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IN THE SENATE

BY SENATOR ZIEGLER
INDIVIDUALLY AND BY REQUEST

BILL NO. 48

IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act confirming and recognizing the Alaska Bar Association, created by Chapter 196, Session Laws of Alaska, 1955, as a part of the Judiciary, established by Article IV of the Constitution of the State of Alaska, and as the organized State Bar provided for in Section 8, Article IV of such Constitution, and repealing all other Acts or parts of Acts inconsistent therewith."

See Comments

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

* Section 1. AS 08.08 is repealed and re-enacted to read:

CHAPTER 08. ALASKA INTEGRATED BAR ACT

ARTICLE 1. THE ALASKA BAR ASSOCIATION

Sec. 08.08.010. CREATION OF ALASKA BAR ASSOCIATION.

The instrumentality known as the Alaska Bar Association, created by the Alaska Territorial Legislature by Chapter 196, Session Laws of Alaska, 1955, hereinafter in this Act referred to as the "Alaska Bar", is hereby confirmed, recognized and designated as a part of the Judiciary established by Article IV of the Constitution of the State of Alaska and as the organized State Bar referred to in Section 8, Article IV of said Constitution, and shall have a common

1 seal, may sue and be sued and may for the purpose of
2 carrying into effect and promoting the objects of the
3 Alaska Bar Association, enter into contracts and acquire,
4 hold and encumber and dispose of real and personal property.

5 Sec. 08.08.020. ACTIVE MEMBERS. Every person
6 licensed to practice law in the State, except a judge of
7 a court of record, is eligible for active membership in
8 the Alaska Bar.

9 ARTICLE 2. THE BOARD OF GOVERNORS AND OFFICERS

10 Sec. 08.08.030. GOVERNANCE OF THE ALASKA BAR. The
11 Alaska Bar is governed by the Board of Governors of the
12 Alaska Bar. The Board has the powers and duties conferred
13 by this Chapter. Members of the Board shall receive no
14 salary.

15 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR.

16 (a) There is hereby constituted a Board of Governors
17 of the Alaska Bar to be elected under rules promulgated
18 by the Board.

19 (b) The Board consists of nine active practicing
20 members elected by the active members of the Alaska Bar
21 from the four Judicial Districts.

22 Sec. 08.08.050. ELECTION OF THE BOARD. (a) Three
23 members of the Board shall be elected from the First
24 Judicial District, three members of the Board from the
25 Third Judicial District, and three members from the combined
26 area of the Second and Fourth Judicial Districts. No more
27 than two members may be resident practicing attorneys in
28 the Fourth Judicial District when there are four or more
29 resident practicing attorneys in the Second Judicial District.

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

4 (c) Three Board Members shall be elected annually,
5 one from each area described in (a) of this Section.
6 Present Board Members elected pursuant to Chapter 196,
7 Session Laws of 1955 shall hold office until their terms
8 expire.

9 Sec. 08.08.060. ELECTION OF OFFICERS. The active
10 members of the Alaska Bar who are in actual attendance at
11 the Association's annual convention shall elect by a major-
12 ity vote, during the convention, the Association's officers
13 from the membership of the Board of Governors.

14 Sec. 08.08.070. VACANCIES ON THE BOARD. Vacancies
15 in Board membership shall be filled by appointment by the
16 remaining Board members until the next annual election.

17 Sec. 08.08.080. POWERS OF THE BOARD. The Board may
18 adopt reasonable by-laws: (a) Concerning membership and
19 the classification of membership in the Alaska Bar into
20 active, inactive and honorary members.

21 (b) Concerning the enrollment and privileges of
22 membership.

23 (c) Providing for other officers of the Alaska Bar,
24 the time, place and method of their selection and their
25 respective powers, duties, terms of office and compensation.

26 (d) Concerning annual and special meetings.

27 (e) Concerning the collection, deposit and disburse-
28 ment of membership and admission fees, penalties and all
29 other funds, subject, nevertheless, to the provisions of

1 Sec. 100 of this chapter.

2 (f) Providing for the organization and government of
3 local subdivisions of the Alaska Bar.

4 (g) Providing for the publication of an Alaska Law
5 Journal and the negotiation and execution of necessary
6 contracts therefor.

7 (h) Providing for all other matters whether similar
8 to the foregoing or not, not otherwise provided for in
9 this Act, affecting in any way whatsoever the organization
10 and functioning of the Alaska Bar.

11 Sec. 08.08.090. ADMINISTRATIVE PROCEDURE ACT. The
12 By-laws and regulations adopted by the Board or the Members
13 of the Alaska Bar pursuant to this Act shall not be subject
14 to the Administrative Procedure Act.

15 Sec. 08.08.100. DISBURSEMENTS. The Board of Governors
16 shall make necessary appropriations for disbursements from
17 the funds in the Treasury to pay all necessary expenses
18 of the Alaska Bar, its officers and committees. It shall
19 be the duty of the Board of Governors to cause proper
20 books of account to be kept and to procure an annual audit
21 and financial statement by a public accountant. At each
22 annual meeting of the Alaska Bar the Board of Governors
23 shall present a financial statement showing assets, liabil-
24 ities, receipts and disbursements of the Association. A
25 copy of such statement shall be filed with the Chairman of
26 the Judicial Council.

27 ARTICLE 3. BY-LAWS, REFERENDUM PROCEDURES, AND
28 FEES.

29 Sec. 08.08.110. POWER OF THE BAR TO MAKE OR CHANGE

1 BY-LAWS. Any By-Law adopted by the Board of Governors
2 pursuant to Section 80 above, may be modified or rescinded
3 or a new rule may be adopted by a vote of the active
4 members of the Association under rules to be prescribed
5 by the Board of Governors.

