

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 64

Promulgating the Rules  
of the Alaska Bar  
Association

IT IS ORDERED:

That the Rules of the Alaska Bar Association  
numbered one through 13, attached hereto, are hereby  
promulgated as rules of this court, effective June 1,  
1964.

Dated this 7th day of April, 1964.

/s/ Buell A. Nesbett  
Chief Justice

/s/ John H. Dimond  
Associate Justice

/s/ Harry O. Arend  
Associate Justice

DISTRIBUTION:

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RULES OF THE ALASKA BAR ASSOCIATION

RULE 1

ORGANIZATION OF THE ALASKA BAR ASSOCIATION

Section 1. Creation of Association. All persons admitted to the practice of law in the State of Alaska are hereby organized as an association to be known as the Alaska Bar Association and shall be subject to the rules hereinafter set forth. These rules are adopted in the exercise of the Supreme Court's inherent authority over members of the legal profession as officers of the Court and shall be called the Alaska Bar Rules.

Section 2. Purposes. The purposes of the Alaska Bar shall be to aid the courts in carrying on and improving the administration of justice; to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence and public service and high standards of conduct; to safeguard the proper professional interests of the members of the bar; to encourage the formation and activities of local bar associations; to provide a forum for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relations of the bar to the public, and to publish information relating thereto; to carry on a continuing program of legal research in the technical fields of substantive law, practice and procedure, and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

Section 3. Legal Entity. In order to carry out the purposes for which it is organized, the Alaska Bar Association may sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 4. Definitions. The words "Alaska Bar" whenever used in these rules mean the Alaska Bar Association. The words "the Court"

and "Court" mean the Supreme Court of Alaska unless the context requires otherwise. The word "President" shall mean the President of the Alaska Bar.

RULE 2  
MEMBERSHIP

Section 1. Persons Included in Membership. The membership of the Alaska Bar initially shall consist of all of those persons who on the date when these rules take effect are admitted to the practice of law in this state, and after these rules take effect shall include all persons who become licensed from time to time to practice law in this state. All members shall be subject to due compliance with the conditions and requirements of membership. Residence in Alaska shall not be a condition to eligibility to maintain membership in the Alaska Bar.

Section 2. Enrollment. Persons presently members of the Alaska Bar Association as created by AS 08.08.010 shall be enrolled in the Alaska Bar by virtue of such membership. Every other person admitted to the practice of law in this state shall enroll in the Alaska Bar by registering his name with the Secretary of the association within sixty days after the effective date of these rules in accordance with the requirements of the bylaws. Every person who becomes licensed to practice law in this state after these rules become effective shall enroll in the Alaska Bar in like manner by registering his name with the Secretary of the association within ten days after admission to practice. After such enrollment every change in any member's office or residence address or principal office location shall be reported promptly to the Secretary.

Section 3. Classes of Membership. The members of the Alaska Bar shall be divided into three classes known respectively as "active" members, "judicial" members, and "inactive" members. The class of active members shall include all members of the Alaska Bar except the "judicial" members and "inactive" members. The class of inactive

members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in this state and have filed with the Secretary of the Alaska Bar written notice requesting enrollment as an inactive member. Judges of courts of record and retired judges who are eligible for temporary judicial assignment and are not engaged in the practice of law shall be classed as "judicial" members. Any inactive member in good standing, and any judicial member who is no longer a judge of a court of record, may change his classification to that of active member by filing with the Secretary a written request for transfer and by paying the dues required of active members. A judicial member who is no longer a judge of a court of record shall be classified as an active member if he engages in the practice of law in this state. No judicial or inactive member shall be entitled to practice law in this state or to hold office in the Alaska Bar or to vote in any election conducted by the association or on any matter presented at any meeting thereof. No person engaged in the practice of law in this state in his own behalf or as an assistant or employee of an active member of the Alaska Bar, or occupying a position the duties of which require the giving of legal advice shall be eligible for enrollment as an inactive member.

Section 4. Only Active Members May Practice Law. No individual other than an enrolled active member of the Alaska Bar shall practice law in this state or in any manner hold himself out as authorized or qualified to practice law. Any court in this state may by special permission granted by it allow nonresident counsel to appear and participate in a particular action or proceeding in accordance with Rule 81 of the Rules of Civil Procedure.

Section 5. Membership Dues. Every active member shall pay membership dues in such amount, not exceeding \$100.00 per year, as may be fixed in the bylaws, and dues may be graduated depending on the number of years a member has practiced law. Every judicial



and inactive member shall pay membership dues in such amount, not exceeding \$10.00 per year, as may be fixed in the bylaws. All dues shall be paid to the Treasurer of the Alaska Bar and shall constitute a fund for the payment of the expenses of that association.

Section 6. Penalty for Nonpayment of Dues. Any active, judicial or inactive member failing to pay any dues within sixty days after they become due shall be suspended automatically from membership in the Alaska Bar. He may be reinstated upon payment of accrued dues and such penalties as may be imposed by the Board, in the manner provided in section 17, rule 9.

Section 7. Voluntary Resignation of Membership. Whenever a member of the Alaska Bar in good standing files with the Secretary written notice of his election to surrender his certificate to practice law and to terminate his membership in the association, such person shall thereupon cease to be a member of the Alaska Bar, and his name shall be removed from the membership register.

### RULE 3

#### OFFICERS

Section 1. Titles; Nomination and Election. The officers of the Alaska Bar shall be a President, a President-Elect, a Secretary, and a Treasurer. The active members of the Alaska Bar who are in actual attendance at the annual convention shall elect by a majority vote during the convention the association's officers from the membership of the Board of Governors. The term of office of each officer shall be one year and until the election and qualification of his successor, except that those holding office on the effective date of these rules shall continue to hold office until the next annual meeting.

Section 2. Duties of Officers.

