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HJ

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REVIEW

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NO.

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* Sec. 14. AS 08.08.207(h) is amended to read:

(h) A registered law clerk who has attended [EITHER AN APPROVED OR A NONAPPROVED] law school may, in the discretion of the university, receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms, or for correspondence school work.

* Sec. 15. AS 08.08.207(i) is amended to read:

(i) As used in this section

(1) "law school" means a law school, whether or not accredited, approved or meeting the standards of the Council of Legal Education of the American Bar Association or the Association of American Law Schools; or a school in Alaska offering a course of study which the university approves as the equivalent to a year's study in a law school under this section;

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

* Sec. 16. AS 08.08.210 is amended to read:

Sec. 08.08.210. WHO MAY PRACTICE LAW. (a) No person may engage in the practice of law in the state unless he is licensed to practice law in Alaska ^{restored this language} ~~AND IS AN ACTIVE MEMBER OF THE ALASKA BAR~~. A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may prescribe.

[(b) THE PRACTICE OF LAW SHALL BE DEFINED IN THE ALASKA BAR RULES.]

(c) This section and AS 08.08.230 do not apply to the practice of law for the legislature by a person employed by or under contract with the legislature who *Leg check it out*

(1) has been employed as a member of its legal staff on or before September 14, 1976;

(2) has engaged in the practice of law on behalf of the legislature on or before September 14, 1976 and been compensated on a

1 contractual or fee basis; or

2 (3) is employed by or under contract to the legislature and
3 whose activities would constitute the practice of law under this chapter
4 [AND UNDER ALASKA BAR RULES], until the results are released of the
5 third Alaska Bar examination following that person's employment.

6 (d) Employees of the Department of Law whose activities would
7 constitute the practice of law under this chapter [AND UNDER ALASKA BAR
8 RULES] are required to obtain a license to practice law in Alaska, no
9 later than 10 months following the commencement of their employment.

10 * Sec. 17. AS 08.08.230(a) is amended to read:

11 (a) Any person not ~~AN~~ ACTIVE MEMBER OF THE ALASKA BAR AND NOT
12 licensed to practice law in Alaska who engages in the practice of law
13 under this chapter or [REPRESENTS HIMSELF AS ENTITLED TO ENGAGE IN THE
14 PRACTICE OF LAW AS THAT TERM IS DEFINED IN THE ALASKA BAR RULES, OR AN
15 ACTIVE MEMBER OF THE ALASKA BAR] who wilfully employs such a person
16 knowing that the [SUCH] person is engaging in the practice of law or
17 representing himself to be entitled to so engage is guilty of a class A
18 misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
19 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH]

20 * Sec. 18. AS 22.05 is amended by adding new sections to read:

21 ARTICLE 2. ATTORNEYS.

22 Sec. 22.05.180. LICENSE FOR THE PRACTICE OF LAW. (a) The annual
23 fee for a license to engage in the active practice of law in the state
24 is \$25. The annual fee for inactive practice is \$10 and the annual fee
25 for members of the judiciary is \$20. Fees are payable to the clerk of
26 the supreme court. Fees collected by the supreme court under this
27 section shall be deposited in the general fund.

28 (b) The supreme court may define the active and the inactive
29 practice of law for the purposes of (a) of this section.

1 Sec. 22.05.190. REGISTER OF LICENSED ATTORNEYS. (a) The clerk of
2 the supreme court shall maintain a register of each attorney licensed to
3 practice law in the state.

4 (b) The clerk shall ~~suspend~~ ^{revoke} the license of an attorney who is
5 delinquent in the payment of his annual fee under rules adopted by the
6 supreme court.

7 (c) The supreme court may adopt by court rule a schedule of penal-
8 ties for late payments of fees. An attorney suspended under (b) of this
9 section may be readmitted to practice under the rules of the supreme
10 court.

11 * Sec. 19. Section 1(b) of Alaska Bar Rule 2 is amended to read:

12 (b) Be a graduate of a law school [WHICH WAS ACCREDITED OR AP-
13 PROVED BY THE COUNCIL OF LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATION
14 OR THE ASSOCIATION OF AMERICAN LAW SCHOOLS WHEN THE APPLICANT ENTERED OR
15 GRADUATED] or submit proof that the law course required for graduation
16 from [SUCH] a law school will be completed and that a degree will be
17 received as a matter of course before the date of examination.

18 Graduates of law schools in which the principles of English common law
19 are taught but which are located outside the United States and beyond
20 the jurisdiction of the American Bar Association and the Association of
21 American Law Schools, may qualify for examination upon proof that the
22 foreign law school from which they graduated meets the American Bar
23 Association Council of Legal Education Standards for approval;

24 * Sec. 20. Section 1 of Alaska Bar Rule 7 is amended to read:

25 Section 1. An applicant who has been denied an examination permit
26 or who has been denied certification to the Supreme Court for admission
27 to practice shall have the right within thirty days after notice of such
28 denial to file with the Board a written verified statement of appeal.

29 Failure timely to file an appeal statement shall constitute waiver of

1 appeal rights. In his statement an applicant shall state all grounds
2 upon which he intends to rely and may:

3 (a) object to the form of notice from which such appeal is taken
4 on the ground that it is so indefinite or uncertain that he cannot
5 reasonably prepare his statement;

6 (b) present new matter on which he relies to establish his eli-
7 gibility for admission to practice.

8 An applicant who is denied an examination permit or who is denied
9 certification shall allege facts which, if true, would establish an
10 abuse of discretion or improper conduct on the part of the Board, the
11 Executive Director, the Committee or a master. If the allegation in the
12 verified statement is [ARE] found to be sufficient by the Board, a
13 hearing shall be granted. A hearing shall be granted to an applicant
14 denied certification if his score on the bar examination is within five
15 points of the passing grade of the bar examination.

16 * Sec. 21. AS 08.03.010(b)(11), AS ~~08.08.090~~, 08.08.220 and 08.08.250 are
17 repealed. *in*
Summit June 30, 1981
per honorat

18 * Sec. 22. Section 3 of Alaska Bar Rule 2 is repealed.

19 * Sec. 23. AS 08.08.050 as amended by sec. 5 of this Act take effect at
20 the first election of members of the Board of Governors of the Alaska Bar
21 after January 1, 1981. The governor shall appoint one member of the board
22 each year to replace an elected member whose term expires.

23 * Sec. 24. Sections 1, 2 and 24 of this Act take effect immediately in
24 accordance with AS 01.10.070(c).

