

LEG. FINANCE - BILLS 1977 - 1978 712

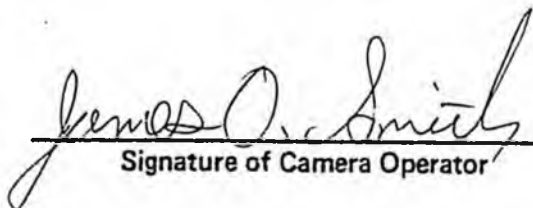
HB 351 thru CSHB 351

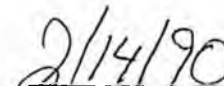


RECORDS CERTIFICATION



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Signature of Camera Operator


Date

COMMITTEE REPORT

HOUSE

4/22/77

4-27-77 Date

Mr. Speaker:

The Committee on Finance has had HR 351
under consideration. A majority of the members of the Committee

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for HR 351 (H.F.C.) and that
CS for HR 351 do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) w/ fiscal note of 4-15-77

MEMBERS SIGNING THE MAJORITY REPORT:

Freeman _____

[Signature] _____

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: Nick Roe

Freeman
Chairman

[Signature]
Vice

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 351
 Title "An Act creating the Institute of Justice..."
 Requested by Representative Bradley et al. Date April 15, 1977

II. FISCAL DETAIL

Agency Affected University of Alaska
 Program Category Affected University of Alaska - Anchorage
 Budget Request Unit(s) Affected Research and Professional Centers, Instruction,
 Public Service, Support Service

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES	347.3	^a 330.2				
200 TRAVEL	38.7	^a 30.0				
300 CONTRACTUAL	25.4	^a 18.0				
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700 GRANTS CLAIMS ETC.						
TOTAL	422.9	^a381.7				

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND	97.7	^b 313.9				
FEDERAL FUNDS	335.2	^c 66.8				
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME	10	11				
PART TIME	1	1				
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This legislation identifies an institutional structure and mission for the statewide justice-related functions of the University. These functions were given a substantial financial boost in FY 75-77 by the justice agencies of Alaska which forebore tapping blockgrant funds from I.E.A.A. so that the University could start a coordinated statewide program of instruction, research and public service in crime prevention and education. The University did not ask for these funds for FY '78 as it had been expected to do by the justice agencies of state and local government.

In addition to providing support for ongoing programs of instruction,

IV. DATE April 15, 1977

PREPARED BY [Signature]
 AGENCY Director of Legal Studies, University
 PHONE 278-3933 of Alaska

Original: Legislative Finance
 cc: Budget and Management

FISCAL NOTE (continued)

with the concurrence of the court system, the sum of \$37,000 has been requested starting in FY '78, to meet the previously unfunded costs of administering the clerkship program established by the Legislature last year (Ch 181, SLA 1976), an administrative responsibility transferred to the University and amplified under this bill.

NOTES:

(a) This represents a more substantial drop in overall funding from FY 77 to meet the exigency than indicated, since additional personal services (\$37,000) are required to administer the clerkship program with the reduced funds.

(b) The decrease in federal funding from FY 77 and accompanying increase in general fund requirements for FY 78 is associated with an increase in the availability of federal funds in FY 78 to state agencies and the courts since L.E.A.A. funds, which funded the Criminal Justice Center in FY 77, are about the same each year. The need of the University for increased funding results from a reallocation of resources within the state.

(c) This amount supposes the success of a federal grant application from NIAAA to study alcohol control systems in rural Alaska, an application not yet funded by NIAAA.

IMPLEMENTATION OF AUTHORITY BY CATEGORY

The bill establishes an institutional focus for the development of justice studies at the University. It does not require any funding though certain functions as indicated, now ongoing, do need maintenance support. Many of the functions authorized by the bill can be carried out through grants or contracts with the federal government, state executive and legislative agencies, or private foundations which receive funds for these purposes.

The probability of some such funds being available makes it important that any appropriation indicate that the funding provided by the state be available for match to L.E.A.A. and other federal grant programs.

Since some functions are correlated, economies result from implementation of several functions together. A paragraph by paragraph analysis follows:

AS 14.40.113

- | | |
|--|-----------|
| (1) Justice Degree Programs-maintenance: | \$276,000 |
| - including expanded programs in Kodiak, Kuskokwim, Kenai and Mat-Su Community Colleges add: | 80,000 |
| (2) Employment Development-no cost FY78 | |
| (3) Continuing Professional Development-no proposed cost FY78; can be developed by L.E.A.A. grants supplementing academic program. | |
| (4) Rural Paralegal-Can be carried in academic program supplemented with federal grant support for FY78. | |
| (5) Law Clerk Program supervision-FY78 | 37,000 |
| (6) Technical assistance-funded by contracts, grants. No FY78 cost. | |

FISCAL NOTE (continued)

- (7) Juvenile justice research - same.
- (8) Law revision - same.
- (9) Continuing Legal Education, bar - same.
- (10) Associated Disciplines - same and as part of academic program.
- (11) Annual Report on functioning of justice system - as part of academic program.
- (12) Labor-management standards. Funded by contracts, grants. No FY78 costs.
- (13) Alcohol Distribution Control Systems - same.
- (14) Public safety service planning in small communities - same.
- (15) Correspondance courses - as part of academic program with grant supplements.
- (16) Municipal privacy, security - funded by contracts, grants. No FY78 costs.
- (17) Municipal public safety support - same.
- (18) Police legal advisor - same.
- (19) Relocation studies - same.
- (20) Public education - same.
- (21) Improvement of justice administration - same.
- (22) First year law program. Not feasible to fund except as planning, in conjunction with (5) above in FY78.

