

reparation to aggrieved parties for actual damages or loss caused by the offense for which conviction was had; and

(c) to provide for the support of any persons, for whose support he is legally responsible.

The defendant's liability for any fine or other punishment imposed

as to which probation is granted, shall be fully discharged by the fulfillment of the terms and conditions of probation.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

Approved March 29, 1955

CHAPTER 196

AN ACT

To create an association to be known as the "Alaska Bar Association"; to provide for its organization, government, membership and powers; to regulate the practice of law; to provide penalties for the violation of this Act; repealing Sections 35-2-22 through 35-2-24, ACLA, 1949; Section 35-2-31, ACLA, 1949, as amended by Chapter 110, SLA, 1951; Sections 35-2-32 through 35-2-34, ACLA, 1949; 35-2-41 through 35-2-44, ACLA, 1949 as amended by Chapter 9, SLA, 1949, and Chapter 110, SLA, 1951; Sections 35-2-45 through 35-2-51, ACLA, 1949; 35-2-61 through 35-2-65, ACLA, 1949; 35-2-71 through 35-2-77, ACLA, 1949; Chapter 27, SLA, 1951; Chapter 9, SLA, 1949; Chapter 110, SLA, 1951, and all other Acts or parts of Acts inconsistent herewith, and setting an effective date.

(C. S. for H. B. 30)

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

Section 1. **Title of Act.** This Act may be known and cited as the Alaska Integrated Bar Act.

Section 2. **Objects and Powers.** There is hereby created an instrumentality of Alaska, for the purpose and with the powers hereinafter set forth, to be known as the Alaska Bar Association, hereinafter desig-

nated as the Alaska Bar, which Association shall have a common seal, may sue and be sued, and which may, for the purpose of carrying into effect and promoting the objects of said Association, enter into contracts and acquire, hold, encumber and dispose of such real and personal property as is necessary thereto.

Section 3. First Members. The first members of the Alaska Bar Association shall be all persons admitted to the practice of law in Alaska at the effective date of this Act.

Section 4. New Members. After the organization of the Alaska Bar, as herein provided, all persons who are admitted to practice in accordance with the provisions of this Act, except judges of courts of record, shall upon admission become eligible for active membership in the Alaska Bar.

Section 5. Board of Governors. There is hereby constituted a Board of Governors of the Alaska Bar to be first elected pursuant to rules promulgated by the Alaska Bar Commission and, subsequent to the first election, to rules promulgated by the Board of Governors. The Board shall consist of nine (9) active, practicing members who shall be elected by the active members of the Alaska Bar. Three (3) members shall be elected from the First Judicial Division, three (3) members from the Third Judicial Division, and three (3) members from the combined area of the Second and Fourth Judicial Divi-

sions, provided however that no more than two shall be resident practicing attorneys in the Fourth Judicial Division unless membership on the Board of Governors is specifically waived in writing by the active practicing members, if any, of the Second Judicial Division. The members of the Board of Governors shall hold office for three years and until their successors are elected and qualified. The members of the first elected Board of Governors, at their first meeting, shall so classify themselves by lot that three of them shall hold office for one year only, three others for two years only, and three others for three years only; after which first election three Board members shall be elected annually, one from each area, as hereinabove defined. The Board shall elect from among its members the officers of the Alaska Bar. Vacancies in Board membership shall be filled by appointment by the remaining Board members until the next annual election.

Section 6. Alaska Bar Governed by Board of Governors. The Alaska Bar shall be governed by the Board of Governors, which shall be charged with the executive functions of the Alaska Bar, the enforcement of the provisions of this Act and all rules adopted in pursuance thereof. The members of the Board of Governors shall receive no salary by virtue of their office.

Section 7. Powers of Governors. The Board of Governors shall have power to adopt reasonable rules

having the force and effect of law:

a. Concerning membership and the classification of membership in the Alaska Bar into active, inactive and honorary members;

b. Concerning the enrollment and privileges of membership;

c. Providing for other officers of the Alaska Bar, the time, place and method of their selection, and their respective powers, duties, terms of office and compensation;

d. Concerning annual and special meetings;

e. Concerning the collection, the deposit and the disbursement of the membership and admission fees, penalties, and all other funds.

f. Providing for the organization and government of divisional, municipal and other local subdivisions of the Alaska Bar;

g. Defining the practice of law; and

h. Providing for all other matters, whether similar to the foregoing or not, affecting in any way whatsoever the organization and functioning of the Alaska Bar. Any such rule may be modified or rescinded, or a new rule may be adopted, by a vote of the active members of the Association under rules to be prescribed by the Board of Governors.