25 * Sec. 25. Sections 3 - 23 and 25 of this Act take effect January 1,
26 1981.

move to delete
R. 3, Sec. 7.
3 times out.
covered.

B. J. ...

*Committee Markup
April 28, 1980
from: MW Berck*

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. *AB 984*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Alaska Bar
7 Association and amending the statutes relating to the
8 practice of law in the state; amending Alaska Bar Rules
9 2 and 7; and providing for an effective date."

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

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

one year sunset extension

13 (2) Board of Governors of the Alaska Bar Association
14 (AS 08.08.040) - June 30, 1981.

15 * Sec. 2. AS 08.08.010 is amended to read:

16 Sec. 08.08.010. CREATION OF ALASKA BAR ASSOCIATION. (a) There is
17 created an agency [INSTRUMENTALITY] of the state known as the Alaska Bar
18 Association, referred to in this chapter as the Alaska Bar. The Alaska
19 Bar shall have a common seal, may sue and be sued, and may, for the
20 purpose of carrying into effect and promoting the objects of the Alaska
21 Bar, enter into contracts and acquire, hold, encumber and dispose of
22 real and personal property.

23 (b) Except as otherwise provided by this chapter, the Alaska Bar
24 is subject to statutory requirements imposed on state agencies including
25 but not limited to AS 08.03, AS 24.20.271, AS 24.55, AS 44.62.010 -
26 44.62.320 and AS 44.66.

27 * Sec. 3. AS 08.08.020 is repealed and re-enacted to read:

28 Sec. 08.08.020. MEMBERS. A person licensed to practice law in the
29 state may become a member of the Alaska Bar.

motion failed to return to mandatory organization

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1 * Sec. 4. AS 08.08.040 is amended to read:

2 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There
3 is [HEREBY] constituted a Board of Governors of the Alaska Bar to be
4 elected under bylaws AND REGULATIONS PROMULGATED by the board.

5 (b) The board consists of ⁸ ~~six~~ ^{carried,} [NINE ACTIVE] members elected by the
6 [ACTIVE] members of the Alaska Bar and three persons who are appointed
7 by the governor and who are not attorneys.

8 * Sec. 5. AS 08.08.050 is amended to read:

9 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) One
10 member [TWO MEMBERS]² of the board shall be elected by and from among the
11 members of the association resident in the first judicial district; two
12 [FOUR]⁴ members of the board shall be elected by and from among the
13 members of the association resident in the third judicial district;
14 one member [TWO MEMBERS]² by and from among the members of the associa-
15 tion resident in the combined area of the second and fourth judicial
16 districts; and two members [ONE MEMBER] at large from the entire state.
17 Three members who are not attorneys shall be appointed by the governor
18 and are subject to confirmation by the legislature in joint session.

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

21 (c) Three board members shall be selected [ELECTED] annually, on
22 the following triennial rotation: [.]

23 (1) in the first year, one member shall be appointed, one
24 member shall be elected at large and one member shall be elected [TWO
25 MEMBERS] from the third judicial district;

26 (2) in the second year, one member shall be appointed, one
27 member shall be elected from the combined area of the second and fourth
28 judicial districts, [ONE MEMBER FROM THE THIRD JUDICIAL DISTRICT,] and
29 one member shall be elected from the first judicial district; and

1 (3) in the third year, one member shall be appointed, one
2 member shall be elected at large [FROM THE FIRST JUDICIAL DISTRICT, ONE
3 MEMBER FROM THE COMBINED AREA OF THE SECOND AND FOURTH JUDICIAL DIS-
4 TRICTS], and one member shall be elected from the third judicial dis-
5 trict.

6 * Sec. 6. AS 08.08.060 is repealed and re-enacted to read:

7 Sec. 08.08.060. ELECTION OF OFFICERS. The members of the Alaska
8 Bar shall elect their officers annually from the membership of the Board
9 of Governors.

10 * Sec. 7. AS 08.08.070 is repealed and re-enacted to read:

11 Sec. 08.08.070. VACANCIES ON THE BOARD. (a) A vacancy
affecting an elected membership position on the board shall be filled
by the remaining board members until the next annual election.

14 (b) The governor shall appoint a member to fill a vacancy in the
15 appointed membership of the board.

16 (c) Vacancies shall be filled for the unexpired term.

17 * Sec. 8. AS 08.08 is amended by adding a new section to read:

18 Sec. 08.08.075. MEETINGS OF THE BOARD. AS 44.62.310 and 44.62.312
19 apply to the meetings of the board. Members of the Alaska Bar and the
20 public shall be given 30 days notice of ^{regular} meetings of the board. Meetings
21 of the board shall take place in the state.

22 * Sec. 9. AS 08.08.080 is amended to read:

23 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise
24 provided in this chapter or the Alaska Bar Rules, the board may adopt
25 reasonable provisions

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

28 (2) providing for employees of the Alaska Bar, the time,
29 place and method of their selection, and their respective powers.

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Ak Bar
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1 duties, terms of office, and compensation;

2 (3) concerning annual and special meetings;

3 (4) concerning the establishment, collection, deposit, in-
4 vestment, and disbursement of membership and admission fees, penalties,
5 and all other funds;

6 [(5) PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF LOCAL
7 SUBDIVISIONS OF THE ALASKA BAR;]

8 * (6) providing for all other matters affecting in any way the
9 organization and functioning of the Alaska Bar;

10 (7) providing for continuing legal education and certification of
11 continuing legal education programs;

12
13 (8) establishing and maintaining a program for the certification
14 of attorneys as specialists.

15 (b) The board may

16 (1) approve and recommend to the Alaska legislature changes
17 to this chapter and to the provisions of state law generally;

18 (2) approve and recommend to the state supreme court
19 rules for promulgation by the court including rules concerning admission,
20 discipline, licensing and continuing legal education;

21 (3) adopt reasonable bylaws and regulations consistent with
22 this chapter and the Alaska Bar Rules;

23 (4) sue in the name of the Alaska Bar in a court of competent
24 jurisdiction to enjoin a person from doing an act constituting a vio-
25 lation of this chapter;

26 (5) fix the annual membership fee for active, inactive,
27 judicial and honorary members.

28 * Sec. 10. AS 08.08.085 is amended to read:

29 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. (a) The Board of
Governors shall report annually to the judiciary committees of the
legislature on all matters concerning admissions, discipline of members,

and disbarment proceedings, except for those matters defined as confidential by court rule. The Board of Governors shall note in this report any modification, repeal, or addition to the bylaws and regulations of the Alaska Bar as well as any modification, repeal, or addition to or any proposed modification, repeal or addition to the rules of court.