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 ificate [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
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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.

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27 University of Alaska;

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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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THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

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In addition to providing support for ongoing programs of instruction,

IV. DATE April 15, 1977 PREPARED BY *W. S. Havel*
 AGENCY Director of Legal Studies, University
 PHONE 278-3938 of Alaska
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (List Legislative Name!)

FISCAL NOTE (continued)

with the concurrence of the court system, the sum of \$37,000 has been requested starting in FY '78 to meet the previously unfunded costs of administering the clerkship program established by the Legislature last year (Ch 181, SLA 1976), an administrative responsibility transferred to the University and amplified under this bill.

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- (21) Improvement of justice administration - same.
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The Criminal Justice Center

"In a law-driven society, the power of the people over their own lives depends upon access by the people, not just a lawyer elite, WHAT IS IT? to legal education"

An institution of the University set up in 1974-75 at the urging and with the support of state and local police, the courts, prosecution and defense, corrections, a national academic advisory panel and the Governor's Commission on the Administration of Justice to marshal University resources and skills on a statewide basis to address the problems of crime and justice administration.

WHAT DOES IT DO?

It attacks problems of crime and improves the quality of justice:

1. By establishing and delivering academic degree programs in Justice, which increase the educational skill levels of practitioners, advance interagency cooperation and promote an attractive career track for Alaskans.
2. By undertaking special programs for rural Alaska such as: developing a less expensive and more just system for the delivery of legal services using and developing the skills of the local population; measuring the effectiveness of legal alcohol control systems applicable to Alaska, and other programs directed at the special problems of bush justice.
3. By delivering at sites such as Nome, Kenai, Kodiak, Ketchikan and Palmer as well as larger cities, special topic education to hundreds of justice practitioners for whom scheduling commitments and geography pose barriers to keeping current with professional knowledge.
4. By producing and delivering through television, radio, public meetings and elementary and secondary schools programs on understanding justice and on techniques of crime prevention and property protection which enable the public to participate actively and intelligently in improving the criminal justice system and making it work better.
5. By developing new approaches for justice system administration such as the criminal law revision project, like the uniform citation in lieu of arrest project, by identifying problems in the working knowledge of practitioners, by reviewing the effect of sentencing practices and providing expert technical assistance to agencies and public officials concerned with improving the efficiency and justness of the system.
6. By filling in for the absence of a law school through encouraging high quality University programs in legal education, by counseling state officials and the public on the needs of legal education, by counseling pre-law students by undertaking to provide research on special legal topics of legislative interest.



Alaska State Legislature ~ House

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3797

MEMORANDUM

TO: HESS Committee

FROM: Mike

SUBJECT: HB 351

Additional items in your packet today are:

1. a revised fiscal note
2. an explanation of the law clerk program
3. the proposed CSHB351
4. Letter from John Havelock to Edward Stahla

LAW CLERK PROGRAM

Qualifications

- 1) Resident of state
- 2) Bachelors Degree
- 3) Completed first year of "Law School" within 5 years of original registration. "Law School" means outside accredited law school, or post-secondary Education Commission approved Alaska equivalent for 1 year.

Requirements

- 1) Full time employment as a law clerk in a law office
- 2) Semester Calendar
- 3) Course of study adopted by director of institute to operate in tandem with law office clerkship
- 4) Periodic reporting and examination system subject to evaluation and subsequent disqualification for failure to meet standards of "diligence or proficiency"
- 5) Six years to finish

Com



Alaska State Legislature ~ House

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3797

LETTER OF INTENT TO
CS FOR HOUSE BILL NO. 351

It is the intent of the Health, Education & Social Services Committee that the budget for the School of Justice in subsequent years be allocated from the University of Alaska's budget.

A handwritten signature in cursive script, appearing to read "Charles H. Parr".

Charles H. Parr, Chairman
House Health, Education,
& Social Services Committee

Introduced: 3/23/77
Referred: Commerce and
Finance

1 IN THE HOUSE

BY URION AND MCKINNON

2 HOUSE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act amending the Alaska Small Loans Act."

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

8 * Section 1. AS 06.20.010 is amended to read:

9 Sec. 06.20.010. LICENSE REQUIRED. No person may engage in the
10 business of making loans of money, credit, goods, or things in action in
11 the amount or of the value of \$5,000 [\$1,500] or less and charge, con-
12 tract for, or receive on the loan a greater rate of interest, discount,
13 or consideration than the lender would be permitted by law to charge if
14 he were not a licensee hereunder, except as authorized by this chapter
15 and without first obtaining a license from the Department of Commerce
16 and Economic Development, hereinafter called the department.

17 * Sec. 2. AS 06.20.200 is amended to read:

18 Sec. 06.20.200. ADVERTISING OF MISLEADING STATEMENTS PROHIBITED.

19 (a) No person may advertise, print, display, publish, distribute, or
20 broadcast or cause or permit to be advertised, printed, displayed, pub-
21 lished, distributed, or broadcast, in any manner any statement or repre-
22 sentation with regard to the rates, terms, or conditions for the lending
23 of money, credit, goods, or things in action in the amount or of the
24 value of \$5,000 [\$1,500] or less, which is false, misleading, or decep-
25 tive. The department may order any licensee to desist from any conduct
26 which it finds to be in violation of this section.

27 (b) The department may require rates of charge stated by a licensee
28 to be stated fully and clearly in the manner considered necessary to
29 prevent misunderstanding by prospective borrowers.