Section 8. Admission, Suspension and Disbarment. The Board of Governors shall have power to adopt rules fixing the qualifications, re-

quirements and procedure for admission to the practice of law, except as otherwise provided in this Act: to establish and enforce rules of professional conduct for all members of the Alaska Bar, which shall conform but need not be limited to the standards of the Code of Ethics of the American Bar Association; to appoint boards or committees to examine applications for admission; to investigate, prosecute, hear and finally determine all causes involving discipline, disbarment, suspension or reinstatement; and to prescribe rules establishing the procedure for the investigation and hearing of such matters, and establishing divisional or municipal agencies to assist therein to the extent provided by such rules. No person who shall have participated in the investigation or prosecution of any such cause shall sit as a member of any board or committee hearing the same.

Section 9. Eligibility for Admission. Any person may apply and shall be eligible for admission to the Alaska Bar, upon examination or by reciprocity as provided in this Act, if such person (a) is a citizen of the United States, over 21 years of age, and has been a resident of Alaska for at least 90 days prior to the date set for examination for admission, or the date of certification by the Board of Governors that the person may be admitted on reciprocity; and (b) is a graduate of a law school approved by the American Bar Association, or is an attorney in good standing in the Bar of another state

or territory, or has completed a clerkship in the manner which was required by Section 35-2-44, ACLA, 1949, which clerkship was commenced prior to the effective date of this Act. All applicants for admission to the Alaska Bar shall, before being certified by the Board for admission, take and pass an examination in the manner required pursuant to this Act, except attorneys in good standing in the Bar of another state or territory or the District of Columbia, which admits members of the Alaska Bar to the practice of law therein, which attorneys shall be admitted without examination and otherwise upon substantially the same terms and conditions as are fixed in their respective jurisdictions for the admission of attorneys from Alaska.

Section 10. Fees.

a. There shall be an annual membership fee for active members which shall not exceed the sum of \$50.00, payable on or before February first of each year; provided, that the membership fee for the year 1955 shall be payable not later than August first, 1955. The Board of Governors shall have power before January first of any year to establish the membership fee for the succeeding year.

b. There shall be an annual membership fee for inactive members which shall not exceed the sum of \$10.00.

c. Applicants for admission to the Bar shall pay a fee of \$100.00

d. Any member failing to pay any fees when the same become due, shall, after sixty days, be suspended from membership in the Alaska Bar, but may be reinstated upon payment of accrued fees and such penalties as may be imposed by the Board of Governors, not exceeding double the amount of the delinquent fees.

e. Funds received from membership fees, admission fees, and otherwise than by appropriation by the Territory of Alaska, shall be received, disbursed and administered in accordance with rules and regulations of the Board of Governors. Funds appropriated for the purpose of this Act shall be disbursed on vouchers certified by the President of the Alaska Bar.

Section 11. Procedure for Admission. The Board of Governors shall pass upon all applications for permission to practice law before the courts of Alaska, and when satisfied that an applicant has the requisite qualifications to practice as an attorney and counselor, the Board shall so certify to the U. S. District Court for the Judicial Division in which the applicant resides. Upon receiving such certification, unless objection be raised thereto within five days, the Court shall make an order admitting the applicant, and the Clerk shall issue him a certificate of admission. In the event that an objection is raised, the sufficiency thereof shall be finally determined within thirty days.

Section 12. Who May Practice

Law. No person shall engage in the private practice of law in Alaska subsequent to the effective date of this Act unless he shall be an active member of the Alaska Bar. A member of the Bar in good standing in other jurisdictions may be entitled to appear in the courts of Alaska under such rules as the Board of Governors may prescribe.

