

Original sponsor: By Senator Ziegler
Individually and by request.

Offered: 2/10/65
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 48

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 Associ-
7 ation; 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 by ch. 196,
13 SLA 1955, is confirmed, recognized, and designated as a
14 separate legal entity within the judiciary as established
15 by article IV of the Constitution of the State of Alaska
16 and as the organized state bar referred to in sec. 8,
17 article IV of the constitution, and [THERE IS CREATED AN
18 INSTRUMENTALITY OF THE STATE KNOWN AS THE ALASKA BAR AS-
19 SOCIATION,] referred to in this chapter as the Alaska Bar.
20 The Alaska Bar shall have a common seal, may sue and be
21 sued, and may, for the purpose of carrying into effect and
22 promoting the objects of the Alaska Bar, enter into contracts
23 and acquire, hold, encumber and dispose of real and personal
24 property.

25 * Sec. 2. AS 08.08.080 is amended to read:

26 Sec. 08.08.080. POWERS OF BOARD. The board may adopt
27 reasonable rules and bylaws

28 (1) concerning membership and the classification
29 of membership in the Alaska Bar into active, inactive, and

- 1 honorary members;
- 2 (2) concerning the enrollment and privileges of
- 3 membership;
- 4 (3) providing for other officers of the Alaska
- 5 Bar, the time, place and method of their selection, and their
- 6 respective powers, duties, terms of office, and compensa-
- 7 tion;
- 8 (4) concerning annual and special meetings;
- 9 (5) concerning the collection, deposit, and dis-
- 10 bursement of membership and admission fees, penalties, and
- 11 all other funds but subject to sec. 85 of this chapter;
- 12 (6) providing for the organization and government
- 13 of local subdivisions of the Alaska Bar;
- 14 (7) providing for the publication of an Alaska law
- 15 journal and the negotiation and execution of necessary con-
- 16 tracts [DEFINING THE PRACTICE OF LAW]; and
- 17 (8) providing for all other matters, whether
- 18 similar to the foregoing or not, affecting in any way whatso-
- 19 ever the organization and functioning of the Alaska Bar.
- 20 * Sec. 3. AS 08.08 is amended by adding a new section to read:
- 21 Sec. 08.08.085. DISBURSEMENTS. The board shall make
- 22 the necessary appropriations for disbursements from the funds
- 23 in the treasury to pay all necessary expenses of the Alaska
- 24 Bar, its officers and committees. The board shall keep
- 25 proper books of account and shall procure an annual audit
- 26 and financial statement by a public accountant. At each
- 27 annual meeting of the Alaska Bar the board shall present a
- 28 financial statement showing assets, liabilities, receipts
- 29 and disbursements of the Alaska Bar. A copy of this

1 statement shall be filed with the legislative audit commit-
2 tee and the Judicial Council.

3 * Sec. 4. AS 08.08.090 is amended to read:

4 Sec. 08.08.090. POWER OF THE BAR TO MAKE OR CHANGE
5 RULES OR BYLAWS. Any rule or bylaw adopted by the Board of
6 Governors under sec. 80 of this chapter may be modified or
7 rescinded, or a new rule or bylaw may be adopted, by a vote
8 of the active members of the association under rules to be
9 prescribed by the Board of Governors.

10 * Sec. 5. AS 08.08 is amended by adding a new section to read:

11 Sec. 08.08.095. POLICY. (a) The board, at any time,
12 upon an affirmative vote of two-thirds of its members, may
13 refer a question of association policy to the active members
14 of the Alaska Bar for determination by mail ballot.

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

21 (c) Ballots shall be prepared, distributed, returned,
22 and counted under rules prescribed by the board. The result
23 of the balloting, as determined by a majority of the votes
24 cast, shall control the action of the Alaska Bar, the board,
25 the officers, sections, and committees.

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

27 Sec. 08.08.097. FILING OF BYLAWS. A copy of all rules
28 and bylaws adopted by the Alaska Bar shall be filed with the
29 Judicial Council within 60 days after the effective date

1 thereof. The copies shall be certified by the president of
2 the Alaska Bar as to correctness and effective date. The
3 president may make additional reports of the work of the
4 Alaska Bar which may be requested by the Judicial Council.

5 * Sec. 7. AS 08.08.100 is amended to read:

6 Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT. The
7 rules and bylaws adopted by the board or the members of the
8 Alaska Bar under this chapter are not subject to the Adminis-
9 trative Procedure Act (AS 44.62).

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

11 Sec. 08.08.135. ADMISSION AND DISCIPLINE. (a) The
12 board shall adopt rules fixing the qualifications, require-
13 ments and procedures for admission to the practice of law,
14 and rules of professional conduct and of procedure for the
15 investigation, hearing, disciplining, suspension, disbar-
16 ment and reinstatement of members of the Alaska Bar, includ-
17 ing the procedure for issuance of subpoenas. All these rules
18 are subject to approval by the supreme court. The board shall
19 appoint committees to examine applicants for admission to
20 the Alaska Bar, and to investigate, prosecute and hear all
21 causes involving discipline, suspension, disbarment or re-
22 instatement, making appropriate recommendations on these
23 matters to the supreme court. No person who has participated
24 in the investigation or prosecution of a cause involving dis-
25 cipline, suspension, disbarment or reinstatement may sit as
26 a member of any committee hearing the same.

27 (b) The Alaska Bar and each grievance procedure trial
28 committee of the Alaska Bar shall have the power to issue
29 subpoenas, including subpoenas duces tecum, and to cause

1 evidence, including testimony, to be taken under oath, and
2 to rule upon the admissibility of the evidence according to
3 the rules of evidence in civil cases, in any matter of mis-
4 conduct or reinstatement assigned to a trial committee for
5 investigation and hearing. A member of a grievance procedure
6 trial committee is authorized to administer the oath.

7 Witnesses commanded by subpoena to appear and give evidence
8 before a trial committee shall be paid the same fees and
9 mileage as witnesses subpoenaed to testify in the superior
10 court. The subpoenas shall be issued in the name of the
11 Alaska Bar Association and be signed by any member of a trial
12 committee. Witnesses may be permitted to attest by affirma-
13 tion, rather than under oath, in proper cases.

14 * Sec. 9. 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
17 received, disbursed, and administered in accordance with sec.
18 85 of this chapter and the bylaws [THE RULES AND REGULATIONS]
19 of the board. Funds appropriated by the state for the
20 purpose of this chapter shall be disbursed on vouchers
21 certified by the president of the Alaska Bar.

22 * Sec. 10. 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
28 the Alaska rules of civil procedure [A MEMBER OF THE BAR IN
29 GOOD STANDING IN ANOTHER JURISDICTION MAY APPEAR IN THE

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

2 * Sec. 11. 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
11 or other instruments of conveyance, bills and notes, bills
12 of 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
21 another in a court of law in civil or criminal proceedings,
22 or before an administrative board or tribunal or governmental
23 agency in the state.

24 * Sec. 12. AS 08.08.110 - 08.08.140, AS 08.08.200, AS 08.08.-
25 220, and AS 08.08.240 are repealed.

26 * Sec. 13. This Act takes effect on the day after its passage
27 and approval or on the day it becomes law without such approval.
28
29