1 * Sec. 3. AS 06.20.230 is amended to read:

2 Sec. 06.20.230. MAXIMUM INTEREST PERMITTED. A licensee may lend
3 any sum of money not exceeding \$5,000 [\$1,500] and may charge, contract
4 for, and receive thereon interest at a rate not exceeding three per cent
5 a month on that part of the unpaid principal balance of a loan not in
6 excess of \$400; two per cent a month on the remainder of any unpaid
7 principal balance exceeding \$400 but not exceeding \$800, and one per
8 cent a month on the remainder of any unpaid principal balance exceeding
9 \$800 but not exceeding \$5,000 [\$1,500]. On loans, the principal of
10 which is \$50 or less a licensee may charge, contract and receive interest
11 at a rate not exceeding five per cent a month.

12 * Sec. 4. AS 06.20.280 is amended to read:

13 Sec. 06.20.280. MAXIMUM CHARGE BY LICENSEE. No licensee may
14 directly or indirectly charge, contract for, or receive any interest,
15 discount, or consideration greater than that which he would be permitted
16 by law to charge if he were not a licensee hereunder, upon the loan, use
17 or forbearance of money, goods, or things in action, or upon the loan,
18 use, or sale of credit, of the amount or value of more than \$5,000
19 [\$1,500]. This section applies to any licensee who permits any person,
20 as borrower or endorser, guarantor, or surety for any borrower, or
21 otherwise, to owe directly or contingently or both to the licensee at
22 any time a sum of more than \$5,000 [\$1,500] on principal.

23 * Sec. 5. AS 06.20.290 is amended to read:

24 Sec. 06.20.290. PURCHASE OF WAGES FOR \$5,000 [\$1,500] OR LESS.
25 For purposes of this chapter, the payment of \$5,000 [\$1,500] or less in
26 money, credit, goods, or things in action, as consideration for the sale
27 or assignment of, or order for, the payment of wages, salary, commissions,
28 or other compensation for services whether earned or to be earned is
29 considered interest or a charge upon the loan from the date of payment

1 to the date the compensation is payable. Such transaction is governed
2 by this chapter.

3 * Sec. 6. AS 06.20.300 is amended to read:

4 Sec. 06.20.300. MAXIMUM CHARGES BY NONLICENSEE ON LOANS. (a)
5 Except as authorized in this chapter, no person may directly or indi-
6 rectly charge, contract for, or receive any interest, discount, or
7 consideration greater than that which he would be permitted by law to
8 charge if he were not a licensee, upon the loan, use, or forbearance of
9 money, goods, or things in action, or upon the loan, use, or sale of
10 credit of the amount or value of \$5,000 [\$1,500] or less.

11 (b) The provisions of (a) of this section apply to any person who,
12 by any device, subterfuge or pretense whatsoever charges, contracts for
13 or receives greater interest, consideration or charges than are autho-
14 rized by this chapter.

15 * Sec. 7. AS 06.20.310 is amended to read:

16 Sec. 06.20.310. ILLEGAL INTEREST RATE. No loan of the amount or
17 value of \$5,000 [\$1,500] or less for which a greater rate of interest,
18 consideration or charge than is permitted by this chapter has been
19 charged, contracted for or received, wherever made, may be enforced in
20 the state, and every person participating therein in the state is subject
21 to this chapter. This section does not apply to loans legally made in
22 any state or territory of the United States which has in effect a regula-
23 tory small loan law similar in principle to this chapter.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 388
 Title Amending the Alaska Small Loans Act
 Requested by House Commerce Committee Date 3/23/77

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development
 Program Category Affected Protection
 Budget Request Unit(s) Affected Division of Banking & Securities

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

FUNDING (Thousands of Dollars)

GENERAL FUND	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
FEDERAL FUNDS	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
OTHER (Specify)	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

POSITIONS

FULL TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
PART TIME	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -
TEMPORARY	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

No fiscal impact.

IV. DATE March 30, 1977

PREPARED BY Julius J. Brecht
 AGENCY Department of Commerce & Economic Development
 PHONE 465-2521

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Introduced: 3/15/77
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 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 ificate [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 ficate [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).

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 ficcate [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 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 [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-
3 PANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN
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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ALASKA
STATE LEGISLATURE

MEMORANDUM

Only in
Master file

April 11, 1977

HB 351

TO: Stephen C. Cowper
John Sackett

FROM: Bob Bradley

This proposal for funding of a village-level justice education project came to my office. I thought I'd give it to you two for your review. You might want to incorporate this in HB-351 if it gets to you.

BOB BRADLEY

ALASKA FEDERATION OF NATIVES, INC.

integrity, Pride in Heritage, Progress

March 22, 1977

2

The Honorable Lisa Ridd
Alaska House of Representatives
Court Building - Room 628
Pouch V
Juneau, Alaska 99811


Dear Lisa;

Enclosed is a proposal developed by Evan C. McKenzie for funding of a village-level justice education project. Mr. McKenzie has developed the materials under an LEAA Grant Project which will end May 1, 1977.

Last year our Bush Justice Project staff contacted villages by mail to see if they were interested in participating in the justice education workshops. The response was encouraging. Out of 93 villages contacted, 54 responded saying they were interested. The LEAA Project was a pilot project and allowed only enough time and money to do workshops in four of these communities. Money from the legislature will fill a large gap in the need for village justice education. Any support you can provide will be greatly appreciated.

If there are any questions regarding the materials or support from rural villages, please contact us.

Sincerely,


Byron I. Mallott
President, AFN, Inc.

