

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 75

Vacating Supreme Court
Order No. 64, and Approving
Rules of the Alaska Bar
Association Relating to
Grievance Procedures and
Admissions

IT IS HEREBY ORDERED:

1. Order No. 64 of this Court is vacated effective on the 8th day of February, 1965.

2. Those certain

nated as Rule I, providing for regulation of the professional conduct of all members of the Association, and Rule II, fixing the qualifications, requirements, and procedures for admission to the practice of law, are approved by this Court effective on the 8th day of February, 1965.

3. All disciplinary cases pending on the date Order No. 64 is vacated shall be processed in accordance with the provisions of Rule 9 of the Alaska Bar Rules, and all disciplinary cases commenced thereafter shall be processed in accordance with Rule I of the Alaska Bar Association, as approved in paragraph 2 of this Order or as thereafter amended with the approval of this Court.

DATED: January 29, 1965.

s/ Buell A. Nesbett
Chief Justice

s/ John H. Dimond
Associate Justice

s/ Harry O. Arend
Associate Justice

Distribution:

All Members ABA
All Members Jud. Council
Governor
S/C Justs.
Sup/C Jdgs.
Dist Mags

RULE I.

GRIEVANCE PROCEDURES AND REINSTATEMENT

Section 1. Grounds of 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 of the American Bar Association. Section 2. State Bar Counsel.

(a) The Board shall employ a suitable person from among the members of the Association to act as counsel for the Association in respect of matters of discipline and reinstatement of members, including the investigations and hearing incident thereto, and to perform such other duties as shall be required by the Board. The function of the State Bar Counsel is that of prosecutor.

(b) His general function in all investigations and hearings shall be to ascertain, with the assistance provided in these rules, all of the material facts and to present them at the appropriate hearings provided below.

(c) In the event that the State Bar Counsel finds it inconvenient or impossible to act in any case, the President may appoint a special state bar counsel for that case.

(d) It shall be his particular duty to expedite the processing of all complaints under these rules and to check frequently on the status thereof until final disposition. He shall promptly report any abnormally delayed proceedings to the President.

Section 3. Initial Complaint Procedures.

(a) Any person desiring to make a complaint against a member of the bar may do so by letter signed by him and filed in the office of the Association. If making the complaint in person, such person shall sign a memorandum of his complaint prepared in his presence in said office. The complaint shall set forth the details of each alleged act of misconduct and the approximate time and place thereof. The complaint when filed shall be immediately brought to the attention of the State Bar Counsel.

(b) Upon request, any person complaining shall furnish to the State Bar Counsel all documentary or other evidence in his possession, and the names and addresses of witnesses, and assist in

'securing evidence in relation to the facts charged.

(c) The State Bar Counsel may request any complainant to appear in person at his office for a further explanation or discussion of the complaint; however, if complainant finds that too expensive or inconvenient, he shall, upon request, make further amplification in writing over his signature.

(d) If the State Bar Counsel shall conclude upon examination of the complaint and any supporting data, that no case for discipline is made, he shall recommend to the President dismissal of the complaint, who, if he agrees, shall dismiss without further proceedings.

(e) Immediately upon the filing of a complaint, the State Bar Counsel shall send a copy thereof to the President and the members of the Board from the judicial district in which the complaint originated.

Section 4. Investigation.

(a) Except as provided in subsection (d) of the preceding section, immediately upon receiving a complaint the President shall appoint two or more lawyers nearest the locale of the complaint as a local Investigating Committee, one of whom shall be appointed chairman, to investigate the complaint and to make a prompt written report to the President, the members of the Board of the pertinent judicial district, and the State Bar Counsel. Such report shall contain complete findings of fact and opinion as to whether or not reasonable cause exists for further proceedings as hereinafter provided.

(b) Upon receipt of the complaint, the Chairman of the Investigating Committee shall serve a copy on the respondent in accordance with these rules. Unless the time is extended by the Chairman on good cause shown, 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 complaint.

(c) As soon as respondent's written disclosure has been received by the Chairman, he shall at the earliest opportunity, and in no event later than twenty days after respondent's disclosure, convene the investigating committee for consideration of the complaint, the disclosure, and any and all other investigation reports. It shall be the duty of the respondent to attend any meeting of the investigating committee, in person, accompanied by counsel if he so desires, and to answer fully and fairly all questions pertaining to his conduct that may be put to him by the Chairman and other members of the committee, or by the State Bar Counsel, or the complainant.