Sec. 08.08.090. POWER OF THE BOARD TO MAKE OR CHANGE BYLAWS AND REGULATIONS.

repealed
↑
Power of the bar to make or change bylaws and regulations. Any bylaw or regulation adopted by the Board of Governors may be modified or ~~rescinded~~, or a new bylaw or regulation may be adopted, by a vote of the active members of the association under bylaws and regulations to be prescribed by the Board of Governors. (§ 7 ch 196 SLA 1955; am § 3 ch 168 SLA 1960; am § 7 ch 181 SLA 1976)

Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT.

~~Administrative Procedure Act~~ The bylaw and regulations adopted by the board or the members of the Alaska Bar under this chapter are ~~not~~ subject to the Administrative Procedure Act (AS 44.62). (§ 7 ch 196 SLA 1955; am § 3 ch 178 SLA 1960; am § 8 ch 181 SLA 1976)

* Sec. 11 AS 08.08 is amended by adding new sections to read:

11/15/77
Sec. 08.08.105. THE PRACTICE OF LAW. (a) Any person who either is or ~~represents himself to be or intentionally causes any other person~~ reason to believe that he is an attorney-at-law ~~or a member of the bar of any jurisdiction~~, is engaged in the practice of law while performing any of the following acts for or on behalf of any other person, with or without compensation:

- (1) Appearance in or conduct of litigation or performance of any act in connection with proceedings, pending or prospective before a court of this State unless otherwise provided by court rule; or
 - (2) Appearance in or conduct of litigation or performance of any act in connection with proceedings pending or prospective before any other body constituted by law to settle controversies; or
 - (3) Giving counsel as to any person's legal rights or obligations;
- or

Find thanks too broad

1
2 Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION. (a) The Board
3 of Governors shall administer the bar examination under the Alaska Bar
4 Rules.

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

8 (c) The Board of Governors shall contract with persons experienced
9 in the administration of bar examinations for advice on the preparation
10 or grading of the portion of the bar examination prepared under the
11 direction of the board.

12 (d) The Board of Governors shall establish and maintain standards
13 for experience or training of persons who administer the portion of the
14 bar examination prepared under the direction of the board.

15 * Sec. 12. AS 08.08.205 is amended to read:

16 Sec. 08.08.205. ELIGIBILITY TO TAKE BAR EXAMINATION. Applicants
17 who have not graduated from a [AN ACCREDITED] law school but are other-
18 wise qualified may take the bar examination if they have completed a
19 clerkship in the manner prescribed by AS 08.08.207.

20 * Sec. 13. AS 08.08.207(a) is amended to read:

21 (a) Every person who desires subsequently to qualify as a general
22 applicant for admission to the practice of law [ALASKA BAR] without
23 having been graduated from a [AN APPROVED] law school shall register as
24 a law clerk as provided by this section. He must be a bona fide resi-
25 dent of the state and shall present satisfactory proof that he has been
26 granted a bachelor's degree (other than bachelor of laws) by a college
27 or university offering the degree on the basis of a four-year course of
28 study and has successfully completed his first year of studies at a law
29 school.

* Sec. 14. AS 08.08.207(h) is amended to read:

(h) A registered law clerk who has attended [EITHER AN APPROVED OR A NONAPPROVED] law school may, in the discretion of the university, receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms, or for correspondence school work.

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[(b) THE PRACTICE OF LAW SHALL BE DEFINED IN THE ALASKA BAR RULES.]

(c) This section and AS 08.08.230 do not apply to the practice of law for the legislature by a person employed by or under contract with the legislature who

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25 * Sec. 25. Sections 3 - 23 and 25 of this Act take effect January 1,
26 1981.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

May 26, 1980

SUBJECT: Alaska Bar Association
(CSHB 984)

TO: Representative Charles H. Parr
Chairman, House Judiciary Committee

FROM: Richard A. Bradley *B*
Legislative Counsel

The bill requested is enclosed.

I wish to call your attention to certain provisions of the bill which have been prepared in accordance with your request.

The amendment to AS 08.08.100 has been included as requested. The changes that were made beyond those requested by the committee conform the provisions to present statutory style. AS 08.08.090 was repealed as inconsistent with the amendment to AS 08.08.100.

Note, however, that there are some problems.

The present status may be briefly summarized. AS 08.08.100 provides that the regulations adopted by the board are not subject to the Administrative Procedure Act.

Alaska Bar Rule 62, adopted by the Supreme Court at the request of the board, provides that "bylaws and regulations for the governance of the Alaska Bar" may be adopted by the board "in accordance with this Rule." These provisions may be viewed as generally consistent with one another.

Alaska Bar Rule 62 is a briefly stated procedures section. While it does not contain all the details of the APA, essential due process will be granted to the extent that it is followed.

Representative Charles H. Parr
Page 2
May 26, 1980

But the amendment putting the Board of Governors procedure for the adoption of regulations under the APA is inconsistent with Bar Rule 62.

I have added a temporary law section and amended the title to alert the legislature that its amendment to AS 08.08.100 constitutes an amendment to Alaska Supreme Court Bar Rule 62. Acknowledging that effect should also comply with the requirements of Article IV, sec. 15 of the state Constitution as interpreted by the Supreme Court -- that any amendment to court rules be specifically recognized as such by the legislature. Leege v. Martin, 379 P.2d 447 (Alaska 1963).

And finally, we are uncertain whether the legislature may amend rules of court regulating the Bar. This result occurs because the authority of the legislature over rules in Article IV, sec. 15 is limited to "rules of practice and procedure in civil and criminal cases in all courts" [compare Uniform Rule of the Legislature 38(e)] and perhaps to "rules governing the administration of all courts." Whatever the limits of those rules, it is generally agreed that the rules governing the practice of law are not included within their boundaries.

RAB:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

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But the amendment putting the Board of Governors procedure for the adoption of regulations under the APA is inconsistent with Bar Rule 62.

I have added a temporary law section and amended the title to alert the legislature that its amendment to AS 08.08.100 constitutes an amendment to Alaska Supreme Court Bar Rule 62. Acknowledging that effect should also comply with the requirements of Article IV, sec. 15 of the state Constitution as interpreted by the Supreme Court -- that any amendment to court rules be specifically recognized as such by the legislature. Leege v. Martin, 379 P.2d 447 (Alaska 1963).

