

ALASKA RULES OF COURT

BYLAWS OF THE ALASKA BAR ASSOCIATION

Adopted by the Board of Governors May 15, 1974
As amended through January 26, 2024

Table of Contents

ARTICLE I. NAME AND ORGANIZATION

Section

- 1 Name.
- 2 Powers.
- 3 Purposes.
- 4 Office.
- 5 Service and Filing.
- 6 Administrative Districts.

ARTICLE II. MEMBERSHIP

- 1 Classification and Roster of Members.
 - (a) Classes of Membership.
 - (1) Active Members.
 - (2) Inactive Members.
 - (3) Retired Members.
 - (4) Honorary Members.
 - (b) Roster of Members.
- 2 Transfer from Active Membership to Inactive or Retired Status.
 - (a) Methods of Transfer.
 - (b) Member Transfer Requests.
- 3 Privileges of Inactive, Retired, or Honorary Members.
- 4 Transfer from Inactive or Retired Membership to Active Status.
 - (a) Transfer If Inactive or Retired for One Year or More.
 - (b) Transfer If Inactive or Retired for Less Than One Year.
 - (c) Board Eligibility Determination.
- 5 Member in Good Standing.
- 6 Membership Card.
 - (a) Certification of Good Standing.
- 7 Resignation.
 - (a) Affidavit of Resignation.
 - (b) Jurisdiction Retained.
 - (c) Board Action.
 - (d) Notice to the Courts.

ARTICLE III. MEMBERSHIP FEES AND PENALTIES

- 1 Annual Dues.
 - (a) Active Members.
 - (b) Inactive Members.
 - (c) Retired and Honorary Members.
 - (d) Notice.
 - (e) Waiver.
 - (f) Hardship.
 - (g) Proof of Hardship.
- 2 Payment of Fees; Due Dates.
- 3 Delinquent and Suspended Members.
 - (a) Delinquent Payment Penalties.
 - (b) Suspension for Nonpayment.
 - (c) Reinstatement.

ALASKA COURT RULES

- 4 Required Fee for Other Attorneys.
- 5 Dues Expenditure Policy, Objection(s) to Expenditure(s).
 - (a) Board Policy Concerning Expenditure of Dues.
 - (b) Publication of Annual Budget.
 - (c) Information in Dues Notices.
 - (d) Time for Filing Objection(s).
 - (e) Arbitration of Objection(s) to Expenditure(s).

ARTICLE IV. BOARD OF GOVERNORS

- 1 Duties and Responsibilities.
- 2 Membership.
- 3 Term of Office and Succession.
- 4 Removal.
- 5 Resignation.
- 6 Vacancy.
- 7 Board Meetings.
 - (a) Regular Meetings.
 - (b) Emergency Meetings.
 - (c) Minutes and Public Attendance.
- 8 Quorum.
- 9 Finances.
 - (a) Disbursement Authority.
 - (b) Line-Item Budget.
 - (c) Regular Financial Statements.
- 10 Audits.
- 11 Referendum to Membership.
- 12 Proxy Votes.

ARTICLE V. BOARD ELECTIONS

- 1 Nominations.
- 2 Voting Rights.
- 3 Election Roster.
- 4 Ballots and Balloting.
 - (a) Ballots.
 - (b) Replacement Ballots.
 - (c) Balloting.
 - (d) Invalid or Questioned Ballots.
- 5 Election Results.
- 6 Changing Election Districts During An Election.
- 7 Ballot Election Roster Retention; Official Record.

ARTICLE VI. OFFICERS; STAFF

- 1 Officers.
- 2 President.
- 3 President-Elect.
- 4 Vice President.
- 5 Secretary.
- 6 Treasurer.
- 7 Executive Director; Staff.

ARTICLE VII. COMMITTEES AND SECTIONS

- 1 Committees.
 - (a) Standing Committees.
 - (b) Special Committees.
 - (c) Committee Actions Endorsed.
- 2 Reports of Committees.

ALASKA BAR BY LAWS

- 3 Substantive Law Sections.
 - (a) Membership and Fees .
 - (1) Attorney Membership and Fees.
 - (2) Informational Membership and Fees.
 - (b) Section Executive Committees.
 - (c) Annual Section Meeting.
 - (d) Annual Section Chair/Board Meeting.
 - (e) Section Actions Endorsed.

