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Referred: Health, Education & Social
Services and Finance

BY BRADLEY, AKERS, BUCHHOLDT,
COTTEN, DUNCAN, FREEMAN, GARDINER,
GRUENING, GUY, MCKINNON, MALONE,
MEEKINS, MILLER, NAKAK, OSTERBACK,
PARR AND SNIDER

1 IN THE HOUSE

2 S HOUSE BILL NO. 351

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Institute of Justice; amending
7 secs. 4 and 5 of Rule 2 of Part I of the Alaska Bar
8 Rules of the Rules of Court; and providing for an
9 effective date."

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

11 * Section 1. AS 14.40 is amended by adding a new section to read:

12 Sec. 14.40.118. INSTITUTE OF JUSTICE. (a) There is established
13 in the University of Alaska an Institute of Justice authorized to con-
14 duct university programs in justice education and community assistance.
15 The institute shall

16 (1) offer undergraduate and graduate degree programs in
17 justice with emphasis areas in police administration, corrections and
18 law science;

19 (2) identify and develop employment opportunities for
20 Alaskans in law and justice fields;

21 (3) provide short courses for in-service training designed to
22 enhance professionalism among criminal justice practitioners;

23 (4) develop programs for the education and career tracks for
24 paralegal personnel with special emphasis on unique rural paralegal
25 needs;

26 (5) provide for the development of legal education and the
27 supervision of law clerks under AS 08.08.207;

28 (6) provide technical assistance to state and local govern-
29 ment in evaluating state corrections programs and increasing police

1 effectiveness with particular emphasis on support for regions and muni-
2 cipalities impacted by outer continental shelf and other major resource
3 development;

4 (7) develop and evaluate alternatives to justice system pro-
5 cessing for offenses by the young, the first offender and for lesser
6 offenses;

7 (8) provide assistance to the Law Revision Subcommittee in
8 updating the criminal law;

9 (9) support the continuing legal education programs of the
10 bar;

11 (10) provide law-related curriculum for associated professions
12 and disciplines;

13 (11) prepare an annual report for the legislature on crime
14 trends in the state and evaluating the response of the public and state
15 and local government agencies;

16 (12) develop recommended standards and procedures for labor-
17 management relations in the field of law enforcement and justice admini-
18 stration;

19 (13) assist the state office of alcoholism and drug abuse
20 with the development of model alcohol distribution control systems for
21 rural Alaska;

22 (14) assist the Department of Community and Regional Affairs
23 and the Department of Public Safety in developing workable models for
24 the provision of public safety services in remote areas;

25 (15) provide correspondence courses specially relevant to the
26 Alaska practitioner in law enforcement and criminal justice;

27 (16) through the Department of Community and Regional Affairs,
28 assist local governments in the development of model municipal criminal
29 codes and privacy and security regulations;

1 (17) through the Department of Community and Regional Affairs,
2 assist new local governments in the establishment of new police and
3 public safety operations;

4 (18) develop an Alaskan model for providing legal advice to
5 justice agencies of municipal governments;

6 (19) conduct analysis of legal and public safety issues re-
7 lating to the location and relocation of government services;

8 (20) conduct programs of public education in crime prevention,
9 victimization and justice;

10 (21) conduct other programs for the improvement of justice
11 administration;

12 (22) establish a first year law school curriculum which, if
13 approved by the Alaska Commission on Postsecondary Education, shall
14 provide under AS 08.08.207(a) credit for one year of study at a law
15 school.

16 (b) With the approval of the Board of Regents, the Institute of
17 Justice may establish charges for the distribution of books, publica-
18 tions, and research not otherwise funded and may establish suitable fees
19 which, in the case of law programs, may be beyond the university's
20 standard tuition charges to partially defray the cost of instruction for
21 a course of study that might normally be expected to enhance the earning
22 power of a student successfully completing the course.