Encl(1)

BIM:jh

A PROPOSAL

For

The Addition of a Criminal Justice Component
To The
Circuit-Riding City Managers Program

March 9, 1977

BY: EVAN C. MCKENZIE, EDUCATION FIELD WORKER
Bush Justice Project, A.F.N., Inc.

INTRODUCTION:

An appropriation from the Alaska Legislature for this program would permit augmentation of the Department of Community and Regional Affairs Circuit-Riding City Managers Program with a streamlined version of the Alaska Federation of Natives' Bush Justice Project. Without amending the present circuit-riding program, this proposal will expand its scope to include municipal government problems related to the administration of justice. This proposal will not change the circuit-rider's responsibilities but it will enhance program capability by utilizing the Bush Justice Project's expertise in the criminal justice field. It is expected that the requested appropriation will be channeled to the Department of Community and Regional Affairs to enable them to contract with the AFN Bush Justice Project for the purposes indicated.

PROPOSAL:

The Department of Community and Regional Affairs, Division of Local Government Assistance runs a Circuit-Riding City Managers Program, the aim of which is to train village councils in the mechanics of municipal government. At present, the program lacks any capability to deal with a village's criminal justice concerns. Their most recent quarterly evaluation showed that the participants, when asked to list the areas they would like to work on in the future, listed "legal" more often than any other response.

Many of these legal problems concern the criminal justice system. The AFN Bush Justice Project has developed a complete criminal justice education program. The materials and methods were designed specifically to meet the needs of village councils. The program - a four-day workshop - has been tested in the villages of Elim and Napakiak and has been very favorably received.

The materials include:

1) The 16mm educational documentary "State of Alaska vs. Thomas Okpik" (produced by Evan C. McKenzie, cinematographer Phil Cooke, and starring Thomas Okpealuk), which follows a typical case from crime and arrest in the village of Elim through sentencing in Nome.

2) You Have The Right, by Evan McKenzie, a 37-page introduction to the justice system of rural Alaska.

3) A series of video-taped interviews with lawyers, judges and others on subjects of concern to village Alaskans, done by Evan McKenzie and Thomas Okpealuk. These people include: Judge Nora Guinn (retired), Judge Alexander Bryner on the Magistrate System, Juvenile Intake Officer Jay Warner, Public Defender Myron Angstman, and paralegal Joan Hamilton.

4) A set of model ordinances covering the criminal justice needs of villages, including elections and the ordinance process itself by David Case (in preparation).

The Project's materials and methods would be adopted, and the Project Director would co-ordinate travel with each circuit-rider to up to ten villages and provide the legal component presently missing from the circuit-rider program.

The Program would then be in a better position to fulfill its goals for FY '78, which are as follows:

Goal I: Promote the knowledge of responsibilities and functions of second-class city government in the areas of law, financing and planning.

Objective A: By July 1, 1978, provide a minimum of 13 second-class cities with a minimum of three circuit-riding training sessions. Objective B:

By January 1, 1978, develop and distribute an instructional and reference manual for use by all second-class cities.

Goal II: Increase the self-sufficiency of local governments of a minimum of 13 second-class cities.

Objective C: By July 1, 1978, develop for distribution in second-class cities eight video-tapes on State Shared Revenues, General Revenue Sharing, Municipal Budgeting, Municipal Book-keeping, Payroll Deductions, and Borough Government. (Emphasis supplied.) The Bush Justice Project would supplement this goal with additional video-tapes (some of which are now available) dealing with justice matters.

This proposal would increase the capacity of the program to meet its goals and objectives. It would "promote the knowledge of responsibilities and functions of second-class city government" in the area of law (Goal I); help to fulfill the requirement for "an instructional and reference manual" by making You Have The Right available (Objective 2); it would "increase the self-sufficiency of local governments" in up to ten of the thirteen cities visited by circuit-riders by making them aware of their administrative justice powers; it would assist in distributing video-tapes (Objective 3) by providing the five video-tapes it has thus far produced.

Working jointly, the circuit-rider and justice education specialist would be able to respond to the needs of village councils in a very complete way, and promote a greater degree of self-sufficiency than otherwise possible. Most importantly, supplementing the Circuit-Riding City Manager Program in this manner will implement through an agency of the government the often repeated recommendations of the Alyeska (1970), Minto (1974) and Kenai (1976) Bush Justice Conference that justice education programs be delivered to the villages of rural Alaska.

BUDGET SYNOPSIS
Fiscal 1978 Bush Justice Project

I. SALARIES	\$ 67,982.64
II. CONTRACTUAL	13,600.00
III. TRAVEL	11,016.00
IV. OTHER	14,052.16
V. EQUIPMENT	1,270.00
VI. INDIRECT	<u>18,022.77</u>
TOTAL	<u>\$125,943.57</u>

I. SALARIES

A. Educator & Project Director (Range 19A) \$2,034/mo. x 12 months	\$24,408.00
B. Administrative/Research Assistant (Range 14A - 16A DOE) \$1,630/mo. x 12	19,560.00
C. Technical Assistant/Typist (Range 2A) \$1018/mo. x 12 months	12,216.00
D. Fring Benefits @ 21.5% of \$56,184.00 5.85% FICA; 4% Workmans Comp; 4.4% ESC and 7.25 Med Insurance/Annual Leave	<u>11,798.64</u>

