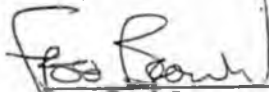


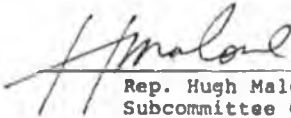
995 HJ AK BAR ASSN SUNSET REVIEW FILE NO. 13 and 14

A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

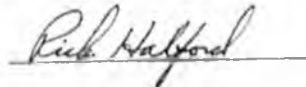
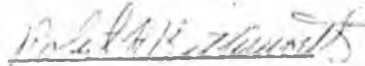
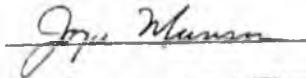
Respectfully submitted,



Rep. Fred Brown
Chairman
House Commerce Committee



Rep. Hugh Malone
Subcommittee Chairman
Board of Electrical
Examiners "Sunset"
Review



The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the Alaska Bar Association. By letter of July 31, 1979, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

The Alaska Bar Association has taken the position "that it is not a State agency, and that it is not subject to the Sunset review process." The Association refused the Legislative Auditor access to some of its records; therefore, no performance audit has been conducted.

On November 7, 1979 the Committee requested information on 87 points; by letter of January 30, 1980 and a 71-page booklet, The Alaska Bar Association, February 1980, the Association answered completely 73 of the 87 points. Another 13 points were addressed by the Alaska Bar Association, but were not answered completely because of stated lack of adequate or feasibly retrievable information. On one point, a request for a copy of the card index on discipline, the Alaska Bar Association refused to reply, stating that it could not release this confidential information to the House Judiciary Committee.

In addition to receiving testimony during in camera hearings, the Committee held 2 hearings to receive public testimony in Juneau. Also, 2 teleconference hearings were held to obtain testimony from Anchorage, Fairbanks, Kodiak, Valdez, Ketchikan, Slicka and Nome. Written testimony was received from 6 persons and the Kenai Peninsula Bar Association. Oral testimony was received from about 15 persons. Witnesses included the president, president-elect, two former presidents, and three members of the present Board of Governors of the Association; the Ombudsman, and a number of attorneys.

The Alaska Supreme Court has delegated to the Association the responsibility for admissions and discipline, and by statute the Association may propose court rules or rule changes. All attorneys practicing in Alaska are required to be members of the Association, and to pay dues (now \$180.00 per year). Statutory authority is AS 08.08.010 - 250, commonly called the Integrated Bar Act, and some members of the Bar seem to feel that authority also resides in the inherent power of the Alaska Supreme Court.

The Committee found that the Association is conducting a number of worthwhile activities. Unfortunately, it is not clear that most of these are benefiting the general public, as opposed to Association members. (If, as it claims, the Association is not a State agency, it would be under no obligation to benefit the general public.)

In some ways one of the most disturbing revelations was the extent to which attorneys form a closed corporation. The Association comprises all attorneys in the State, only its members may practice law, it is in charge of admissions to the Bar and of discipline of its members, it nominates the three attorneys who sit on the Judicial Council, which in turn sends judgeship nominees to the Governor, judges must themselves be attorneys, and the Association furnishes nine members of the Board of Directors of Alaska Legal Services Corporation. Only in the disciplinary hearing and attorney fee review committees is there any lay presence. There seems to be at

present no provision for the exercise of supervisory responsibility by the elected representatives of the people. The position of the Court System on the Alaska Bar Association sunset is included as an appendix to this report.

The Committee received more complaints and more testimony on the subject of Bar examinations than on any other subject related to the Alaska Bar Association. A major defect in the administration of the Alaska examination is that it is prepared and graded by persons who, while skilled attorneys, are amateurs in testing. Professionalism is needed in both the preparation and grading of the examination to ensure that the examination will score persons only on relevant factors. The training of the preparers and graders should be financed by the income derived each year from the administration of the bar examination (about \$16,000 anticipated in 1980, not including the costs of any litigation which may arise from the examination).

There appears to be no discrimination against women in the Alaska Bar Association. Alaska has one of the highest percentages of women lawyers in the United States and, specifically, the highest percentage of women on its Board of Governors. In fact, the president of the Alaska Bar Association is a woman.

Although no apparent preference for non-minorities is shown, there is a disparity in the numbers of minorities versus non-minorities in the Alaska Bar Association. Ethnic minorities are poorly represented in the Alaska Bar Association. Present membership from these ethnic groups is as follows:

Alaska Native	5
Black	4
Asian-American	2
Hispanic	1

To the best of our knowledge, 12 Native people have been admitted to the Alaska Bar since Statehood. The only reliable statistics available are those reflecting current membership. Because the problem of low representation of minorities in the Alaska Bar Association has not been addressed adequately in the past, reasons for this situation cannot be determined at this time.

The Judiciary Committee recognizes that the percentage of minorities failing the Alaska bar examination, compared with the percentage of non-minority persons failing, is disproportionately high. The Committee believes that this disparity may be caused in part by cultural factors.

The Committee does not believe that the Alaska Bar Association intends to discriminate against minorities. The Committee commends the Board of Governors' Legal Educational Opportunities Committee for its work in gathering statistics regarding minorities in the Alaska Bar Association. The Committee urges the Board of Governors to

continue this work so that accurate minority pass rates may be established.

The Committee urges the Board of Governors to develop a program which will speak to the statistics reflecting minority representation in the Alaska Bar Association and the apparently low percentage of minority and non-minority individuals who pass the bar examination.

The Committee urges the Board of Governors to be aware of the disparity in minority participation in the bar and to direct its Committee of Bar Examiners to continually scrutinize the preparation and grading of the examination for possible cultural biases.

The Committee urges the Board of Governors to look into establishing some other criteria for evaluating an individual's competency to practice law in the State.

When, after completion of testimony, the Committee began its deliberations, the diversity of opinion was clearly evident. Apparently no one believed that the Alaska Bar Association should be extended for the maximum four years. Some members wanted to treat attorneys like other professionals, with a board to handle admissions and discipline; others preferred to make the Supreme Court directly responsible for those functions; and a third group preferred a short extension together with appropriate statute changes. The last viewpoint was finally adopted.

Findings required by AS 44.66.050(4) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: The Alaska Bar Association is intended to address the need for admission and discipline of attorneys in the State.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The objectives are to upgrade the Bar in terms of education, competence, and

professionalism of its members, and to perform some services for the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no other programs having similar or conflicting objectives.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The responsibilities could be turned over to the Supreme Court or to a professional board in the Division of Occupational Licensing. The Committee has considered these alternatives but believes that they are not feasible at this time.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level,

Finding: The Association could not be eliminated unless some other agency were responsible for the functions.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding: The extension of the Association for one year will permit time for a more thorough review and there is no duplication of other efforts.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest;

Finding: Information which would improve the performance of the Association is included in

other portions of this report or in legislation to be introduced by the House Judiciary Committee.

The House Judiciary Committee finds that:

- (1) The Alaska Bar Association should be extended until June 30, 1981.
- (2) Statutory changes are needed in the public interest. The Committee will propose a bill incorporating these changes.

Charles H. Parr

Charles H. Parr, Chairman

Nels A. Anderson, Jr.

Nels A. Anderson, Jr.

Ramona L. Barnes

Ramona L. Barnes

Fred E. Brown

Fred E. Brown

Thelma Buchholdt

Thelma Buchholdt

Hugh Malone

Hugh Malone

Terry Martin

Terry Martin

Patrick M. O'Connell

Patrick M. O'Connell

Rand Phillips

Rand Phillips

SUPPLEMENT

Representative Charles H. Parr
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

You have asked that I comment on behalf of the Court System concerning the sunset legislation of the Alaska Bar Association currently pending before your committee.

I have conferred with the Supreme Court with regard to your request and they asked me to comment as follows.

The Court strongly supports continued existence of the Alaska Bar Association as an integrated bar. The Court further suggests that the Bar Association and the Legislative Budget Committee reach a reasonable accommodation of the current dispute.

The Court has not given me brief to comment further on the subject. I hope these comments will help the committee.

Cordially,



Arthur H. Snowden, II
Administrative Director


The Hon. Charles Parr, Chairman
House Judiciary Committee
Room 126, State Capitol Building
Juneau, Alaska 99811

Dear Representative Parr:

In my letter of March 4, 1980, with reference to the sunset of the Alaska Bar Association, I stated in the last sentence that the Court hopes that the Bar Association and the Legislative Budget and Audit Committee can reach a reasonable accommodation of their present dispute.

I wish to make it clear that in commenting on this subject, in no way did I intend to comment or convey any information on the merits of the controversy between the Legislative Budget and Audit Committee and the Alaska Bar Association before the Supreme Court.

Very truly yours,



Arthur H. Snowden II

March 11, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the State Board of Parole.

By letter of July 31, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

Committee staff conducted the necessary research. Also available to the Committee were the Executive Summary, Alaska Corrections Master Plan, 1979, and A Performance Review of the Alaska State Board of Parole, Division of Legislative Audit, May 9, 1979.

In addition to receiving testimony during interim hearings, the Committee held three hearings in Juneau. Also, two teleconference hearings were held to receive testimony from Anchorage, Fairbanks, Ketchikan, Dillingham, Kenai, Nome and Bethel.