President: The President shall be the chief executive officer of the Alaska Bar, and shall preside at all meetings of

the association and of the Board of Governors. He shall appoint and announce as soon as possible after the annual meeting each year the membership of all committees for the ensuing year, the appointment of which shall not have been otherwise provided for. He shall be a member ex-officio of every standing committee and every special committee.

President-Elect: The President-Elect shall perform the duties of the President during the absence or disability of the President; and at the expiration of the one year term of office of the President, the President-Elect shall succeed to the office of President. In the event of the death or resignation of the President prior to expiration of his term of office, the vacancy shall not be filled and the duties of the office during the unexpired term shall be performed by the President-Elect, and at the expiration of the term the President-Elect shall succeed to the office of President in the same manner as if such vacancy in the office of President had not occurred.

Secretary: The Secretary shall act as secretary at all meetings of the Alaska Bar, of the Board of Governors, and of the executive committee, and shall keep a record of all the proceedings thereof. He shall notify officers and members of the committees of their election or appointment. He shall prepare and maintain a register of all active, judicial and inactive members of the Alaska Bar and, subject to direction of the Board of Governors, shall send out notices of all elections and meetings. He shall perform all other duties assigned to him by these rules or by the bylaws or by the Board of Governors. The Secretary may succeed himself in office.

Treasurer: The Treasurer shall receive, collect and safely keep, and under the direction of the Board of Governors disburse, all funds of the Alaska Bar; and render reports of receipts and disbursements as required. He shall assist the executive committee in preparing the annual budget. He shall furnish a surety

bond at the expense of the Alaska Bar in such amount as may be required by the Board of Governors. The Treasurer may succeed himself in office.

Section 3. Delegation of Duties. Any duties imposed by these rules or by the bylaws of the Alaska Bar upon the President, Secretary or Treasurer may be performed under the supervision of such officers respectively, by assistants or employees of the association.

#### RULE 4

#### BOARD OF GOVERNORS

Section 1. Governing Body. The Alaska Bar shall be governed by its Board of Governors. The Board has the powers and duties conferred by these rules. Members of the Board shall receive no salary.

Section 2. Composition of the Board of Governors. The Board of Governors shall consist of nine active members elected by the active members of the Alaska Bar from the four judicial districts, three members from the First Judicial District, three members from the Third Judicial District, and three members from the combined area of the Second and Fourth Judicial Districts. Not more than two members may be resident attorneys in the Fourth Judicial District when there are 4 or more resident active members in the Second Judicial District.

Section 3. Election; Term of Office. Members shall be elected to the Board of Governors in accordance with the bylaws of the Alaska Bar. Upon election, members of the Board of Governors shall hold office for three years and until their successors are elected and qualified. Those members of the Board of Governors on the effective date of these rules shall continue as members until the next annual meeting. Three Board members shall be elected annually, one from each area as described in this rule.

Section 4. Vacancies on the Board of Governors. Vacancies in Board membership shall be filled by appointment by the remaining Board members until the next annual election, at which time a successor shall be elected to fill the remainder of the unexpired term.

Section 5. Functions. The Board of Governors shall have general charge of the affairs and activities of the Alaska Bar. It shall have authority to fix a time and place for the annual meeting of the members; to make appropriations and authorize disbursements from the funds of the association in payment of the necessary expenses of the association; to engage and define the duties of employees and fix their compensation; to receive, consider and take action on reports and recommendations submitted by committees, sections and the members at any annual or special meeting; to conduct investigations of matters affecting the Alaska Bar, or the practice of law or the discipline of members of that association; to fill vacancies however arising in the membership of the Board of Governors, or in any office except the office of President, and in each case the person appointed to fill such vacancy shall hold office until the next annual election; and to adopt bylaws and regulations not inconsistent with these rules for the orderly administration of the Alaska Bar's affairs and activities.

The Board of Governors shall meet from time to time as necessary, and as required by the bylaws. A majority of the whole Board shall constitute a quorum for any meeting.

The Board of Governors may establish and maintain standing committees having respectively the functions defined in the bylaws and shall have authority to create additional standing committees and such special committees as may be deemed desirable from time to time, and to define the authority and functions of such standing and special committees. The Board of Governors may also establish and maintain sections for carrying on the work of the Alaska Bar, each within its proper field of study. Each section shall consist of members who voluntarily enroll therein because of a special

interest in the particular field of law to which the section is dedicated. New sections may be established and existing sections may be consolidated or discontinued by the Board of Governors from time to time.

The members of the Board of Governors shall receive no compensation for services rendered, but they and also the members of committees and officers and directors of sections may be reimbursed for necessary expenses incurred in the performance of their duties and for extraordinary services performed.

Section 6. Powers of Board. The Board may adopt reasonable bylaws and regulations not inconsistent with these rules:

(1) Concerning membership and the classification of membership;

(2) Concerning the enrollment and privileges of the membership;

(3) 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;

(4) Concerning annual and special meetings;

(5) Concerning the collection, deposit and disbursement of membership and admission fees, penalties and all other funds;

(6) Providing for the organization and government of local subdivisions of the Alaska Bar;

(7) To contract and arrange for the publication of an Alaska Law Journal;

(8) 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. The bylaws and regulations adopted by the Board or the members of the Alaska Bar under these rules shall not be subject to the Administrative Procedure Act.

RULE 5  
EXECUTIVE COMMITTEE

Section 1. Membership. There shall be an executive committee consisting of the officers of the Board of Governors.

Section 2. Chairman; Minutes of Meeting. The President shall preside at meetings of the executive committee and the Secretary shall keep minutes of its proceedings. The minutes of each meeting of the executive committee shall be submitted to the next meeting of the Board of Governors.

Section 3. Powers. Unless otherwise ordered by the Board of Governors, the executive committee may exercise all of the powers and perform all of the duties of the Board between meetings of the Board. The executive committee shall prepare an annual budget for submission to the Board of Governors and shall perform such other duties as the Board may from time to time prescribe.