Subtotal Salaries

\$ 67,982.64

II. CONTRACTUAL

A. Attorney 100 hrs. @ \$55/hr.	6,500.00
B. Interpreter 50 hrs. @ \$10/hr.	500.00
C. Paralegal 50 hrs. @ \$10/hr.	500.00
D. Printing (based on past experience)	3,000.00
E. Graphics (based on past experience)	700.00
F. Video Production Assistant 300 hrs. @ \$8/hr.	<u>2,400.00</u>

Subtotal Contractual

\$ 13,600.00

III. TRAVEL

A. 10 village trips, 6 days each for Legal Educator - Air Fare \$250/trip x 10 Per Diem \$61/day x 60 x 1	2,500.00 3,660.00
B. 5 village trips, 6 days each for Production Assistant - Air Fare \$250/trip x 5 Per Diem \$61/day x 30	1,250.00 1,830.00

C. Paralegal & Interpreter Travel		
4 trips @ \$100 each x 2 persons	\$	800.00
Per Diem \$61/day x 8 days x 2 persons		<u>976.00</u>

Subtotal Travel

\$ 11,016.00

IV. OTHER

A. Rent (384 sq.ft. x \$1.27/sq.ft. x 12mo.)		5,852.16
B. Postage (\$50/mo. x 12)		600.00
C. Advertising		400.00
D. Copying (\$100/mo. x 12)		1,200.00
E. Phone (\$400/mo. x 12)		4,800.00
F. Supplies (\$100/mo. x 12)		<u>1,200.00</u>

Subtotal Other

\$ 14,052.16

V. EQUIPMENT

A. Rental of IBM Selectric (\$40/mo. x 12)		480.00
B. 16mm Projector - Bell & Howell Model #1585C		<u>790.00</u>

Subtotal Equipment

\$ 1,270.00

VI. INDIRECT

A. 16.7% of \$107,920.80 (total direct budget)		<u>\$ 18,022.77</u>
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TOTAL PROJECT BUDGET

\$125,943.57

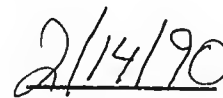


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

A

HB 351

W EUGENE GUESS, 1932-1975

ROBERT C. ELY
JOSEPH RUDD
THEODORE E. FLEISCHER
FRANCIS E. SMITH, JR.
HERBERT BERKOWITZ
MICHAEL G. BRIGGS
DAVID H. BUNDY
HARRIS SAXON
PHILLIP J. EIDE
GARY A. ZIPKIN
MARGARET J. RAWITZ
SARAH ELIZABETH FUSSNER
CLIFFORD W. HOLST
JOSEPH M. WILSON
PAUL DESTEFANO

LAW OFFICES OF
ELY, GUESS & RUDD
A PROFESSIONAL CORPORATION
510 L STREET
ANCHORAGE, ALASKA 99501
CABLE ADDRESS "NORTHACRE"
TELEX [090] 25-292
TELEPHONE [907] 276-5121

JUNEAU OFFICE
SUITE A
MENDENHALL BUILDING
JUNEAU, ALASKA 99801
TELEX: [099] 45-365
TELEPHONE [907] 586-3210

NORMAN C. GORSUCH
JOSEPH A. McLEAN
STEPHEN J. PEARSON

April 18, 1977

Senator John Sackett
Alaska State Senate
Juneau, Alaska 99801

Dear Senator Sackett:

I write to urge your effort to establish on a permanent basis an Institute of Justice as part of the University of Alaska. I can understand, given the problems of the University which have come to light this session, that you and your fellow legislators may react negatively to adding yet another entity to the jumble of activities which the U of A has developed or proposed to develop as part of its sprawling delivery system.

At the same time I hope that you are aware that several recent polls of Alaska public opinion have documented broad community support for an Alaska "law school" of some sort. Neither I nor the majority of my fellow lawyers believe that Alaska is yet ready for a law school of its own. On the other hand, we feel, as does the public, that there should be ways in which those who want to can improve their knowledge in the area of legal studies within the State.

We in private law practice as well as those in municipal and state legal agencies have in recent years experienced spiralling costs in hiring lawyers, paying for automatic typewriters and increasingly expensive office space. A partial solution to not having to pass 100% of the cost of all this on to the public is for more legal services to be provided by trained non-lawyer legal assistants. These people are called "paraprofessionals" or "paralegals" and, I think it can be said, are regarded by most lawyers as destined for playing an increasingly larger role in the delivery of legal services to the public both nationally and here in Alaska.

Paralegal training in this state at the moment is wholly inadequate. A few courses offered by community colleges and secretarial schools are deluding their students into believing that they are learning skills which employers

April 18, 1977

Page 2

will pay a premium for. Although that is a justifiable expectation on the part of the student I know of no lawyer who has any faith in any existing Alaska paralegal program. Rather one hears horror stories such as the class of 18 and 19 year old high school graduates with a year or two of miscellaneous secretarial experience having three or four two inch thick first year law school case books thrown at them as their text books in a paralegal course offered at the Community College paralegal course here in Anchorage!

At the same time, the need for paralegals is only one legal educational need that the Institute of Justice will meet. HB351 is quite detailed as to the range of programs which the institute will be directed to develop. I assure you that the need is great for the Institute and that from everything I have been able to determine in my 16 years of private law practice in this state there is broad based public support for legal education for non-lawyers. Finally, I have great faith in the ability of John Havelock to establish such an Institute and get it off the ground with a minimum of wheel spinning and wasted motion.

I urge you to pass HB351 in this Session of the Legislature and to provide for it the \$378,000 in funding which has been requested.