23 * Sec. 2. AS 08.08.207 is amended to read:

24 Sec. 08.08.207. LAW CLERKS. (a) A [EVERY] person who desires
25 subsequently to qualify as a general applicant for admission to the
26 Alaska Bar without having been graduated from an approved law school
27 shall register as a law clerk as provided by this section. He must be a
28 bona fide resident of the state and shall present satisfactory proof
29 that he has been granted a bachelor's degree (other than bachelor of

1 laws) by a college or university offering the degree on the basis of a
2 four-year course of study and has successfully completed his first year
3 of studies at a law school within five years of the date of his regis-
4 tration.

5 (b) The applicant shall obtain regular and full-time employment as
6 a law clerk in a law office [THE OFFICE OF A JUDGE OF A COURT OF RECORD
7 OR AN ATTORNEY OR FIRM OF ATTORNEYS LICENSED TO PRACTICE LAW IN ALASKA
8 AND ENGAGED IN THE GENERAL PRACTICE OF LAW]. The person [BY WHOM HE IS
9 EMPLOYED, OR IF HE IS EMPLOYED BY A FIRM, THE PERSON] under whose direc-
10 tion he is to study, must have been admitted to practice law in this
11 state for at least five years at the time the application for registra-
12 tion is filed, and be otherwise eligible to act as tutor. The study of
13 law under this section shall be conducted according to a semester
14 calendar set by the director. At least 90 days before [BEFORE] the
15 commencement of the study of law under this section, the applicant shall
16 file with the director [ALASKA SUPREME COURT] an application to register
17 as a law clerk. The application shall be made on a form to be provided
18 by the director [COURT] and shall require answers to interrogatories the
19 director [SUPREME COURT] may determine from time to time to be relevant
20 to a consideration of the application. Proof of a fact stated in the
21 application may be required by the director [COURT]. If the applicant
22 fails or refuses to furnish any information or proof or answer any
23 interrogatory required by the application, or independently by the
24 director [COURT], in a manner satisfactory to the director [COURT], the
25 application may be denied.

26 (c) Accompanying the application there must be submitted a certi-
27 ficcate [STATEMENT] under oath [OF THE PERSON BY WHOM THE APPLICANT IS
28 EMPLOYED AS A LAW CLERK, OR, IF HE IS EMPLOYED BY A FIRM,] of the person
29 under whose direction he is to study, certifying to the fact of the

1 employment and that that person will act as tutor for the applicant and
2 will faithfully instruct the applicant in the branches of the law pre-
3 scribed by the course of study adopted by the director [SUPREME COURT].
4 No person is eligible to act as tutor while disciplinary proceedings
5 (following the service of a formal complaint) are pending against him,
6 or if he has ever been censured, reprimanded, suspended or disbarred.
7 If a registered law clerk finds it necessary to change his tutor during
8 his period of study, a new certificate [APPLICATION FOR REGISTRATION AS
9 A LAW CLERK] is required and such credit given for study under his prior
10 tutor as the director [COURT] may determine.

11 (d) A law clerk whose registration has been approved by the
12 director [COURT] must pursue a formal program [COURSE] of study, as
13 established by the director, which, in the absence of an accredited law
14 school, will, in conjunction with the bar admissions exam, offer a
15 reasonable alternative means of assuring a level of professional com-
16 petency adequate to protect the public [FOR THREE CALENDAR YEARS OF AT
17 LEAST 44 WEEKS EACH YEAR, WITH A MINIMUM EACH WEEK OF 35 HOURS OF STUDY
18 (IT BEING UNDERSTOOD THAT THE TIME ACTUALLY SPENT IN THE PERFORMANCE OF
19 THE DUTIES OF LAW CLERK IS TO BE CONSIDERED AS TIME SPENT IN THE STUDY
20 OF LAW). THE TUTOR MUST GIVE PERSONAL DIRECTION REGULARLY AND FRE-
21 QUENTLY TO THE CLERK, MUST EXAMINE HIM AT LEAST ONCE A MONTH ON THE
22 WORK DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLI-
23 ANCE WITH THE REQUIREMENTS OF THIS SUBSECTION AND (e) AND (g) OF THIS
24 SECTION].