Section 4. Meetings. The executive committee shall meet at the call of the President, or upon the call of the Secretary upon written application of a majority of its members, upon 48 hours notice by mail, telegraph or telephone. A majority of the members of the executive committee shall constitute a quorum. Action by a majority of the members present at a meeting shall constitute action by the executive committee.

RULE 6  
MEETINGS OF THE ALASKA BAR

Section 1. Annual Meeting. There shall be an annual meeting of members of the Alaska Bar. The Board of Governors shall determine the time and place of the annual meeting and shall arrange therefor a suitable program which shall include an address by the President. Reports of officers and reports of proceedings of the Board of Governors and the executive committee subsequent to the last

previous annual meeting shall be presented to the meeting. The election of officers of the Alaska Bar shall be held at the annual meeting.

Section 2. Special Meetings. Special meetings of the members of the Alaska Bar may be called by the Board of Governors, and shall be called by the Secretary whenever he receives a petition signed by 35 percent of the active members of the Alaska Bar requesting such meeting and specifying the purpose thereof, and the meeting shall be convened accordingly within 45 days after the Secretary receives such petition. It shall be the duty of the Board of Governors to fix the time and place for every special meeting, to make suitable arrangements therefor, and to cause the Secretary to give notice thereof to the members.

Section 3. Quorum. A majority of the active members registered and present in person at any annual or special meeting shall constitute a quorum. No member shall be entitled to be represented by proxy.

Section 4. Notice. Notice of the time and place of every annual meeting of members shall be mailed by the Secretary to all members of the Alaska Bar at least thirty days prior to the meeting. Notice of the time, place and purpose of every special meeting of members shall be mailed by the Secretary to all members of the Alaska Bar at least ten days prior to the meeting.

Section 5. Recommendations to Board of Governors. The active members present in person at any annual or special meeting of members of the Alaska Bar may consider and adopt any proposal pertinent to the purposes of the association; provided that every such proposal which is adopted shall constitute a recommendation from the membership to the Board, and shall be referred accordingly to the Board for such action as they may deem proper, except as otherwise required in the case of a direction for a referendum

under the provisions of Rule 7 or in the case of a proposal for amendment of these rules.

#### RULE 7

##### REFERENDUM PROCEDURE

Section 1. Governors May Initiate. The Board of Governors may at any time upon an affirmative vote of two-thirds of its members refer to the active members of the Alaska Bar for determination by mail ballot any question of association policy.

Section 2. Members May Initiate by Petition. The Board of Governors shall, in like manner, submit for determination by the active members of the Alaska Bar any question of association policy, including proposals for changes in the rules or bylaws, whenever directed so to do by a petition signed by 25 percent of the active members of the Alaska Bar.

Section 3. Procedure. Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of the referendum, as determined by a majority of the votes cast, when duly ascertained shall control the action of the Alaska Bar, the Board of Governors, the officers, sections and committees.

#### RULE 8

##### DISBURSEMENTS

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Alaska Bar, its officers and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit and financial statement by a public accountant. At each annual meeting of the Alaska Bar the Board of Governors shall present a financial statement showing assets, liabilities, receipts and disbursements of



the association. A copy of such statement shall be filed with the Clerk of the Supreme Court.

#### RULE 9

#### GRIEVANCE COMMITTEES, PROCEDURES AND REINSTATEMENT

Section 1. Grounds for Discipline. Any member or lawyer may be reprimanded, suspended, disciplined or disbarred for any of the following causes:

(a) Conviction of any felony. Conviction of any misdemeanor involving moral turpitude. The record of such conviction shall be conclusive evidence of the same. Upon such conviction, a member shall be automatically suspended for a period not to exceed ninety days, during which period the local grievance committee in the area where the conviction took place shall promptly undertake proceedings to secure a final determination of the member's right to practice. This subsection does not affect the power of a court to grant injunctive relief or to punish for contempt.

(b) Willful disobedience or violation of any order of a court requiring him to do or to forbear from doing any act connected with, or in the course of, his profession, which he ought in good faith to do, or forbear from doing.

(c) Violation of his oath as an attorney, or of his duties as an attorney and counselor.

(d) Corruptly or willfully, and without authority, appearing as an attorney for a party to an action or proceeding.

(e) Lending his name to be used as an attorney by another person who is not an attorney licensed to practice law in the State of Alaska.

(f) 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 otherwise, and whether the same constitutes a felony or misdemeanor or not. If the act constitutes

a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment, reprimand or suspension from practice.

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

(h) Disbarment by any foreign court of competent jurisdiction.

(i) 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 and on behalf of a disbarred or suspended attorney, or practicing law under any arrangement or understanding for the division of fees or compensation of any kind with a disbarred or suspended attorney, or any person not a licensed attorney.

(j) Gross incompetency in the practice of his profession.

(k) Membership in any party or organization having for its purpose or object the overthrow of the United States Government by force or violence.

(l) Incompetence in the profession or misconduct 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.

(m) Willfully misleading or deceiving the court or committing any act which tends to pervert or obstruct justice or its administration.

(n) Soliciting business or litigation or knowingly accepting litigation or business procured by solicitation.

(o) The publication of professional cards, or other advertising, except in periodicals approved by the American Bar Association, and in instances approved by the American Bar Association, is

prohibited. Listings in telephone directories shall not be in bold type or contain information not approved by the said Association.

(p) Violation of the rules of professional conduct set forth in the Canons of Professional Ethics.

