

oratory, and a third member to be appointed by the Governor of Alaska with the advice and consent of the Legislature.

Section 2. There is hereby appropriated the sum of \$13,000.00 to carry out the provisions of this Act during the biennium commencing April 1, 1941, and ending March 31, 1943.

Appropriation  
for.

Section 3. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 25, 1941.

---

## CHAPTER 32.

### AN ACT

[H. B. 34]

Regulating the practice of law, providing for the admission of persons to the practice of law, and for the removal, suspension and disciplining of attorneys, prescribing penalties for violations and the unauthorized practice of law, repealing laws inconsistent therewith, and saving accrued rights, liabilities and penalties, and making an appropriation.

*Be it enacted by the Legislature of the Territory of Alaska:*

Section 1. There is hereby created the Board of Territorial Law Examiners to be composed of five members of the bar of the Territory, each of whom shall have been engaged in the practice of law for at least five years in the Territory of Alaska prior to his appointment, except that the Attorney General, by virtue of automatically

Board of Territorial Law Examiners, created. membership. quorum, etc.

being a member of the Board, need not qualify with this requirement.

The District Court in each Division of the Territory shall appoint one member of the Board, and the Attorney General shall be the fifth member of such Board and he shall be the president and secretary thereof. The four members of such Board appointed by the District Courts shall hold office for two years and until their successors are appointed and qualified. Three members of the Board shall constitute a quorum for the transaction of all business that may properly come before such Board.

Admission  
to the bar.

Section 2. Admissions to the bar shall be (1) upon examination, and (2) upon accredited certificates of admission from other territories or states, as hereinafter provided.

Examinations,  
when held.

Section 3. The Board of Law Examiners shall hold examinations at Juneau, Alaska, on the third Monday of October of each year.

Fee for  
admission on  
examination.

Section 4. Applicants for admission to the bar upon examination, not having been admitted to the bar in another territory or state, shall pay a fee of Fifty Dollars and all other applicants a fee of One Hundred Dollars to the secretary of the Board at the time of filing the application for admission. Such fee shall be paid into the Territorial Treasury.

Examination,  
written, scope.

Section 5. Each applicant for admission to the bar, by examination shall submit to an examination upon the following subjects: Constitution of the United States, Real and Personal Property, Domestic Relations, Corporations, Legal Ethics, Conflict of Laws, Contracts, Negotiable Instruments, Agency, Bailment, Equity, Pleading, Evidence, Partnerships, Appeal and Error, Statutory Construction, Local Pleading and Practice,

Criminal Law, Mining, Admiralty, and such other subjects as the Board may direct. Such examinations shall be upon written questions and answers, and after the answers have been examined by the Board and marked they shall be filed with the questions in the office of the Clerk of the District Court of the First Judicial Division and if the applicant shall have answered correctly seventy-five percent of the questions so given him, he shall be certified to the said District Court by the Board of Examiners for further examination, which said last mentioned examination shall be by the Board of Examiners, orally, in open court, at the date to be fixed by the Court, at which time the applicant shall be examined upon each of the subjects hereinbefore mentioned and not less than three questions in each of the subjects shall be asked him at that time other than those asked him in the said written examination; and if the applicant shall answer correctly seventy-five percent of the questions so put to him upon his oral examination, and if he is otherwise qualified in the opinion of the Board of Examiners and the Court before whom the oral examination has taken place, the Court shall make its findings to that effect and shall then make its order admitting the applicant to practice law in the Courts of the Territory.

Examination,  
oral, scope.

In case any applicant fails to pass satisfactory examination as herein provided he shall not be permitted to make application for examination again within a period of one year.

Section 6. The members of the Board of Law Examiners shall receive no compensation for their services, but if required to absent themselves from the place of their residence or practice shall be entitled to receive actual necessary expenses of travel and subsistence not exceeding \$6.00 a day, and compensation at the rate of \$10.00 a day.

Compensation  
of Board  
Members.

Section 7. The fees paid by applicants for admission

Fees to cover expenses of Board.

to the bar shall be transmitted to the Territorial Treasurer and the actual and necessary expenses of the Board of Law Examiners shall be paid out of the Territorial Treasury upon the warrant of the Attorney General, and the Attorney General shall make biennially a report of the proceedings of the Board to the Governor of the Territory.

Certification of applicant to Court by Board.

