

in the judgment of the Tax Commissioner, it is justified and will not contravene the intent and purpose of this Act.

Section 7. Chapter 61, Session Laws of Alaska, 1945, is hereby repealed.

Section 8. Any person violating the provisions of this Act or parts thereof shall be guilty of a misdemeanor.

Emergency
clause.

Section 9. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved April 3, 1946.

CHAPTER 31

AN ACT

[H. B. 16]

To amend Ch. 32 Session Laws of Alaska 1941, as amended by Ch. 11 Session Laws of Alaska 1943, regulating the practice of law in Alaska, by amending Sections 4, 5, 9, 10, 12, 13, 14, 18 and 22 of said Act, repealing Sec. 29 of said Act, and repealing Secs. 682 to 688 inclusive Compiled Laws of Alaska, 1933; and declaring an emergency.

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

Section 1. That Section 4 of Ch. 32 Session Laws of Alaska 1941, is hereby amended to read as follows:

Section 4. All applications for admission to the Alaska Bar shall be filed with the Board at the office of the Attorney General at Juneau.

Applicants for admission to the bar upon accredited certificates of admission from other jurisdictions shall pay a fee of One Hundred Dollars and all other applicants a fee of Fifty 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.

Applications for admission, contents, fee, where filed.

Section 2. That Section 5 of Ch. 32 Session Laws of Alaska 1941, is hereby amended to read as follows:

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 an attorneys' file in the office of the Clerk of the District Court of the Division wherein such examination is held or the applicant resides, in accordance with the request of such applicant. Such papers shall not be public records and shall be withheld from scrutiny except by members of the Board of Law Examiners or other persons who have obtained permission from the Court for good cause shown, and in no event shall copies be made of all or any part thereof. If the appli-

Subjects of examination.

Examination corrected by Board.

Applicant certified to Court for oral questions.

cant shall have answered correctly seventy-five percent of the questions so given him, he shall be certified to the District Court in the Division wherein the aforesaid questions and answers have been filed, 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.

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

Section 3. That Section 9 of Ch. 32 Session Laws of Alaska, 1941, be amended by substituting the language "Section 10" in the place and stead of "Section 11" as appears in the last sentence thereof.

Section 4. That Section 10 of Ch. 32 Session Laws of Alaska, 1941, be amended by eliminating the period at the end of the last sentence thereof and adding

thereto the following language: "or suspended as the court may see fit."

Section 5. That Section 12 of Ch. 32 Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 12. Every applicant for admission to the bar shall be and continuously have been a bona fide resident of the Territory for a period of at least three months prior to the date of the examination or, as to persons not required to take the examination, filing of certificate by the Board, and thereafter continuing to and including the date of admission. Every applicant shall 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; that he does not believe in or practice 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

Prior requirements of applicant.

Affidavit contents.

Supporting
documents.

or suspended. The applicant 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. He must also submit a recommendation of a member in good standing of the Alaska bar. 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 nor certification for admission filed, as the case may be, until a thorough investigation has been made as to his moral character and it has been determined that he is and has been a person of good moral character. The burden of proving a good moral character shall at all times be on the applicant.

Section 6. That Section 13 of Ch. 32, Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 13. In addition to the requirements of Section 12 which must be met by all applicants as prerequisites to admission to the Alaska bar, each applicant must present to the Board documents or information as follows, in accordance with the category into which his application falls:

(a) Applicants who have practiced before another bar and seek admission in Alaska on their credentials, without examination, must produce, in addition to a recommendation from

the President or Secretary of the Bar Association of the state, territory or district in which the applicant last practiced, an accredited certificate, which shall be a certificate from the clerk or other officer of the highest court of record of another territory, state, or district 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, state or district 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 a justice or clerk 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 practiced: Provided, that the certificate was issued within one year prior to his application for admission in this Territory. Further provided, that if the applicant is a veteran of World War II, honorably discharged from any branch of the armed services of the United States, the time in such service shall not be counted as a lapse in the matter of continuous previous practice as above specified, and the certificate from the clerk or other officer of the highest court in the jurisdiction in which applicant previously practiced may be adapted accordingly.

Certificate from
Court showing
previous practice.

Exception to
Court certificate.

(b) Applicants who have practiced before another bar but cannot meet the above requirement as to previous experience, and, therefore, seek admission on examination, must nevertheless meet all of the requirements set forth in subsection (a) of this section, except that the certificate showing admission elsewhere will not show continuous practice for five of the six years immediately preceding.

Insufficient prior practice.

(c) Applicants who have been admitted to the bar elsewhere but have never practiced law and, therefore, seek admission by examination, must meet the requirements of subsection (b) of this section, excepting as to a recommendation from the President or Secretary of the Bar Association of his former state, territory or district, if unobtainable for lack of membership in such association or for lack of acquaintance.

Member of bar elsewhere but no prior practice.

(d) Applicants who have not been admitted to the bar in any other jurisdiction and seek admission by examination must submit an accredited certificate consisting of a diploma from a law school approved by the American Bar Association; provided, that this requirement shall be waived as to applicants who have completed their studies in conjunction with a bona fide clerkship in a law office in Alaska as set forth in the next section.

Applicant for admission by examination.

Section 7. That Section 14 of Ch. 32 Session Laws of Alaska, 1941, is hereby amended to read as follows:

Section 14. (a) Any person desiring to study law in the office of a practicing attorney in Alaska for the purpose of qualifying to take

Reading law with practicing attorney.

the Alaska Bar Examination, shall, before the commencement of his studies, file with the Clerk of the District Court of the division in which he resides, a certificate stating his age, residence, preparatory education (which must be not less than graduation in a residence high school course of at least four years), the name and residence of the person under whose direction he proposes to study law, the date of the commencement of his studies and of his employment as a law clerk, together with a certificate of the person under whom the studies are to be pursued substantiating the facts set forth in the certificate of such clerk and the date of the commencement of the employment.

Certificates to
be filed.

(b) No person pursuing such course of study as clerk in a law office shall be entitled to take an examination for admission to the Alaska Bar unless and until he shall have devoted not less than thirty-six weeks of not less than twenty-four hours each, in actual attendance at said law office upon the performance of the duties of that position and to his law studies, for a period of at least three years. In the event the relationship of employer and employee, as above referred to, should terminate before the student had completed the prescribed course, he may notify the Board and the Board may approve similar employment with some other law office for the continuance or completion of the prescribed work and study, or such other arrangement for the completion of experience and study as the Board may see fit to sanction under the circumstances, in connection with which no further certificate need be filed with the clerk of the court.

Length of time
for study.

(c) Applications of persons in this category

for admission upon examination must meet all of the requirements set forth in Section 12 of this Act. In addition thereto, such applicants shall submit certified copies of the certificates above mentioned, together with such proof of completion of the required course of work and study as the Board may request, provided that the submission of a certificate consisting of a Diploma from an extension law school approved by the Board shall be treated as prima facie evidence that the studies accomplished by the applicant in conjunction with the required clerkship during the required period have been sufficient in scope to make him eligible for the bar examination.

Section 8. That Section 18 of Ch. 32, Session Laws of Alaska, 1941, is hereby amended to read as follows:

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

Certificate of admission.

Section 9. That Section 22 of Ch. 32, Session Laws of Alaska, 1941, is hereby amended by substituting the language "Section 10" in the place and stead of "Section 11" as appears on the last line thereof.

Section 10. That Sections 682 to 688, inclusive, Compiled Laws of Alaska, 1933, and Section 29 of Ch. 32, Session Laws of Alaska, 1941, be and they are hereby repealed.

Section 11. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Emergency clause.

Approved April 3, 1946.