

Original sponsors: Bradley, Akers,
Buchholdt, et al

Offered: 4/21/77
Referred: Finance

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR 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 school of justice; amending secs.
7 4 and 5 of Rule 2 of Part I of the Alaska Bar Rules of
8 the Rules of Court; and providing for an effective
9 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. SCHOOL OF JUSTICE. There is established in the
13 University of Alaska a school of justice authorized to conduct university
14 programs in justice education and community assistance. The school shall

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

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

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

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

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

27 (6) conduct contractual research on request of law enforce-
28 ment and justice agencies or other governmental agencies;

29 (7) provide assistance to the criminal Law Revision Sub-

1 commission in updating the criminal law;

2 (8) support the continuing legal education programs of the
3 bar;

4 (9) provide law-related curriculum for associated professions
5 and disciplines;

6 (10) provide correspondence courses specially relevant to the
7 Alaska practitioner in law enforcement and criminal justice;

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

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

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

15 Sec. 08.08.207. LAW CLERKS. (a) A [EVERY] person who desires
16 subsequently to qualify as a general applicant for admission to the
17 Alaska Bar without having been graduated from an approved law school
18 shall register as a law clerk as provided by this section. He must be a
19 bona fide resident of the state and shall present satisfactory proof
20 that he has been granted a bachelor's degree (other than bachelor of
21 laws) by a college or university offering the degree on the basis of a
22 four-year course of study and has successfully completed his first year
23 of studies at a law school within five years of the date of his regis-
24 tration.

25 (b) The applicant shall obtain regular and full-time employment as
26 a law clerk in a law office [THE OFFICE OF A JUDGE OF A COURT OF RECORD
27 OR AN ATTORNEY OR FIRM OF ATTORNEYS LICENSED TO PRACTICE LAW IN ALASKA
28 AND ENGAGED IN THE GENERAL PRACTICE OF LAW]. The person [BY WHOM HE IS
29 EMPLOYED, OR IF HE IS EMPLOYED BY A FIRM, THE PERSON] under whose

1 direction he is to study, must have been admitted to practice law in
2 this state for at least five years at the time the application for
3 registration is filed, and be otherwise eligible to act as tutor. The
4 study of law under this section shall be conducted according to a
5 semester calendar set by the director. At least 90 days before [BEFORE]
6 the commencement of the study of law under this section, the applicant
7 shall file with the director [ALASKA SUPREME COURT] an application to
8 register as a law clerk. The application shall be made on a form to be
9 provided by the director [COURT] and shall require answers to inter-
10 rogatories the director [SUPREME COURT] may determine from time to time
11 to be relevant to a consideration of the application. Proof of a fact
12 stated in the application may be required by the director [COURT]. If
13 the applicant fails or refuses to furnish any information or proof or
14 answer any interrogatory required by the application, or independently
15 by the director [COURT], in a manner satisfactory to the director
16 [COURT], the application may be denied.

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

1 tutor as the director [COURT] may determine.

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

16 (e) The director shall provide for a system of reporting of work
17 done, study completed, and set examinations to test proficiency in the
18 knowledge and practice of law. A law clerk may be disqualified from
19 the program for failing, within a reasonable time, to meet standards of
20 diligence or proficiency or for failing to meet reporting requirements
21 [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED
22 BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE
23 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-
24 PANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN
25 DURING THE PERIOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE
26 REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE COURT, NO CREDIT
27 MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT].

28 (f) If a registered law clerk does not furnish evidence of com-
29 pletion of his law studies within a period of six years after

1 registration, the director [COURT] may cancel the registration.

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

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

10 (i) As used in this section

11 (1) "law school" means [(1)] a law school accredited,
12 approved or meeting the standards of the Council of Legal Education of
13 the American Bar Association or the Association of American Law Schools;
14 or [(2)] a school in Alaska offering a course of study which the Alaska
15 Commission on Postsecondary Education [SUPREME COURT] approves as the
16 equivalent to a year's study in a law school under [(1) OF] this sub-
17 section;

18 (2) "director" means the director of legal studies of the
19 University of Alaska;

20 (3) "law office" means a public or private office approved
21 by the director in which a tutor is employed and an appropriate clini-
22 cal law studies program may be conducted.

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

25 Section 5. (a) A [EVERY] person who desires subsequently to
26 qualify as a general applicant for admission to the Alaska Bar without
27 having been graduated from an approved law school shall register as a
28 law clerk as provided by this section of this Rule. He must be a bona
29 fide resident of the state and shall present satisfactory proof that he

1 has been granted a bachelor's degree (other than bachelor of laws) by a
2 college or university offering the degree on the basis of a four-year
3 course of study and has successfully completed his first year of studies
4 at a law school within five years of the date of his registration.

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
10 direction he is to study, must have been admitted to practice law in
11 this state for at least five years at the time the application for
12 registration is filed, and be otherwise eligible to act as tutor. The
13 study of law under this section shall be conducted according to a semes-
14 ter calendar set by the director. At least 90 days before [BEFORE] the
15 commencement of the study of law under this section of this Rule, the
16 applicant shall file with the director [SUPREME COURT] an application to
17 register as a law clerk. The application shall be made on a form to be
18 provided by the director [SUPREME COURT] and shall require answers to
19 interrogatories the director [SUPREME COURT] may determine from time to
20 time to be relevant to a consideration of the application. Proof of a
21 fact stated in the application may be required by the director [SUPREME
22 COURT]. If the applicant fails or refuses to furnish any information or
23 proof or answer any interrogatory required by the application, or in-
24 dependently by the director [SUPREME COURT], in a manner satisfactory to
25 the director [SUPREME COURT], the application may be denied.

26 (c) Accompanying the application there must be submitted a certi-
27 ficat [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 [SUPREME COURT] may determine.

11 (d) A law clerk whose registration has been approved by the
12 director [SUPREME COURT] must pursue a formal program [COURSE] of study,
13 as established by the director, which, in the absence of an accredited
14 law 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 WORK
22 DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLIANCE
23 WITH THE REQUIREMENTS OF (d), (e) AND (g) OF THIS SECTION OF THIS RULE].

24 (e) The director shall provide for a system of reporting of work
25 done, study completed, and set examinations to test proficiency in the
26 knowledge and practice of law. A law clerk may be disqualified from the
27 program for failing, within a reasonable time, to meet standards of
28 diligence or proficiency or for failing to meet reporting requirements
29 [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED

1 BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE
2 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-
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4 DURING THE PERIOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE
5 REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE SUPREME COURT, NO
6 CREDIT MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT].

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

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

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

18 (i) As used in this Rule

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

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

28 (3) "law office" means a public or private office approved by
29 the director in which a tutor is employed and an appropriate clinical

1 law studies program may be conducted.

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

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

8 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
9 070(c).

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