

Introduced: 6/6/78  
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE  
BY REQUEST

2 SENATE BILL NO. 638

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the program of law clerk study;  
7 changing section 5 of Rule 2 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 08.08.207(b) is amended to read:

12 (b) The applicant shall obtain regular and full-time employment as  
13 a law clerk in the office of a judge of a court of record or an attorney  
14 or firm of attorneys licensed to practice law in Alaska and engaged in  
15 the general practice of law. The person by whom he is employed, or if  
16 he is employed by a firm, the person under whose direction he is to  
17 study, must have been admitted to practice law in this state for at  
18 least five years at the time the application for registration is filed,  
19 and be otherwise eligible to act as tutor. Before the commencement of  
20 the study of law under this section, the applicant shall file with the  
21 university [ALASKA SUPREME COURT] an application to register as a law  
22 clerk. The application shall be made on a form to be provided by the  
23 university [COURT] and shall require answers to interrogatories the  
24 university [SUPREME COURT] may determine from time to time to be rele-  
25 vant to a consideration of the application. Proof of a fact stated in  
26 the application may be required by the university [COURT]. If the  
27 applicant fails or refuses to furnish any information or proof or answer  
28 any interrogatory required by the application, or independently by the  
29 university [COURT], in a manner satisfactory to the university [COURT],

1 the application may be denied.

2 \* Sec. 2. AS 08.08.207(c) is amended to read:

3 (c) Accompanying the application there must be submitted a state-  
4 ment under oath of the person by whom the applicant is employed as a law  
5 clerk, or, if he is employed by a firm, of the person under whose direc-  
6 tion he is to study, certifying to the fact of the employment and that  
7 that person will act as tutor for the applicant and will faithfully  
8 instruct the applicant in the branches of the law prescribed by the  
9 course of study adopted by the university [SUPREME COURT]. No person is  
10 eligible to act as tutor while disciplinary proceedings (following the  
11 service of a formal complaint) are pending against him, or if he has  
12 ever been censured, reprimanded, suspended or disbarred. If a regis-  
13 tered law clerk finds it necessary to change his tutor during his period  
14 of study, a new application for registration as a law clerk is required  
15 and such credit given for study under his prior tutor as the university  
16 [COURT] may determine.

17 \* Sec. 3. AS 08.08.207(d) is amended to read:

18 (d) A law clerk whose registration has been approved by the  
19 university [COURT] must pursue a course of study for three calendar  
20 years of at least 44 weeks each year, with a minimum each week of 35  
21 hours of study (it being understood that the time actually spent in the  
22 performance of the duties of law clerk is to be considered as time spent  
23 in the study of law). The tutor must give personal direction regularly  
24 and frequently to the clerk, must examine him at least once a month on  
25 the work done in the previous month, and must certify monthly as to  
26 compliance with the requirements of this subsection and (e) and (g) of  
27 this section.

28 \* Sec. 4. AS 08.08.207(e) is amended to read:

29 (e) The examinations shall be written and not oral, and shall be

1 answered by the clerk without research or assistance during the examina-  
2 tion. The monthly certificate of compliance submitted by the tutor  
3 shall be accompanied by the originals of all written examinations and  
4 answers given during the period reported. If the certificates, together  
5 with the required attachments, are not filed timely with the university  
6 [COURT], no credit may be given for any period of the default.

7 \* Sec. 5. AS 08.08.207(f) is amended to read:

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 university [COURT] may cancel the registration.

11 \* Sec. 6. AS 08.08.207(g) is amended to read:

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

15 \* Sec. 7. AS 08.08.207(h) is amended to read:

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

21 \* Sec. 8. AS 08.08.207(i) is amended to read:

22 (i) As used in this section

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

29 (2) "university" means the University of Alaska.

1       \* Sec. 9. Sections 1 - 8 of this Act have the effect of changing section  
2 5 of Rule 2 of the Alaska Bar Rules of the Rules of Court by transferring the  
3 responsibility for the program of law clerk study under AS 08.08.207 from the  
4 Supreme Court to the University of Alaska.

5       \* Sec. 10. This Act takes effect immediately in accordance with AS 01.-  
6 10.070(c).

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