

1 IN THE SENATE BY SENATOR POLLOCK

2 SENATE BILL NO. 7

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Bar Association;
7 tion; and providing for an effective date."

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

9 * Section 1. AS 08.08.010 is amended to read:

10 Sec. 08.08.010. [CREATION OF] ALASKA BAR ASSOCIATION.
11 The instrumentality known as the Alaska Bar Association,
12 created by the Alaska Territorial Legislature in ch. 196,
13 SLA 1955, is confirmed, recognized, and designated as a part
14 of the judiciary established by article IV of the Constitution
15 of the State of Alaska and as the organized state bar refer-
16 red to in sec. 8, article IV of the constitution, and [THERE
17 IS CREATED AN INSTRUMENTALITY OF THE STATE KNOWN AS THE ALASKA
18 BAR ASSOCIATION,] referred to in this chapter as the Alaska
19 Bar. The Alaska Bar shall have a common seal, may sue and be
20 sued, and may, for the purpose of carrying into effect and
21 promoting the objects of the Alaska Bar, enter into contracts
22 and acquire, hold, encumber and dispose of real and personal
23 property.

24 * Sec. 2. AS 08.08.050 is repealed and re-enacted to read:

25 Sec. 08.08.050. ELECTION OF THE BOARD. (a) Two members
26 of the board shall be elected from the first judicial district,
27 three from the third judicial district, two from the combined
28 area of the second and fourth judicial districts, and two
29 from the state at large.

1 (b) Members of the board shall hold office for three
2 years and until their successors are elected and qualified.

3 (c) Three board members shall be elected annually. One
4 shall be elected from the third judicial district each year,
5 one from the first judicial district and one from the state
6 at large in the first year, one from the combined area of the
7 second and fourth judicial districts and one from the state
8 at large in the second year, and one from the first judicial
9 district and one from the combined area of the second and
10 fourth judicial districts in the third year. This sequence
11 shall be repeated every three years. The present board shall
12 determine by majority vote the duration of the present terms
13 of its members to implement this section.

14 * Sec. 3. AS 08.08.080 is amended to read:

15 Sec. 08.08.080. POWERS OF BOARD. The board may adopt
16 reasonable rules and bylaws

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

20 (2) concerning the enrollment and privileges of
21 membership;

22 (3) providing for other officers of the Alaska Bar,
23 the time, place and method of their selection, and their
24 respective powers, duties, terms of office, and compensation,

25 (4) concerning annual and special meetings;

26 (5) concerning the collection, deposit, and dis-
27 bursement of membership and admission fees, penalties, and
28 all other funds but subject to sec. 85 of this chapter;

29 (6) providing for the organization and government

1 of local subdivisions of the Alaska Bar;

2 (7) providing for the publication of an Alaska law
3 journal and the negotiation and execution of necessary con-
4 tracts [DEFINING THE PRACTICE OF LAW]; and

5 (8) providing for all other matters, whether
6 similar to the foregoing or not, affecting in any way whatso-
7 ever the organization and functioning of the Alaska Bar.

8 * Sec. 4. AS 08.08 is amended by adding a new section to read:

9 Sec. 08.08.085. DISBURSEMENTS. The board shall make
10 the necessary appropriations for disbursements from the funds
11 in the treasury to pay all necessary expenses of the Alaska
12 Bar, its officers and committees. The board shall keep proper
13 books of account and shall procure an annual audit and
14 financial statement by a public accountant. At each annual
15 meeting of the Alaska Bar the board shall present a financial
16 statement showing assets, liabilities, receipts and disburse-
17 ments of the Alaska Bar. A copy of this statement shall be
18 filed with the legislative audit committee.

19 * Sec. 5. AS 08.08.090 is amended to read:

20 Sec. 08.08.090. POWER OF THE BAR TO MAKE OR CHANGE
21 RULES OR BYLAWS. Any rule or bylaw adopted by the Board of
22 Governors under sec. 80 of this chapter may be modified or
23 rescinded, or a new rule or bylaw may be adopted, by a vote
24 of the active members of the association under rules to be
25 prescribed by the Board of Governors.

26 * Sec. 6. AS 08.08 is amended by adding a new section to read:

27 Sec. 08.08.095. POLICY. (a) The board, at any time,
28 upon an affirmative vote of two-thirds of its members, may
29 refer a question of association policy to the active members

1 of the Alaska Bar for determination by mail ballot.

2 (b) When directed to do so by petition signed by 25 per
3 cent of the active members of the Alaska Bar, the board shall
4 refer any question of association policy to the active mem-
5 bers of the Alaska Bar for determination by mail ballot, in-
6 cluding proposals for changes in the bylaws and rules adopted
7 under sec. 80 of this chapter.

8 (c) Ballots shall be prepared, distributed, returned,
9 and counted under rules prescribed by the board. The result
10 of the balloting, as determined by a majority of the votes
11 cast, shall control the action of the Alaska Bar, the board,
12 the officers, sections, and committees.

13 * Sec. 7. AS 08.08 is amended by adding a new section to read:

14 Sec. 08.08.097. ✓ FILING OF BYLAWS. A copy of all rules
15 and bylaws adopted by the Alaska Bar shall be filed with the
16 Judicial Council within 60 days after the effective date of
17 this Act. The copies shall be certified by the president of
18 the Alaska Bar as to correctness and effective date. The
19 president may make additional reports of the work of the
20 Alaska Bar which may be requested by the Judicial Council.