A total of about 35 witnesses testified, including the Director, Division of Corrections; the present Chairman, a former Chairman, and the Executive Director of the Board. One other member of the Board attended a hearing but did not testify.

Art. III, Sec. 21, of the Alaska Constitution requires that "a parole system shall be provided by law". The Committee received an opinion from the Legislative Affairs Agency to the effect that the Constitution does not mandate a parole board. One option which was considered would have done away with the Parole Board and had the sentencing judge retain jurisdiction over the parolee. Once this option was rejected, the choices narrowed to a parole board in some form.

Testimony indicated that the workload of the present Board is heavy. The Chairman estimated that the average member spends 60 days a year on Board duties. The Committee considered the possibility of a full-time, paid board, but rejected it. (The new criminal code which prohibits parole for those convicted of second and succeeding felonies may result in a reduced workload after a few years.)

Also considered was the possibility of establishing a second board and dividing the work between the two. Prisoner reclassification and transfer could, however, result in both boards being involved with the same parolee or potential parolee. This seems undesirable.

Testimony indicates that Parole Board members may rely too heavily on "gut reactions" in deciding whether or not to grant parole. Although no human being can be perfectly objective, and a completely mechanical system would probably be unacceptable, there is need for a proper balance. The Board has recognized this need and is considering objective criteria which have shown a high correlation with successful parole.

A matter of concern to the Committee was the recidivism rate among parolees. Although only about 4% were re-incarcerated because they committed a new felony, about 20% went back to prison for technical violations (violating conditions set by the Board at the time parole was granted). Examples of such conditions are (1) that the prisoner have an assigned job as part of his parole plan, which may be impossible in a village situation, and (2) that the parolee not associate with other felons, although these may be in some cases his only friends or close acquaintances. In effect, about a fourth of all parolees are returned to prison, a disturbing statistic in view of the present and expected overcrowding in Alaska's correctional institutions. The Judiciary Committee, therefore, spent a significant amount of time considering the parole conditions now being set.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: There is a need to avoid unnecessary incarceration.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The Parole Board is intended to provide for mitigation of sentence while simultaneously protecting the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no similar or conflicting programs.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The program could be handled by the judicial branch but this would remove the element of judgment by one's peers.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The program is constitutional and cannot be eliminated. Funding it at a lower level would make it very ineffective.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts; and

Finding: The program is necessary and no other agency performs similar functions.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest.

Finding: Other information will be contained in legislation to be introduced or in other portions of this report.

The Judiciary Committee finds that:

- (1) The Alaska State Board of Parole is necessary and should be continued.
- (2) Statutory changes are needed to improve the functioning of the Board. The Committee will propose a bill incorporating these changes.
- (3) The chances that parole will be successful, from the standpoints of both society and the parolee, are to some extent dependent on the prisoner's willingness and ability to change while in prison. Educational, alcohol treatment, psychiatric counseling and work programs are generally unavailable or inadequate. The Judiciary Commit-

tee recommends approval of additional funds and personnel spaces for the Division of Corrections for programs which can be shown to reduce recidivism.

Charles H. Parr

Charles H. Parr, Chairman

Nels A. Anderson, Jr.

Nels A. Anderson, Jr.

Ramona L. Barnes

Ramona L. Barnes

Fred E. Brown

Fred E. Brown

Thelma Buchholdt

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Hugh Malcne

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Randy Phillips

Randy Phillips

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Fouch V
Juneau, Alaska 99811

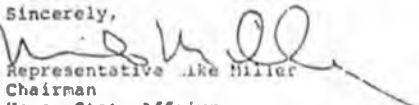
Dear Mr. Speaker:

The House State Affairs Committee has had under consideration for "Sunset" review the Collection Agency Board under AS 24.20.271 and AS 44.66.050.

A public hearing was held on the review of the board, at which testimony of the Director of the Division of Occupational Licensing was received. Additional testimony was received from the public in person and by teleconference. The Committee particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

The State Affairs Committee finds itself in agreement with the Legislative Audit Division and recommends that the Collection Agency Board not be reinstated. The committee further recommends that legislation be introduced to transfer the duties of the Collection Agency Board to the Division of Occupational Licensing.

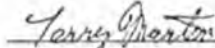
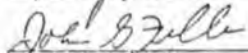
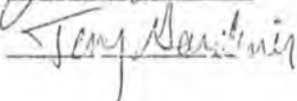
Sincerely,


Representative Mike Miller
Chairman
House State Affairs

Members:





Alaska State Legislature

SENATOR
ROBERT H. ZIEGLER, SR.
307 BAWDEN STREET
KETCHIKAN, ALASKA 99901

POUCH V
JUNEAU, ALASKA 99811

June 2, 1980



Senate

CHAIRMAN
SENATE JUDICIARY COMMITTEE
IMMEDIATE PAST CHAIRMAN
WESTERN CONFERENCE - COUNCIL OF
STATE GOVERNMENTS

VICE CHAIRMAN
SENATE RULES COMMITTEE

MEMBER
SENATE STATE AFFAIRS COMMITTEE
SENATE COMMITTEE ON COMMITTEES
LEGISLATIVE COUNCIL
WESTERN STATES LEGISLATIVE
FORESTRY TASK FORCE

The Honorable Terry Gardiner,
Speaker of the House
Alaska State House of Representatives
Room 210 Capitol Building
Juneau, Alaska

Dear Mr. Speaker:

The House is doing strange and wonderful things to an honorable profession - that is the State Bar.

Members in the House should be advised that Article IV, Section 8 of the Constitution provides that three attorney members of the Judicial Council must be members of the organized state bar.

The way things are going it appears as if the organized bar will no doubt soon be unorganized and thus you are efficaciously killing the Judicial Council; this means of course, that without a constitutional amendment, you are guaranteeing that no judicial vacancies can be filled after the current attorney members on the Council are disqualified by virtue of the fact they are no longer members of the organized state bar.

I make no comment about the wisdom or desirability of actions the House has taken to date, but I felt this grave constitutional question should be called to your attention.

Regards,

A handwritten signature in dark ink, appearing to read "Ziegler".

Robert H. Ziegler, Sr.

RHZ:lk

cc: Representative Parr
Representative Anderson
Representative Brown
Representative Buchholdt
Representative Malone
Representative Barnes
Representative Martin
Representative O'Connell
Representative Phillips

Bar Assoc

total budget	\$ 525,000
income from fees	200,000
	<hr/>
	\$ 335,000

assuming no Bar dues increase from
\$180/annum will need \$335,000

obviously, if Bar dues increase,
approved at June Convention,
then funding requirements will
decrease.



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.

UPDATED
MAY 21, 1980

April 28, 1980
from: H.W. Lunde

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS for 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 Rule
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:

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~~ ^{shall} become a member of the Alaska Bar.

* 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 ^{eight}~~nine~~ [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.

* 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 the
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 qualified

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 the first judicial district, 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 Sec. 08.08.060. ELECTION OF OFFICERS. The members of the Alaska
8 Bar shall elect their officers annually from the membership of the Boa-
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 44.62.3
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. Meetin
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 08.08.080 is amended to read:

23 Sec. 08.08.080. POWERS OF BOARD. (a) Except as may be otherwis
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,

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;

0 (7) providing for continuing legal education and certification of
1 continuing legal education programs;

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

4 (b) The board may

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

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

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

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

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

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

7 Sec. 08.08.085. ANNUAL REPORT TO LEGISLATURE. (a) The Board of
8 Governors shall report annually to the judiciary committees of the
9 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 ^{repealed} 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)

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), (3), (4), (5)~~ subsection (a) of this section is en-
23 *he performs ANY of the Acts set forth in (2)-(5) of subsection (a) and*
24 gaged in the practice of law unless such acts are performed as part of
25 the regular conduct of business the primary purpose of which is other
26 than the performance of any of the acts set forth in ~~(1) through (5)~~ of
27 subsection (a) of this section and if such acts do not consume a
28 majority of the person's work time.

29 (c) The provisions of (b) of this section do not apply to a
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. Applicant
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
24 as 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
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 contract to the legislature and
3 whose activities would constitute the practice of law under this chap
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 B
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 w 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 BOT

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 annu~~
23 ~~fee for a license to engage in the active practice of law in the stat~~
24 ~~is \$25. The annual fee for inactive practice is \$10. and the annual f~~
25 ~~for members of the judiciary is \$20. Fees are payable to the clerk o~~
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.~~

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

(b) Be a graduate of a law school WHICH WAS ACCREDITED OR APPROVED BY THE COUNCIL OF LEGAL EDUCATION OF THE AMERICAN BAR ASSOCIATION OR THE ASSOCIATION OF AMERICAN LAW SCHOOLS WHEN THE APPLICANT ENTERED OR GRADUATED or submit proof that the law course required for graduation from SUCH a law school will be completed and that a degree will be 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.

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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 t
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 08.08.091~~, 08.08.220 ~~and 08.08.224~~ a
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 a
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.

Copies members
HB 984

LA32 3627 16.04 JAO1 0075 16.04 05/16/80

P O M

TO: CHARLES PARR AND MEMBERS OF THE HOUSE JUDICIARY COMMITTEE
FROM: TRED EYERLY
PO BOX 248
BETHEL, ALASKA 99559 PHONE: 543-2237

RE: HB 984, CONCERNING CONTINUING THE EXISTENCE OF THE ALASKA BAR ASSOC.
AND AMENDING CERTAIN STATUTES AND BAR RULES

I HAVE READ HB 984 AND HAVE SPOKEN WITH PEGGY BURKE ABOUT ITS PROVISIONS.
I AM THEREFORE FAMILIAR WITH THE BILL.