25 (e) The director shall provide for a system of reporting of work
26 done, study completed, and set examinations to test proficiency in the
27 knowledge and practice of law. A law clerk may be disqualified from
28 the program for failing, within a reasonable time, to meet standards of
29 diligence or proficiency or for failing to meet reporting requirements

1 [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED
2 BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE
3 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-
4 PANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN
5 DURING THE PERIOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE
6 REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE COURT, NO CREDIT
7 MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT].

8 (f) If a registered law clerk does not furnish evidence of com-
9 pletion of his law studies within a period of six years after registra-
10 tion, the director [COURT] may cancel the registration.

11 (g) The course of study to be pursued by a registered law clerk
12 shall cover subjects, text books, case books, and other material the
13 director [COURT] may from time to time require.

14 (h) A registered law clerk who has attended either an approved or
15 a nonapproved law school may, in the discretion of the director [COURT],
16 receive credit for work done and obtain advanced standing. In no event
17 will credit be given for fractional parts of semesters or terms, or for
18 correspondence school work.

19 (i) As used in this section

20 (1) "law school" means [(1)] a law school accredited,
21 approved or meeting the standards of the Council of Legal Education of
22 the American Bar Association or the Association of American Law Schools;
23 or [(2)] a school in Alaska offering a course of study which the Alaska
24 Commission on Postsecondary Education [SUPREME COURT] approves as the
25 equivalent to a year's study in a law school under [(1) OF] this sub-
26 section;

27 (2) "director" means the director of legal studies of the
28 University of Alaska;

29 (3) "law office" means a public or private office approved

1 by the director in which a tutor is employed and an appropriate clini-
2 cal law studies program may be conducted.

3 * Sec. 3. Section 5 of Rule 2 of Part I of the Alaska Bar Rules is
4 amended to read:

5 Section 5. (a) A [EVERY] person who desires subsequently to
6 qualify as a general applicant for admission to the Alaska Bar without
7 having been graduated from an approved law school shall register as a
8 law clerk as provided by this section of this Rule. He must be a bona
9 fide resident of the state and shall present satisfactory proof that he
10 has been granted a bachelor's degree (other than bachelor of laws) by a
11 college or university offering the degree on the basis of a four-year
12 course of study and has successfully completed his first year of studies
13 at a law school within five years of the date of his registration.

14 (b) The applicant shall obtain regular and full-time employment as
15 a law clerk in a law office [THE OFFICE OF A JUDGE OF A COURT OF RECORD
16 OR AN ATTORNEY OR FIRM OF ATTORNEYS LICENSED TO PRACTICE LAW IN ALASKA
17 AND ENGAGED IN THE GENERAL PRACTICE OF LAW]. The person [BY WHOM HE IS
18 EMPLOYED, OR IF HE IS EMPLOYED BY A FIRM, THE PERSON] under whose
19 direction he is to study, must have been admitted to practice law in
20 this state for at least five years at the time the application for
21 registration is filed, and be otherwise eligible to act as tutor. The
22 study of law under this section shall be conducted according to a semes-
23 ter calendar set by the director. At least 90 days before [BEFORE] the
24 commencement of the study of law under this section of this Rule, the
25 applicant shall file with the director [SUPREME COURT] an application to
26 register as a law clerk. The application shall be made on a form to be
27 provided by the director [SUPREME COURT] and shall require answers to
28 interrogatories the director [SUPREME COURT] may determine from time to
29 time to be relevant to a consideration of the application. Proof of a

1 fact stated in the application may be required by the director [SUPREME
2 COURT]. If the applicant fails or refuses to furnish any information or
3 proof or answer any interrogatory required by the application, or in-
4 dependently by the director [SUPREME COURT], in a manner satisfactory to
5 the director [SUPREME COURT], the application may be denied.