ARTICLE VIII. ASSOCIATION MEETINGS

- 1 Annual Business Meeting.
- 2 Emergency Meetings.
- 3 Parliamentary Rules.
- 4 Resolutions.
- 5 Votes.

ARTICLE IX. ALASKA'S DELEGATE TO THE AMERICAN BAR ASSOCIATION'S HOUSE OF DELEGATES

- 1 Nomination and Election.
- 2 Young Lawyer Delegate
- 3 Alternate Delegate.

ARTICLE X. LOBBYING AND PUBLICITY

- 1 Lobbying.
- 2 Publicity.
- 3 Purpose.

ARTICLE XI. OFFICIAL PUBLICATIONS

- 1 Purpose.
- 2 Editor-in-Chief.

ARTICLE XII. AMENDMENTS

- 1 Amendments by the Board of Governors.
- 2 Amendments by the Members.

ARTICLE XIII. DEFINITIONS

- 1 Definitions.

ALASKA COURT RULES

ARTICLE I. NAME AND ORGANIZATION

Section 1. Name.

The name of this organization is the Alaska Bar Association.

Section 2. Powers.

The powers, duties, responsibilities, and organization of the Alaska Bar Association are established by the Alaska Integrated Bar Act and by the Alaska Bar Rules, which together shall be considered the charter of the Alaska Bar Association.

Section 3. Purposes.

The purposes of the Alaska Bar are to:

- (1) regulate the practice of law;
- (2) promote reform in the law and in judicial procedure;
- (3) facilitate the administration of justice;
- (4) encourage continuing legal education for the membership; and
- (5) increase the public service and efficiency of the Bar.

Section 4. Office.

The office of the Alaska Bar Association is in the Municipality of Anchorage, Alaska.

Section 5. Service and Filing.

All petitions, notices or other writings required to be filed with the Alaska Bar Association or served upon the Board of Governors shall be filed in the Association's office.

Section 6. Administrative Districts.

For the purpose of the administration of the Act, these Bylaws, the Rules, and the Policies and Regulations promulgated under them, four administrative districts, based in part upon the judicial districts existing in 1973, are created as follows:

- (1) The First Judicial District of Alaska;
- (2) The Second and Fourth Judicial Districts of Alaska combined;
- (3) The Third Judicial District of Alaska; and
- (4) Any jurisdiction or geographical area outside the State.

ARTICLE II. MEMBERSHIP

Section 1. Classification and Roster of Members.

(a) **Classes of Membership.** There are four classes of membership in the Alaska Bar Association:

(1) *Active Members.* Any person admitted to the practice of law in Alaska and membership in the Alaska Bar Association is an active member and shall maintain active membership status unless the member:

- (A) transfers, or is transferred, to inactive or retired status;
- (B) resigns from Association membership;
- (C) is placed on interim disability or disability inactive status; or
- (D) is suspended or disbarred.

(2) *Inactive Members.* Inactive membership in the Alaska Bar is limited to members who no longer engage in the practice of law or hold judicial office or any other legal position in the State of Alaska.

(3) *Retired Members.* Retired membership in the Alaska Bar is limited to former active or inactive members of the Alaska Bar who are 65 years of age or older and who no longer engage in the practice of law or hold judicial office or any other legal position in the State of Alaska or any other jurisdiction.

(4) *Honorary Members.* Deserving Alaskan citizens, not already a member of the Bar, and distinguished visitors who have contributed to the purposes of the Alaska Bar Association may be accorded honorary membership in the Association upon a vote of the members of the Board or a majority of the members in attendance at an annual business meeting of the Bar.

(b) **Roster of Members.** The Association shall keep a roster for the enrollment of all members of the Alaska Bar. The roster shall contain such information as the Board may determine to be proper and desirable.

Section 2. Transfer from Active Membership to Inactive or Retired Status.

(a) **Methods of Transfer.** Only the following methods are effective to transfer from active status to inactive or retired membership:

- (1) Written request by the member to, and permission to transfer granted by, the Executive Director, pursuant to transfer request procedures set forth in the Board's Standing Policies;
- (2) Transfer by the Board of Governors, after notice and an opportunity to be heard has been afforded the member; or
- (3) Transfer to interim disability or disability inactive status by the Supreme Court of Alaska, pursuant to Bar Rule

(b) **Member Transfer Requests.** Requests from members to transfer from active to inactive or retired status

ALASKA BAR BY LAWS

may be granted if submitted to the Executive Director no later than February 1 of the applicable year.