And finally, we are uncertain whether the legislature may amend rules of court regulating the Bar. This result occurs because the authority of the legislature over rules in Article IV, sec. 15 is limited to "rules of practice and procedure in civil and criminal cases in all courts" [compare Uniform Rule of the Legislature 38(e)] and perhaps to "rules governing the administration of all courts." Whatever the limits of those rules, it is generally agreed that the rules governing the practice of law are not included within their boundaries.

RAB:ljb

Enclosure

Original sponsor: Judiciary Committee

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 984

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act continuing the existence of the Board of
7 Governors of the Alaska Bar Association and amending
8 the statutes relating to the practice of law in the
9 state; amending Alaska State Supreme Court Bar Rules 2,
10 7, and 62; and providing for an effective date."

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

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

14 (2) Board of Governors of the Alaska Bar Association (AS 08.-
15 08.040) - June 30, 1981.

16 * Sec. 2. AS 08.08.010 is amended to read:

17 Sec. 08.08.010. CREATION OF ALASKA BAR ASSOCIATION. (a) There is
18 created an agency [INSTRUMENTALITY] of the state known as the Alaska Bar
19 Association, referred to in this chapter as the Alaska Bar. The Alaska
20 Bar shall have a common seal, may sue and be sued, and may, for the
21 purpose of carrying into effect and promoting the objects of the Alaska
22 Bar, enter into contracts and acquire, hold, encumber and dispose of
23 real and personal property.

24 (b) Except as otherwise provided by this chapter, the Alaska Bar
25 is subject to statutory requirements imposed on state agencies including
26 but not limited to AS 08.03, AS 24.20.271, AS 24.55, AS 44.62.310,
27 44.62.312 and AS 44.66.

28 * Sec. 3. AS 08.08.040 is amended to read:

29 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) There

1 is [HEREBY] constituted a Board of Governors of the Alaska Bar to be
2 elected under bylaws and regulations adopted [PROMULGATED] by the board.

3 (b) The board consists of eight [NINE] active members elected by
4 the active members of the Alaska Bar and three persons who are appointed
5 by the governor and who are not attorneys.

6 * Sec. 4. AS 08.08.050(a) is amended to read:

7 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a) Two
8 members of the board shall be elected by and from among the members of
9 the association resident in the first judicial district; four members of
10 the board shall be elected by and from among the members of the associa-
11 tion resident in the third judicial district; two members by and from
12 among the members of the association resident in the combined area of
13 the second and fourth judicial districts. Three members who are not
14 attorneys shall be appointed by the governor and are subject to confir-
15 mation by the legislature in joint session [; AND ONE MEMBER AT LARGE
16 FROM THE ENTIRE STATE].

17 * Sec. 5. AS 08.08.050(b) is amended to read:

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

20 * Sec. 6. AS 08.08.050(c) is repealed and re-enacted to read:

21 (c) Three board members shall be selected annually, on the fol-
22 lowing triennial rotation:

23 (1) in the first year, one member shall be appointed; one
24 member shall be elected from the first judicial district, one member
25 from the combined second and fourth judicial district, and one member
26 from the third judicial district;

27 (2) in the second year, one member shall be appointed; one
28 member shall be elected from the first judicial district, one member
29 from the combined second and fourth judicial district, and one member

1 from the third judicial district;

2 (3) in the third year, one member shall be appointed and two
3 members shall be elected from the third judicial district.

4 * Sec. 7. AS 08.08.070 is repealed and re-enacted to read:

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

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

10 * Sec. 8. AS 08.08 is amended by adding a new section to read:

11 Sec. 08.08.075. MEETINGS OF THE BOARD. AS 44.62.310 and 44.62.312
12 apply to the meetings of the board. Members of the Alaska Bar and the
13 public shall be given 30 days notice of regular meetings of the board
14 other than meetings dealing with the administration of the bar examina-
15 tion. Meetings of the board shall take place in the state.

16 * Sec. 9. AS 08.08.080 is amended to read:

17 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwise
18 provided in this chapter or the Alaska Bar Rules, the board may adopt
19 reasonable provisions

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

22 (2) providing for employees of the Alaska Bar, the time,
23 place and method of their selection, and their respective powers,
24 duties, terms of office, and compensation;

25 (3) concerning annual and special meetings;

26 (4) concerning the establishment, collection, deposit, in-
27 vestment, and disbursement of membership and admission fees, penalties,
28 and all other funds;

29 [(5) PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF LOCAL

1 SUBDIVISIONS OF THE ALASKA BAR;]

2 (5) providing for all other matters affecting in any way the
3 organization and functioning of the Alaska Bar;

4 (7) providing for continuing legal education and for certifi-
5 cation of a continuing legal education program;

6 (8) establishing and maintaining a program for the certifica-
7 tion of attorneys as specialists.

8 (b) The board may

9 (1) approve and recommend to the state supreme court [ADDI-
10 TIONAL] rules for promulgation by the court including rules concerning
11 admission, [AND] discipline, licensing and continuing legal education
12 [AND DEFINING THE PRACTICE OF LAW];

13 (2) adopt reasonable bylaws and regulations consistent with
14 this chapter and the Alaska Bar Rules;

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

18 (4) fix the annual membership fee for active, [AND] inactive,
19 and judicial members;

20 (5) recommend to the legislature changes to this chapter and
21 to the provisions of state law generally.

22 * Sec. 10. AS 08.08.085 is amended to read:

23 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. (a) The Board of
24 Governors shall report annually to the judiciary committees of the
25 legislature on all matters concerning admissions, discipline of members,
26 and disbarment proceedings, except for those matters defined as con-
27 fidential by court rule.

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

29 (1) each addition, modification, or repeal of a bylaw or

1 regulation of the Alaska Bar;

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

4 * Sec. 11. AS 08.08.100 is amended to read:

5 Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT. The bylaws and
6 regulations adopted by the board or the members of the Alaska Bar under
7 this chapter are [NOT] subject to the Administrative Procedure Act
8 (AS 44.62).