21 * Sec. 8. AS 08.08.100 ✓ is amended to read:

22 Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT. The rules
23 and bylaws adopted by the board or the members of the Alaska
24 Bar under this chapter are not subject to the Administrative
25 Procedure Act (AS 44.62).

26 * Sec. 9. AS 08.08 is amended by adding a new section to read:

27 Sec. 08.08.135. ✓ ADMISSION AND DISCIPLINE. (a) The
28 board shall adopt rules fixing the qualifications, require-
29 ments and procedures for admission to the practice of law,

1 and rules of professional conduct and of procedure for the
2 investigation, hearing, disciplining, suspension, disbarment
3 and reinstatement of members of the Alaska Bar, including the
4 procedure for issuance of subpoenas. All these rules shall
5 be approved by the supreme court. The board shall appoint
6 committees to examine applicants for admission to the Alaska
7 Bar, and to investigate, prosecute and hear all causes in-
8 volving discipline, suspension, disbarment or reinstatement,
9 making appropriate recommendations on these matters to the
10 supreme court. No person who has participated in the investi-
11 gation or prosecution of a cause involving discipline, sus-
12 pension, disbarment or reinstatement may sit as a member of
13 any committee hearing the same.

14 (b) The Alaska Bar and each grievance procedure trial
15 committee of the Alaska Bar shall have the power to issue
16 subpoenas, including subpoenas duces tecum, and to cause
17 evidence, including testimony, to be taken under oath, and to
18 rule upon the admissibility of the evidence according to the
19 rules of evidence in civil cases, in any matter of misconduct
20 or reinstatement assigned to a trial committee for investi-
21 gation and hearing. A member of a grievance procedure trial
22 committee is authorized to administer the oath. Witnesses
23 commanded by subpoena to appear and give evidence before a
24 trial committee shall be paid the same fees and mileage as
25 witnesses subpoenaed to testify in the superior court. The
26 subpoenas shall be issued in the name of the Alaska Bar
27 Association and be signed by any member of a trial committee.
28 Witnesses may be permitted to attest by affirmation, rather
29 than under oath, in proper cases.

1 * Sec. 10. AS 08.08.150 is amended to read:

2 Sec. 08.08.150. ✓ FEE FOR ACTIVE MEMBERS. The board shall
3 fix the annual membership fee for active members [AT A SUM NOT
4 EXCEEDING \$100]. The annual membership fee for active mem-
5 bers is payable on or before February 1 of each year.

6 * Sec. 11. AS 08.08.160 is amended to read:

7 Sec. 08.08.160. ✓ FEE FOR INACTIVE MEMBERS. The board of
8 governors shall fix the annual fee for inactive members [AT A
9 SUM NOT EXCEEDING \$10].

10 * Sec. 12. AS 08.08.170 is amended to read:

11 Sec. 08.08.170. ✓ FEE FOR APPLICANTS FOR ADMISSION.
12 Applicants for admission to the bar shall pay a fee fixed by
13 the board [OF \$100].

14 * Sec. 13. AS 08.08.190 is amended to read:

15 Sec. 08.08.190. ✓ DISPOSITION OF FUNDS. Funds received
16 otherwise than by appropriation by the state shall be received,
17 disbursed, and administered in accordance with sec. 85 of
18 this chapter and the bylaws [THE RULES AND REGULATIONS] of
19 the board. Funds appropriated by the state for the purpose
20 of this chapter shall be disbursed on vouchers certified by
21 the president of the Alaska Bar.

22 * Sec. 14. AS 08.08.210 is amended to read:

23 Sec. 08.08.210. ✓ WHO MAY PRACTICE LAW. No person may
24 engage in the private practice of law in the state unless he
25 is an active member of the Alaska Bar. Attorneys who are not
26 active members of the Alaska Bar may be permitted to appear
27 and participate in a particular action or proceeding under the
28 Alaska rules of civil procedure [A MEMBER OF THE BAR IN GOOD
29 STANDING IN ANOTHER JURISDICTION MAY APPEAR IN THE COURTS OF

1 THE STATE UNDER THE RULES THE BOARD MAY PRESCRIBE].

2 * Sec. 15. AS 08.08 is amended by adding a new section to
3 article 5 to read:

4 Sec. 08.08.245. PRACTICE OF LAW DEFINED. The practice
5 of law is the performance of specialized professional legal
6 services for another involving the preparation, amendment,
7 review, interpretation or determination of the legal effect
8 of, or the counseling or legal representation of another, or
9 the rendering of legal advice, recommendations or consulta-
10 tion to another concerning contracts, wills, leases, deeds or
11 other instruments of conveyance, bills and notes, bills of
12 sale, documents evidencing possession, right or title,
13 mortgages, foreclosures, subordinations, bankruptcies, trusts,
14 custody, adoptions, divorces, corporate articles, bylaws,
15 minutes or related documents and certificates, legal notices,
16 condemnations or other eminent domain documents and proceed-
17 ings, subrogations, satisfactions, stipulations, releases,
18 legal negotiations, compromises, arbitrations, settlements
19 and representations, etc., the preparation and filing of
20 pleadings, or the appearance as attorney or counsel for another
21 in a court of law in civil or criminal proceedings, or before
22 an administrative board or tribunal or governmental agency in
23 the state. The Alaska Bar may further define the practice of
24 law.

25 * Sec. 16. AS 08.08.110 - 08.08.140, AS 08.08.200, AS 08.08.220,
26 and AS 08.08.240 are repealed.

27 * Sec. 17. This Act takes effect on the day after its passage
28 and approval or on the day it becomes law without such approval.
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