I STRONGLY FAVOR PASSAGE OF SECTION 19 OF HB 984, WHICH WOULD AMEND ALASKA
BAR RULE 2 AND ELIMINATE THE REQUIREMENT THAT ONE GRADUATE FROM AN ABA
ACCREDITED LAW SCHOOL BEFORE BEING ALLOWED TO SIT FOR THE ALASKA BAR EXAM-
INATION. I AM CURRENTLY PRACTICING LAW FOR ALASKA LEGAL SERVICES UNDER A
WAIVER GRANTED BY ALASKA BAR RULE 43. I GRADUATED FROM SAN FRANCISCO LAW
SCHOOL, WHICH HAS BEEN ACCREDITED BY THE STATE BAR OF CALIF. SINCE 1934.
(INCIDENTALLY, FORMER CHIEF JUSTICE BUELL NESBEH IS A GRADUATE OF MY SCHOOL)
I HAVE PASSED THE CALIFORNIA BAR EXAM AND AM ADMITTED TO PRACTICE THERE.
HOWEVER, THE BOARD OF GOVERNORS OF THE ALASKA BAR ASSOCIATION HAS DENIED ME
PERMISSION TO TAKE THE ALASKA BAR EXAM BECAUSE OF ALASKA BAR RULE 2. I FEEL
THAT THIS IS UNFAIR BECAUSE, AS MY SUPERVISORS AT ALASKA LEGAL SERVICES WOULD
AGREE, I HAVE SHOWN MY COMPETENCE TO PRACTICE LAW IN ALASKA.

THEREFORE, I URGE PASSAGE OF THIS PROTION OF HB 984 WHICH WOULD GIVE APPLI-
CANTS WITH CIRCUMSTANCES SUCH AS MINE THE OPPORTUNITY TO TAKE THE ALASKA
BAR EXAM.

THANK YOU.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

February 21, 1980

TO: Members of the House Judiciary Committee
FROM: Charles H. Parr, Chairman
SUBJECT: Options for Bar Association Sunset Review

It appears to me that there are a number of options for the Committee in dealing with the Sunset Review of the Bar Association. I have listed these very sketchily and hope that they may serve as a framework for our discussions.

- 1 - Continue the existing situation in which the Supreme Court has final authority and delegates to the Bar Association the responsibility for admissions, discipline, and rule proposal.
- 2 - Same as No. 1 above except that no State funds will be made available to the Bar Association and it would be made clear to the Supreme Court that such funds should not be included in its budget.
- 3 - De-integrate the Bar Association, which would then become purely a private organization. Make the Supreme Court directly responsible for admissions and discipline.
- 4 - Establish a Board of Legal Practice similar to the existing boards for other professions. Make this board responsible for admissions and discipline. Under this option the Bar Association would be a private organization and would carry out any other functions it might choose.
- 5 - Do away with mandatory membership in the Bar Association, leaving other things as they are.

*Fred - 6 - Extension for short time
As with other professions, which have such
responsibility
Profession. It is not good*

CHP:vc

Peggy please call

Debbie Coon

SRC Box 8338

Palmer, AK 99645

April 29, 1980

House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sir,

I was referred to you from
Governor Jay Hammond, to express
my complaints against the Alaska
Bar Association.

Therefore, I have enclosed
a formal complaint, my husband has
filed against the Bar Association.

There are alot of problems
that related to his filing this
complaint.

And if you are really
serving the Bar Association

ALASKA BAR ASSOCIATION
REQUEST FOR INVESTIGATION

REQUEST FOR INVESTIGATION OF ALASKA BAR ASSOCIATION
BAR BOARD OF GOVERNORS
A Member of the State Bar of Alaska
TO THE ALASKA BAR ASSOCIATION:

I, George L. Coon
(Type, or print your full name)

complain about the above named ^{ASSOCIATION} attorney and state that he or she:

1. Maintains his or her address at
300 K STREET SUITE 105
P.O. Box 279 Anchorage, Alaska 99510
(Street and Number, City, village, town, zip code)

Alaska, Telephone No. 214 1469 OR 272 7466

2. Has committed acts of misconduct as set forth in the statement below.

I, therefore, request that such misconduct be investigated by the State Bar Counsel.

DATE: MARCH 12, 1980

SIGNATURE: George Coon

ADDRESS: SRC Box 8338 Palmer, AK 99645

TELEPHONE: 745 4520

INSTRUCTIONS:

- Please type or hand letter all information except signature.
- Under "Statement" state all circumstances as to the conduct of the attorney, in chronological order. Attach additional sheets if necessary.
- Specify exactly what the attorney did which you believe to have been misconduct.
- Please return original of this form and attachment to: Alaska Bar Association, Box 279, Anchorage, Alaska 99510
- An additional copy should be retained by person signing this form.
- All proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential at all levels of the proceedings, and members of the bar participating in those proceedings are required to keep them confidential; provided, that upon the filing of the record in the Court, the record shall be considered public information, except in cases involving allegations of disability. ABR II-31, §1.

STATEMENT

The ALASKA BAR ASSOCIATION doesn't fully investigate legitimate complaints.

Some ATTORNEYS never respond to the complaints against them. Refuse to properly enforce discipline, which causes suffer to many people due to many ATTORNEYS incompetence.

Allowing yourselves to become a laughing joke to the public and causing loss of respect of laws.

In general the ALASKA BAR ASSOCIATION is a big cover up to please the public.

Now if you want to fully investigate this complaint, all ALASKA BAR ASSOCIATION members would resign to better this ASSOCIATION.

P.S. Sending copies of this complaint to all legislators.

ALASKA BAR ASSOCIATION
REQUEST FOR INVESTIGATION

REQUEST FOR INVESTIGATION of ALASKA BAR ASSOCIATION
Public Board of Counselors
A Member of the State Bar of Alaska
TO THE ALASKA BAR ASSOCIATION:

I, George L. Conn
(Type, or print your full name)

complain about the above named ^{ASSOCIATION}attorney and state that he or she:

1. Maintains his or her address at
360 K STREET SUITE 105
PO Box 279 ANCHORAGE ALASKA 99510
(Street and Number, City, village, town, zip code)

Alaska, Telephone No. 212 1469 OR 212 7466

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ALASKA BAR ASSOCIATION
BOX 279
ANCHORAGE, ALASKA 99510
272-7469

Peggy please call

Debbie Coon
SRC Box 8338
Palmer, Ak. 99645
April 29, 1980

House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Sir,

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Therefore, I have enclosed a formal complaint, my husband has filed against the bar association.

There are alot of problems that related to his filing this complaint.

And if you are really examining the bar association

and want more comments you
can reach me at (907) 745-4520
or come see both my husband
and I, as we own and operate
Chickatoon General Store & Service
mile 76 Glenn Highway.

I myself was born and
raised here in Alaska, and am
totally disgusted with the corruption
I've witnessed so far, not only
with the bar association, but also
the racket with Alaska attorneys.

We'd give our comments
gladly. Something has to be done!

Sincerely

Debbie Coon

SRC Box 8338

Palmer, Ak. 99645

745-4520

ALASKA BAR ASSOCIATION
REQUEST FOR INVESTIGATION

REQUEST FOR INVESTIGATION OF ALASKA BAR ASSOCIATION
BAR BOARD OF GOVERNORS
A Member of the State Bar of Alaska
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ALASKA BAR ASSOCIATION

BOX 279

ANCHORAGE, ALASKA 99510

272-7469

COUNSEL
HAROLD S. SHEFELMAN

VICTOR O. LAWRENCE
JAMES GAY
ROBERT G. MOCH
GEORGE M. MACK
BRIAN L. COMSTOCK
TIMOTHY R. CLIFFORD
JAMES S. TURNER
LEE R. VOORMES, JR.
WILLIAM N. APPEL
DAVID B. SWEENEY
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18 4 BUILDING
SEATTLE, WASHINGTON 98101
TEL. (206) 622-1818
SUITE 302
2600 DENALI STREET
ANCHORAGE, ALASKA 99503
TEL. (907) 276-1338

JOHN E. HAVELOCK • •

JAMES P. WETER (1877-1991)
F. M. ROBERTS (1880-1973)
JAMES C. HARPER (RETIRED)

April 8, 1985

The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Pouch "V"
Juneau, AK 99811

Dear Charlie:

I fooled around with your House Bill No. 984 and have the following suggestions:

FIRST: With respect to the composition of the board: raise the size to ten, give the president power to vote only to break ties (as is in fact the practice now), leave the regional representation of the board as is, knock out the two at large members. Have one public member appointed by the Governor, one by the chief justice, and one by the ombudsman.

SECOND: With respect to the definition of the practice of law, regardless of whether you buy my (perhaps) radical approach to alternative licensing, your draftsmen might still use the bifurcated approach to the definition, distinguishing between those activities which are practice of law, paid or not, and those which are practice of law only when for a fee.