9 * Sec. 12. AS 08.08 is amended by adding new sections to read:

10 Sec. 08.08.105. THE PRACTICE OF LAW. (a) A person who is an
11 attorney, or who is not an attorney but who represents himself to be an
12 attorney, and who performs any of the following acts on behalf of
13 another person, with or without compensation, is engaged in the practice
14 of law;

15 (1) appearance in or conduct of litigation or performance of
16 an act in connection with proceedings, pending or prospective, before a
17 court in the state unless otherwise provided by court rule;

18 (2) appearance in or conduct of litigation or performance of
19 an act in connection with proceedings pending or prospective before
20 another body constituted by law to settle controversies;

21 (3) giving counsel as to a person's legal rights or obliga-
22 tions;

23 (4) preparation or procurement of instruments or other papers
24 creating, limiting, claiming, granting, terminating, or otherwise se-
25 curing legal rights; or

26 (5) engaging in an act or other practice determined by the
27 supreme court to constitute the practice of law.

28 (b) A person who is not an attorney and who does not represent
29 himself to be an attorney and who for compensation performs an act

1 described in (a) of this section is engaged in the practice of law
2 unless he performs an act set out in (a)(2) - (5) of this section and
3 the act is performed as part of the regular conduct of business the
4 primary purpose of which is other than the performance of an act set out
5 in (a) of this section and if the act does not consume a majority of the
6 person's work time.

7 (c) The provisions of (b) of this section do not apply to a person
8 working under the direct supervision of an attorney in the course of
9 that employment or to a government employee in the course of his em-
10 ployment.

11 (d) The provisions of (b) of this section do not apply to a person
12 employed by a nonprofit corporation that is engaged in public interest
13 activities during the course of his employment by the nonprofit cor-
14 poration. A nonprofit corporation may be represented in court by an
15 officer or director who is not an attorney, notwithstanding AS 22.20.-
16 040, on a showing to the court that

17 (1) the corporation cannot afford the expense of hiring an
18 attorney for the proceeding; and

19 (2) the officer or director is competent to represent the
20 nonprofit corporation before the court.

21 Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION. (a) The Board
22 of Governors shall administer the bar examination under the Alaska Bar
23 Rules.

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

27 (c) The Board of Governors shall contract with persons experienced
28 in the administration of bar examinations for advice on the preparation
29 and grading of the portion of the bar examination prepared under the

1 direction of the board.

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

5 * Sec. 13. AS 08.08.210(c)(3) is amended to read:

6 (3) is employed by or under contract to the legislature and
7 whose activities would constitute the practice of law under this chapter
8 [AND UNDER ALASKA BAR RULES], until the results are released of the
9 third Alaska Bar examination following that person's employment.

10 * Sec. 14. AS 08.08.210(d) is amended to read:

11 (d) Employees of the Department of Law whose activities would
12 constitute the practice of law under this chapter [AND UNDER ALASKA BAR
13 RULES] are required to obtain a license to practice law in Alaska, no
14 later than 10 months following the commencement of their employment.

15 * Sec. 15. AS 08.08.230(a) is amended to read:

16 (a) Any person not an active member of the Alaska Bar and not
17 licensed to practice law in Alaska who engages in the practice of law
18 under this chapter or [REPRESENTS HIMSELF AS ENTITLED TO ENGAGE IN THE
19 PRACTICE OF LAW AS THAT TERM IS DEFINED IN THE ALASKA BAR RULES, OR] an
20 active member of the Alaska Bar who wilfully employs such a person
21 knowing that the [SUCH] person is engaging in the practice of law or
22 representing himself to be entitled to so engage is guilty of a class A
23 misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
24 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

25 * Sec. 16. Alaska State Supreme Court Bar Rule 2, Section 1(b), is
26 amended to read:

27 (b) Be a graduate of a law school which was accredited or approved
28 by the council of legal education of the American Bar Association or the
29 Association of American Law Schools when the applicant entered or
30

1 graduated or submit proof that the law course required for graduation
2 from such a law school will be completed and that a degree will be
3 received as a matter of course before the date of examination. An ap-
4 plicant who has not graduated from a law school accredited under this
5 section who has been licensed to practice law in one or more jurisdic-
6 tions in the United States for five years since his admission is eli-
7 gible to take the bar examination. Graduates of law schools in which
8 the principles of English common law are taught but which are located
9 outside the United States and beyond the jurisdiction of the American
10 Bar Association and the Association of American Law Schools, may qualify
11 for examination upon proof that the foreign law school from which they
12 graduated meets the American Bar Association Council of Legal Education
13 Standards for approval;

14 * Sec. 17. Alaska State Supreme Court Bar Rule 7, Section 1, is amended
15 to read:

16 Section 1. An applicant who has been denied an examination permit
17 or who has been denied certification to the Supreme Court for admission
18 to practice shall have the right within thirty days after notice of such
19 denial to file with the Board a written verified statement of appeal.
20 Failure timely to file an appeal statement shall constitute waiver of
21 appeal rights. In his statement an applicant shall state all grounds
22 upon which he intends to rely and may:

23 (a) object to the form of notice from which such appeal is taken
24 on the ground that it is so indefinite or uncertain that he cannot
25 reasonably prepare his statement;

26 (b) present new matter on which he relies to establish his eli-
27 gibility for admission to practice.

28 An applicant who is denied an examination permit or who is denied
29 certification shall allege facts which, if true, would establish an

1 abuse of discretion or improper conduct on the part of the Board, the
2 Executive Director, the Committee or a master. If the allegation in the
3 verified statement is [ARE] found to be sufficient by the Board, a
4 hearing shall be granted. A hearing shall be granted to an applicant
5 denied certification if his score on the bar examination is within five
6 points of the passing grade of the bar examination.

7 * Sec. 18. AS 08.03.010(b)(11), AS 08.08.090, 08.08.210(b), and 08.08.220
8 are repealed.

9 * Sec. 19. The provisions of AS 08.08.050 as amended by secs. 4 - 6 of
10 this Act that relate to the election of the members of the Board of Governors
11 of the Alaska Bar take effect at the first regular election of members of the
12 Board of Governors held after January 1, 1981. The term of the member of the
13 Board of Governors elected at large at the election held during 1980 ter-
14 minates on the appointment by the governor and qualification of the three
15 non-attorney members of the Board of Governors under AS 08.08.050(a) as
16 enacted in sec. 4 of this Act.

17 * Sec. 20. The governor shall appoint non-attorney members to the Board
18 of Governors for the following initial terms: one member for a three-year
19 term; one member for a two-year term; and one member for a one-year term.

20 * Sec. 21. Section 3 of Alaska Supreme Court Bar Rule 2 is repealed.
21 Section 7 of Alaska Supreme Court Bar Rule 3 is repealed.

22 * Sec. 22. Section 16 of this Act amends Alaska Supreme Court Bar Rule 2.
23 Section 17 of this Act amends Alaska Supreme Court Bar Rule 7.