Section 3. Privileges of Inactive, Retired, or Honorary Members.

An inactive, retired, or honorary member may participate in Bar and Board meetings, may be appointed to any standing or special committee, and may join any Bar section, but he or she may not hold office or vote.

Section 4. Transfer from Inactive or Retired Membership to Active Status.

(a) **Transfer If Inactive or Retired for One Year or More.** Upon written request to the Board, a member who has been inactive or retired for one year or more may be transferred to active status if

(1) the Board finds the requesting member possesses character and fitness to practice law as provided in Alaska Bar Rule 2, Section 1(d), pursuant to procedures set forth in the Board's Standing Policies; and

(2) full, annual active membership fees are paid for the current year, less any inactive fees previously remitted for that year.

(b) **Transfer If Inactive or Retired for Less Than One Year.** Upon written request to the Executive Director, a member who has been inactive or retired for less than one year may be granted transfer to active status by the Executive Director, pursuant to Board policy, if full annual active membership fees are paid for the current year, less any inactive fees previously remitted for that year.

(c) **Board Eligibility Determination.** The Board, after notice and an opportunity to be heard has been afforded the member, may transfer a member from inactive or retired status to active membership status if the Board determines that the member is no longer eligible for inactive or retired status. Upon transfer by the Board, the member shall pay full annual active membership fees for the current year, less any inactive fees previously remitted for that year.

Section 5. Member in Good Standing.

Any active, inactive or retired member of the Alaska Bar Association who has paid the requisite membership fees for the current calendar year and who has not been transferred to interim disability or disability inactive status, or been suspended or disbarred, is a member in good standing and entitled to all of the privileges and benefits accorded Bar members.

Section 6. Membership Card.

(a) **Certification of Good Standing.** Each member of the Alaska Bar Association who is currently a member in good standing of the Alaska Bar shall be issued an official membership card which shall contain the member's name, current membership status, the seven-digit membership

number assigned to the member upon admission to the Bar, and other information the Board determines appropriate for inclusion on the card.

Section 7. Resignation.

(a) **Affidavit of Resignation.** A member may resign from membership in the Association. A resignation is subject to acceptance by the Board, must be in affidavit form, and, as of the date of the affidavit, affirmatively must state:

(1) the member does not now, and will not in the future, engage in the practice of law in Alaska;

(2) the member has no cases pending before the courts of this State;

(3) the member's clients have been given proper notice of his or her intent to resign and that they have had sufficient opportunity to find substitute counsel without prejudice to their cases;

(4) the member has no discipline, fee arbitration, or client security fund matters pending;

(5) the member is current on all membership fee payments, applicable insurance premiums, and other financial commitments to the Bar; and

(6) the member understands that upon acceptance of the member's resignation by the Board, that he or she may only seek readmission to membership in the Alaska Bar Association and the practice of law in Alaska as follows:

(i) if he or she has been resigned five years or less, by seeking readmission according to the Policies of the Board of Governors and payment of the application fee for readmission; or

(ii) if he or she has been resigned more than five years, by seeking admission under Alaska Bar Rule 2 by bar exam, admission by reciprocity, or UBE score transfer.

(b) **Jurisdiction Retained.** The Association shall retain jurisdiction to investigate and take action with respect to matters involving the conduct of a member during the time he or she was a member of the Alaska Bar.

(c) **Board Action.** Upon receipt of an affidavit of resignation, and if no information is received which bears unfavorably upon the member, the Board shall formally accept the resignation at its next regularly scheduled meeting. Resignation received 20 days prior to a Board meeting will be placed on the agenda of the next subsequent regularly scheduled meeting.

(d) **Notice to the Courts.** Upon formal acceptance of a member's resignation, the Board shall notify the Alaska Supreme Court and the clerks of court that the member has resigned from the Association and state the effective date.

ALASKA COURT RULES

ARTICLE III. MEMBERSHIP FEES AND PENALTIES

Section 1. Annual Dues.

(a) **Active Members.** The annual membership fee for an active member is the amount approved by the Board, \$10.00 of which is allocated to the Lawyers' Fund for Client Protection. The annual membership fee for an active member, who, by February 1, 2020, is 70 years of age or more and who has practiced law in Alaska for a total of 25 years or more, is one half of the total amount assessed to each active member, \$10.00 of which is allocated to the Lawyers' Fund for Client Protection. No annual membership fee shall be assessed to an active member who has been admitted to the Association for a total of 60 years or more.

