

Original sponsor: Rodey

Offered: 6/8/81
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 392 (Judiciary) am H re-engrossed

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of
7 Governors of the Alaska Bar Association and amending
8 the statutes relating to the practice of law in the
9 state; amending Alaska State Supreme Court Bar Rule 2;
10 repealing section 3 of Alaska State Supreme Court Bar
11 Rule 2 and section 7 of Alaska State Supreme Court Bar
12 Rule 3; and providing for an effective date."

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

14 * Section 1. AS 08.03.010(c) is amended by adding a new paragraph to
15 read:

16 (19) Board of Governors of the Alaska Bar Association (AS 08.-
17 08.040) -- June 30, 1985.

18 * Sec. 2. AS 08.08.040 is amended to read:

19 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There
20 is created [HEREBY CONSTITUTED] a Board of Governors of the Alaska Bar
21 to be elected under bylaws and regulations adopted [PROMULGATED] by the
22 board.

23 (b) The board consists of nine active members elected by the
24 active members of the Alaska Bar and three persons who are appointed by
25 the governor and who are not attorneys.

26 * Sec. 3. AS 08.08.050(a) is amended to read:

27 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two
28 members of the board shall be elected by and from among the members of
29 the association resident in the first judicial district; four members

1 of the board shall be elected by and from among the members of the
2 association resident in the third judicial district; two members by and
3 from among the members of the association resident in the combined area
4 of the second and fourth judicial districts; and one member at large
5 from the entire state. Three members who are not attorneys shall be
6 appointed by the governor and are subject to confirmation by the legis-
7 lature in joint session.

8 * Sec. 4. AS 08.08.050(b) is amended to read:

9 (b) Members of the Board of Governors shall hold office for three
10 years and until their successors are elected or appointed and qualified.

11 * Sec. 5. AS 08.08.050(c) is repealed and reenacted to read:

12 (c) Four board members shall be selected on the following triennial
13 rotation:

14 (1) in the first year, one member from the first judicial
15 district, one member from the combined area of the second and fourth
16 judicial districts, one member from the third judicial district, and
17 one appointed member;

18 (2) in the second year, one member at large, two members
19 from the third judicial district, and one appointed member; and

20 (3) in the third year, one member from the combined area of
21 the second and fourth judicial districts, one member from the third
22 judicial district, one member from the first judicial district, and one
23 appointed member.

24 * Sec. 6. AS 08.08.070 is repealed and reenacted to read:

25 Sec. 08.08.070. VACANCIES ON THE BOARD. (a) The board shall
26 fill a vacancy in the elected membership of the board until the next
27 annual election.

28 (b) The governor shall appoint a member to fill a vacancy in the
29 appointed membership of the board for the unexpired term.

1 * Sec. 7. AS 08.08 is amended by adding a new section to read:

2 Sec. 08.08.075. MEETINGS OF THE BOARD. AS 44.62.310 and 44.62.312
3 apply to the meetings of the board. Members of the Alaska Bar and the
4 public shall be given 30 days notice of meetings of the board except
5 for emergency meetings. Meetings of the board shall take place in the
6 state.

7 * Sec. 8. AS 08.08.080 is repealed and reenacted to read:

8 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise
9 provided in this chapter or the Alaska Bar Rules, the board may approve
10 and recommend to the state supreme court rules

11 (1) concerning admission, discipline, licensing, and con-
12 tinuing legal education, and defining the practice of law;

13 (2) providing for continuing legal education and for certifi-
14 cation of a continuing legal education program;

15 (3) establishing a program for the certification of attorneys
16 as specialists.

17 (b) The board may adopt bylaws and regulations consistent with
18 this chapter and the Alaska Bar Rules

19 (1) concerning membership and the classification of member-
20 ship in the Alaska Bar;

21 (2) fixing the annual membership fees;

22 (3) concerning annual and special meetings.

