

Original sponsor: Judiciary Committee
by request

Offered: 2/24/76
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE -- SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska Integrated Bar Act."

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

8 * Section 1. AS 08.08.020 is amended to read:

9 Sec. 08.08.020. [ACTIVE] MEMBERS. (a) Every person licensed to
10 practice law in the state shall become a member [EXCEPT A JUDGE OF A
11 COURT OF RECORD IS ELIGIBLE FOR ACTIVE MEMBERSHIP] in the Alaska Bar.
12 All active and inactive members in good standing as of the effective date
13 of this Act shall be considered to be members.

14 (b) A person licensed to practice law in the state who, on the
15 effective date of this Act, is not enrolled on the membership rolls,
16 shall be reinstated as a member only in accordance with the Alaska Bar
17 rules.

18 * Sec. 2. AS 08.08.030 is amended to read:

19 Sec. 08.08.030. GOVERNANCE OF THE ALASKA BAR. The Alaska Bar is
20 governed by the Board of Governors of the Alaska Bar. The board has the
21 powers and duties conferred by this chapter and by the Alaska Bar rules.
22 Members of the board shall receive no salary.

23 * Sec. 3. AS 08.08.040 is amended to read:

24 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There
25 is hereby constituted a Board of Governors of the Alaska Bar to be
26 elected under bylaws and regulations [RULES] promulgated by the board.

27 (b) The board consists of seven [NINE] active [PRACTICING] members
28 elected by the active members of the Alaska Bar, and two laypersons
29 appointed by the governor [FROM THE FOUR JUDICIAL DISTRICTS].

1 * Sec. 4. AS 08.08.050 is amended to read:

2 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two
3 members of the board shall be elected by and from among the members of
4 the association resident in the first judicial district; two [FOUR]
5 members of the board shall be elected by and from among the members of
6 the association resident in the third judicial district; two members by
7 and from among the members of the association resident in the combined
8 area of the second and fourth judicial districts; [AND] one member at
9 large from the entire state; and two laypersons appointed by the gover-
10 nor from the entire state.

11 (b) Members of the Board of Governors shall hold office for three
12 years and until their successors are selected [ELECTED] and qualified.

13 (c) Three board members shall be selected [ELECTED] annually, on
14 the following triennial rotation:

15 (1) in the first year, one member at large and two members
16 from the third judicial district;

17 (2) in the second year, one member from the combined area of
18 the second and fourth judicial districts, one layperson appointed by the
19 governor [MEMBER FROM THE THIRD JUDICIAL DISTRICT], and one member from
20 the first judicial district; and

21 (3) in the third year, one member from the first judicial
22 district, one member from the combined area of the second and fourth ju-
23 dicial districts, and one layperson appointed by the governor [MEMBER
24 FROM THE THIRD JUDICIAL DISTRICT].

25 * Sec. 5. AS 08.08.080 is repealed and re-enacted to read:

26 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise
27 provided in the Alaska Bar rules, the board may adopt reasonable pro-
28 visions

29 (1) concerning membership and the classification of membershi

1 in the Alaska Bar;

2 (2) providing for employees of the Alaska Bar, the time,
3 place and method of their selection, and their respective powers, duties,
4 terms of office, and compensation;

5 (3) concerning annual and special meetings;

6 (4) concerning the collection, deposit, and disbursement of
7 membership and admission fees, penalties, and all other funds;

8 (5) providing for the organization and government of local
9 subdivisions of the Alaska Bar;

10 (6) providing for all other matters affecting in any way the
11 organization and functioning of the Alaska Bar.

12 (b) The board may

13 (1) approve and recommend to the state supreme court addi-
14 tional rules for promulgation by the court including rules concerning
15 admission and discipline and defining the practice of law;

16 (2) adopt reasonable bylaws and regulations consistent with
17 the Alaska Bar rules;

18 (3) sue in the name of the Alaska Bar in a court of competent
19 jurisdiction to enjoin a person from doing an act constituting a viola-
20 tion of this chapter;

21 (4) fix the annual membership fee for active and inactive
22 members.

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

24 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. The Board of
25 Governors shall report annually to the legislature on all matters con-
26 cerning admissions, discipline of members, and disbarment proceedings,
27 except for those matters defined as confidential by court rule.

28 * Sec. 7. AS 08.08.090 is amended to read:

29 Sec. 08.08.090. POWER OF THE BAR TO MAKE OR CHANGE BYLAWS AND

1 REGULATIONS [RULES]. Any bylaw or regulation [RULE] adopted by the
2 Board of Governors [UNDER SEC. 80 OF THIS CHAPTER] may be modified, or
3 rescinded, or a new bylaw or regulation [RULE] may be adopted, by a vote
4 of the active members of the association under bylaws and regulations
5 [RULES] to be prescribed by the Board of Governors.

6 * Sec. 8. AS 08.08.100 is amended to read:

7 Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT. The bylaws and
8 regulations [RULES] adopted by the board or the members of the Alaska
9 Bar under this chapter are not subject to the Administrative Procedure
10 Act.

11 * Sec. 9. AS 08.08.210 is amended to read:

12 Sec. 08.08.210. WHO MAY PRACTICE LAW. (a) No person may engage
13 in the [PRIVATE] practice of law in the state unless he is licensed to
14 practice law in Alaska and is an active member of the Alaska Bar. A
15 member of the bar in good standing in another jurisdiction may appear
16 in the courts of the state under the rules the supreme court [BOARD]
17 may prescribe.

18 (b) The practice of law shall be defined in the Alaska Bar rules.

19 (c) This section and sec. 230 of this chapter do not apply to
20 employees of the legislature in the performance of their duties for the
21 legislature which do not involve appearance before the courts of this
22 state.

23 (d) Employees of the Department of Law whose activities would
24 constitute the practice of law under this chapter and under Alaska Bar
25 rules are required to obtain a license to practice law in Alaska.

26 * Sec. 10. AS 08.08.230 is amended to read:

27 Sec. 08.08.230. UNLAWFUL PRACTICE A MISDEMEANOR. (a) Any person
28 not an active member of the Alaska Bar and not licensed to practice law
29 in Alaska who engages in the [PRIVATE] practice of law or represents

1 himself as entitled to engage in the [PRIVATE] practice of law as that
2 term is defined in the Alaska Bar rules, or an active member of the
3 Alaska Bar who wilfully employs such a person knowing that such person
4 is engaging in the practice of law or representing himself to be entitled
5 to so engage [IN THE STATE OTHER THAN AS PERMITTED BY THIS CHAPTER] is
6 guilty of a misdemeanor and upon conviction is punishable by a fine of
7 not more than \$5,000 [\$1,000], or by imprisonment for not more than one
8 year, or by both.

9 (b) Nothing in this section prohibits the use of paralegal person-
10 nel as defined by rules of the Alaska Supreme Court.

11 * Sec. 11. AS 08.08.110 - 08.08.200, AS 08.08.240 and AS 44.62.330(a)(22)
12 are repealed.