

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 68

Removing Members of
the Board of Governors
of the Alaska Bar
Association

Senate Resolution No. 39, Third Legislature, First Session, passed by the Senate on March 19, 1963, requested this court, with the assistance of the Alaska Judicial Council and the Alaska Bar Association, to prepare rules placing the Alaska Bar Association in the judicial branch of the state government.

In response to the request of S. R. No. 39 the court proceeded to prepare a proposed set of rules and invited the participation of the Board of Governors of the Alaska Bar Association and of all members of the Alaska bar. In response to its invitation to participate the Supreme Court received only a request from the Board of Governors of the Alaska Bar Association to refrain from making rules for the government of the bar. The Alaska Judicial Council failed to agree on any recommendation in this respect.

The court in the exercise of its inherent power to integrate the bar, by Supreme Court Order No. 64, promulgated the Alaska Bar Rules, effective June 1, 1964 and provided therein that those members of the Board of Governors of the Alaska Bar Association on the effective date of the Rules should continue as members until the next annual meeting.

Thereafter one member of the Board of Governors, Charles J. Clasby, advised the court by letter of July 1, 1964, that he did not consider himself a member of the Board of Governors of the Association under the Alaska Bar Rules, and that if those Rules validly superseded the prior statute (AS 08.08) integrating the Alaska bar, he considered his office vacant;

Receipt of this letter gave the court concern as to whether other members of the present Board of Governors held like views and whether a Board of Governors of the Alaska Bar Association in fact existed under the Alaska Bar Rules;

The court thereupon requested from the members of the Board of Governors by letter dated July 13, 1964, a statement as to whether each intended to serve as a member of the Board of Governors under the Alaska Bar Rules and to advise the court in this respect by returning a questionnaire to the office of the chief justice not later than July 22, 1964;

All eight members of the Board to whom the questionnaire was sent have failed to return the answered questionnaire. Two members responded by letters which were equivocal, but which could only be reasonably interpreted as being an indirect refusal to serve as a member of the Board of Governors of the Alaska Bar Association, under the Alaska Bar Rules as promulgated by the court. In view of the foregoing the court has necessarily concluded that no member of the present Board of Governors intends to serve as a member of the Board under the Alaska Bar Rules.

Now, therefore, pursuant to these described circumstances IT IS ORDERED that:

Robert J. Annis
W. C. Arnold
Kenneth R. Atkinson
Charles J. Clasby
Richard Cole
Michael M. Holmes
Karl L. Walter, Jr.
Eugene Wiles
Robert H. Ziegler

are hereby removed as members of the Board of Governors and officers of the Alaska Bar Association as created by the Alaska Bar Rules, effective on June 1, 1964, by Supreme Court Order No. 64.

DATED: July 23, 1964

Buell A. Nesbitt
Chief Justice

John H. Dimond
Associate Justice

Harry C. Arend
Associate Justice

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