(d) The Investigating Committee shall have power to settle, dispose of, and dismiss complaints of a trivial nature; provided, however, that a complete report of the disposition of each such complaint shall be made to the State Bar Counsel and the Board of Governors.

(e) Settlement of, compromise of, or restitution in a matter shall not justify the investigating committee in failing to undertake or complete its investigation and report thereon to the State Bar Counsel and the Board.

(f) If the Investigating Committee is of the opinion that no complaint should be recommended such recommendation shall not become effective unless concurred in by the President and the members of the Board from the pertinent judicial district, by a majority vote. If the vote is not unanimous the matter shall be referred to the entire Board of Governors for a decision as to whether the complaint shall issue as provided in the next paragraph of these rules.

(g) If the Investigating Committee finds that reasonable cause exists for further proceedings as hereinafter provided, it shall promptly report its findings of fact and opinion to the

President, the members of the Board from the pertinent judicial district and the State Bar Counsel.

(h) If, upon review of the findings of fact and opinion of the Investigating Committee, the President and the members of the Board from the pertinent judicial district shall, by a majority vote, determine that reasonable cause exists for further proceedings, the President shall instruct the State Bar Counsel to file within fifteen days a formal complaint in the office of the Association; and proceedings shall be had thereon as hereinafter provided. The formal complaint, which need not be verified, shall set forth the particular acts or omissions of the respondent attorney in such detail as to enable him to know the charge against him and shall be signed by the President or the State Bar Counsel, and shall be immediately referred to the chairman of the Trial Committee referred to in the next section.

Section 5. Trial Committee. Each disciplinary matter referred for hearing shall be heard by a three-member Trial Committee appointed by the President at the time he signs the formal complaint. One member shall be designated as chairman by the President. The Trial Committee shall be composed of (1) one member of the Bar from a judicial district other than the one in which the respondent attorney resided at the time of the occurrence of the alleged violation of the rules of professional conduct; and (2) two members of the bar available for that purpose from anywhere in the state but preferably from or near to the locale in which the complaint arose. The respondent shall have the right to challenge members of the Trial Committee for cause, which challenge shall be determined by the President; and the respondent shall have one pre-emptory challenge. All challenges must be exercised prior to the hearing date.

Section 6. Time and Place of Hearing. Upon receiving the formal complaint, the chairman shall fix a time and place for

hearing thereon. The chairman shall without delay cause a written notice of hearing together with a copy of the formal complaint to be served on the respondent in accordance with section 21 of this rule. Formal hearing on the formal complaint shall be held within twenty days after the filing or due date of answer unless further time is allowed by the chairman for good cause shown.

Section 7. Answer; Hearing Procedure. The respondent shall file an answer to the formal complaint in the office of the Association and shall mail copies thereof to the Trial Committee chairman and State Bar Counsel. Such answer shall be in writing, verified by the respondent. Filing and service shall be made within fifteen 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 22 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 Trial Committee at the formal hearing, unless excused. 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 8. 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 Trial 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 9. Hearing; Findings; Recommendations. If upon formal hearing the Trial Committee finds that the charges of misconduct are not established by a preponderance of the evidence, the committee shall dismiss the complaint. If the Trial 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 ~~Trial 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 State Bar Office and the Board of Governors. Copies of the findings, conclusions and recommendations shall at the same time be served on respondent or his counsel. In the event of dismissal or private reprimand, the Trial Committee shall likewise make, mail and serve findings and recommendations and forward the electronic recording, or a transcript thereof.

Section 10. Statement in Support of or in Opposition. At any time within twenty days after the service the State Bar Counsel and the respondent attorney shall have the right to file with the Board a typewritten statement in support of or in

opposition to the findings, conclusions and recommendation of the Trial Committee, setting forth facts, alleged errors of law or any other matter in support of such statement. A copy of such statement, when filed, shall be served on the respondent attorney or his counsel, or State Bar Counsel, as the case may be.

Section 11. Additional Hearing. In making the above statement in support of or in opposition to the findings, conclusions and recommendation of the Trial Committee, State Bar Counsel or the respondent attorney may request an additional hearing before the Trial Committee based on the ground of additional evidence; provided, however, that such statement shall contain a complete outline of such additional evidence and shall set forth the reasons why the same was not presented at the hearing, all supported by affidavit or affidavits. Such request may be granted or denied in the discretion of the Board.

Section 12. Board Review. Each proceeding in which a hearing has occurred shall be reviewed by the Board upon the record made and filed in the office of the Association, together with the statements in support of or in opposition to such findings, conclusions and recommendation. Neither State Bar Counsel nor the respondent attorney shall be entitled to be heard orally in such review, unless otherwise ordered by the Board.