Section 2. Grievance Committees. The President, with the consent of the Board of Governors, at its first meeting each year shall appoint such grievance committees as are necessary, including committees at Ketchikan, Juneau, Anchorage and Fairbanks. Each committee shall consist of at least three active members of the Alaska Bar whose offices are located in the same area. One member shall be designated chairman by the President. At any time the President may appoint an additional grievance committee with the consent of the Board. Each committee shall convene as often as necessary at a time and place designated by the chairman. A majority of the committee shall constitute a quorum. The action of the majority of the quorum shall be the action of the committee. Members of committees serve at the pleasure of the President, and vacancies shall be filled by the President pending action by the Board. Members of the Board may be members of a grievance committee.

Section 3. Powers of Grievance Committee. Each grievance committee shall have the responsibility and the power and authority to investigate, hear, receive evidence, make findings of fact and recommendations on any matter of alleged misconduct or reinstatement within its area, subject to the right of the Court to take final action thereon.

Section 4. Alaska Bar Counsel; Investigation. At any time, at the request of a grievance committee, the President shall employ counsel to represent the Alaska Bar in any investigation or proceeding before a grievance committee or any court. Likewise, at the request of a grievance committee or such counsel, the President shall employ competent investigators to assist the committee or counsel. It shall be the duty of counsel to investigate or cause to be investigated any

matters of alleged misconduct, to prepare and file all pleadings and present all available evidence and arguments on behalf of the Alaska Bar bearing on discipline or reinstatement, and to prosecute each such matter in accordance with these rules. The chairman of each grievance committee shall have the right to order an informal investigation to be made by the committee without requesting that counsel be appointed. Whenever any investigation discloses that a crime may have been committed, the chairman shall have the authority to request any law enforcement office in this state to assist in any investigation and to furnish all available information concerning the respondent. All state, borough and city law enforcement officers shall promptly comply with every such request. Written reports of all investigations shall be made to the grievance committee and copies shall be supplied to the Board of Governors and to any counsel employed by the Board to investigate or prosecute the proceedings.

Section 5. Initial Complaint Procedures. All complaints of misconduct shall be in writing, and if practicable signed by the person complaining. The complainant shall make a brief statement of the details of each act of alleged misconduct and the approximate time and place thereof. Within three days after receipt by the committee, or any member thereof, the chairman shall serve copies on the respondent in accordance with section 20 of this rule. Copies shall, within the same time, be mailed to the President and the Clerk of the Supreme Court. It shall be the duty of the respondent within ten days after service to make a full and fair disclosure in writing of all the material facts and circumstances pertaining to his conduct in relation to matters set forth in the statement. The deliberate failure to make disclosure or any knowing misrepresentation or concealment of any facts and circumstances by the respondent shall be grounds for discipline. The respondent shall serve and mail copies of his disclosure in the same manner as provided for the service of the statement by the grievance committee and shall serve the chairman of such committee.

Section 6. Informal Consideration. Within twenty days after receipt of respondent's disclosure, the chairman shall convene the committee for an informal consideration of the statement, disclosure, and any investigative reports. It shall be the duty of the respondent to attend any meeting when requested to do so by the chairman or committee and to answer fully and fairly all questions pertaining to his conduct that may be put to him by the chairman or other members of the committee, or by counsel for the Alaska Bar, or the complainant. The informal proceeding shall be electronically recorded with facilities provided by the Alaska Court System and the record thereof preserved by the committee. Before the conclusion of the meeting, the committee shall decide for dismissal, reprimand or formal action.

Section 7. Dismissal; Reprimand; Procedures. If the grievance committee decides that there are no grounds for discipline, it shall dismiss the matter. If the committee decides that the facts are sufficient to warrant only a private reprimand, it shall forthwith administer such reprimand, unless a formal hearing is demanded by the respondent. The chairman shall forthwith report such dismissal or reprimand in writing to the President and the Clerk of the Supreme Court, together with a statement of the committee's reasons. Disposition by dismissal or reprimand shall be subject to the approval of the President, who shall approve or disapprove within ten days of receipt of the committee's report. A copy of the President's written action on the report shall be filed with the committee and the Clerk of the Supreme Court. The President, in his discretion, may review the electronic record of the informal consideration.

Section 8. Formal Complaint; Hearing. If the grievance committee finds that there are reasonable grounds to believe that the respondent is guilty of misconduct warranting discipline by the Court, written report shall be made in the manner provided for dismissals or reprimands in section 7 of this rule. In such event, or if respondent

demands, or if the President orders a formal hearing, a formal complaint, conforming generally with the provisions of section 21 of this rule, and setting forth the facts of the alleged misconduct, shall be prepared and signed by counsel for the Alaska Bar. If such counsel has not theretofore been employed, the President shall forthwith do so. The formal complaint shall be filed with the grievance committee within five days after the date of the committee's report, or the President's order. Upon the filing of the formal complaint, the chairman shall fix a time and place for hearing thereon. The chairman shall without delay cause a written notice of the hearing together with a copy of the formal complaint to be served on the respondent in accordance with sections 20 and 21 of this rule. The chairman shall mail copies of the notice and complaint to the President and the Clerk of the Supreme Court. The serving of notice of hearing shall be conclusive evidence of the finding of reasonable cause to believe that the respondent is guilty of the alleged misconduct. Formal hearing on the formal complaint shall be held within ten days after its service on respondent unless further time is allowed by the chairman for good cause shown.

Section 9. Answer; Hearing Procedure. The respondent shall file an answer to the formal complaint. Such answer shall be in writing, verified by the respondent, and filed with the committee and the Clerk of the Supreme Court. The respondent shall serve copies thereof on the President and on counsel for the Alaska Bar whose name appears on the complaint. Filing and service shall be made within five days after service of the notice of hearing, unless further time is allowed by the chairman of the committee for good cause shown. The answer shall conform generally to the form suggested in section 21 of this rule. If the answer is not filed and served within the time limited, and no extension of time has been granted, the complaint may be taken as confessed. It shall be the duty of the respondent to appear in person before the grievance committee at the

formal hearing. Respondent may be represented by counsel, who shall enter his appearance. At the formal hearing it shall be the duty of the respondent to present himself for cross-examination and to answer fully and fairly, under oath, all questions pertaining to his conduct that may be put to him. An electronic recording of the hearing shall be made with facilities provided by the Alaska Court System and the hearing shall be conducted, as nearly as may be, in conformity with the procedure established for the trial of non-jury civil cases in the superior court.