Proposed definition:

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

Sec. 08.08.095. THE PRACTICE OF LAW: DISPUTE RESOLUTION. A person who performs any of the following acts on behalf of another person with or without compensation is engaged in the practice of law:

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

(2) appearance in or conduct of litigation or performance of an act, including the preparation of any document, in connection with pending or prospective proceedings before an administrative or quasi-judicial agency established by law for the resolution of controversies. An administrative agency may, by rule, provide for exceptions from this inclusion in the definition;

Sec. 08.08.097. THE PRACTICE OF LAW: TRANSACTIONAL ASSISTANCE. (a) A person may not, for compensation, assist another person in applying for a benefit or license, drawing a will, drawing documents of property transfer, preparing a divorce settlement, probating an estate, or by giving advice as to legal rights or responsibilities unless he is

(1) an attorney licensed to practice in this state;

(2) an employee of the other person;

(3) an employee of an attorney or of any branch of state government acting within the scope of his employment;

(4) engaged in a fiduciary occupation as determined by the Commissioner of Commerce, licensed by the state and his conduct or advice is within the scope of the fiduciary role of the occupation as defined by the licensing authority; or

(5) a legal technician.

(b) The Commissioner of Commerce may, by regulation, establish categories of legal, technical specialty, skill, set standards of education and administer examinations to test the proficiency of a person wishing to practice as a legal technician. The Commissioner shall establish a license fee schedule for legal technician reflecting the costs of processing an application and administering an exam. The Commissioner may establish a bonding requirement and may establish standards by specialty for good conduct by a legal technician and establish a procedure for revocation of the license of a person who does not meet a standard.

The Honorable Charles H. Parr
April 8, 1980
Page Three

THIRD: With respect to the administration of the bar examination, I am reluctant to require that it be done out of state (and out of state people be paid) if there is any possibility that it can be done in state. The key principle is that some intervening entity should directly manage the exam process so that close supervision will not be exercised by an association with an interest in keeping out competition.

Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION.

(a) The Board of Governors shall contract for administration of the bar examination under the Alaska Bar Rules.

(b) The Board of Governors shall contract with the University or a recognized state or national testing organization for the preparation and grading of the general law portion of the Alaska Bar examination.

(c) The Board of Governors shall contract with the University for the preparation or grading of the Alaska law portion of the bar examination.


FOURTH: With respect to your amendments to the clerkship section (AS 08.08.207(a)), the quality standards of the program would be seriously undermined if a person could go to (or get a mail order diploma from) any one year fly-by-night law school and then enroll as a clerk here. Further, he should be a bona fide resident of Alaska before he goes out. Accordingly, require that any resident (not person) who desires to qualify shall register prior to his enrolling in the one year of a law school approved by the University.

FIFTH: Let me remind you again that the clerkship program is a dead letter until someone appropriates some money to it. Fifty thousand to the University for this program would see us produce a very active and academically respectable program like the WHAMI medical program, which is the way Alaska ought to go.

LASTLY: With respect to proposed AS 22.05.180, the new licensing provision, I would add at line 26, "The Commissioner of Commerce shall be regulation change the fees charged under this section not less frequently than annually to reflect changes in the national price index."

I hope these comments are of some use to you.

Sincerely yours,


John E. Havelock

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(1) an attorney licensed to practice in this state;

(2) an employee of the other person;

(3) an employee of an attorney or of any branch of state government acting within the scope of his employment;

(4) engaged in a fiduciary occupation as determined by the Commissioner of Commerce, licensed by the state and his conduct or advice is within the scope of the fiduciary role of the occupation as defined by the licensing authority; or

(5) a legal technician.

(b) The Commissioner of Commerce may, by regulation, establish categories of legal, technical specialty, skill, set standards of education and administer examinations to test the proficiency of a person wishing to practice as a legal technician. The Commissioner shall establish a license fee schedule for legal technician reflecting the costs of processing an application and administering an exam. The Commissioner may establish a bonding requirement and may establish standards by specialty for good conduct by a legal technician and establish a procedure for revocation of the license of a person who does not meet a standard.

The Honorable Charles H. Parr
April 8, 1980
Page Three

THIRD: With respect to the administration of the bar examination, I am reluctant to require that it be done out of state (and out of state people be paid) if there is any possibility that it can be done in state. The key principle is that some intervening entity should directly manage the exam process so that close supervision will not be exercised by an association with an interest in keeping out competition.

Sec. 08.08.201. ADMINISTRATION OF BAR EXAMINATION.

(a) The Board of Governors shall contract for administration of the bar examination under the Alaska Bar Rules.

(b) The Board of Governors shall contract with the University or a recognized state or national testing organization for the preparation and grading of the general law portion of the Alaska Bar examination.

(c) The Board of Governors shall contract with the University for the preparation or grading of the Alaska law portion of the bar examination.


FOURTH: With respect to your amendments to the clerkship section (AS 08.08.207(a)), the quality standards of the program would be seriously undermined if a person could go to (or get a mail order diploma from) any one year fly-by-night law school and then enroll as a clerk here. Further, he should be a bona fide resident of Alaska before he goes out. Accordingly, require that any resident (not person) who desires to qualify shall register prior to his enrolling in the one year of a law school approved by the University.

FIFTH: Let me remind you again that the clerkship program is a dead letter until someone appropriates some money to it. Fifty thousand to the University for this program would see us produce a very active and academically respectable program like the WHAMI medical program, which is the way Alaska ought to go.

LASTLY: With respect to proposed AS 22.05.180, the new licensing provision, I would add at line 26, "The Commissioner of Commerce shall be regulation change the fees charged under this section not less frequently than annually to reflect changes in the national price index."

I hope these comments are of some use to you.

Sincerely yours,


John E. Havelock

JEH:dw

copy members packets

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

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WILLIAM B. ROZELL
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JUNEAU
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March 5, 1980

Honorable Charles Parr
Chairman
House Judiciary Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Re: Alaska Bar Association
Sunset Review

Dear Chairman Parr,

Patrick Anderson, vice-chairman of the ABA Committee on Legal Educational Opportunities, and I offered testimony to the House Judiciary Committee by teleconference network with regard to the activities of our bar association committee. Since that hearing, our committee has met and asked that I convey the committee's feelings about its work and the related usefulness of the Alaska Bar Association:

1. Our committee has raised money from a private foundation Outside to be used for the association's scholarship program. The money was allocated to the association on the strength of a few phone calls and letters from me on behalf of the bar association. I am convinced that my having the name and authority of the Alaska Bar Association behind me was a determining factor in my successful efforts. I cannot imagine being as persuasive had I been calling on behalf of the "Ad Hoc Committee of Some Alaska Lawyers Dedicated To Giving Scholarships to Alaskans." Nor can I imagine the private bar and local bar associations' contributions as forthcoming without the ABA's support.

2. Our committee has offered to provide an individual review of the bar exam for those candidates who fail the exam. We believe that this assistance will help the unsuccessful candidates understand why they failed and what techniques they can use to be more successful on their next exam.

Honorable Charles Parr
House Judiciary Committee
March 5, 1980
Page 2

3. As a result of our personal experiences with the review of these bar exams, we have concluded that the major cause of failure is the applicants' inability to organize their answers, to discuss the facts of their exam problem in terms of the relevant legal rules and to convey their legal knowledge in writing. This is most distressing when one realizes that these unsuccessful candidates have spent seven years in school, paid for and taken a bar review course and paid to take the exam. We are notifying the Board of Governors of our conclusions and will urge the Board of Governors to advise the organizations administering bar review courses that a greater emphasis be placed on sharpening writing skills and that additional time be allocated to writing practice exams.

4. We are in written contact with the State Bar of California to keep advised of their research with regard to the bar exam and its impact on ethnic minorities. The California research is extremely valuable to our committee's work because 80% of the Alaska bar exam is the same as the California bar exam and because we are benefiting from the California research at no cost to our association, its members or the taxpayers of this state. I believe the State Bar of California is more likely to respond to the requests of another bar association than it would to requests from a private group not within California.

5. The committee is committed to working jointly with the Alaska Federation of Natives, the U. of A. Criminal Justice Center, the Anchorage Native Caucus and the state R.E.A.A.s, to create a series of films designed to interest Alaskan Natives in the practice of law and related occupations.

6. We are developing and maintaining a list of law schools that are affirmatively interested in having minority students.

7. We are developing and maintaining a list of law school scholarships available to Alaska students.

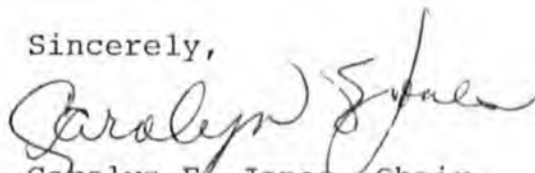
8. The bar association office answers most inquiries about the work this committee does, distributes information to

Honorable Charles Parr
House Judiciary Committee
March 5, 1980
Page 3

the unsuccessful bar candidates about the work of this committee, distributes and collects scholarship applications, deposits and manages the scholarship funds raised by the committee, and provides secretarial assistance to us. As civic-minded as we believe ourselves to be, there is just so much time in each of our lives to take away from our job and our families. Without the bar association, these additional responsibilities would be an intolerable burden on this statewide committee.