Active members who provide 400 hours or more of pro bono services in a calendar year (January through December) as approved by the Alaska Bar Association Pro Bono Service Committee may pay 30% of the annual active fee for the membership year immediately following the year these services were provided subject to the following limitations: 1) the request for 30% active dues must be made in writing no later than February 1st; and 2) confirmation by the Alaska Bar Association Pro Bono Service Committee must be provided to the Bar Association no later than February 1st.

(b) **Inactive Members.** The annual membership fee for an inactive member is one third of the total amount assessed to each active member.

(c) **Retired and Honorary Members.** There is no membership fee for a retired or honorary member.

(d) **Notice.** Failure to receive notice of the annual membership fees does not relieve any active or inactive member of the duty to timely comply with the requirements of this Article.

(e) **Waiver.** The Board of Governors may waive the payment of a member's annual membership fee upon a sufficient showing of hardship, as defined in paragraph (f).

(f) **Hardship.** For the purposes of this section, "hardship" means an economic inability to pay dues as the result of a medical condition, mental condition, or an involuntary change in economic status.

(g) **Proof of Hardship.** Unless waived by the Board, a member requesting a waiver of dues must submit the following information to the Board:

(1) an affidavit by the member detailing the nature of the hardship and the reasons the member is unable to pay membership dues,

(2) a copy of the member's last two federal tax returns with supporting schedules, and

(3) a detailed listing, including estimated values, of all real property and personal property of the member and a detailed listing of all outstanding debts.

Section 2. Payment of Fees; Due Dates.

Annual membership fees are due and payable on or before February 1 of each year; however, an active member, who does not qualify for reduced dues under section 1(a), may pay his or her annual membership fees in two installments. The first installment is due and payable on or before February 1 and the second installment is due and payable on or before July 1. A \$25.00 charge shall be assessed against the active member for the installment service and shall be included in the amount of the first payment.

Section 3. Delinquent and Suspended Members.

(a) **Delinquent Payment Penalties.** Any member failing to pay his or her membership fees when due shall, during the period of time in which the fees remain unpaid, be subject to a penalty of \$10.00 per week of delinquency. For purposes of determining the appropriate penalty assessment, each fraction of a week shall be considered a whole week. In no instance may the penalty assessed for delinquent payment exceed \$160.00.

(b) **Suspension for Nonpayment.** Thirty days after the due date of the membership fees, the delinquent member shall be notified in writing, by certified or registered mail, that the Executive Director will, in 30 additional days, petition the Alaska Supreme Court for an order immediately suspending the delinquent member from membership in the Alaska Bar for nonpayment of the appropriate membership fees and any late payment penalties due and owing. The notice is sufficient if mailed to the address last furnished to the Association by the delinquent member. Following suspension of the delinquent member, the Alaska Bar shall provide notice of the suspension to the member by certified mail. Members suspended for nonpayment may not engage in the practice of law while suspended, nor are they entitled to any of the privileges and benefits otherwise accorded to active or inactive members of the Alaska Bar in good standing. Suspended members who engage in the practice of law are subject to appropriate discipline under Part II of the Bar Rules.

(c) **Reinstatement.** Any suspended member whose suspension for nonpayment has been in effect for less than one year, upon payment of all accrued fees and late payment penalties, shall be reinstated as a member of the Alaska Bar upon certification by the Executive Director to the Alaska Supreme Court and the clerks of court that the fees and penalties have been paid. Any member who has been suspended for one year or more, upon a determination of character and fitness to practice law as provided in Alaska Bar Rule 2, Section 1(d) by the Board, in accordance with Board Policy, and upon payment of all accrued membership fees, in addition to a penalty of \$160.00, shall be reinstated as a member of the Alaska Bar upon certification by the Executive Director to the Alaska Supreme Court and the clerks of court that the member has the character and fitness to practice law as provided in Alaska Bar Rule 2, Section 1(d) and that the requisite dues and penalties have been paid.

ALASKA BAR BY LAWS

Section 4. Required Fee for Other Attorneys.

The required fee for other attorneys under Civil Rule 81(a)(2) is the amount required for active members under Section 1 of this Article of the Bylaws per case per year until the attorney notifies the Alaska Bar Association that the case in which the attorney is participating is closed or the attorney has withdrawn from the case.