Section 10. Voluntary Surrender of License. No request by a member of the Alaska Bar that his name be stricken from the official register of attorneys shall be considered or acted upon by the Board or Court while any matter of misconduct alleged to have been committed by him is pending, unless such request is incorporated in and made a part of a written answer to a formal complaint admitting the facts of the alleged misconduct set forth in the complaint. Every such request may be considered as a voluntary surrender by the respondent of his certificate to practice law, and shall entitle the grievance committee, in its discretion, to find that the charges of misconduct are true and uncontested, and to make and file its certified report with recommendations for discipline without further proceedings.

Section 11. Hearing; Findings; Recommendations. If upon formal hearing the grievance committee finds that the charges of misconduct are not established by a preponderance of the evidence, the committee shall dismiss the complaint. If the grievance committee finds that the charges of misconduct are established by a preponderance of the evidence and are such as to warrant discipline only by way of private reprimand, the committee shall administer such reprimand.

If the grievance committee finds that the charges of misconduct are established by a preponderance of the evidence and are such as to warrant discipline by the Supreme Court, the committee shall

make a written report of its findings of fact and recommendations for discipline and forward them to the Clerk of the Supreme Court, together with the electronic recording and a summary statement of all previous misconduct for which the respondent has been disciplined. Copies of the findings, recommendations and summary statement shall be mailed to the President and served on respondent or his counsel within ten days after the hearing is concluded. In the event of dismissal or private reprimand, the committee shall likewise make, mail and serve findings and recommendations and forward the electronic recording.

Section 12. Petition for Review. If private reprimand has been administered or if discipline has been recommended, the respondent, within five days after the date of filing the committee's report with the Clerk of the Supreme Court, may petition the Court for review of the proceedings, findings and recommendations of the committee. In the event of dismissal or private reprimand, the President may likewise petition the Court for review.

Section 13. Review. All reviews shall be on the record unless the Court, in its discretion, grants a hearing de novo, in whole or in part. Following review, the Court shall enter a final order disposing of the matter as it sees fit.

Section 14. Procedure When Uncontested. If no petition for review is made within the time limited, the Court may issue an order of dismissal, reprimand, disbarment, suspension, or order review on its own motion, as it sees fit.

Section 15. Procedure on Reinstatement. No person whose certificate to practice law has been revoked, surrendered, or suspended shall be reinstated as a member of the Alaska Bar otherwise than upon a verified petition filed with the Court. No petition shall be entertained until after the expiration of any minimum period of time



specified in the order of discipline. The petitioner shall serve nine copies of the petition on the President, together with nine copies of each of the following:

(a) Judgment or order of conviction or suspension, together with all findings of the grievance committee and opinions of courts, if any, recommendations, decisions and record of the proceedings by virtue of which the petitioner stands suspended or disbarred.

(b) All prior petitions for reinstatement which may have been filed in his behalf, and all findings, decisions, or orders made or entered in connection therewith. The petitioner must, at such time as may be required, furnish such other information as in the opinion of the Board may be necessary or desired. In addition to any other requirement hereof, the petition itself shall set forth fully and accurately the following information covering the period between the date of disbarment or suspension or resignation, as the case may be, and the date of filing the petition, to-wit: (1) name, age, residence, address and number and relation of dependents of the petitioner; (2) the offense or misconduct upon which the disbarment or suspension was based, together with the date of such disbarment or suspension or, in the case of resignation from the Alaska Bar, the reason for his resigning; (3) the names and addresses of all complaining witnesses in any disciplinary proceeding which resulted in the disbarment or suspension and the names and addresses of the justices or committee members before whom such disciplinary proceedings were held or of the trial judge, complaining witnesses, and prosecuting attorney, if disbarment was based upon conviction of a felony or misdemeanor involving moral turpitude; (4) the nature of petitioner's occupation, in detail, during said period with the names and addresses of all partners, associates in business and employers, if any, and dates and duration of all such relations or employment; (5) a statement showing the approximate monthly earnings and other income of petitioner and the sources from which all such earnings and incomes were derived during the said period; (6) a

statement showing all financial obligations of petitioner at date of filing the petition together with the dates the same were incurred and the names and addresses of all creditors; (7) a statement showing dates, general matters and ultimate disposition of any matter involving arrest or prosecution of the said petitioner; (8) a complete and concise statement of facts claimed to justify reinstatement to the Alaska Bar.

The President shall assign the petition to a grievance committee for investigation and hearing in the same manner as matters of alleged misconduct, except that all hearings on such petition shall be public, and the committee shall recommend the granting or denial of the petition only after personally examining the petitioner under oath. No person shall be recommended for reinstatement unless his eligibility for reinstatement, considered in the light of the misconduct for which he was disciplined, has been established by evidence that is clear and convincing. The President, upon receipt of a copy of the petition, shall cause notice thereof to be given to each member of the Alaska Bar in such manner as the President deems expeditious. The President or any member of the Alaska Bar may object to any recommendation for reinstatement and may do so not later than sixty days after such recommendation has been filed with the Clerk of the Supreme Court.

Section 16. Subpoenas; Evidence. Each grievance committee of the Alaska Bar shall have the power to issue subpoenas, including subpoenas duces tecum, and to cause evidence, including testimony, to be taken under oath, and to rule upon the admissibility of such evidence according to the rules of evidence in civil cases, in any matter of misconduct or reinstatement assigned to the committee for investigation and hearing under this rule. Any member of a grievance committee is authorized to administer such oath. Witnesses commanded by subpoena to appear and give evidence before a grievance committee shall be paid the same fees and mileage as witnesses subpoenaed to testify in the superior court. All such subpoenas shall be issued

in the name of the Alaska Bar Association and be signed by any member of a grievance committee. Witnesses may be permitted to testify by affirmation, rather than under oath, in proper cases.