6 Sec. 08.08.120. GOVERNORS MAY INITIATE REFERENDUM.
7 The Board of Governors may, at any time, upon an affirmative
8 vote of two-thirds of its members, refer to the active
9 members of the Alaska Bar Association for determination by
10 mail ballot any question of association policy.

11 Sec. 08.08.130. MEMBERS MAY INITIATE BY PETITION.
12 The Board of Governors shall, in like manner, submit for
13 determination by the active members of the Alaska Bar any
14 question of association policy, including proposals for
15 changes in the by-laws adopted pursuant to Section 80 above,
16 whenever directed so to do by petition signed by 25% of
17 the active members of the Alaska Bar.

18 Sec. 08.08.140. PROCEDURE. Ballots for use in any
19 such referendum shall be prepared, distributed, returned
20 and counted in accordance with the regulations prescribed
21 by the Board of Governors. The result of such referendum
22 as determined by a majority of the votes cast, when duly
23 ascertained, shall control the action of the Alaska Bar,
24 the Board of Governors, the officers, sections and committees.

25 Sec. 08.08.150. FILING OF BY-LAWS. A copy of all
26 by-laws adopted by the Alaska Bar pursuant to Section 80
27 shall be filed with the Judicial Council within sixty days
28 after the effective date thereof, which copies shall be
29 certified by the President of the Alaska Bar as to

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correctness and effective date. The President shall also make such additional reports of the work of the Alaska Bar to the Judicial Council as it may request. The Judicial Council shall comment on the functions of the Alaska Bar in its biennial report to the Supreme Court and to the Legislature.

Sec. 08.08.160. FEES AND FUNDS. The Board shall fix the annual membership fee for active members at a sum not exceeding \$100.00. The annual membership fee for active members is payable on or before February 1, of each year.

Sec. 08.08.170. FEES FOR INACTIVE MEMBERS. The Board of Governors shall fix the annual fee for inactive members at not exceeding \$10.00.

Sec. 08.08.180. FEE FOR APPLICANTS FOR ADMISSION. Applicants for admission to the Bar shall pay a fee of \$100.00.

Sec. 08.08.190. NON-PAYMENT OF FEES. Any member, inactive or active, failing to pay any fees within sixty days after they become due shall be suspended from membership in the Alaska Bar. Such member may be reinstated upon payment of such delinquent fees and such penalty as may be imposed by the Board of Governors, but not exceeding double the amount of delinquent fees.

Sec. 08.08.200. DISPOSITION OF FUNDS. Funds received otherwise than by appropriation by the State shall be received, disbursed and administered in accordance with Sec. 100 hereof and By-Laws of the Board. Funds appropriated by the State for the purpose of this Chapter shall be disbursed on vouchers certified by the President of the

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Alaska Bar.

ARTICLE 4. PRACTICE OF LAW.

Sec. 08.08.210. WHO MAY PRACTICE LAW. No person may engage in the private practice of law in the State unless he is an active member of the Alaska Bar. Attorneys who are not active members of the Alaska Bar may be permitted to appear and participate in a particular action or proceeding pursuant to the Alaska Rules of Civil Procedure.

Sec. 08.08.220. PRACTICE OF LAW DEFINED. When done by a person who has not been admitted to practice law in this State, the unauthorized practice of law shall include conveyancing, incorporation service, preparation or drafting of wills, leases, mortgages, bills of sale, contracts and deeds. The unauthorized practice of law shall also include the preparation and drafting of such other legal instruments as involve a determination of the legal effect of words, facts, circumstances and conditions and except as otherwise herein so provided, it shall also include the preparation of pleadings or the appearance as attorney or counsel in any court of the State by any person not an active member of the Alaska Bar; provided, that a law clerk for or under the supervision of an attorney, may do any of the things above incorporated, except that he shall not appear as attorney or counsel in any court of the State.

Sec. 08.08.230. UNLAWFUL PRACTICE - A MISDEMEANOR. Any person, not an active member of the Alaska Bar who engages in the private practice of law or represents himself



1 as entitled to engage in the private practice of law in
2 the State other than as permitted by this Act, is guilty
3 of a misdemeanor and upon conviction is punishable by a
4 fine of not more than \$1,000.00 or by imprisonment for not
5 more than one year, or both.

6 ARTICLE 5. ADMISSION AND DISCIPLINE.

7 Sec. 08.08.240. ADMISSION AND DISCIPLINE. The Board
8 of Governors shall, from time to time, adopt rules subject
9 to the approval of the Supreme Court, fixing the qualifica-
10 tions, requirements and procedure for admission to the
11 practice of law, and with such approval, establish from time
12 to time and enforce rules of professional conduct for all
13 members of the State Bar, and shall appoint pursuant to
14 such rules boards or committees to examine applicants for
15 admission and to investigate, prosecute and hear all
16 causes involving discipline, disbarment, suspension or
17 reinstatement and make recommendations thereon to the
18 Supreme Court, and with such approval, prescribe rules
19 establishing the procedure for the investigation and hearing
20 of such matters, including the issuance of subpoenas. No
21 person who has participated in the investigation or prose-
22 cution of any cause involving discipline, disbarment,
23 suspension or reinstatement, may sit as a member of any
24 board or committee hearing the same.

25 * Sec. 2. This repeal and re-enactment of Chapter 08 of
26 Title 8, Alaska Statutes, shall not be construed as affecting the
27 continuity of the Alaska Bar Association as established by
28 Chapter 196, Session Laws of Alaska, 1955.

29 * Sec. 3. This Act takes effect on the day after its passage

1 and approval or on the day it becomes law without such approval.
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