The Board or the chairman of the Trial Committee may have all of the testimony transcribed. If a transcript of the testimony is made, a copy thereof shall be served upon the respondent attorney or his counsel and State Bar Counsel.

Upon such review by the Board it shall make findings, conclusions and its recommendation as to whether the formal complaint shall be dismissed, or there shall be no discipline, or the respondent attorney shall be censured, reprimanded, suspended or disbarred, and a copy thereof shall be served on the respondent attorney. If requested in writing by the person complaining against the respondent

attorney, the recommendation of the Board shall be furnished to such person. The Board shall review the case within ninety days after the record is ready. The Board may, in its discretion, remand the case to the Trial Committee for further proceedings.

If the formal complaint is dismissed or if there is no recommendation of discipline by the Board or if the recommendation is that the respondent attorney be censured or reprimanded and the censure or reprimand is accepted by the respondent attorney, the record of the proceeding shall be retained in the office of the Association, and such censure or reprimand shall be given privately by the Board.

If the recommendation of the Board is that the respondent attorney be censured or reprimanded and such recommendation is not accepted by the respondent attorney, or if the recommendation is that the respondent attorney be suspended or disbarred, the record shall be transmitted to the Supreme Court.

If any member or members of the Board shall dissent from the findings, ~~conclusions~~ or recommendation of the majority of the Board, he or they shall state briefly his or their reasons therefor, and a copy shall be served upon the respondent attorney or his counsel. Such dissent or dissents shall be a part of the record.

Any member of the Board who shall have served on the Trial Committee shall not participate in the review.

Section 13. Petition for Review. If discipline has been recommended, the respondent, within thirty days after the date of filing the Board's report with the Clerk of the Supreme Court, may petition the Court for review of the proceedings, findings and recommendations of the Board.

If respondent fails to petition for review within the time herein above provided, the Supreme Court shall by order:

- (a) impose the penalty recommended by the Board; or

- (b) remand the matter to the Board for further proceedings; or
- (c) set the matter for hearing before the Court upon notice to respondent or his counsel and the State Bar Counsel.

If respondent petitions for review, or if the Court orders a hearing, the Court shall fix appropriate times for the filing of briefs prior to hearing.

Section 14. 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 15. Annual Report. Within thirty days after the annual election the State Bar Counsel shall file with the Board of Governors and the Clerk of the Supreme Court a report on each and every complaint against a member of the bar investigated by an Investigating Committee during the preceding Bar Association year, and the status, or disposition thereof. This report shall be signed by the State Bar Counsel and the Past President. The State Bar Counsel shall, ~~if~~ requested by the Supreme Court, make himself available for a conference on the annual report or any part thereof.

Section 16. Procedure on Reinstatement. No person whose certificate to practice law has been revoked or surrendered or who has been disciplined by suspension for a year or more, shall be reinstated as a member of the Alaska Bar otherwise than upon a verified petition filed with the Court. 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 trial 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 17. Subpoenas; Evidence. Each trial 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 trial committee is authorized to administer such oath. Witnesses commanded by subpoena to appear and give evidence before a trial 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 trial committee. Witnesses may be permitted to testify by affirmation, rather than under oath, in proper cases.

Section 18. 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 application 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 trial 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

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 TRIAL 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 Trial 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 Trial 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 Trial Committee
at _____, Alaska

Chairman (Or Member)

petitioner shall be required to reimburse the Alaska Bar for the reasonable expenses of the investigation.

Section 19. Depositions. The testimony of any witness may be taken by deposition in any matter pending before a trial committee.

Section 20. 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.

Section 21. 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 22. Forms; Complaint, Notice, Answer. The following forms are intended for illustration only.

(a)

STATE OF ALASKA

BEFORE THE ALASKA BAR ASSOCIATION TRIAL 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:

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 _____.

(c) Answer

STATE OF ALASKA
BEFORE THE ALASKA BAR ASSOCIATION TRIAL 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 23. Restrictions on Publicity. No investigation or hearing of any matter of misconduct conducted by a trial committee shall be open to the public, and none of the records or files of any trial 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 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.

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 II.

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 at 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 law. (Section 17 of proposed new Bar Act).
- (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 be 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 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.

Section 10. Amendment of Rules. Proposals for amendment or abrogation of the Rules of the Alaska Bar respecting admission may be presented to the Supreme 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 11. Effective date of Rules. These Rules shall take effect on _____, 1965.

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