

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 233

Amending Alaska Bar Rules
4, 13, 14, 37 and 39, and
adding Part VI, Rule 61.

IT IS ORDERED:

1. Paragraph (3), Rule 4, Part I, Alaska Bar Rules, is amended to read:

(3) The committee shall, as soon as practicable after the bar examination, certify to the Board its written report of bar examination. Except to the extent that such material or information is unavailable to the committee under the rules or policies of the National Conference of Bar Examiners, the committee shall submit to the Board a copy of the bar examination questions, the graders' analyses thereof, a representative sampling of passing and failing answers to the bar examination, and a written report stating the total number of applicants examined, the number passing and the number failing the bar examination, the average performance of each as designated by the code number of each, the maximum possible point value of each bar examination part or section and other information the committee or the Board may deem relevant.

2. Paragraph (c)(1), Rule 13, Part II, Alaska Bar Rules, is amended to read:

(1) To appoint one or more hearing committees within each Disciplinary Area. Each committee shall consist of six (6) members of the Bar of this State, each of whom maintains an office for the practice of law within the Disciplinary Area for which he is appointed and one (1) non-attorney member who resides in the Disciplinary Area for which he is appointed. The non-attorney member shall be appointed by the President of the Association from a panel of three (3) non-attorneys chosen by the Board of Governors of the Association. Each non-attorney member shall be a United States citizen of at least 25 years of age who has been a resident of the State of Alaska for at least five (5) years.

3. Paragraph (a), Rule 14, Part II, Alaska Bar Rules, is amended to read:

(a) Attorney members of the hearing committees shall be appointed for three (3) year terms. The non-attorney members shall be appointed for one (1) year terms, the term of the non-attorney member first appointed to commence on April 1, 1976. No member shall serve for more than two (2) consecutive terms. A member whose term has expired shall continue to serve until the conclusion of any formal hearing commenced before him prior to the expiration of his term, but such continued service shall not prevent immediate appointment of his successor. A member who has served two (2) consecutive terms may be reappointed after the expiration of one (1) year. The Board shall designate the Chairman for the Committee. The Committee shall act only with a concurrence

of a majority of its members sitting for the transaction of the matters before it. Three (3) members shall constitute a quorum, one (1) of which shall be the non-attorney member, or, if the non-attorney member is unable to sit for any matter, a non-attorney alternate shall be appointed for the hearing by the President from the panel of non-attorneys chosen by the Board of Governors. The committee chairman shall vote except when an even number of committee members is sitting for the transaction of matters before the committee.

4. Paragraph (d), Rule 14, Part II, Alaska Bar Rules is renumbered paragraph (e), and a new paragraph (d) is adopted to read:

(d) In the event of disqualification of a member pursuant to paragraph (b) or paragraph (c) hereof, and there is not a quorum, the President shall appoint a replacement to fill the vacancy.

5. Rule 37, Part III, Alaska Bar Rules, is deleted, and a new Rule 37 is adopted to read:

Rule 37. Venue of Fee Arbitration Proceedings and Composition and Appointment of Committees.

(a) Fee arbitration in this State shall be divided into the following areas:

(1) First Judicial District - Election Districts 1 and 2

(2) First Judicial District - Election Districts 3 and 4

(3) Third Judicial District

(4) Second and Fourth Judicial Districts

The Fee Arbitration Area in which venue shall lie shall be that in which an attorney maintains an office and any area in which the services for which fees are charged occurred.

(b) The Committee shall consist of four (4) panels, one (1) panel being situated in each of the following communities:

Anchorage

Juneau

Fairbanks

Ketchikan

(c) After April 1, 1976, each panel shall consist of the following persons:

(1) Six (6) active members of the Alaska Bar Association, each of whom maintains an office for the practice of law in the Fee Arbitration Area for which he is appointed. The attorney members of each panel shall be appointed by the President of the Association, subject to rejection by the Board of Governors. The President shall designate three (3) of these members to serve as regular panel members and three (3) to serve as alternates to participate in the absence of regular attorney panel members.

(2) Two (2) non-attorney members who are United States citizens at least 25 years of age, who have been residents of the State of Alaska for at least five (5) years, and who reside in the Fee Arbitration Area for which they are appointed. The non-attorney members of each panel shall be appointed by the Board of Governors. The President shall designate one (1) of these members to serve as an alternate to participate in the absence of the regular non-attorney panel member.

(d) The terms of all the current committee members shall expire on April 1, 1976, and the terms of the members first appointed hereunder shall commence on April 1, 1976.

6. Paragraph (d), Rule 39, Part III, Alaska Bar Rules, is amended to read:

(d) Each panel shall act only with the concurrence of a majority of its members sitting for the transaction of the matters before it. Three (3) members shall constitute a quorum, one (1) of which shall be the non-attorney member, or, if the non-attorney member is unable to sit for any matter, the non-attorney alternate. The chairman of the committee shall preside at the hearing and have the power to administer oaths. He shall exercise all powers relating to the conduct of the hearing. He shall judge the relevancy and the materiality of the evidence offered and shall rule on all questions of evidence and procedure.

7. The Alaska Bar Rules are amended by adding Part VI, Rule 61, to read:

Rule 61. Suspension for Non-Payment of Alaska Bar Membership Fees.

(a) Any member failing to pay any fees when they become due shall, thirty days thereafter, be notified in writing by certified or registered mail that the Executive Director shall, on April 1st, petition a justice of the Supreme Court of Alaska for an Order suspending such member for non-payment of fees.

(b) The Executive Director shall annually notify the Clerks of Court of the names and date of suspension of all members who have been then or previously suspended and not

reinstated. Any suspended member, upon payment of all accrued dues, in addition to a penalty of twenty dollars (\$20.00) per month of delinquency but not exceeding a total of one hundred sixty dollars (\$160.00) in penalties shall be reinstated upon certification by the Executive Director to the Supreme Court and the Clerks of Court that the dues and penalties have been paid.

DATED: January 7, 1976

EFFECTIVE DATE: April 1, 1976

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