligible to be admitted on
21 reciprocity shall be at least 90 days after the application is
22 made, and (4) is a graduate of a law school approved by the
23 American Bar Association, or is an attorney in good standing in
24 the bar of another state or territory, or has completed a clerk-
25 ship in the manner which was required by Sec. 35-2-44, ACLA 1949,
26 which clerkship was commenced prior to January 1, 1956.

27 Sec. 10. RECIPROCITY AND EXAMINATION. a. Attorneys in
28 good standing in the bar of another state or territory or the
29 District of Columbia, which admits members of the Alaska Bar to

1 the practice of law therein, shall be admitted without examination
2 and otherwise upon substantially the same terms and conditions as
3 are fixed in their respective jurisdictions for the admission of
4 attorneys from Alaska. However, as a prerequisite to admission to
5 the Alaska Bar, the Supreme Court shall require any such attorney
6 to take and pass an examination, unless the applicant has (1)
7 passed a state bar examination, and (2) engaged in the active
8 practice of law for at least five out of the previous six years
9 before filing the application, excluding time spent in the mili-
10 tary service of the United States, and (3) is a graduate of a law
11 school accredited by the American Bar Association; however, 10
12 years active practice of law shall be deemed equivalent to
13 graduation from an accredited law school for the purpose of this
14 paragraph, and (4) meets the character requirements determined by
15 the Supreme Court. Paragraphs (1) through (4) of this subsection
16 shall not be applicable to those attorneys whose applications were
17 completely submitted prior to May 29, 1959, but shall be applic-
18 able to those attorneys whose applications were or are completed
19 thereafter.

20 b. All other applicants for admission to the Alaska Bar
21 shall, before being certified by the Admissions and Grievance
22 Committee for admission, take and pass an examination in the man-
23 ner required pursuant to this Act.

24 Sec. 11. FEES. There shall be an annual membership fee for
25 active members which shall not exceed the sum of \$100.00 payable
26 on or before February first of each year. The Supreme Court
27 shall have the power before January first of any year to establish
28 the membership fee for the succeeding year.

29 Sec. 12. WHO MAY PRACTICE LAW. No person shall engage in
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1 the private practice of law in Alaska subsequent to the effective
2 date of this Act unless he shall be an active member of the Alaska
3 Bar. A member of the bar in good standing in other jurisdictions
4 may be entitled to appear in the courts of Alaska under such rules
5 as the Supreme Court may prescribe.

6 Sec. 13. UNLAWFUL PRACTICE. Any person not an active member
7 of the Alaska Bar who engages in the private practice of law or
8 represents himself as entitled to engage in the private practice
9 of law in Alaska other than as permitted by this Act, shall be
10 guilty of a misdemeanor and upon conviction shall be punished by a
11 fine of not more than \$1,000.00 or by imprisonment in jail for not
12 more than one year, or by both such fine and imprisonment. Upon
13 conviction of an attorney of a misdemeanor involving moral turpi-
14 tude, or of a felony, the member shall be suspended for a period
15 not to exceed 90 days, during which period the Admissions and
16 Grievance Committee shall act promptly to appoint one of its mem-
17 bers to investigate the matter and the committee shall then make
18 a final determination of the member's right to practice, which
19 determination shall be subject to hearing and review by the
20 Supreme Court upon application therefor by the attorney. No per-
21 son who shall have participated in the investigation of any cause
22 shall sit as a member of the committee hearing the same.

23 Sec. 14. DISCIPLINARY PROCEEDINGS AND REVIEW. Upon finally
24 determining any cause involving the discipline, disbarment, sus-
25 pension or reinstatement of a member of the Alaska Bar, the Ad-
26 missions and Grievance Committee shall certify its findings and
27 recommendations thereon to the Supreme Court. Upon receiving the
28 findings and recommendations, the Court shall, within 30 days
29 thereafter, issue an order of disbarment, suspension, reinstate-

1 ment, dismissal, or otherwise, after considering the recommenda-
2 tions of the Admissions and Grievance Committee unless the accused
3 member shall sooner petition the Supreme Court for hearing and
4 review of the proceedings, findings, and recommendations. In the
5 event such petition is made, the Supreme Court shall proceed
6 promptly with the review in the manner it may choose, and after
7 completion of the review shall issue such order in the cause as
8 the Court may, in its discretion, determine proper. The procedure
9 for review herein set forth shall be the exclusive method of
10 appeal from the determinations of the Admissions and Grievance
11 Committee in any matter involving the discipline, disbarment, sus-
12 pension or reinstatement of a member of the Alaska Bar. A full
13 stenographic record of all hearings on matters involving disci-
14 pline, disbarment, suspension or reinstatement shall be kept. The
15 Admissions and Grievance Committee shall have the power to issue
16 subpoenas and to invoke the aid of any court of the State of
17 Alaska, if necessary to compel the attendance of witnesses at
18 hearings held pursuant to the powers granted herein.

19 Sec. 15. REPEAL. Ch. 196, SLA 1955 as amended by Ch. 33,
20 SLA 1957 and Ch. 178, SLA 1960, is repealed.

21 Sec. 16. EFFECTIVE DATE. This Act takes effect June 30,
22 1961.