Section 17. Reinstatement after Suspension for Nonpayment. Whenever any member of the Alaska Bar applies for reinstatement after having been suspended for nonpayment of membership dues, the application shall be granted upon the payment of delinquent dues and any penalties provided by the bylaws when it appears that the applicant's membership dues have not been in arrears for more than two consecutive years. The application shall not otherwise be granted unless reinstatement is ordered by the Court. If the applicant in such case petitions the Court for reinstatement, the petition shall set forth a description of the petitioner's business and professional activities during the period of suspension, shall state whether or not such activities have included the practice of law and, if so, the particulars in that regard. The petitioner shall file a copy of the petition with the President and shall pay the full amount of membership dues then in arrears, including accrued penalties. Thereupon, the President shall cause an investigation to be made by a grievance committee concerning the petitioner's business and professional activities during the period of his suspension and his eligibility for reinstatement as a member of the Alaska Bar. It shall be the duty of the petitioner to appear before the committee in person, if requested to do so, and to answer oral or written interrogatories relative to his eligibility for reinstatement. Failure on his part to appear and answer interrogatories, or any concealment or misrepresentation in that regard, shall be grounds for denying the petition. Upon completion of such investigation, the committee's report containing its findings and recommendations with respect to the petitioner's eligibility for reinstatement, and also the recommendations of the President with respect thereto, shall be filed by the President with the Court. Hearing on the petition for reinstatement shall be deferred

until such report and recommendations shall have been filed. The petitioner shall be required to reimburse the Alaska Bar for the reasonable expenses of the investigation.

Section 18. Depositions. The testimony of any witness may be taken by deposition in any matter pending before a grievance committee.

Section 19. Contempt. The neglect or refusal of any person without just cause to appear and give evidence as demanded in any subpoena issued and served pursuant to this rule, or to be sworn or to affirm, or to answer any proper question put to him, shall be a contempt of the Supreme Court and shall be punishable as such by any justice thereof. The neglect or refusal of any member of a grievance committee or appointed counsel to perform with dispatch the duties imposed by these rules shall be a contempt of the Supreme Court, punishable as such by any justice thereof.

Section 20. Service. Whenever the service of any notice or other paper is required by any section of this rule, such service shall be valid if made personally anywhere the recipient may be found, or by certified mail, or upon counsel of record in accordance with the rules of procedure pertaining to service of papers on counsel.

Section 21. Forms; Complaint; Notice; Answer. The following forms are intended for illustration only.

(a) Complaint

STATE OF ALASKA

BEFORE THE ALASKA BAR ASSOCIATION GRIEVANCE COMMITTEE  
AT \_\_\_\_\_, ALASKA

Alaska Bar Association )  
vs. )  
\_\_\_\_\_, Respondent. )

Action No. \_\_\_\_\_

COMPLAINT

The Alaska Bar Association complains and alleges that the respondent, \_\_\_\_\_, a member of the Alaska Bar, is guilty of misconduct committed as follows:

I.

The respondent, at \_\_\_\_\_, in the \_\_\_\_\_ Judicial District, State of Alaska, on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, did (here state essential facts constituting the offense charged), contrary to the provisions of Alaska Bar Rule \_\_\_\_\_, Section \_\_\_\_\_.

Dated and signed at \_\_\_\_\_, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ALASKA BAR ASSOCIATION

By \_\_\_\_\_  
Counsel

(b) Notice of Hearing

STATE OF ALASKA

BEFORE THE ALASKA BAR ASSOCIATION GRIEVANCE COMMITTEE  
AT \_\_\_\_\_, ALASKA

ALASKA BAR ASSOCIATION, )  
vs. )  
\_\_\_\_\_, Respondent. )

Action No. \_\_\_\_\_

NOTICE OF HEARING

TO the above Respondent:

You are hereby notified that a complaint against you for misconduct has been filed with the Grievance Committee of the Alaska Bar Association, a copy of which complaint is served herewith. You shall file your verified answer to said complaint within five (5) days from the date of service of this notice upon you. In case you default in so answering, the committee shall have such further proceedings on the complaint as the rules provide. Copies of your answer must be filed with this Grievance Committee at \_\_\_\_\_, Alaska, and with the Clerk of the Supreme Court. Copies of the answer must be served on counsel for the Alaska Bar as shown on the complaint, and the President of the Alaska Bar.

Dated and signed at \_\_\_\_\_, Alaska, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ALASKA BAR ASSOCIATION  
By its Local Grievance Committee  
at \_\_\_\_\_, Alaska

\_\_\_\_\_  
Chairman (or Member)

(c) Answer

STATE OF ALASKA  
BEFORE THE ALASKA BAR ASSOCIATION GRIEVANCE COMMITTEE  
AT \_\_\_\_\_, ALASKA

ALASKA BAR ASSOCIATION )  
vs. )  
\_\_\_\_\_, Respondent. )

Action No. \_\_\_\_\_

ANSWER

\_\_\_\_\_, Respondent, who resides at \_\_\_\_\_  
and whose address is \_\_\_\_\_ in the City of \_\_\_\_\_,  
and who maintains his principal office for the practice of law at \_\_\_\_\_,  
answers the complaint in the above entitled matter  
as follows:

I.

Admits the following matters charged in the complaint:

II.

Denies the following matters charged in the complaint:

III.

Explains or justifies the following matters charged in the  
complaint:

IV.

Sets forth new matter and other defenses not previously stated  
as follows:

WHEREFORE, the respondent prays that the complaint be dismissed

Dated and signed at \_\_\_\_\_, Alaska, this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Attorney for Respondent

STATE OF ALASKA )  
\_\_\_\_\_ DISTRICT ) ss.