In conclusion, I am sure that at some point in our lives each one of our committee members has been annoyed with the Alaska Bar Association. On balance, however, we believe that the Alaska Bar Association has more to offer its members and the people of Alaska by its continued existence than by its demise and we ask for the opportunity to continue our work within the association to change those practices with which we are dissatisfied.

Sincerely,



Carolyn E. Jones, Chair
Alaska Bar Association
Committee on Legal Educational
Opportunities

CEJ:tb

WENDELL P. KAY

6914 Exmoor Drive
Mesa, Az. 85208

March 11, 1980

Dear Charles:

As one of the few lawyers around pre-dating the integrated bar, let me express an opinion on the bill to "sunset" the Bar and go back to a voluntary association. This is a really big step backward.

I practiced briefly in Illinois before integration, and in Alaska. A voluntary association is a pleasant social club run by a few insiders. It is nothing, zero.

I was one of the sponsors of the act integrating the bar in 1955 and there is no comparison. You may not like everything the association does, but it is a working, functioning, democratic group with much participation. Thanks.

Sincerely,
Wendell

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HAROLD S. SHEFELMAN

VICTOR D. LAWRENCE
JAMES GAY
ROBERT G. MOCH
GEORGE M. MACK
BRIAN L. COMSTOCK
TIMOTHY R. CLIFFORD
JAMES S. TURNER
LEE R. VOORHEES, JR.
WILLIAM N. APPEL
DAVID B. SWEENEY
WILLIAM G. TONKIN
DAVID A. BENNETT
ROBERT H. C. [REDACTED]
ROBERT G. M.
DARY N. ACKE
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JOHN E. HAVELOCK - *

JAMES P. WETER (1977-1989)
F. M. ROBERTS (1980-1973)
JAMES C. HARPER (RETIRED)

April 8, 1980

The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Pouch "V"
Juneau, AK 99811

Dear Charlie:

I fooled around with your House Bill No. 984 and have the following suggestions:

FIRST: With respect to the composition of the board: raise the size to ten, give the president power to vote only to break ties (as is in fact the practice now), leave the regional representation of the board as is, knock out the two at large members. Have one public member appointed by the Governor, one by the chief justice, and one by the ombudsman.

SECOND: With respect to the definition of the practice of law, regardless of whether you buy my (perhaps) radical approach to alternative licensing, your draftsmen might still use the bifurcated approach to the definition, distinguishing between those activities which are practice of law, paid or not, and those which are practice of law only when for a fee.

Proposed definition:

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

Sec. 08.08.095. THE PRACTICE OF LAW: DISPUTE RESOLUTION. A person who performs any of the following acts on behalf of another person with or without compensation is engaged in the practice of law:

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

(2) appearance in or conduct of litigation or performance of an act, including the preparation of any document, in connection with pending or prospective proceedings before an administrative or quasi-judicial agency established by law for the resolution of controversies. An administrative agency may, by rule, provide for exceptions from this inclusion in the definition;

Sec. 08.08.097. THE PRACTICE OF LAW: TRANSACTIONAL ASSISTANCE. (a) A person may not, for compensation, assist another person in applying for a benefit or license, drawing a will, drawing documents of property transfer, preparing a divorce settlement, probating an estate, or by giving advice as to legal rights or responsibilities unless he is

(1) an attorney licensed to practice in this state;

(2) an employee of the other person;

(3) an employee of an attorney or of any branch of state government acting within the scope of his employment;

(4) engaged in a fiduciary occupation as determined by the Commissioner of Commerce, licensed by the state and his conduct or advice is within the scope of the fiduciary role of the occupation as defined by the licensing authority; or

(5) a legal technician.

(b) The Commissioner of Commerce may, by regulation, establish categories of legal, technical specialty, skill, set standards of education and administer examinations to test the proficiency of a person wishing to practice as a legal technician. The Commissioner shall establish a license fee schedule for legal technician reflecting the costs of processing an application and administering an exam. The Commissioner may establish a bonding requirement and may establish standards by specialty for good conduct by a legal technician and establish a procedure for revocation of the license of a person who does not meet a standard.

The Honorable Charles H. Parr
April 8, 1980
Page Three

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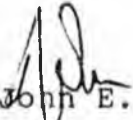
FOURTH: With respect to your amendments to the clerkship section (AS 08.08.207(a)), the quality standards of the program would be seriously undermined if a person could go to (or get a mail order diploma from) any one year fly-by-night law school and then enroll as a clerk here. Further, he should be a bona fide resident of Alaska before he goes out. Accordingly, require that any resident (not person) who desires to qualify shall register prior to his enrolling in the one year of a law school approved by the University.

FIFTH: Let me remind you again that the clerkship program is a dead letter until someone appropriates some money to it. Fifty thousand to the University for this program would see us produce a very active and academically respectable program like the WHAMI medical program, which is the way Alaska ought to go.

LASTLY: With respect to proposed AS 22.05.180, the new licensing provision, I would add at line 26, "The Commissioner of Commerce shall be regulation change the fees charged under this section not less frequently than annually to reflect changes in the national price index."

I hope these comments are of some use to you.

Sincerely yours,


John E. Havelock

file copy

Committee Markup
April 28, 1980
from: MW Berck

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. *HB 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:

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.

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 six [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] 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] 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] 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 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,

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 ~~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)

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

(4) Preparation or procurement of instruments or other papers creating, limiting, claiming, granting, terminating, or otherwise securing legal rights; or

(5) Engaging in any act or other practice determined by the courts of law to constitute the practice of law.

(b) Any person, other than a person working under the supervision of a person licensed to practice law in this state or permitted by the Supreme Court to practice law in this state, not included in subsection (a) of this section who for compensation performs any of the acts set forth in (2) through (5) of subsection (a) of this section, is engaged in the practice of law unless such acts are performed as part of the regular conduct of a business the primary purpose of which is other than the performance of any of the acts set forth in (1) through (5) of subsection (a) of the section.

(c) The practice of law does not include actions by a government employee who is not an attorney in the course of his employment.

(d) The term "person" as used in this section includes a corporation, company, partnership, firm, association, organization, business trust, bank or governmental entity as well as natural person.

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 la
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.

* 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 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 \$2. 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 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.

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

19 * Sec. 23. AS 08.08.050 as amended by sec. 5 of this Act takes 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.

ARBA INFO

REQUESTS

FROM HSE.

5000 COMM.

#14

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

OFFICERS

DONNA C. WILLARD
PRESIDENT
ANCHORAGE

WILLIAM B. ROZELL
PRESIDENT ELECT
JUNEAU

JONATHAN H. LINK
VICE PRESIDENT
FAIRBANKS

EDWARD G. KING
SECRETARY
KETCHIKAN

P. O. BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

WILLIAM GARRISON, BAR COUNSEL

BOARD MEMBERS

ALBERT H. BRANSON
STANLEY T. FISCHER
KAREN L. HUNT
ELIZABETH P. KENNEDY
EDWARD G. KING
JONATHAN H. LINK
WILLIAM B. ROZELL
RICHARD D. SAVELL
DONNA C. WILLARD

January 30, 1980

The Honorable Charles H. Parr
Chairman
House of Representatives'
Committee on Judiciary
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

The attached pages are submitted by the Alaska Bar Associations in response to the House Judiciary Committee's lengthy request of November 7, 1979. The questions have been answered to the best of the Association's ability, notwithstanding those questions about which the Board of Governors of the Association cannot, for reasons of privacy and because of limitations on its own authority as regards the confidentiality of the Association's discipline and grievance files, provide your Committee with the requested information. In addition, some of the data requested cannot be provided because the Association has not kept those records -- until very recently -- in a manner which would make the retrieval of those statistics feasible. Unfortunately, the Association has only limited staff resources, and complying with several of your requests is wholly impractical in terms of the number of staff hours necessary to compile the desired data.

Nevertheless, whenever remotely possible, the Board of Governors has instructed its staff to provide your Committee with the information requested. Hopefully, the attached material answers a majority of the House Judiciary Committee's questions, and provides the members of your Committee with sufficient information regarding the Association to begin understanding the wide-ranging activities of the Alaska Bar. In addition, you should know that the Board of Governors of the Association is preparing a booklet for dissemination to the members of your committee. The booklet attempts to lay out, in concise terms, the general functions of

Representative Charles Parr

January 30, 1980

Page 2

the Bar Association, including a description of the various committees of the Bar and, particularly, the full scope of the Association's disciplinary proceedings and fee arbitration and conciliation panels. This booklet should do much to clarify the impact of the Association's work.

The Alaska Bar Association, in responding to this request of the House Judiciary Committee, wishes to make it clear, however, that it has provided the enclosed data as a matter of comity, but with express reservations of rights. It remains the position of the Alaska Bar Association that it is not a State agency, and that it is not subject to the Sunset review process. Therefore, provision of these materials is not to be construed as a waiver of the jurisdictional issues or any other defense which the Association must have with respect to the applicability of those statutes concerned with Sunset review.