Section 8. The Board shall pass upon all applications for permission to practice law before the courts of this Territory and when satisfied that an applicant has the requisite qualification to practice as an attorney and counselor, as hereinafter provided, it shall so certify to the Court; and upon such certification, unless objection be raised thereto and found sufficient, the court may make an order admitting the applicant, and the clerk shall issue to him a certificate of admission. No person shall be denied admission to the bar on account of sex.

Unauthorized practice of law.

Section 9. When done by a person who has not been admitted to practice law in the Territory, the unauthorized practice of law shall include conveyancing, incorporation service, preparation or drafting of wills, leases, mortgages, bills-of-sale, contracts, abstracts of title, certificates to abstracts of title, and deeds; provided that United States Commissioners may be allowed to prepare abstracts of title. It shall also include the preparation and drafting of, such other legal instruments as involve the determination of the legal effect of words, facts, circumstances and conditions: Provided, however, that such work, when done by a law clerk for and under the supervision of an attorney, shall not be deemed to be within the provisions of this section: Provided, further, that no person who has been disbarred or suspended shall act as a law clerk of any attorney. Any person, firm, or corporation who violates any of the provisions of this section shall upon conviction be punished as provided in section 11 of this Act.

Exception—law clerk in law office.

Section 10. The practice of law by a person who has not been admitted and licensed to practice in the Territory of Alaska, or by one who has been disbarred, whether in the Territory or elsewhere, or who is at the time suspended, shall be punished by a fine of not more than \$1,000.00 or by imprisonment in jail for not more than one year, or by both such fine and imprisonment; Provided, that upon conviction of an attorney in any court of record of a misdemeanor involving **moral turpitude**, or of a felony, the judgment shall include an order that the offender be forthwith disbarred.

Unlicensed  
practice of law,  
penalty.

Section 11. Any judicial officer may act as an attorney in any action or proceeding to which he is a party or in which he is directly interested. A Justice of the Peace, otherwise authorized by law, may act as an attorney in any court other than the one of which he is judge, except in an action or proceeding removed therefrom to another court for review. No judicial officer shall act as an attorney in any court, or otherwise other than in this section allowed. No justice of the peace or other judicial officer shall have a partner who shall practice law or act as attorney in the court over which he presides nor shall he, by specific recommendation or otherwise, direct any legal business or litigation to, nor shall he show preference or partiality for, any attorney or firm of attorneys, but shall at all times be indifferent and impartial in such matters: Provided, that no person shall engage in the private practice of law who holds a commission or appointment as judge or clerk of record or as United States Marshal or deputy, or as United States Attorney, or Assistant United States Attorney, or who occupies a full-time office under, or who is a full-time employee of the Government of the United States or the Territory of Alaska.

Judicial officers  
and Justices of  
the Peace, when  
they may  
practice.

Section 12. Every applicant for admission to the bar shall be and continuously have been a bona fide resident

Applicants for admission, requirements of application.

of the Territory for a period of at least three months prior to the date of the examination and thereafter continuing to and including the date of admission, every applicant shall further state under oath that he is a citizen of the United States. If a citizen by birth he shall state his birthplace and date of birth; if a citizen by naturalization, the time, place and court in which he or his ancestor made his declaration of intention and petition for admission to citizenship, and that he has, neither by word nor deed, committed any act in any foreign country inconsistent with United States citizenship or his allegiance thereto; that he is not, and has not been a member of any organization, association, society or group that advises, advocates, or teaches opposition to all organized government; that he does not believe in, advise, advocate or teach, is not, and has not been a member of or affiliated with any organization, association, society or group that believes in, advises, advocates or teaches the overthrow by force or violence of the Government of the United States or of all forms of law, or sabotage; that he has not at any time or place been convicted of a misdemeanor involving moral turpitude of or a felony, or been disbarred or suspended. The application shall further state his vocation during the five years immediately preceding his application and the specific place or places of his residence during such period. The affidavit shall be supported by such documentary evidence as tends to prove citizenship, or any other fact deemed material, and as may be in the possession of or available to the applicant, and shall state the names of two or more persons who can substantiate his statements. The Board may require the applicant to state under oath such other facts, or to produce such other evidence as it deems necessary. No examination shall be given any applicant until a thorough investigation has been made as to his moral character for not less than ninety days, and it has been determined that he is and has been a person of good moral character. The burden

Affidavit.

of proving good moral character shall at all times be on the applicant.