24 * Sec. 23. Section 11 of this Act has the effect of changing Alaska
25 Supreme Court Bar Rule 62 by requiring the Board of Governors of the Alaska
26 Bar to adopt bylaws and regulations under the Administrative Procedures Act
27 (AS 44.62) and not under Bar Rule 62.

28 * Sec. 24. This Act takes effect June 30, 1980.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Affairs

FROM: Margaret W. Berck, Staff

DATE: May 22, 1980

Please provide the Committee with a CS in final version form that incorporates the Committee's amendments as written in the attached mark up. Please advise me of any changes that are made to this CS for drafting and style purposes.

*Copy of bill given to Gorsuch
this date, May 23, 1980 for fiscal
note preparation.*

* Sec. 4. AS 08.08.040 is amended to read:

2 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) T
3 is [HEREBY] constituted a Board of Governors of the Alaska Bar to b
4 elected under bylaws AND REGULATIONS PROMULGATED by the b

5 (b) The board consists of ^{eight}~~nine~~ [NINE] ACTIVE members elected b
6 ACTIVE members of the Alaska Bar and three persons who are appoin
7 by the governor and who are not attorneys.

* Sec. 5. AS 08.08.050 is amended to read:

9 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a)

10 TWO MEMBERS of the board shall be elected by and from among
11 members of the association resident in the first judicial district;

12 FOUR members of the board shall be elected by and from among the
13 members of the association resident in the third judicial district;

14 and TWO MEMBERS by and from among the members of the associ
15 tion resident in the combined area of the second and fourth judicial
16 districts .

17 Three members who are not attorneys shall be appointed by the govern
18 and are subject to confirmation by the legislature in joint session.

19 (b) Members of the Board of Governors shall hold office for th
20 years and until their successors are elected or appointed and qualif

21 (2) Board members shall be selected [ELECTED] annually,
22 the following triennial rotation: [.]

23 (1) in the first year, one member shall be appointed , one
24 member shall be elected from and ^{two}~~one~~ members shall be elected [TWO
25 MEMBERS] from the third judicial district;

26 (2) in the second year, one member shall be appointed, one
27 member shall be elected from the combined area of the second and four
28 judicial districts, [ONE MEMBER FROM THE THIRD JUDICIAL DISTRICT,]
29 one member shall be elected from the first judicial district, and
one member shall be elected from the third judicial district; and

* Sec. 4. AS 08.08.040 is amended to read:

2 Sec. 08.08.040. BOARD OF GOVERNORS OF THE ALASKA BAR. (a) Ther
3 is [HEREBY] constituted a Board of Governors of the Alaska Bar to be
4 elected under bylaws AND REGULATIONS PROMULGATED by the boar
5 (b) The board consists of ^{eight}~~nine~~ [NINE] ACTIVE members elected by t
6 ACTIVE members of the Alaska Bar and three persons who are appointed
7 by the governor and who are not attorneys.

* Sec. 5. AS 08.08.050 is amended to read:

9 Sec. 08.08.050. SELECTION [ELECTION] OF THE BOARD. (a)
10 TWO MEMBERS of the board shall be elected by and from among t
11 members of the association resident in the first judicial district;
12 FOUR members of the board shall be elected by and from among the
13 members of the association resident in the third judicial district;
14 and TWO MEMBERS by and from among the members of the associa-
15 tion resident in the combined area of the second and fourth judicial
16 districts .
17 Three members who are not attorneys shall be appointed by the governor
18 and are subject to confirmation by the legislature in joint session.

19 (b) Members of the Board of Governors shall hold office for three
20 years and until their successors are elected or appointed and qualifie

21 (c) Board members shall be selected [ELECTED] annually, on
22 the following triennial rotation: [.]

23 (1) in the first year, one member shall be appointed . one
24 member shall be elected from and ^{two}~~one~~ members shall be elected [TWO
25 MEMBERS] from the third judicial district;

26 (2) in the second year, one member shall be appointed. one
27 member shall be elected from the combined area of the second and fourth
28 judicial districts, [ONE MEMBER FROM THE THIRD JUDICIAL DISTRICT,]
29 one member shall be elected from the first judicial district, and
one member shall be elected from the third judicial district; and

1 (3) in the third year, one member shall be appointed,
2 one member shall be elected

3 FROM THE COMBINED AREA OF THE SECOND AND FOURTH JUDICIAL DIS-
4 TRICTS , and one member shall be elected from the third judicial dis-
5 trict.

6 * Sec. 6. AS 08.08.060 is repealed and re-enacted to read:

7 3 Sec. 08.08.060. ELECTION OF OFFICERS. The members of the Alaska
8 Bar shall elect their officers annually from the membership of the Board
9 of Governors.

10 * Sec. 7. AS 08.08.070 is repealed and re-enacted to read:

11 Sec. 08.08.070. VACANCIES ON THE BOARD. (a) A vacancy
affecting an elected membership position on the board shall be filled
by the remaining board members until the next annual election.

14 (b) The governor shall appoint a member to fill a vacancy in the
15 appointed membership of the board.

16 (c) Vacancies shall be filled for the unexpired term.

17 * Sec. 8. AS 08 08 is amended by adding a new section to read:

18 Sec. 08.08.075. MEETINGS OF THE BOARD. AS 44.62.310 and 44.62.31
19 apply to the meetings of the board. Members of the Alaska Bar and the
20 public shall be given 30 days notice of ^{regular} meetings of the board. Meetings
21 of the board shall take place in the state. ^{other than those} dealing with ~~the~~ executive
administration of the ALASKA BAR EXAMINATION.

22 * Sec. 9. AS 08.03.080 is amended to read:

23 Sec. 08.03.080. POWERS OF BOARD. (a) Except as may be otherwise
24 provided in this chapter or the Alaska Bar Rules, the board may adopt
25 reasonable provisions

26 (1) concerning membership and the classification of membe-r-
27 ship in the Alaska Bar;

28 (2) providing for employees of the Alaska Bar, the time,
29 place and method of their selection, and their respective powers,

1 duties, terms of office, and compensation;

2 (3) concerning annual and special meetings;

3 (4) concerning the establishment, collection, deposit, in-
4 vestment, and disbursement of membership and admission fees, penalties,
5 and all other funds;

6 [(5) PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF LOCAL
7 SUBDIVISIONS OF THE ALASKA BAR;]

8 * (6) providing for all other matters affecting in any way the
9 organization and functioning of the Alaska Bar;

10 (7) providing for continuing legal education and certification of
11 continuing legal education programs;

12 (8) establishing and maintaining a program for the certification
13 of attorneys as specialists.