With every good wish to you in your very difficult deliberations on the host of problems facing Alaska at the moment, I am

Yours sincerely,



Robert C. Ely

RCE/kp

ALASKA PEACE OFFICERS ASSOCIATION



State APOA Office
P.O. Box 4-2170
Anchorage, Ak 99509
Phone: 277-1154

May 3, 1977

Senator John C. Sackett
Chairman
Senate Finance Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Dear Senator Sackett:

I am writing in response to a request from Mr. John Havelock, Director of the Criminal Justice Center. Mr. Havelock has requested the support of the Alaska Peace Officers Association for the Committee Substitute for House Bill #351, which is, "An act creating the school of justice; amending sections 4 and 5 of Rule 2, of Part I, of the Alaska Bar Rules of Court; and providing for an effective date."

We cannot support the bill in its present form and would strongly recommend two minor changes which, if are made, would bring about our support. The proposed changes we recommend are: Section 14.40.118(3), delete the words, "for in-service training."

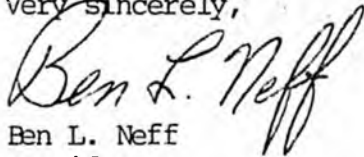
The Alaska Police Standards Council is charged with this responsibility, and we feel that the Criminal Justice Center would be duplicating services provided by the Police Standards Council. I might also add that the Police Standards Council just had an L.E.A.A. grant approved in the amount of \$40,000. The grant is for a long range planning study and includes planning for in-service training. It might also be noted that in talking to Mr. Havelock on April 28, 1977, he indicated that those particular words were supposed to have been removed from the committee substitute.

The second amendment we would recommend is the deletion of Section 14.40.118(10).

At the present time, the Police Standards Council will not accept or give credit for any correspondence training courses with the exception of those correspondence courses leading toward a college credit in a continuing education degree program. It does not seem practical, or logical to have a section in state law which cannot, or will not be utilized and is in conflict with policies of the Alaska Police Standards Council's policies.

As previously stated the Alaska Peace Officers Association will support the bill if the amendments are made, which we urge the committee to do. Thank you for your consideration of these requests.

Very sincerely,



Ben L. Neff
President
Alaska Peace Officers Association

cc: Mr. John Havelock
Director
Criminal Justice Center
University of Alaska

Mr. James Mayer
Executive Director
Alaska Police Standards Council

tc/BLN

COMMITTEE REPORT
SENATE

5/3/77

5/25/77 Date

Mr. President:

The Committee on Finance has had CSHB 351
creating the school of justice; amending secs. 4 & 5 of Rule 2 of Part 1 of the
under consideration. A majority of the members of the Committee Alaska Bns
Rules of Court

- recommends it do pass
- recommends it do not pass
- recommends it do pass with attached amendment(s)
- recommends it be replaced with CS for _____ and that
CS for _____ do pass
- (and) recommends it be referred to the _____
committee
- reports it back without recommendation
- AND attaches a report of its intent
- (other) Subcommittee Recommendation

MEMBERS SIGNING THE MAJORITY REPORT:

<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>

MEMBERS NOT CONCURRING IN THE MAJORITY REPORT:

_____ recommends: _____

_____ recommends: _____

_____ recommends: _____

[Signature]
Chairman

ALASKA

STATE LEGISLATURE

MEMORANDUM

Sackett

April 11, 1977

John

TO: Stephen C. Cowper
John Sackett

FROM: Bob Bradley

This proposal for funding of a village-level justice education project came to my office. I thought I'd give it to you two for your review. You might want to incorporate this in HB-351 if it gets to you.

BOB BRADLEY

(H) HESS

ALASKA FEDERATION OF NATIVES, INC.

Integrity, Pride in Heritage, Progress

March 22, 1977

2

The Honorable Lisa Rødd
Alaska House of Representatives
Court Building - Room 628
Pouch V
Juneau, Alaska 99811


Dear Lisa;

Enclosed is a proposal developed by Evan C. McKenzie for funding of a village-level justice education project. Mr. McKenzie has developed the materials under an LEAA Grant Project which will end May 1, 1977.

Last year our Bush Justice Project staff contacted villages by mail to see if they were interested in participating in the justice education workshops. The response was encouraging. Out of 93 villages contacted, 54 responded saying they were interested. The LEAA Project was a pilot project and allowed only enough time and money to do workshops in four of these communities. Money from the legislature will fill a large gap in the need for village justice education. Any support you can provide will be greatly appreciated.

If there are any questions regarding the materials or support from rural villages, please contact us.

Sincerely,


Byron I. Mallott
President, AFN, Inc.

Encl(1)

BIM:jh

A PROPOSAL

For

The Addition of a Criminal Justice Component

To The

Circuit-Riding City Managers Program

March 9, 1977

BY: EVAN C. MCKENZIE, EDUCATION FIELD WORKER
Bush Justice Project, A.F.N., Inc.

INTRODUCTION:

An appropriation from the Alaska Legislature for this program would permit augmentation of the Department of Community and Regional Affairs Circuit-Riding City Managers Program with a streamlined version of the Alaska Federation of Natives' Bush Justice Project. Without amending the present circuit-riding program, this proposal will expand its scope to include municipal government problems related to the administration of justice. This proposal will not change the circuit-rider's responsibilities but it will enhance program capability by utilizing the Bush Justice Project's expertise in the criminal justice field. It is expected that the requested appropriation will be channeled to the Department of Community and Regional Affairs to enable them to contract with the AFN Bush Justice Project for the purposes indicated.

PROPOSAL:

The Department of Community and Regional Affairs, Division of Local Government Assistance runs a Circuit-Riding City Managers Program, the aim of which is to train village councils in the mechanics of municipal government. At present, the program lacks any capability to deal with a village's criminal justice concerns. Their most recent quarterly evaluation showed that the participants, when asked to list the areas they would like to work on in the future, listed "legal" more often than any other response.