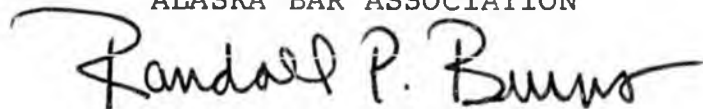
As your Committee can appreciate, the Association, like everything else in Alaska, experienced rapid and substantial growth during the past ten (10) years. For example, the number of attorneys in Alaska practically doubled in the last five (5) years. It was only during the closing years of the Seventies that the Association was financially able to fully organize and take a leading role in recording the activities of the legal profession, a profession whose major goals -- on behalf of the citizens of this State -- are to facilitate the administration of justice and to cultivate and advance the science of jurisprudence. The Association's attorney and judicial members are well aware of the importance of these goals to a maturing Alaska, and the Alaska Bar Association has worked hard in recent years to improve the legal profession in Alaska. The work it has done is beginning to have positive impact and, as the Association continues, it will strive to maintain the requisite records that reflect the growth and change. While the significant contributions made by individual members of the Association to the welfare and well-being of the State are well-known, it is ironic that at the present time, when it would so obviously be to its benefit to have kept more detailed records, the Alaska Bar Association is unable to freely and systematically document the challenges faced by, and the achievements of, the legal profession as a whole.

Representative Charles Parr
January 30, 1980
Page 3

If the Association can be of additional assistance, please contact us. I look forward to assisting your Committee in its work.

Sincerely,

ALASKA BAR ASSOCIATION

A handwritten signature in cursive script that reads "Randall P. Burns". The signature is written in dark ink and is positioned above the typed name and title.

Randall P. Burns
Executive Director

wj

Enclosures



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

November 7, 1979

Donna C. Willard
President
Alaska Bar Association
P.O. Box 279
Anchorage, Ak. 99510

Dear Ms. Willard;

The House Judiciary Committee, pursuant to its obligations under the sunset law, AS 44.66.010, et. seq., and pursuant to its general authorities and powers as a standing committee of the Alaska State Legislature, requests the following information from the Board of Governors of the Alaska Bar Association:

1. How many attorneys are admitted to practice law in the State of Alaska, excluding those who are practicing on a waiver?

2. How many attorneys are practicing law on a waiver for Alaska Legal Services Corporation?

3. How many attorneys are practicing law on a waiver for the United States Armed Forces Expanded Legal Assistance Program?

4. What is the total number of attorneys practicing law in the state pursuant to a waiver?

5. How many legal interns are certified in the State of Alaska?

6. How many active members of the Alaska Bar Association are there?

7. How many inactive members of the Alaska Bar Association are there?

8. How many judicial members of the Alaska Bar Association are there?

9. How many honorary members of the Alaska Bar Association are there?

10. How many active members of the Alaska Bar Association are women and how many women were active members in 1976, 1977 and 1978?

11. How many active members of the Alaska Bar Association are Natives and how many Natives were active members in 1976, 1977 and 1978?

12. How many members of the Alaska Bar Association are black and how many blacks were active members in 1976, 1977, and 1978?

13. How many active members of the Alaska Bar Association are Hispanic and how many hispanics were active members in 1976, 1977 and 1978?

14. How many active members of the Alaska Bar Association are Asian and how many Asians were active members in 1976, 1977 and 1978?

15. What steps has the Alaska Bar Association taken to increase membership of women and minorities?

16. What steps has the Alaska Bar Association taken to implement any of the recommendations contained in the 1979 report from the association's Committee on Legal Educational Opportunities?

17. List all standing committees of the Alaska Bar Association?

18. What are the powers, duties and functions of the Alaska Bar Association's standing committees?

19. Furnish all annual reports from the Alaska Bar Association's standing committees for the years 1976, 1977 and 1978.

20. Furnish all reports issued by the special committee established by the Alaska Bar Association to study and evaluate the Alaska bar exam.

21. Briefly describe all continuing legal education programs in 1976, 1977, 1978 and 1979.

22. How many ethics opinions did the Alaska Bar Association render in 1976, 1977, 1978 and 1979?

23. Briefly describe the legislative programs of the Alaska Bar Association in 1976, 1977, 1978 and 1979.

24. Briefly describe the Alaska Bar Association's lawyer referral system.

25. List the dates and locations of all meetings of the Board of Governors of the Alaska Bar Association for 1976, 1977, 1978 and 1979.

26. What type of public notice is provided for meetings of the Board of Governors of the Alaska Bar Association?

27. How many non-attorney agencies or groups were notified by the Alaska Bar Association of its consideration of a proposed bar rule amendment to define the practice of law?

28. How many non-attorney individuals were notified by the Alaska Bar Association of its consideration of a proposed bar rule amendment to define the practice of law?

29. Provide the position title, duties and powers as well as salaries and fringe benefits of all paid staff positions within the Alaska Bar Association for 1976, 1977, 1978 and 1979.

30. What is the turn-over rate for each of the positions?

31. Furnish copies of the Alaska Bar Association's budgets for 1976, 1977, 1978 and 1979.

32. Furnish copies of all financial audits of the Alaska Bar Association conducted in 1976, 1977, 1978 and 1979.

33. Furnish a copy of the budgets for the Bar Rag for 1978 and 1979.

34. Provide the source, purpose and amount of all state funds obtained by the Alaska Bar Association during 1976, 1977, 1978 and 1979.

35. Provide the total travel and per diem expenses paid by the Alaska Bar Association to members of the Board of Governors in 1976, 1977, 1978 and 1979.

36. Provide the total travel and per diem expenses paid by the Alaska Bar Association to individuals, other than members of the Board of Governors, for 1976, 1977, 1978 and 1979.

37. Furnish a copy of the profit and loss statement for the mid-winter Hawaii Convention prepared by V. Goodrow on August 27, 1979.

38. Provide the total income derived from applications for admissions to the Alaska Bar Association in 1976, 1977, 1978 and 1979.

39. What was the total expense of the admission procedures of the Alaska Bar Association, excluding the cost of any court litigation arising therefrom, for 1976, 1977, 1978 and 1979?

40. What was the total cost of the admission procedures of the Alaska Bar Association, including the cost of any court litigation arising therefrom, for 1976, 1977, 1978 and 1979?

41. Provide the total amount of funds expended by the Alaska Bar Association for court litigation in 1976, 1977, 1978 and 1979, including the case name, docket number, brief description of the issues involved, whether the case was appealed to the Supreme Court and the final disposition. Additionally, it should be noted if the Alaska Bar Association was assessed attorney's fees and costs pursuant to Rule 82 or if the Alaska Bar Association was able to recover a portion of its attorney's fees and costs pursuant to that rule.

42. Furnish a copy of the application form which the Alaska Bar Association requires all applicants for admission to complete.

43. Briefly describe what comprises the Alaska Bar Association examination for attorney applicants.

44. Briefly describe what comprises the Alaska Bar Association examination for general applicants.

45. What was the total number of general applicants who took the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

46. What was the total number of general applicants who passed the spring Alaska Bar examination for 1976, 1977, 1978 and 1979?

47. What was the total number of general applicants who took the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

48. What was the total number of general applicants who passed the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

49. What was the total number of attorney applicants who took the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

50. What was the total number of attorney applicants who passed the spring Alaska Bar examination in 1976, 1977, 1978 and 1979?

51. What was the total number of attorney applicants who took the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

Page 8

52. What was the total number of attorney applicants who passed the summer Alaska Bar examination in 1976, 1977, 1978 and 1979?

53. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants took the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

54. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants passed the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

55. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as general applicants took the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

56. What was the total number of Alaska Natives, females, blacks, Hispanics and Asians who as general applicants passed the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

57. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants took the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

58. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants passed the spring Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

59. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants took the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

60. What was the total number of females, Alaska Natives, blacks, Hispanics and Asians who as attorney applicants passed the summer Alaska Bar examination for the years 1976, 1977, 1978 and 1979?

61. Who is the Alaska Bar Association disciplinary administrator?

62. Distinguish between the type of complaints which are referred to a hearing committee as opposed to those complaints which are referred to a conciliator.

63. Provide a copy of the "Request for Investigation" form which is currently utilized by the Alaska Bar Association as well as copies of any previous forms used for this purpose.

64. Furnish copies of all original disciplinary reports prepared for the Alaska Supreme Court during the years 1976, 1977, 1978 and 1979.

65. Furnish copies of any revised disciplinary reports prepared for the Alaska Supreme Court during the years 1976, 1977, 1978 and 1979.

66. Provide an explanation for any revision of a disciplinary report prepared for the Alaska Supreme Court for the years 1976, 1977, 1978 and 1979.

67. Provide a copy of the card index on discipline, indicating the type of case, disposition, whether or not appealed, the disposition if appealed to the Alaska Supreme Court.

68. For the years 1976, 1977, 1978 and 1979, furnish statistical data reflecting:

a. The types of complaints against attorneys received and acted upon;

b. The types of investigations conducted and the results thereof;

c. The procedural steps taken with respect to each type of complaint processed and the ultimate disposition of each such action;

d. The number of times any member of the Alaska Bar Association subject to the Alaska Bar rules has been the subject of a complaint or investigation, the type of complaint or investigation in which each such attorney was the subject, the dates on which each procedural step was taken with respect to each such complaint or investigation and the ultimate disposition of each such action with respect to each such attorney.

69. Provide the total number of complaints against attorneys received by the Alaska Bar Association for the years 1976, 1977, 1978 and 1979.

70. Provide the total number of attorneys who were disciplined for the years 1976, 1977, 1978 and 1979.

71. What was the total number of attorneys who were the subject of a private admonition by the Alaska Bar Association disciplinary administrator for the years 1976, 1977, 1978 and 1979?