Section 13. If the applicant has practiced law or been admitted to the bar elsewhere than in the Territory, he shall state further facts with respect thereto as the Board may require and shall submit:

1. A recommendation of the president and secretary of the bar association of the state, territory or district in which the applicant last practiced, and a recommendation of a member in good standing of the local bar.

2. An accredited certificate, which shall be a certificate from the clerk or other officer of the highest court of record of another territory or state, or from the clerk of the court by which attorneys are admitted, under the seal of the court, showing that the applicant was entitled to practice continuously, and for five of the six years immediately preceding the filing of his application was actively engaged in the practice of law in such territory or state or in the teaching of law in a law school approved by the American Bar Association, next preceding the date of the certificate, together with a certificate from the chief justice or other member of such court, under the seal of the court, certifying that the applicant is in good standing at the bar of the court and is an honorable and worthy member of the profession. If the certificate last mentioned cannot be procured on account of lack of acquaintance, the Board may accept in lieu thereof a certificate from the judge of the highest court of record in the county or district wherein the applicant last resided: Provided, That the certificate was issued within one year prior to his application for admission in this Territory.

Section 14. If the applicant has not practiced law or been admitted to the bar in any other Territory or State,

Requirements  
for those  
admitted in  
Foreign State.

Law school and  
home study.

he shall, in addition to complying with the foregoing requirements, submit an accredited certificate consisting of a diploma from a law school approved by the American Bar Association or submit proof that he has completed a course of study as provided by Sections 683 and 684, Compiled Laws of Alaska, 1933, whereupon he shall be eligible for the bar examination.

Board; findings,  
recommendation  
to District  
Court, etc.

Section 15. The Board shall investigate the statements of the applicant, whether made in the application, the affidavit, the supporting documents or otherwise, and if any of them are found false in a material respect or the Board finds applicant to be not a proper person to be examined or admitted to practice law, it shall, in the case of one who has not therefore practiced law or been admitted to the bar of another Territory or State, deny his application for examination, and in the case of one who has previously practiced or been admitted to the bar of another Territory or State, submit its findings to the Court with the recommendation that his application be denied, whereupon the Court shall enter an order accordingly unless, for reasons stated in the order of admission, the Court finds that the applicant should be admitted. A certified copy of the findings of the Board, and of evidence on which based, or a transcript thereof, shall be transmitted to the Court with the recommendation of the Board, and become a part of the permanent records of said Court. The original documents shall be retained as permanent records of the secretary: Provided, That no person shall be admitted who has at any time or place been disbarred or convicted of a felony or misdemeanor involving moral turpitude.

False statement  
under oath,  
penalty.

Section 16. Any statement made under oath under the provisions of this Act which is wilfully false shall be deemed perjury and shall subject the offender to the penalty provided by law. A judgment of conviction of perjury shall include an order for the disbarment of the

offender and the revocation of the certificate and license of the offender.

Section 17. Every person before being admitted to practice law in this Territory shall take and subscribe the following oath: "I do solemnly swear that I am a citizen of the United States and owe my allegiance thereto; that I will support the Constitution and laws of the United States and of the Territory of Alaska; I will maintain the respect due to Courts of justice and judicial officers; I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land; I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by any artifice or false statement of fact or law; I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from him or with his knowledge and approval; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God."

Oath of applicant.

Section 18. Upon being admitted, a certificate in the form now provided shall be issued as evidence of the attorney's admission to the practice of law in the Territory.

Certificate of admission.

Section 19. Nothing in this Act contained shall be so construed as to require an attorney at law who has been duly admitted to the practice of law in another Territory or state or district of the United States and who

Foreign attorney,  
limited practice  
allowed.

is in good standing under the laws of such Territory, state or district, to be admitted to the practice of law in this Territory in accordance with the provisions hereof or to pay any license fee before such attorney may appear before the District Court of Alaska for the trial of or other proceeding in any one case, or several associated cases; and the District Court of Alaska may permit such non-resident attorney to appear in and practice before the Court for trial or other proceedings in any one case or group of cases.

Section 20. An attorney or counselor may be disbarred or suspended for any of the following causes arising after his admission to practice:

Disbarment.—  
Grounds for.