6 (c) Accompanying the application there must be submitted a certi-
7 ficcate [STATEMENT] under oath [OF THE PERSON BY WHOM THE APPLICANT IS
8 EMPLOYED AS A LAW CLERK, OR, IF HE IS EMPLOYED BY A FIRM,] of the person
9 under whose direction he is to study, certifying to the fact of the
10 employment and that that person will act as tutor for the applicant and
11 will faithfully instruct the applicant in the branches of the law pre-
12 scribed by the course of study adopted by the director [SUPREME COURT].
13 No person is eligible to act as tutor while disciplinary proceedings
14 (following the service of a formal complaint) are pending against him,
15 or if he has ever been censured, reprimanded, suspended or disbarred.
16 If a registered law clerk finds it necessary to change his tutor during
17 his period of study, a new certificate [APPLICATION FOR REGISTRATION AS
18 A LAW CLERK] is required and such credit given for study under his prior
19 tutor as the director [SUPREME COURT] may determine.

20 (d) A law clerk whose registration has been approved by the
21 director [SUPREME COURT] must pursue a formal program [COURSE] of study,
22 as established by the director, which, in the absence of an accredited
23 law school, will, in conjunction with the bar admissions exam, offer a
24 reasonable alternative means of assuring a level of professional com-
25 petency adequate to protect the public [FOR THREE CALENDAR YEARS OF AT
26 LEAST 44 WEEKS EACH YEAR, WITH A MINIMUM EACH WEEK OF 35 HOURS OF STUDY
27 (IT BEING UNDERSTOOD THAT THE TIME ACTUALLY SPENT IN THE PERFORMANCE OF
28 THE DUTIES OF LAW CLERK IS TO BE CONSIDERED AS TIME SPENT IN THE STUDY
29 OF LAW). THE TUTOR MUST GIVE PERSONAL DIRECTION REGULARLY AND FRE-

1 QUENTLY TO THE CLERK, MUST EXAMINE HIM AT LEAST ONCE A MONTH ON THE WORK
2 DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLIANCE
3 WITH THE REQUIREMENTS OF (d), (e) AND (g) OF THIS SECTION OF THIS RULE].

4 (e) The director shall provide for a system of reporting of work
5 done, study completed, and set examinations to test proficiency in the
6 knowledge and practice of law. A law clerk may be disqualified from the
7 program for failing, within a reasonable time, to meet standards of
8 diligence or proficiency or for failing to meet reporting requirements
9 [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED
10 BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE
11 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-
12 PANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN
13 DURING THE PERIOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE
14 REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE SUPREME COURT, NO
15 CREDIT MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT].

16 (f) If a registered law clerk does not furnish evidence of com-
17 pletion of his law studies within a period of six years after registra-
18 tion, the director [SUPREME COURT] may cancel the registration.

19 (g) The course of study to be pursued by a registered law clerk
20 shall cover subjects, text books, case books, and other material the
21 director [SUPREME COURT] may from time to time require.

22 (h) A registered law clerk who has attended either an approved or
23 a nonapproved law school may, in the discretion of the director [SUPREME
24 COURT], receive credit for work done and obtain advanced standing. In
25 no event will credit be given for fractional parts of semesters or
26 terms, or for correspondence school work.

27 (i) As used in this Rule

28 (1) "law school" means [(1)] a law school accredited, ap-
29 proved or meeting the standards of the Council of Legal Education of the

1 American Bar Association or the Association of American Law Schools; or
2 [(2)] a school in Alaska offering a course of study which the Alaska
3 Commission on Postsecondary Education [SUPREME COURT] approves as the
4 equivalent to a year's study in a law school under [(1) OF] this sub-
5 division;

6 (2) "director" means the director of legal studies of the
7 University of Alaska;

8 (3) "law office" means a public or private office approved by
9 the director in which a tutor is employed and an appropriate clinical
10 law studies program may be conducted.

11 * Sec. 4. The legislature declares that this Act is passed under art. IV,
12 secs. 1 and 15, Constitution of the State of Alaska, which empower the legis-
13 lature to prescribe the jurisdiction of the courts, and to change the Rules
14 of Court, and pursuant to the legislature's inherent power.

15 * Sec. 5. Sections 2 and 3 of this Act amend section 5 of Rule 2 of
16 Part I of the Alaska Bar Rules of the Rules of Court.

17 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
18 070(c).