Section 13. Unlawful Practice a Misdemeanor. Any person not an active member of the Alaska Bar who engages in the private practice of law or represents himself as entitled to engage in the private practice of law in Alaska other than as permitted by this Act, shall be guilty of a misdemeanor and upon conviction 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. Upon conviction of an attorney of a misdemeanor involving moral turpitude, or of a felony, the member shall be suspended for a period not to exceed ninety days, during which period the Board of Governors shall act promptly to make a final determination of the member's right to practice. Nothing herein contained shall be held in any way to affect the power of the courts to grant injunctive relief or to punish as for contempt.

Section 14. Disciplinary Proceedings and Review. Upon finally determining any cause involving the discipline, disbarment, suspension or reinstatement of a member of the Alaska Bar, the Board of Gov-

ernors shall certify its findings and recommendations thereon to the U. S. District Court for the Judicial Division wherein the accused member resides. Upon receiving the findings and recommendations, the Court shall, within thirty days thereafter, issue an order of disbarment, suspension, reinstatement, dismissal, or otherwise, in full accordance with the recommendations of the Board of Governors, unless the accused member shall sooner petition the Court for review of the proceedings, findings and recommendations of the Board. In the event such petition is made, the Court shall proceed promptly with the review in the manner it may choose, and after completion of the review shall issue such order in the cause as the Court may, in its discretion, determine proper. Any hearings or other procedures before the Court shall be for the sole purpose of review of the determinations of the Board of Governors and shall not constitute a trial de novo of the cause. The procedure for review herein set forth shall be the exclusive method of appeal from the determinations of the Board of Governors in any matter involving the discipline, disbarment, suspension or reinstatement of a member of the Alaska Bar. A full stenographic record of all hearings on matters involving discipline, disbarment, suspension or reinstatement shall be kept. The Board of Governors shall have power to issue subpoenas and to invoke the aid of the U. S. District Court, if necessary, to compel the attendance of witnesses at

hearings held pursuant to the powers granted herein.

Section 15. Alaska Bar Commission. Nine persons actively engaged (engaged) in the private practice of law in Alaska at the effective date of this Act shall, within ten days after the effective date of this Act, be appointed by the Governor of Alaska, with the advice and consent of a majority of the members of both Houses of the Legislature sitting in Joint Session, as members of the Alaska Bar Commission, which is hereby created. The Commission shall within thirty days thereafter provide for and effect the election of the Board of Governors. Upon election of the Board of Governors the Commission shall be deemed abolished. It is the intent of this Act that membership on the Board of Governors and the Alaska Bar Commission shall not constitute the holding of an office within the meaning of Section 4-1-4 ACLA, 1949.

Section 16. Repeal. The following provisions of law are expressly continued in force and effect to and including June 30, 1955, but thereafter they shall be deemed repealed in their entirety; Sections 35-2-21, 35-2-22, 35-2-23, 35-2-24, ACLA, 1949; Section 35-2-31, ACLA, 1949, as amended by Chapter 110, SLA, 1951; Sections 35-2-32, 35-2-33, 35-2-34, 35-2-41, 35-2-42, 35-2-43, 35-2-44, ACLA, 1949, as amended by Chapter 9, SLA, 1949, and Chapter

110, SLA, 1951; Sections 35-2-45, 35-2-46, 35-2-47, 35-2-48, 35-2-49, 35-2-50, 35-2-51, 35-2-61, 35-2-62, 35-2-63, 35-2-64, 35-2-65, 35-2-71, 35-2-72, 35-2-73, 35-2-74, 35-2-75, 35-2-76, 35-2-77, ACLA, 1949; Chapter 9, SLA, 1949; Chapter 27, SLA, 1951; Chapter 110, SLA, 1951; and all other Acts or parts of Acts inconsistent herewith. It is the intent and purpose of this section to provide for an orderly transition from the governing of the practice of law in Alaska as at present, by the provisions herein specified for repeal, to its governing under rules and regulations, having the force of law, of the Board of Governors of the Alaska Bar. It is the further intent of this section to require the Board of Governors to act promptly in the promulgation of these rules and regulations and to make them effective on July 1, 1955. To accomplish the intent and purposes herein set forth this section shall be liberally construed.

Section 17. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Section 18. Effective Date. This Act shall take effect and be in force from and after its passage and approval, or upon its becoming law without such approval.