1. His conviction of misdemeanor involving moral turpitude, or of a felony, in which case the record of conviction shall be conclusive evidence.
2. Wilful disobedience or violation of an order of the Court requiring him to do or forbear an act connected with, or in the course of, his profession, which he ought in good faith to do or forbear.
3. Violation of his oath as an attorney, or of his duties as an attorney and counselor.
4. Corruptly or wilfully, and without authority, appearing as attorney for a party to an action or proceeding.
5. Lending his name to be used as attorney and counselor by another who is not an attorney and counselor.
6. For the commission of any act involving moral turpitude, dishonesty or corruption, whether the same be committed in the course of his relations as an attorney or counselor at law, or otherwise, and whether the same

constitute a felony or misdemeanor or not; and if the act constitute a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment or suspension from practice thereof.

7. Misrepresentation or concealment of a material fact made in his application for admission or in support thereof.

8. Disbarment by a foreign court of competent jurisdiction.

9. Practicing law with or in cooperation with a disbarred or suspended attorney, or maintaining an office for the practice of law in a room or office occupied or used in whole or in part, by a disbarred or suspended attorney, or permitting a disbarred or suspended attorney to use his name for the practice of law, or practicing law for or on behalf of a disbarred or suspended attorney, or practicing law under any arrangement or understanding for division of fees or compensation of any kind with a disbarred or suspended attorney or with any person not a licensed attorney.

Grounds for  
disbarment.

10. Misconduct or incompetency in or outside of the practice of the profession, tending to show that he is an unfit or unsafe person to enjoy the privileges of the profession or to manage the business of others in the capacity of attorney or which tends to bring reproach upon the profession or injure it in the favorable opinion of the public.

11. Wilfully misleading or deceiving the court or committing any act which tends to pervert or obstruct justice or its administration.

12. Soliciting business or litigation, or knowingly accepting business or litigation procured by solicitation.

13. Violation of the ethics of the profession: Provided, That an attorney may also be disbarred, who within five years before his initial admission to practice, was at any time or place, convicted of a misdemeanor involving moral turpitude or of a felony, in which case the record of such conviction shall be conclusive evidence thereof.

**Ethics.**

Section 21. The code of ethics of the American Bar Association shall be the standard of ethics for the members of the bar of this Territory.

Soliciting  
personal injury  
suits, etc.,  
penalty.

Section 22. It shall be unlawful for any person, firm or corporation to solicit within the Territory, any business on account of a claim for personal injuries to any person within the Territory of Alaska; and any contract wherein any person not an attorney at law agrees to recover, either through litigation or otherwise, any damages for any personal injuries to any person, shall be unlawful and void. A violation of this section shall be punished as provided in Section 11 of this Act.

Disbarment,  
nature of  
proceeding,  
information  
filed by  
District Attorney.

Section 23. Proceedings to disbar or discipline attorneys shall be by information, filed by the United States Attorney, acting either upon his own knowledge or evidence presented to him, or upon oral complaint. The United States Attorney, acting either upon his own knowledge or evidence presented to him, or upon oral complaint. The United States Attorney shall institute such proceedings promptly unless, after a thorough investigation, he concludes that the evidence is insufficient and that additional evidence is not obtainable, in which event he shall transmit the complaint or substance thereof, together with all the evidence and his opinion thereon, to the secretary of the Board, who shall permanently retain the same. To enable him to make investigations, the United States Attorney shall have power to issue subpoenas to compel the attendance of witnesses or the production of books or documents before him, and author-

ity to have the testimony or statements of witnesses reported and transcribed, the cost of which shall be borne by the Territory. In case any witness shall fail to obey the summons to appear or refuse to testify fully and unequivocally, or produce documents or books, he may be punished under existing provisions of law applicable to witnesses before the grand jury. Any private person may institute disciplinary proceedings on the relation of the Territory of Alaska only after the United States Attorney has declined to act. The relator shall have access to the records and files and the evidence relating to the case, and subpoenas shall issue on his application as in ordinary cases to compel the attendance of witnesses or the production of evidence at the hearing. **Such proceedings** may also be ordered by the Court for matters within its knowledge or that of any of the judges thereof, in which case the accusation shall be made by an order of the court reciting the facts or charges.

Witnesses.—  
District Attorney  
can compel  
attendance  
of, etc.

Section 24. Upon the filing of the information the Court shall make an order requiring the accused to appear and answer the information within ten days after service upon him of a copy of the information and of the order, unless for good cause, further time is allowed. Provided, that where the attorney cannot be found within the Territory, service may be made as provided in Section 3404, C. L. A. 1933. The information need not be verified except when the proceeding is on the relation of the Territory, nor shall leave of the court be required to file the same.