Many of these legal problems concern the criminal justice system. The AFN Bush Justice Project has developed a complete criminal justice education program. The materials and methods were designed specifically to meet the needs of village councils. The program - a four-day workshop - has been tested in the villages of Elim and Napakiak and has been very favorably received.

The materials include:

1) The 16mm educational documentary "State of Alaska vs. Thomas Okpik" (produced by Evan C. McKenzie, cinematographer Phil Cooke, and starring Thomas Okpealuk), which follows a typical case from crime and arrest in the village of Elim through sentencing in Nome.

2) You Have The Right, by Evan McKenzie, a 37-page introduction to the justice system of rural Alaska.

3) A series of video-taped interviews with lawyers, judges and others on subjects of concern to village Alaskans, done by Evan McKenzie and Thomas Okpealuk. These people include: Judge Nora Guinn (retired), Judge Alexander Bryner on the Magistrate System, Juvenile Intake Officer Jay Warner, Public Defender Myron Angstman, and paralegal Joan Hamilton.

4) A set of model ordinances covering the criminal justice needs of villages, including elections and the ordinance process itself by David Case (in preparation).

The Project's materials and methods would be adopted, and the Project Director would co-ordinate travel with each circuit-rider to up to ten villages and provide the legal component presently missing from the circuit-rider program.

The Program would then be in a better position to fulfill its goals for FY '78 , which are as follows:

Goal I: Promote the knowledge of responsibilities and functions of second-class city government in the areas of law, financing and planning.

Objective A: By July 1, 1978, provide a minimum of 13 second-class cities with a minimum of three circuit-riding training sessions. Objective B:

By January 1, 1978, develop and distribute an instructional and reference manual for use by all second-class cities.

Goal II: Increase the self-sufficiency of local governments of a minimum of 13 second-class cities.

Objective C: By July 1, 1978, develop for distribution in second-class cities eight video-tapes on State Shared Revenues, General Revenue Sharing, Municipal Budgeting, Municipal Book-keeping, Payroll Deductions, and Borough Government. (Emphasis supplied.) The Bush Justice Project would supplement this goal with additional video-tapes (some of which are now available) dealing with justice matters.

This proposal would increase the capacity of the program to meet its goals and objectives. It would "promote the knowledge of responsibilities and functions of second-class city government" in the area of law (Goal I); help to fulfill the requirement for "an instructional and reference manual" by making You Have The Right available (Objective 2); it would "increase the self-sufficiency of local governments" in up to ten of the thirteen cities visited by circuit-riders by making them aware of their administrative justice powers; it would assist in distributing video-tapes (Objective 3) by providing the five video-tapes it has thus far produced.

Working jointly, the circuit-rider and justice education specialist would be able to respond to the needs of village councils in a very complete way, and promote a greater degree of self-sufficiency than otherwise possible. Most importantly, supplementing the Circuit-Riding City Manager Program in this manner will implement through an agency of the government the often repeated recommendations of the Alyeska (1970), Minto (1974) and Kenai (1976) Bush Justice Conference that justice education programs be delivered to the villages of rural Alaska.

BUDGET SYNOPSIS
Fiscal 1978 Bush Justice Project

I. SALARIES	\$ 67,982.64
II. CONTRACTUAL	13,600.00
III. TRAVEL	11,016.00
IV. OTHER	14,052.16
V. EQUIPMENT	1,270.00
VI. INDIRECT	<u>18,022.77</u>
TOTAL	<u>\$125,943.57</u>

I. SALARIES

A. Educator & Project Director (Range 19A) \$2,034/mo. x 12 months	\$24,408.00
B. Administrative/Research Assistant (Range 14A - 16A DOE) \$1,630/mo. x 12	19,560.00
C. Technical Assistant/Typist (Range 3A) \$1018/mo. x 12 months	12,216.00
D. Fring Benefits @ 21.5% of \$56,184.00 5.85% FICA; 4% Workmans Comp; 4.4% ESC and 7.25 Med Insurance/Annual Leave	<u>11,798.64</u>

Subtotal Salaries

\$ 67,982.64

II. CONTRACTUAL

A. Attorney 100 hrs. @ \$55/hr.	6,500.00
B. Interpreter 50 hrs. @ \$10/hr.	500.00
C. Paralegal 50 hrs. @ \$10/hr.	500.00
D. Printing (based on past experience)	3,000.00
E. Graphics (based on past experience)	700.00
F. Video Prodection Assistant 300 hrs. @ \$8/hr.	<u>2,400.00</u>

Subtotal Contractual

\$ 13,600.00

III. TRAVEL

A. 10 village trips, 6 days each for Legal Educator - Air Fare \$250/trip x 10 Per Diem \$61/day x 60 x 1	2,500.00 3,660.00
B. 5 village trips, 6 days each for Production Assistant - Air Fare \$250/trip x 5 Per Diem \$61/day x 30	1,250.00 1,830.00

C. Paralegal & Interpreter Travel	
4 trips @ \$100 each x 2 persons	\$ 800.00
Per Diem \$61/day x 8 days x 2 persons	<u>976.00</u>

Subtotal Travel	<u>\$ 11,016.00</u>
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IV. OTHER

A. Rent (384 sq.ft. x \$1.27/sq.ft. x 12mo.)	5,852.16
B. Postage (\$50/mo. x 12)	600.00
C. Advertising	400.00
D. Copying (\$100/mo. x 12)	1,200.00
E. Phone (\$400/mo. x 12)	4,800.00
F. Supplies (\$100/mo. x 12)	<u>1,200.00</u>