\_\_\_\_\_, being sworn on his oath says: I am the  
respondent named in and who executed the foregoing Answer; that I have  
read the same, know the contents thereof and believe the statements to  
be true.

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public for Alaska.  
My commission expires: \_\_\_\_\_

Section 22. Restrictions on Publicity. No investigation or hearing of any matter of misconduct conducted by a grievance committee shall be open to the public, and none of the records or files of any grievance committee shall be disclosed to, or examined by, anyone other than members of the committee, the Board of Governors, the President, counsel employed by the Alaska Bar, the Supreme Court, the named respondent and his counsel, and employees authorized by any of the foregoing. All papers and the electronic tape on file with the Supreme Court concerning misconduct shall be suppressed by order of the Court without formal application and shall remain subject to such restriction until the time fixed for hearing thereon in open court. Any violation of these restrictions shall be a contempt of the Court and punishable as such. Nothing herein shall apply to proceedings or papers dealing with petitions for reinstatement. The foregoing restrictions on publicity are for the protection of the member under investigation and may be waived by him in writing. Such waiver must be as to all of the restrictions contained in this section and not as to a part only.

Section 23. Expenses. It shall be the duty of the chairman of each grievance committee to ascertain the expenses of investigation and hearing of each matter of misconduct and reinstatement considered by such committee and include an itemized statement of the amount thereof in its report to the President. The Board of Governors shall approve and honor expenses so approved as provided in rule 8.

Section 24. Amendments. Amendments to any complaint, petition, notice, answer, report, or order may be made at any time prior to the final court order. The party affected by the amendment shall be given a reasonable opportunity to meet any new matter presented thereby.

Section 25. Construction. Process and procedure under this rule shall be as summary as may be reasonable. No investigation or

proceedings hereunder shall be held invalid by reason of any nonprejudicial irregularity, nor for any error not resulting in a miscarriage of justice. The provisions in the various sections of this rule shall be liberally construed for the protection of the public, the courts and the legal profession, and shall apply to all pending matters of misconduct and reinstatement so far as may be practicable, and to all future matters notwithstanding the alleged misconduct occurred prior to the effective date hereof. To the extent that application of any provision of this rule to any pending matter shall not be practicable, the rules in effect at the time this rule becomes effective shall continue to apply. The powers invoked by the various sections of this rule are in addition to, and not a substitution for, other powers possessed by the courts of this state, and by the Attorney General. All proceedings under this rule are declared to possess the characteristics and incidence of the judicial function, including the incidence of privilege as to statements made therein.

RULE 10  
PRACTICE OF LAW

When done by a person who has not been admitted to practice law in this state, the unauthorized practice of law shall include conveyancing, incorporation service, preparation or drafting of wills, leases, mortgages, bills of sale, contracts and deeds; provided that magistrates, United States Commissioners, and notaries public in recording districts where no authorized attorney resides may be allowed to prepare leases, bills of sale, mortgages, wills, deeds and contracts. The unauthorized practice of law 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, and, except as herein otherwise so provided, it shall also include the preparation of pleadings or the appearance as attorney or counsel in any court of the state by any person not an active member of the Alaska Bar; provided, that a law



clerk for and under the supervision of an attorney may do any of the things above enumerated except that he shall not appear as attorney or counsel in any court of the state.

#### RULE 11

##### ADMISSION TO PRACTICE LAW

Section 1. Application for Admission. Every person desiring to be admitted to the Alaska Bar shall execute under oath and file with the Secretary of the association his completed application in duplicate, with two complete sets of fingerprints and two 2" x 3" photographs showing a front view of head and shoulders and in such form as may be required by the Board of Governors. No application shall be granted unless the applicant is at the time of filing thereof a citizen of the United States over twenty-one (21) years of age, a graduate of a law school approved by the American Bar Association, or an attorney in good standing in the bar of another state or territory, and has been a resident of the state for a least sixty days before the date of application for admission by examination or by reciprocity. The date for the examination for admission or the date for certification by the Board that the person be admitted by reciprocity shall be at least ninety days after the application is made. Additional proof of any fact stated in the application may be required by the Board. In the event of the failure or refusal of an applicant to furnish any information or proof, or to answer any interrogatory of the Board pertinent to the pending application, the Board may deny the application. The form of application shall be provided by the Board and the contents thereof may be such as the Board may direct from time to time.

Section 2. Attorney Applicants. To be certified as an attorney applicant for admission to practice law in Alaska, a person shall:

(a) File an application as required by section 1 and pay the fees required by section 7.

(b) Comply with the citizenship, age and residence requirements set forth in section 1.

(c) Have been admitted to practice in another state, territory, or the District of Columbia, where the requirements for admission are substantially equivalent to those of Alaska. The applicant shall submit with his application a certificate from the clerk or other officer of the highest court of record of such state, territory, or the District of Columbia, in which he has previously been admitted, or from the clerk of the court of such state, territory, or District, by which attorneys are admitted, under the seal of the court showing that the applicant has been admitted to, and is entitled to practice in such state, territory, or District, and the date of his admission.

(d) Submit with his application satisfactory evidence that he has been actively engaged in the practice of law in such state, District, or territory, or has held a judicial position therein, or has been engaged in the teaching of law in an approved law school therein, and is at the time of filing his application, a member in good standing in the bar of such state, District, or territory.