72. What was the total number of attorneys who were the subject of a private reprimand during the years 1976, 1977, 1978 and 1979?

73. What was the total number of attorneys who were the subject of a public censure during the years 1976, 1977, 1978 and 1979?

74. What was the total number of attorneys who were suspended from the practice of law during the years 1976, 1977, 1978 and 1979?

75. What was the total number of attorneys who were disbarred from the practice of law during the years 1976, 1977, 1978 and 1979?

76. From the date of the initiation of the complaint, how long did it take the Alaska Bar Association to resolve disciplinary actions filed in 1976, 1977 and 1978?

77. Are records maintained on previous disciplinary complaints against an attorney regardless of whether such complaints are ultimately dismissed?

78. What percentage of disciplinary complaints were filed against an attorney by a client of such attorney during the years 1976, 1977, 1978 and 1979?

79. What percentage of disciplinary complaints were filed by the Alaska State Bar Association disciplinary administrator during the years 1976, 1977, 1978 and 1979?

80. What percentage of disciplinary complaints were filed against an attorney by an individual living in Alaska, but not within Anchorage, Fairbanks, Ketchikan, Sitka or Juneau, for the years 1976, 1977, 1978 and 1979?

81. What was the total number of attorneys who have been disciplined for observing misconduct on behalf of another attorney and failing to report such conduct during the years 1976, 1977, 1978 and 1979?

82. What was the total number of judges who have been disciplined for observing misconduct on behalf of a lawyer and failing to report such during the years 1976, 1977, 1978 and 1979?

83. What percentage of requests for investigation were determined to be inadequate, incomplete or insufficient to warrant further attention of the Board of Governors during the years 1976, 1977, 1978 and 1979?

84. What percentage of disciplinary complaints were filed against an attorney by another attorney for the years 1976, 1977, 1978 and 1979?

85. What percentage of disciplinary complaints were filed against an attorney by a judge or magistrate during the years 1976, 1977, 1978 and 1979?

86. What was the total number of requests for investigation which were referred to the fee arbitration panel for the years 1976, 1977, 1978 and 1979?

87. Furnish factual summaries, without reference to either parties by name, of each fee arbitration dispute which was concluded in 1976, 1977, 1978 and 1979.



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

1016 W. 6th, Suite 201
Anchorage, Ak. 99501

Telephone 277-7548

November 7, 1979

Donna C. Willard
President
Alaska Bar Association
P.O. Box 279
Anchorage, Ak. 99510

Dear Ms. Willard;

Upon receipt of your letter of September 17, 1979, the House Judiciary Committee requested the Legal Division of the Legislative Affairs Agency to provide a legal opinion as to the current status of the Alaska Bar Association. A copy of that legal opinion will be furnished to the Alaska Bar Association for its response.

However, pursuing your offer of cooperation, the House Judiciary Committee is submitting the enclosed informational requests pursuant to its obligations under the sunset law, AS 44.66.010, et. seq., and pursuant to its general authority and powers as a standing legislative committee.

The purpose of the informational request is to familiarize the House Judiciary Committee with the organization, operation and programs of the Alaska Bar Association as well as its regulation and control of the legal profession in Alaska. Obtainment of this information in advance of the upcoming public hearings required by the sunset law will greatly enhance the effectiveness of those hearings.

The following questions are intended to illicit non-confidential information in accordance with your letter of September 17, 1979. All the requests are made for information not contained in statutes, Alaska Bar rules or ethical codes. Since the Alaska Bar Association is scheduled for sunset review every four years, unless an earlier review is mandated, data spanning the last four years is relevant.

As the 1980 legislative session commences on January 14, 1980, the House Judiciary Committee requests that the information solicited be provided on or before that date.

Should you desire to meet with me concerning any specific request or to discuss the issue in general, please feel free to contact our Anchorage office. Our office in Anchorage will be maintained throughout the month of November.

Sincerely yours,

Margaret W. Berck

Margaret W. Berck,
Counsel to the House Judiciary Committee

First draft of questions

The House Judiciary Committee, pursuant to its obligations under the sunset law, ^(C10, et. seq.) AS 44.66.050, and ^(PURSUANT TO) its general authority and powers as a standing committee of the Alaska State legislature, requests the following information from the Board of Governors of the Alaska Bar Association:

1. How many attorneys are admitted to practice ^(law) in the State of Alaska ~~EXCLUDING~~ ^{are} ~~EXCLUDING~~ ^{are} excluding those who practicing on a waiver?

2. How many attorneys are practicing law on a waiver for Alaska Legal Services Corporation?

3. How many attorneys are practicing law on a waiver for a United States Armed Forces Expanded Legal Assistance Program?

4. What is the total number of attorneys practicing law pursuant to a waiver ^(in the state) in the State?

5. How many legal interns are currently certified in the State of Alaska?

6. How many active members of the Alaska Bar Association are there?

7. How many inactive members of the Alaska Bar Association are there?

8. How many judicial members of the Alaska Bar Association are there?

9. How many honorary members of the Alaska Bar Association are there?

Currently 10. How many ^(active) members of the Alaska Bar Association are women? ^{How many women were active members in 1976, 1977, and 1978?}

Currently 11. How many ^(active) members of the Alaska Bar Association are Native Alaskans? ^{How many active members were active members in 1976, 1977, and 1978?}

Currently 12. How many ^(active) members of the Alaska Bar Association are black? ^{How many active black were active members in 1976, 1977, and 1978?}

Currently 13. How many ^(active) members of the Alaska Bar Association are Hispanic? ^{How many active Hispanics were active members in 1976, 1977, and 1978?}

Currently 14. How many ^(active) members of the Alaska Bar Association are Asian? ^{How many active Asians were active members in 1976, 1977, and 1978?}

15. What steps has the Alaska Bar Association taken to increase the ~~membership~~ membership of women and minorities within the association?

16. What steps has the Alaska Bar Association taken to implement any of the recommendations contained in the 1979 Report from the association's Committee on Legal Educational Opportunities?

17. List all standing committees of the Alaska Bar Association.
18. What are the powers, duties, and functions of the standing committees listed in response to question 17.
19. Furnish all annual reports for the standing committees listed in response to question 17 for the following years: 1976, 1977, and 1978.
20. Furnish all reports issued by the special committee established by the Alaska Bar Association to study and evaluate the Alaska Bar Exam.
21. Briefly describe all continuing legal education programs offered by the Alaska Bar Association within each of the following years: 1976, 1977, 1978, and 1979.
22. How many ethics opinions did the Alaska Bar Association render in each of the following years: 1976, 1977, 1978, and 1979.
23. Briefly describe the legislative program of the Alaska Bar Association for each of the following years: 1976, 1977, 1978, and 1979.
24. Briefly describe the Alaska Bar Association's Lawyer Referral System.
- ~~25. Furnish a copy of the Professional Code of Ethics.~~
- ~~26. Furnish a copy of the Code of Judicial Conduct.~~
25. ~~27.~~ List the dates and locations of all meetings of the Board of Governors of the Alaska Bar Association for each of the following years: 1976, 1977, 1978, and 1979.
26. ~~28.~~ What type of public notice is provided for meetings of the Board of Governors of the Alaska Bar Association?
27. ~~29.~~ How many non-attorney agencies or groups were notified by the Alaska Bar Association of its consideration of a proposed ~~amendment to the bar rules~~ ^{b r} AMENDMENT that ~~would~~ define the practice of law?
28. ~~30.~~ How many non-attorneys ^(individuals) were notified by the Alaska Bar Association of its consideration of a proposed ~~amendment to the bar rules~~ ^{b r} AMENDMENT that would define the practice of law?

- 40.42. What was the total cost of the admission procedures of the Alaska Bar Association (including the cost of any court litigation arising therefrom) for each of the following years: 1976, 1977, 1978, and 1979.
- 41.43. Provide the total amount of funds expended by the Alaska Bar Association for court litigation in each of the following years: 1976, 1977, 1978, 1979. With respect to these expenditures provide the case name, docket number, brief description of issue, whether the case was appealed to the Supreme Court, and the final disposition. Additionally it should be noted if the Alaska Bar Association was assessed attorney's fees ^{and costs} pursuant to Rule 82 or if the Alaska Bar Association was able to recover a portion of its attorney's fees and costs pursuant to Rule 82 such rule. Furnish the amount of such assessments or reimbursements.
- 42.44. Furnish a copy of the application form which the Alaska Bar Association requires all applicants for admission to complete.
- 43.45. Briefly describe what comprises the Alaska Bar Examination for general applicants.
- 44.46. Briefly describe what comprises the Alaska Bar Examination for attorney applicants.
- 45.47. Provide the total number of general applicants who took the spring ~~and summer~~ Alaska Bar Examinations for each of the following years: 1976, 1977, 1978, and 1979.
- 46.48. Provide the total number of general applicants ~~individuals~~ who passed the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- 47.49. Provide the total number of general applicants who took the summer Alaska Bar Examination for each of the following 1976, 1977, 1978, and 1979.
- 48.50. Provide the total number of general applicants who passed the summer Alaska Bar examination for each of the following years: 1976, 1977, 1978, and 1979.

