

Introduced: 1/24/74
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 464

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Board of Bar Examiners."

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

8 * Section 1. AS 08 is amended by adding a new chapter to read:

9 CHAPTER 6. BOARD OF BAR EXAMINERS.

10 Sec. 08.06.010. CREATION OF BOARD OF BAR EXAMINERS. There is
11 created an instrumentality of the state known as the Board of Bar
12 Examiners.

13 Sec. 08.06.020. COMPOSITION. The Board of Bar Examiners is
14 composed of the presiding superior court judges from each judicial
15 district.

16 Sec. 08.06.030. ADMISSION, SUSPENSION, AND DISBARMENT. The
17 Board of Bar Examiners shall

18 (1) adopt rules fixing the qualifications, requirements and
19 procedure for admission to the practice of law in the state which are
20 not inconsistent with this chapter;

21 (2) enforce rules of professional conduct established by
22 the standards of the American Bar Association Code of Professional
23 Responsibility;

24 (3) investigate, prosecute, hear and finally determine all
25 cases involving discipline, disbarment, suspension, or reinstatement.

26 Sec. 08.06.040. ELIGIBILITY FOR ADMISSION. A person who does
27 not qualify under sec. 50 of this chapter is eligible for admission to
28 practice law in the state if he

29 (1) is a citizen of the United States, or is a resident

1 alien in the United States who intends to become a citizen of the
2 United States;

3 (2) has been a bona fide resident of the state for at least
4 30 days immediately before the date of his examination and continuing
5 to and including the date of his admission to practice law in the
6 state;

7 (3) is a graduate of a law school approved by the American
8 Bar Association, or an attorney in good standing in the bar of another
9 state or territory;

10 (4) has successfully passed a fair and impartial examination
11 of his competence to practice law given by the Board of Bar Examiners.

12 Sec. 08.06.050. OUT-OF-STATE ATTORNEYS. An attorney in good
13 standing in the bar of another state or territory or the District of
14 Columbia which admits members of the Alaska Bar to the practice of law
15 shall be admitted without examination and otherwise upon substantially
16 the same terms and conditions as are fixed in the jurisdiction from
17 which he has come for the admission of an attorney from this state.
18 As a prerequisite to admission to the Alaska Bar the Board of Bar
19 Examiners shall require an attorney to qualify in the same manner as
20 other applicants unless the attorney-applicant

21 (1) has passed a state bar examination;

22 (2) has engaged in the active practice of law for at least
23 five out of the previous six years before filing the application,
24 excluding time spent in the military service of the United States;

25 (3) is a graduate of a law school accredited by the American
26 Bar Association, or is a graduate of any law school if he received his
27 degree before 1950 and began his legal studies before 1940, or has
28 been engaged in the active practice of law for at least 10 years; and

29 (4) is of good moral character as determined by the Board

1 of Bar Examiners.

2 Sec. 08.06.060. UNLAWFUL ACTS PROHIBITED. (a) A person not
3 authorized to practice law by the supreme court, who engages in the
4 private practice of law or represents himself as entitled to engage in
5 the private practice of law in the state other than as permitted by
6 this chapter is guilty of a misdemeanor and upon conviction is punish-
7 able by a fine of not more than \$1,000, or by imprisonment for not
8 more than one year, or by both.

9 (b) A person who evades, circumvents, or attempts to evade or
10 circumvent secs. 10 - 70 of this chapter is guilty of a misdemeanor
11 and, upon conviction, is punishable by a fine of not more than \$500.

12 Sec. 08.06.070. SUPREME COURT REVIEW. All acts of the Board of
13 Bar Examiners are subject to review and approval by the supreme court
14 under its inherent power over the judiciary.

15 * Sec. 2. (a) Members of the Board of Governors of the Alaska Bar, on
16 the effective date of this Act, shall continue to be members until their
17 successors assume office.

18 (b) All members in good standing of the Alaska Bar Association, as of
19 the effective date of this Act, are authorized to practice law in the
20 state.

21 (c) All rules, not in conflict with the provisions of this Act,
22 established by the Alaska Bar Association governing the qualifications,
23 requirements and procedure for admission to the practice of law in effect
24 before the effective date of this Act remain in effect after the effective
25 date of this Act until changed or repealed by the Board of Bar Examiners.

26 * Sec. 3. AS 08.08 is repealed.
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