Time for  
answering.

Section 25. If the accused do not appear, the Court may proceed and determine the allegations of the information.

Section 26. Grounds of demurrer may be taken by answer only. The answer shall be in writing and verified as pleadings in civil actions.

Hearing, etc.

Section 27. Upon a confession of guilt or refusal to answer the charge, the Court shall proceed to judgment of removal or suspension. If the charge is controverted the Court shall, as promptly as possible, proceed to hear the accusation, together with such evidence as may be offered in support or in defense thereto. The hearing shall be according to equity rules or as nearly in conformity therewith as possible, and the decree shall be entered only after findings of fact and conclusions of law have been filed.

Committee of lawyers to hear cause, when.

Section 28. When an accusation is made upon the knowledge of the Court or the judges thereof, the facts shall be set forth as in other cases and the accused may controvert the accusation, whereupon the issues of fact shall be by the Court referred to at least three disinterested members of the bar who after hearing shall transmit a verbatim transcript of the evidence, together with their finds and recommendations, to the Court. The Court may, upon a review thereof, decree that the attorney be exonerated, disbarred, suspended or subjected to such other discipline as the facts warrant, or may remand the case for further investigation: Provided, That the Court may refuse to follow the recommendations of the committee, if there is no substantial evidence or if the law has been misapplied, or other good and sufficient reason, but in such event it shall embody its findings and reasons in a written opinion which shall be filed before the decree is entered, or contemporaneously therewith.

Annual Registration of attorneys.

Section 29. Every attorney and counselor at law of this Territory except persons prohibited from engaging in private practice, shall, on or before February 15, register annually with the clerk of the Court in the division in which he resides or practices law, by presenting or transmitting to the clerk his license for registration, or by filing a certified copy thereof, or the receipt evidencing payment of the license fee. The clerk in each division

shall provide a book for such registration. No pleading shall be filed or accepted for filing, by the clerk of any court of record which is prepared, verified, subscribed or presented by an attorney who has not registered as herein provided. Nor shall any attorney who has not registered as aforesaid be heard in such court or allowed to take or initiate any step therein in behalf of any client or person or firm for or on behalf of any other attorney. This provision shall apply to a firm, one of whose members has failed to register and to all attorneys associated in a particular case, one of whom has failed to register. A violation of this section shall authorize the striking of any pleadings together with supporting documents from the files, and the subjection of the offender to the payment or accrued costs and disbursements.

Section 30. The Board shall prescribe forms, rules and regulations to carry out the provisions of this Act. Such forms, rules and regulations shall have the same force and effect as if made a part of this Act.

Section 31. It shall be the duty of every attorney to promptly report all violations of this Act coming to his attention to the United States Attorney or any of his assistants and to render such assistance as possible in connection with the investigation thereof; and it shall be the duty of the United States Attorney and of his assistants to diligently investigate all complaints under this Act and to promptly institute proceedings in accordance with the provisions of this Act.

District Attorneys,  
duties.

Section 32. That Sections 681, 689, 690, 691, 692, 693, 694, 695, 696, 703, 704, 705, 706, 707, 708, 709, 710 and 714, Compiled Laws of Alaska, 1933, be and they hereby are repealed: Provided, That such repeal or modification of existing law shall not affect any act done, or any right accruing or accrued or any suit or proceeding had or commenced prior to said repeal or modification, but all

Repeal of  
prior acts.

liabilities under said existing law shall continue and may be enforced in the same manner as if said repeal or modification had not been made, and all offenses committed and all penalties, forfeitures or liabilities incurred, under existing law hereby repealed or amended, prior to the effective date of this Act, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed: Provided, That except as to such acts done or offenses committed as may render this Act ex post facto, all proceedings for violations thereof and the procedure therefor shall be in conformity with the provisions of this Act.

**Appeal.**

Section 33. Appeals from judgments or orders of the District Court under the provisions of this Act shall be allowed as provided by existing law.

**Separability clause.**

Section 34. If any clause, sentence, paragraph, or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, or paragraph thereof directly involved in the controversy in which judgment shall have been rendered.

**Appropriation.**

Section 35. The sum of \$1,000 is hereby appropriated to carry into effect the provisions of this Act.

Approved March 25, 1941.