23 (c) Consistent with this chapter and the Alaska Bar Rules, the
24 board may

25 (1) provide for employees of the Alaska Bar, the time, place
26 and method of their selection, and their respective powers, duties,
27 terms of office, and compensation;

28 (2) establish, collect, deposit, invest, and disburse member-
29 ship and admission fees, penalties, and other funds;

1 (3) sue in the name of the Alaska Bar in a court of competent
2 jurisdiction to enjoin a person from doing an act constituting a vio-
3 lation of this chapter;

4 (4) provide for all other matters affecting in any way the
5 organization and functioning of the Alaska Bar.

6 * Sec. 9. AS 08.08.085 is amended by adding new subsections to read:

7 (b) The report of the Board of Governors shall note

8 (1) each addition, modification, or repeal of a bylaw or
9 regulation of the Alaska Bar;

10 (2) each addition, modification, or repeal of the Alaska Bar
11 Rules proposed to or adopted by the state supreme court.

12 (c) The report of the Board of Governors may recommend to the
13 legislature changes to this chapter and to the provisions of state law
14 generally.

15 * Sec. 10. AS 08.08 is amended by adding a new section to read:

16 Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION. (a) The
17 Board of Governors shall administer the bar examination under the
18 Alaska Bar Rules.

19 (b) The Board of Governors may contract with another state or a
20 testing organization for the preparation and grading of a portion of
21 the Alaska Bar examination.

22 (c) The Board of Governors shall contract with persons experienced
23 in the administration of bar examinations for advice on the preparation
24 and grading of the portion of the bar examination prepared under the
25 direction of the board.

26 (d) The Board of Governors shall establish and maintain standards
27 for experience and training of persons who administer the portion of
28 the bar examination prepared under the direction of the board.

29 * Sec. 11. AS 08.08.230(a) is amended to read:

1 (a) Any person not an active member of the Alaska Bar and not
2 licensed to practice law in Alaska who engages in the practice of law
3 or represents that he is [HIMSELF AS] entitled to engage in the practice
4 of law as that term is defined in the Alaska Bar Rules, or an active
5 member of the Alaska Bar who wilfully employs such a person knowing
6 that the [SUCH] person is engaging in the practice of law or represent-
7 ing himself to be entitled to so engage is guilty of a class A misde-
8 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
9 \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

10 * Sec. 12. Alaska State Supreme Court Bar Rule 2, Section 1(b), is
11 amended to read:

12 (b) Be a graduate of a law school which was accredited or approved
13 by the council of legal education of the American Bar Association or
14 the Association of American Law Schools when the applicant entered or
15 graduated or submit proof that the law course required for graduation
16 from such a law school will be completed and that a degree will be
17 received as a matter of course before the date of examination. An ap-
18 plicant who has not graduated from a law school accredited under this
19 section who has been licensed to practice law in one or more jurisdic-
20 tions in the United States for five years since his admission is eli-
21 gible to take the bar examination. Graduates of law schools in which
22 the principles of English common law are taught but which are located
23 outside the United States and beyond the jurisdiction of the American
24 Bar Association and the Association of American Law Schools, may qualify
25 for examination upon proof that the foreign law school from which they
26 graduated meets the American Bar Association Council of Legal Education
27 Standards for approval;

28 * Sec. 13. AS 08.03.010(b)(11) is repealed.

29 * Sec. 14. The governor shall appoint the initial non-attorney members

1 to the Board of Governors for the following terms: one member for a three-
2 year term; one member for a two-year term; and one member for a one-year
3 term.

4 * Sec. 15. Section 3 of Alaska Supreme Court Bar Rule 2 is repealed.
5 Section 7 of Alaska Supreme Court Bar Rule 3 is repealed.

6 * Sec. 16. Section 12 of this Act amends Alaska Supreme Court Bar
7 Rule 2.

8 * Sec. 17. This Act takes effect immediately in accordance with AS 01.-
9 10.070(c).

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