14 (b) The board may

15 (1) approve and recommend to the Alaska legislature changes
16 to this chapter and to the provisions of state law generally;

17 (2) approve and recommend to the state supreme court
18 rules for promulgation by the court including rules concerning admission,
19 discipline, licensing and continuing legal education;

20 (3) adopt reasonable bylaws and regulations consistent with
21 this chapter and the Alaska Bar Rules;

22 (4) sue in the name of the Alaska Bar in a court of competent
23 jurisdiction to enjoin a person from doing an act constituting a vio-
24 lation of this chapter;

25 (5) fix the annual membership fee for active, inactive,
26 judicial and honorary members.

27 * Sec. 10. AS 08.08.085 is amended to read:

28 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. (a) The Board of
29 Governors shall report annually to the judiciary committees of the
30 legislature on all matters concerning admissions, discipline of members,

and disbarment proceedings, except for those matters defined as confidential by court rule. The Board of Governors shall note in this report any modification, repeal, or addition to the bylaws and regulations of the Alaska Bar as well as any modification, repeal, or addition to or any proposed modification, repeal or addition to the rules of court.

Sec. 08.08.090. POWER OF THE BOARD TO MAKE OR CHANGE BYLAWS AND REGULATIONS.

~~Power of the bar to make or change bylaws and regulations. Any bylaw or regulation adopted by the Board of Governors may be modified or ~~repealed~~, or a new bylaw or regulation may be adopted, by a vote of the active members of the association under bylaws and regulations to be prescribed by the Board of Governors. (§ 7 ch 196 SLA 1955; am § 3 ch 168 SLA 1960; am § 7 ch 181 SLA 1976)~~

repealed

repealed

Sec. 08.08.100. ADMINISTRATIVE PROCEDURE ACT.

Administrative Procedure Act. The bylaws and regulations adopted by the board or the members of the Alaska Bar under this chapter are ~~not~~ subject to the Administrative Procedure Act (AS 44.62). (§ 7 ch 196 SLA 1955; am § 3 ch 178 SLA 1960; am § 8 ch 181 SLA 1976)

* Sec. 11 AS 08.08 is amended by adding new sections to read:

~~Sec. 08.08.105. THE PRACTICE OF LAW. (a) Any person who either is or represents himself to be or intentionally causes any other person reason to believe that he is an attorney-at-law or a member of the bar of any jurisdiction, is engaged in the practice of law while performing any of the following acts for or on behalf of any other person, with or without compensation:~~

- ~~(1) Appearance in or conduct of litigation or performance of any act in connection with proceedings, pending or prospective before a court of this State unless otherwise provided by court rule; or~~
- ~~(2) Appearance in or conduct of litigation or performance of any act in connection with proceedings pending or prospective before any other body constituted by law to settle controversies; or~~
- ~~(3) Giving counsel as to any person's legal rights or obligations;~~

~~or~~

1 * Sec. 11. AS 08.08 is amended by adding new sections to read:

2 Sec. 08.08.105. THE PRACTICE OF LAW. (a) A person who is an
3 attorney, or who is not an attorney but who represents himself to be an
4 attorney, and who performs any of the following acts on behalf of
5 another person, with or without compensation, is engaged in the prac-
6 tice of law:

7 (1) appearance in or conduct of litigation or performance of
8 any act in connection with proceedings, pending or prospective, before
9 a court of this State unless otherwise provided by court rule; or

10 (2) appearance in or conduct of litigation or performance of
11 any act in connection with proceedings pending or prospective before
12 any other body constituted by law to settle controversies; or

13 (3) giving counsel as to any person's legal rights or obli-
14 gations; or

15 (4) preparation or procurement of instruments or other
16 papers creating, limiting, claiming, granting, terminating, or other-
17 wise securing legal rights; or

18 (5) engaging in any act or other practice determined by
19 the Supreme Court to constitute the practice of law.

20 (b) A person who is not an attorney and who does not represent
21 himself to be an attorney and who for compensation performs any of the
22 acts set forth in ~~(2) - (5)~~ of subsection (a) of this section is en-
23 gaged in the practice of law unless ^{he performs any of the acts set forth in (2) - (5) of subsection (a) and} such acts are performed as part of
24 the regular conduct of business the primary purpose of which is other
25 than the performance of any of the acts set forth in ~~(1) through (5)~~ of
26 subsection (a) of this section and if such acts do not consume a
27 majority of the person's work time.

28 (c) The provisions of (b) of this section do not apply to a
29 person working under the direct supervision of an attorney in the

1 course of that employment, or to a government employee in the course
2 of his employment. In addition, the provisions of (b) of this section
3 do not apply to a person employed by a nonprofit corporation that is
4 engaged in public interest activities during the course of his employ-
5 ment by such nonprofit corporation. However, notwithstanding AS 22.20.
6 040, a nonprofit corporation may be represented in court by an officer
7 or director who is not an attorney upon a showing to the court that
8 the corporation cannot afford the expense of hiring an attorney for
9 the action or proceeding and that the officer or director is competent
10 to represent the nonprofit corporation before the court.
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2 Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION. (a) The Board
3 of Governors shall administer the bar examination under the Alaska Bar
4 Rules.

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

8 (c) The Board of Governors shall contract with persons experienced
9 in the administration of bar examinations for advice on the preparation
10 or grading of the portion of the bar examination prepared under the
11 direction of the board.

12 (d) The Board of Governors shall establish and maintain standards
13 for experience or training of persons who administer the portion of the
14 bar examination prepared under the direction of the board.

15 * Sec. 12. AS 08.08.205 is amended to read:

16 Sec. 08.08.205. ELIGIBILITY TO TAKE BAR EXAMINATION. Applicants
17 who have not graduated from ~~AN ACCREDITED~~ law school but are other
18 wise qualified may take the bar examination if they have completed a
19 clerkship in the manner prescribed by AS 08.08.207.

20 * Sec. 13. AS 08.08.207(a) is amended to read:

21 (a) Every person who desires subsequently to qualify as a general
22 applicant for admission to the ~~practice of law~~ ALASKA BAR without
23 having been graduated from ~~AN APPROVED~~ law school shall register as
24 a law clerk as provided by this section. He must be a bona fide resi-
25 dent of the state and shall present satisfactory proof that he has been
26 granted a bachelor's degree (other than bachelor of laws) by a college
27 or university offering the degree on the basis of a four-year course
28 of study and has successfully completed his first year of studies at a law
29 school.