(e) Be of good moral character. With his application, the applicant shall submit a certificate from the chief justice or other member of the highest court of the state, territory, or District, in which he has previously been admitted to practice, 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, and if the applicant comes from a place where there is a local bar association, he shall also submit a recommendation from the president and secretary of such association. If either of these certificates cannot be procured because of lack of acquaintance or lack of existence of a local bar association, then the applicant may present in lieu thereof a certificate of the judge of the highest court of record in the county or counties in which such applicant was so engaged in practice or was holding such judicial or teaching position,

and recommendations from at least three members of the local bar of the county where he last practiced. If, for sufficient reason, the applicant cannot obtain any of the recommendations required, the Board of Governors may accept other satisfactory proof of his character and reputation. The certificates required by this subdivision of this section shall not be conclusive upon the Board on the question of the moral or ethical fitness of the applicant. The Board shall cause an investigation to be made as to the fitness and character of such applicant and his record for professional conduct. If, upon a proper consideration of all the evidence in respect thereto, the Board is of the opinion that the applicant does not possess such moral and ethical qualifications, or such character and reputation as is consistent with the standards of the profession, the application shall be rejected.

(f) If the attorney applicant has [1] passed a state bar examination, [2] engaged in the active practice of law for at least five out of the previous six years before filing the application, excluding time spent in the military service of the United States, [3] is a graduate of a law school accredited by the American Bar Association, or is a graduate of any accredited law school if he has been engaged in the active practice of law for at least ten years, and [4] meets the character requirements established by the Board, such applicant need not take an examination, provided he also satisfies the requirements of the foregoing subsections of this section.

(g) Unless exempt therefrom under the preceding subsection, the applicant must have passed an examination as prescribed in section 6 of this rule.

Section 3. Attorney Applicants; Fees. Fees for furnishing forms and for processing applications shall be established from time to time by the Board and shall be paid, together with the annual membership fee required of active members of the Alaska Bar, prior to processing an application.

Section 4. Examinations; Time and Place. Examinations for admission

to the Bar shall be conducted at such times and places as the Board of Governors may designate.

Section 5. Examinations; Contents. The scope and contents of examinations for admission by general applicants, as well as attorney applicants, shall be as determined by the Board from time to time.

Section 6. Examinations; How Conducted. Examinations shall be conducted by or under the direction of the Board. For the purpose of conducting examinations, the Board shall appoint a committee of three or more active members of the Alaska Bar, and this committee shall be known as the Committee of Law Examiners. The Board shall furnish to this committee such clerical and other assistance as is deemed necessary. The Secretary of the Alaska Bar shall certify to this committee on or prior to seven days preceding the morning of the first day of each examination the names of the persons whose applications for examination have been approved by a majority of the Board. The Committee of Law Examiners shall have charge of the conduct of the examination and shall, as soon as practicable after the completion thereof, certify to the Board the names of the persons who have been successful and the names of those who have been unsuccessful in the taking of such examination and the grades assigned to each.

Section 7. Examinations; Certification of Results; Admission; Oath; Payment of Membership Fees. The Board of Governors, upon receipt of the names certified by the Committee of Law Examiners, shall certify the successful applicants to the Supreme Court. Upon receiving the certification, unless objection is raised within five days, the Court will make an order admitting the applicant as an attorney at law in all of the courts of the state. A certificate of admission shall thereupon be given to the applicant by the Clerk of the Court. If an objection is raised, the sufficiency of the objection shall be determined by the Court within thirty days.

If the Court shall order the admission of the applicant, the

applicant shall take the following oath before the Court or a justice thereof:

I do solemnly swear:

I am a citizen of the United States, and owe my allegiance thereto.

I will support the Constitution and laws of the United States of America and the laws of the State of Alaska.

I will abide by the Canons of Professional Ethics approved by the American Bar Association, and the rules of the Alaska Bar.

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 ill-founded, or any defense except such as I honestly believe to be debatable under the laws of the land, unless it be in defense of a person charged with a public offense. 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 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 man's cause for lucre or malice.

I am not now, and will not hereafter become a member of any party or organization having for its purpose or object the overthrow of the United States Government by force or violence, or the advocacy thereof.

So help me God.

This oath shall thereupon be reduced to writing, subscribed before the Court before whom it is taken in duplicate. One copy shall be filed with the Court and one copy shall be forwarded to the Secretary of the Alaska Bar. The applicant shall pay the membership fee, if any, required of new members of the Alaska Bar for the current year, and shall thereupon be enrolled as an active member of

that association, and upon such enrollment shall be entitled to practice law in this state.

Section 8. Examination; Failure. Any applicant who has failed to pass an examination shall be promptly notified by the Secretary. Any applicant who has taken the examination three times and failed shall not be permitted to take another examination except by special permission of the Board of Governors. The same application fee shall be charged for each additional examination.

Section 9. Special Investigations. The Board may refer any application to any existing committee of the Alaska Bar or to a special committee for the purpose of investigating and making recommendations on any matter in connection with said application. Any applicant may be required to appear before the Board or any committee of the Alaska Bar upon reasonable notice and submit to an examination touching any matters deemed by the Board relevant to a proper consideration of the pending application.

#### RULE 12

#### AMENDMENT

Section 1. Amendment of Rules. Proposals for amendment or abrogation of the Alaska Bar Rules may be presented to the Court by petition of the Board of Governors or by a resolution of the Alaska Bar approved by a vote of a majority of the members present at a meeting of the association.

Section 2. Amendment of Bylaws. The provisions of the Bylaws of the Alaska Bar shall be subject to amendment or abrogation by resolution adopted by vote of two-thirds of the members of the Board of Governors, or by action of the members of the Alaska Bar expressed through the referendum procedure defined in rule 7. When any change in the bylaws has been made, the Secretary shall publish notice thereof, including a copy of the amendatory resolution, in such manner as the

Board may direct, and he shall file a certified copy thereof with the Clerk of the Supreme Court. A petition for review of any such change in the bylaws will be entertained by the Supreme Court if signed by 15% of the active members of the Alaska Bar and filed with the Clerk of the Supreme Court within sixty days after publication of notice of such change.

RULE 13

EFFECTIVE DATE OF RULES

The Rules of the Alaska Bar Association shall take effect on June 1, 1964.