- ~~49.~~ ~~51.~~ Provide the total number of attorney applicants who took the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~50.~~ ~~52.~~ Provide the total number of attorney applicants who passed the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~51.~~ ~~53.~~ Provide the total number of attorney applicants who took the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~52.~~ ~~54.~~ Provide the total number of attorney applicants who passed the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~53.~~ ~~55.~~ Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were general applicants who took the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~54.~~ ~~56.~~ Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were general applicants and passed the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~55.~~ ~~57.~~ Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were general applicants who took the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~56.~~ ~~58.~~ Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were general applicants and passed the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
- ~~57.~~ ~~59.~~ Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were attorney applicants who took the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.

58. ~~60~~. Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were attorney applicants who passed the spring Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
59. ~~61~~. Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were attorney applicants who took the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
60. ~~62~~. Provide the total number of females, Alaskan Natives, blacks, Hispanics, and Asians who were attorney applicants who passed the summer Alaska Bar Examination for each of the following years: 1976, 1977, 1978, and 1979.
61. ~~63~~. Who is the State Bar Disciplinary Administrator for the Alaska Bar Association?
62. ~~64~~. Distinguish the type of complaints that are referred to a Hearing Committee as opposed to those complaints that are referred to a Conciliator.
63. ~~65~~. Furnish a copy of the "Request for Investigation" form which is currently utilized by the Alaska Bar Association as well as copies of any previous forms utilized by the Alaska Bar Association since 1976.
64. ~~66~~. Furnish copies of all original disciplinary reports prepared for the Alaska Supreme Court during each of the following years: 1976, 1977, 1978, and 1979.
65. ~~67~~. Furnish copies of any revised disciplinary reports prepared for the Alaska Supreme Court during each of the following years: 1976, 1977, 1978, and 1979.
66. ~~68~~. Provide an explanation for any revision of a disciplinary report prepared for the Alaska Supreme Court during each of the following years: 1976, 1977, 1978, and 1979.
67. ~~69~~. Furnish a copy of the card index on discipline, indicating the type of case, disposition, whether or not appealed, if appealed the disposition, and if sent to the Alaska Supreme Court, the disposition there. (Names of attorneys subject to the disciplinary action may be deleted.)

68.

70. For the years of 1976, 1977, 1978, and 1979, all statistical data reflecting:

- a. the types of complaints against attorneys received and acted upon;
- b. the types of investigations conducted and the results thereof;
- c. the procedural steps taken with respect to each type of complaint

processed and the ultimate disposition of each such action; and

d. the number of times any member of the Alaska Bar Association subject to the Alaska Bar Rules is the subject of a complaint or investigation, the type of complaint or investigation in which each such attorney is the subject, the dates on which each procedural step was taken with respect to each such complaint or investigation, and the ultimate disposition of each such action with respect to each such attorney. (The names and identifying information for each such attorney may be deleted from any such data.)

Provide

69. 71. The total number of complaints against attorneys received by the Alaska Bar Association for each of the following years: 1976, 1977, 1978, and 1979.

Provide

70. 72. The total number of attorneys that were disciplined ~~by the Alaska Bar~~

~~Association~~ ⁱⁿ each of the following years: 1976, 1977, 1978, and 1979.

INSERT QUESTION HERE — see back of this page.

72. 73. The total number of attorneys that were the subject of a private reprimand

Provide

in each of the following years: 1976, 1977, 1978, and 1979.

Provide

73. 74. The total number of attorneys that were the subject of a public censure

in each of the following years: 1976, 1977, 1978, and 1979.

Provide

74. 75. The total number of attorneys that were suspended from the practice of

in

law ~~for~~ each of the following years: 1976, 1977, 1978, and 1979.

Provide

75. 76. The total number of attorneys that were disbarred from the practice of law

in each of the following years: 1976, 1977, 1978, and 1979.

76. 77. Are records maintained of previous disciplinary complaints against an attorney regardless of whether such complaints are dismissed?

77.

~~78.~~ What percentage of disciplinary complaints were filed against an attorney by a client of such attorney for each of the following years: 1976, 1977, 1978 and 1979?

78.

~~79.~~ What percentage of disciplinary complaints were filed against an attorney by another attorney for each of the following years: 1976, 1977, 1978, and 1979?

79.

~~80.~~ What percentage of disciplinary complaints were filed against an attorney by a judge or magistrate for each of the following years: 1976, 1977, 1978, and 1979?

80.

~~81.~~ What percentage of disciplinary complaints were initiated by the Alaska State Bar Disciplinary Administrator for each of the following years: 1976, 1977, 1978 and 1979?

81.

~~82.~~ What percentage of disciplinary complaints were filed against an attorney by an individual living in Alaska, but not within Anchorage, Fairbanks, Ketchikan, Sitka, and Juneau, for each of the following years: 1976, 1977, 1978, and 1979?

82.

~~83.~~ Provide the total number of attorneys who have been disciplined for observing misconduct on behalf of another attorney and failing^{ed} to report such for each of the following years: 1976, 1977, 1978, and 1979.

83.

~~84.~~ Provide the total number of judges who have been disciplined for observing misconduct on behalf of^a lawyer and failing^{ed} to report such for each of the following years: 1976, 1977, 1978, and 1979.

84.

~~85.~~ What percentage of Requests for Investigation were determined to be inadequate, incomplete, or insufficient to warrant further attention of the Board of Governors for each of the following years: 1976, 1977, 1978, and 1979?

85.

~~86.~~ Provide the total number of Requests for Investigation that were referred to the Fee Arbitration Panel for each of the following years: 1976, 1977, 1978, and 1979.

86.

~~87.~~ Furnish factual summaries, without reference to either parties by name, of each fee arbitration dispute which was finalized^a in each of the following years: 1976, 1977, 1978, and 1979.

87.

~~88.~~ How many times did ^athe Fee Arbitration Panel refer a matter to the Executive Director of the Alaska Bar Association for appropriate disciplinary action in each of the following years: 1976, 1977, 1978, and 1979?

88

~~89.~~ Furnish a copy of the petition form and explanatory booklets which are required by Alaska Bar Rule III-42 to be provided to the clerks of court in every location in the state.



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

September 5, 1979

Mr. John Lohff
Executive Director
Alaska Bar Association
P.O. Box 279
Anchorage, Alaska 99510

Dear Mr. Lohff:

It has come to my attention that on September 6, 1979, the Board of Governors intends to develop a position regarding the recent ombudsman subpoena. As a matter of courtesy I wish to inform the Board of Governors of forthcoming informational requests of a similar nature.

Recently the House Judiciary Committee was informed by the Speaker of the House that the House Judiciary Committee would be the committee of referral in the House regarding the 1980 sunset review of the Alaska Bar Association. Advance notice of this intended referral was provided in order that committee staff might have sufficient time to collect the data necessary for such review. As staff to the committee, I have been assigned this project.

As you are probably aware, the Alaska sunset law, AS 44.66.010, et seq., requires the House committee of referral to submit to the Speaker, not later than the 60th day of the legislative session, a detailed report on the activities of a board or program under sunset review. In accord with this statutory requirement, I wish to inform the Board of Governors that I intend to request information, similar to that requested by the ombudsman, that is, financial records, together with statistical reports concerning grievances filed with the association. Furthermore, additional data will be requested as the sunset law requires.

Within the next several weeks, I intend to request from the association the specific data that the committee will require for its sunset review of the association.

I feel certain that, working together on this matter, we will be able to provide the legislature with sufficient information to conduct a thorough and fair sunset review of the association.

Sincerely yours,



Margaret W. Berck
Counsel to House Judiciary Committee

cc: Rep. Charlie Parr, Chairman

Hand delivered Sept. 5th

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

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P.O. BOX 279
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WILLIAM GARRISON, BAR COUNSEL

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RICHARD D. SAVELL
DONNA C. WILLARD

September 17, 1979

Margaret W. Berck
Counsel to
House Judiciary Committee
1016 West 6th Ave. #201
Anchorage, Ak. 99501

Dear Ms. Berck:

As I related to you over the telephone, the Board of Governors for the Alaska Bar Association has met and has considered your correspondence dated September 5, 1979.

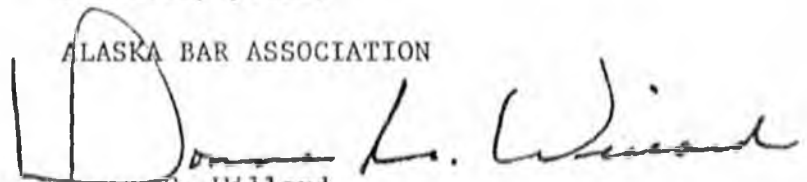
It is the position of the Board that requests from the House Judiciary Committee for materials not held to be confidential by the Alaska Bar Association will be provided in an effort to cooperate with the Committee's investigation.

It is, however, the position of the Alaska Bar Association that it is not a State agency and is not subject to the Sunset review process. Therefore, provision of any requested materials is not to be construed as a waiver of the jurisdictional issue or any other defense which the Bar Association might have regarding the applicability of the statutes with respect to Sunset review.

If there is any way in which I could be of any assistance to the Committee and you, please do not hesitate to contact me.

Sincerely yours,

ALASKA BAR ASSOCIATION


Donna C. Willard
President

DCW/vg

cc: Board of Governors
Bruce Gagnon
Fred Tausend
Keith Brown

Rate - State

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Race, sex, etc

Patrice Anderson

is on the

Board committee

is under review

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