* Sec. 14. AS 08.08.207(h) is amended to read:

(h) A registered law clerk who has attended ~~either~~ EITHER AN APPROVED OR A NONAPPROVED law school may, in the discretion of the university, receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms, or for correspondence school work.

* Sec. 15. AS 08.08.207(i) is amended to read:

(i) As used in this section

(1) "law school" means a law school ~~whether or not~~ accredited, approved or meeting the standards of the Council of Legal Education of the American Bar Association or the Association of American Law Schools; or a school in Alaska offering a course of study which the university approves as the equivalent to a year's study in a law school under this section;

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

* Sec. 16. AS 08.08.210 is amended to read:

Sec. 08.08.210. WHO MAY PRACTICE LAW. (a) No person may engage in the practice of law in the state unless he is licensed to practice law in Alaska AND IS AN ACTIVE MEMBER OF THE ALASKA BAR . A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may prescribe.

[(b) THE PRACTICE OF LAW SHALL BE DEFINED IN THE ALASKA BAR RULES.]

(c) This section and AS 08.08.230 do not apply to the practice of law for the legislature by a person employed by or under contract with the legislature who

(1) has been employed as a member of its legal staff on or before September 14, 1976;

(2) has engaged in the practice of law on behalf of the legislature on or before September 14, 1976 and been compensated on a

1 contractual or fee basis; or

2 (3) is employed by or under act to the legislature and
3 whose activities would constitute the practice of law under this chapter
4 [AND UNDER ALASKA BAR RULES], until the results are released of the
5 third Alaska Bar examination following that person's employment.

6 (d) Employees of the Department of Law whose activities would
7 constitute the practice of law under this chapter [AND UNDER ALASKA BAR
8 RULES] are required to obtain a license to practice law in Alaska, no
9 later than 10 months following the commencement of their employment.

10 * Sec. 17. AS 08.08.230(a) is amended to read:

11 (a) Any person not AN ACTIVE MEMBER OF THE ALASKA BAR AND NOT
12 licensed to practice law in Alaska who engages in the practice of law
13 under this chapter or [REPRESENTS HIMSELF AS ENTITLED TO ENGAGE IN THE
14 PRACTICE OF LAW AS THAT TERM IS DEFINED IN THE ALASKA BAR RULES, OR AN
15 ACTIVE MEMBER OF THE ALASKA BAR] who wilfully employs such a person
16 knowing that the [SUCH] person is engaging in the practice of law or
17 representing himself to be entitled to so engage is guilty of a class
18 misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE
19 THAN \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH

20 ~~* Sec. 18. AS 22.05 is amended by adding new sections to read:~~

21 ~~ARTICLE 2. ATTORNEYS.~~

22 ~~Sec. 22.05.180. LICENSE FOR THE PRACTICE OF LAW. (a) The annual~~
23 ~~fee for a license to engage in the active practice of law in the state~~
24 ~~is \$25. The annual fee for inactive practice is \$10 and the annual fee~~
25 ~~for members of the judiciary is \$20. Fees are payable to the clerk of~~
26 ~~the supreme court. Fees collected by the supreme court under this~~
27 ~~section shall be deposited in the general fund.~~

28 ~~(b) The supreme court may define the active and the inactive~~
29 ~~practice of law for the purposes of (a) of this section.~~

11 * Sec. 19. Section 1(b) of Alaska Bar Rule 2 is amended to read:

12 (b) Be a graduate of a law school WHICH WAS ACCREDITED OR AP-
13 PROVED BY THE COUNCIL OF LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATIO
14 OR THE ASSOCIATION OF AMERICAN LAW SCHOOLS WHEN THE APPLICANT ENTERED O
15 GRADUATED or submit proof that the law course required for graduation
16 from SUCH a law school will be completed and that a degree will be
17 received as a matter of course before the date of examination.

However, applicants who have not graduated from an accredited law
school, but who have been licensed to practice law in a jurisdiction in
the United States as an admitted attorney for five years, consecutive or
cumulative, are eligible to take the bar examination.

18 Graduates of law schools in which the principles of English common law
19 are taught but which are located outside the United States and beyond
20 the jurisdiction of the American Bar Association and the Association of
21 American Law Schools, may qualify for examination upon proof that the
22 foreign law school from which they graduated meets the American Bar
23 Association Council of Legal Education Standards for approval;

24 * Sec. 20. Section 1 of Alaska Bar Rule 7 is amended to read:

25 Section 1. An applicant who has been denied an examination permit
26 or who has been denied certification to the Supreme Court for admission
27 to practice shall have the right within thirty days after notice of such
28 denial to file with the Board a written verified statement of appeal.
29 Failure timely to file an appeal statement shall constitute waiver of

1 appeal rights. In his statement an applicant shall state all grounds
2 upon which he intends to rely and may:

3 (a) object to the form of notice from which such appeal is taken
4 on the ground that it is so indefinite or uncertain that he cannot
5 reasonably prepare his statement;

6 (b) present new matter on which he relies to establish his eli-
7 gibility for admission to practice.

8 An applicant who is denied an examination permit or who is denied
9 certification shall allege facts which, if true, would establish an
10 abuse of discretion or improper conduct on the part of the Board, the
11 Executive Director, the Committee or a master. If the allegation in the
12 verified statement is [ARE] found to be sufficient by the Board, a
13 hearing shall be granted. A hearing shall be granted to an applicant
14 denied certification if his score on the bar examination is within five
15 points of the passing grade of the bar examination.

16 *Sec. 21. Section 7 of Alaska Bar Rule 3 is repealed.

17 * Sec. 22. AS 08.03.010(b)(11), ~~AS 08.08.015~~, 08.08.220 ~~and 08.08.254~~ ar
18 AND
19 repealed.

20 * Sec. 23. Section 3 of Alaska Bar Rule 2 is repealed.

21 * Sec. 24. AS 08.08.050 as amended by sec. 5 of this Act takes effect at
22 the first election of members of the Board of Governors of the Alaska Bar
23 after January 1, 1981. The governor shall appoint one member of the board
24 each year to replace an elected member whose term expires.

25 * Sec. 25. Sections 1, 2 and 24 of this Act take effect immediately in
26 accordance with AS 01.10.070(c).

27 * Sec. 26. Sections 3 - 23 and 25 of this Act take effect January 1,
28 1981.