Subtotal Other	<u>\$ 14,052.16</u>
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V. EQUIPMENT

A. Rental of IBM Selectric (\$40/mo. x 12)	480.00
B. 16mm Projector - Bell & Howell Model #1585C	<u>790.00</u>

Subtotal Equipment	<u>\$ 1,270.00</u>
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VI. INDIRECT

A. 16.7% of \$107,920.80 (total direct budget)	<u>\$ 18,022.77</u>
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TOTAL PROJECT BUDGET	<u><u>\$125,943.57</u></u>
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The Criminal Justice Center

"In a law-driven society, the power of the people over their own lives depends upon access by the people, not just a lawyer elite, WHAT IS IT? to legal education"

An institution of the University set up in 1974/75 at the urging and with the support of state and local police, the courts, prosecution and defense, corrections, a national academic advisory panel and the Governor's Commission on the Administration of Justice to marshal University resources and skills on a statewide basis to address the problems of crime and justice administration.

WHAT DOES IT DO?

It attacks problems of crime and improves the quality of justice:

1. By establishing and delivering academic degree programs in Justice, which increase the educational skill levels of practitioners, advance interagency cooperation and promote an attractive career track for Alaskans.
2. By undertaking special programs for rural Alaska such as: developing a less expensive and more just system for the delivery of legal services using and developing the skills of the local population; measuring the effectiveness of legal alcohol control systems applicable to Alaska, and other programs directed at the special problems of bush justice.
3. By delivering at sites such as Nome, Kenai, Kodiak, Ketchikan and Palmer as well as larger cities, special topic education to hundreds of justice practitioners for whom scheduling commitments and geography pose barriers to keeping current with professional knowledge.
4. By producing and delivering through television, radio, public meetings and elementary and secondary schools programs on understanding justice and on techniques of crime prevention and property protection which enable the public to participate actively and intelligently in improving the criminal justice system and making it work better.
5. By developing new approaches for justice system administration such as the criminal law revision project, like the uniform citation in lieu of arrest project, by identifying problems in the working knowledge of practitioners, by reviewing the effect of sentencing practices and providing expert technical assistance to agencies and public officials concerned with improving the efficiency and justness of the system.
6. By filling in for the absence of a law school through encouraging high quality University programs in legal education, by counseling state officials and the public on the needs of legal education, by counseling pre-law students; by undertaking to provide research on special legal topics of legislative interest.



Alaska State Legislature — House

HEALTH, EDUCATION & SOCIAL SERVICES COMMITTEE

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3797

MEMORANDUM

TO: HESS Committee

FROM: Mike

SUBJECT: HB 351

Additional items in your packet today are:

1. a revised fiscal note
2. an explanation of the law clerk program
3. the proposed CSHB351
4. Letter from John Havelock to Edward Stahla

LAW CLERK PROGRAM

Qualifications

- 1) Resident of state
- 2) Bachelors Degree
- 3) Completed first year of "Law School" within 5 years of original registration. "Law School" means outside accredited law school, or post-secondary Education Commission approved Alaska equivalent for 1 year.

Requirements

- 1) Full time employment as a law clerk in a law office
- 2) Semester Calendar
- 3) Course of study adopted by director of institute to operate in tandem with law office clerkship
- 4) Periodic reporting and examination system subject to evaluation and subsequent disqualification for failure to meet standards of "diligence or proficiency"
- 5) Six years to finish

HB 351
SITKA
BAR
FILE

April 18, 1977

Representative Dick Eliason
Box 143
Sitka, Alaska 99835

Re: House Bill No. 351

Dear Dick:

I want to express my strong opposition to House Bill No. 351 concerning the Institute of Justice.

While there may be some merit in some of the individual items contained in section 14.40.110, I feel that in total it is really an attempt to get a law school going in Alaska.

I am strongly against any law school in Alaska. I think it would be an unnecessary expense; the number of people applying for admission to law schools in the south '48 is materially decreasing. It will be years and years and years before the population of Alaska is sufficient to support a law school of any caliber and to have a poor law school would be a fraud upon our citizens.

In fact there is no question in my mind but what the State of Alaska could pay 100% of the cost of every Alaskan who could get into an outside law school and thus save thousands if not tens of thousands of dollars each year. In addition, the student involved would be immeasurably ahead in quality of legal education. Such a plan of state funding of professional training for those courses which the University of Alaska did not offer would also be an opportunity for native students as well to enjoy the benefits of some really good law schools and get into the competitive swing which in order to be a good attorney, they would have to do in any event.

My further objection is that the bill is far too broad in giving almost unlimited and unchanneled discretionary power to the Institute of Justice. In fact its provisions contain so much in the way of unchanneled authority that I question its constitutionality.

Representative Dick Eliason
April 16, 1977
Page Two

Although the above statements are my personal thoughts on the subject, at this weeks bar meeting the Sitka Bar passed unanimously a motion to oppose House Bill 351, the present concept of the Institute of Justice or any other like variation of Dean Havelock's Law School. I was instructed to so communicate the feelings of the bar to you.

Very truly yours,

CHRISTIANSON, ROYCE & STANLA

Warren C. Christianson
President, Sitka Bar Association

WCC/pjl

cc: Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Ayrum M. Gross
Attorney General
Pouch K
Juneau, Alaska 99811

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.
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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
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2 MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOM-
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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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Introduced: 3/15/77
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 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;