Section 5. Dues Expenditure Policy, Objection(s) to Expenditure(s).

(a) **Board Policy Concerning Expenditure of Dues.** It is the general policy of the Board to restrict the disbursement of dues to expenditures necessarily or reasonably incurred for the purpose of regulating the legal profession in Alaska or improving the quality of legal services available to the people of Alaska. These expenditures are considered “chargeable” within the meaning of *Keller v. State Bar of California*, 496 U.S. 1, 110 L.Ed.2d 1, 110 S.Ct. 2228 (1990). To the extent that any member objects to the disbursement of dues for reason that the member believes the expenditure to be “nonchargeable”, the member must file an objection as provided in subparagraphs (d) and (e).

However, the Board, upon a vote of three quarters of the members of the full Board, may approve the disbursement of dues for expenditures which are considered “nonchargeable” within the meaning of *Keller v. State Bar of California*. If the Board disburses funds for “nonchargeable” expenditures, notice of the expenditure(s) shall be given in an official publication of the Bar. A member may request, in writing to the Executive Director, an appropriate dues refund within sixty (60) days of such notice. The dues refund, which shall be determined by the Board, shall be limited to that pro-rata amount of a member’s dues reasonably related to any costs actually incurred with regard to the “nonchargeable” activity. To the extent that any member objects to the determination of the amount of the expenditure, the member must proceed under subparagraph (e).

(b) **Publication of Annual Budget.** Following approval by the Board, the annual budget of the Bar shall be published in the official publication of the Bar, and shall otherwise be distributed to ensure notice to all dues-paying members. In addition, copies of the approved annual budget shall be available to members upon request.

(c) **Information in Dues Notices.** Dues notices sent to members shall reference: (1) the publication of the annual budget of the Bar in the official publication of the Bar and advise members that they may obtain a copy of the budget upon request, and (2) that members may review the approved minutes of the Board at the Bar office and obtain a copy of the approved minutes upon request.

(d) **Time for Filing Objection(s).** A member’s objection to the expenditure of dues by the Board must be received by the Executive Director or postmarked within sixty (60) days of the publication of the Board action in the official publication of the Bar.

(e) Arbitration of Objection(s) to Expenditure(s).

Upon receipt of a timely objection to an expenditure, the President of the Board shall appoint a hearing master to consider the objection, utilizing the procedures provided in Bar Rule 7. All objections to expenditure(s) shall be consolidated in a single proceeding, where possible. The Bar shall have the burden of proving by a preponderance of the evidence that the expenditure(s) objected to are “chargeable.”

In addition, the President shall direct the Executive Director to determine the amount of the expenditure(s) reasonably in dispute involving the objecting member(s) and shall order that amount to be held in an interest-bearing escrow account pending final determination by the Board, or if appealed, by the Alaska Supreme Court.

If the hearing master determines that an objection to an expenditure has been frivolously made, the hearing master may assess costs associated with the proceeding against the member(s) filing the frivolous objection(s).

ARTICLE IV. BOARD OF GOVERNORS

Section 1. Duties and Responsibilities.

The Board of Governors is the governing body of the Alaska Bar Association and is vested with power and authority including, but not limited to, adopting regulations and policies concerning the activities, affairs, and organization of the Alaska Bar, and collecting and disbursing all monies of the organization, subject only to any limitation imposed by the Act and the Bar Rules.

Section 2. Membership.

The Board of Governors of the Alaska Bar Association consists of 12 governors. Nine governors shall be active members of the Bar elected by the active membership of the Association in accordance with provisions of the Act and these Bylaws. Three governors shall be non-attorneys appointed by the Governor of the State, subject to legislative confirmation in accordance with provisions of the Act.

Section 3. Term of Office and Succession.

Elected members of the Board shall take office at the close of the annual business meeting of the Association held immediately following their election. The term of office is three years. The terms of appointed members shall be as provided by the Act. Governors may succeed themselves in office

Section 4. Removal.

Upon a petition signed by 25 percent of the members of any District for the recall of any governor elected from that District, or in the case of the governor-at-large, a petition signed by 25 percent of the members of the Association, the

ALASKA COURT RULES

Executive Director shall immediately serve notice on the governor of the filing of the petition, and if he or she does not resign within 10 days from the date of service, the Executive Director shall mail ballots to each member of the Alaska Bar entitled to vote, submitting the question of whether the elected governor shall be recalled. Any recall vote shall be conducted in accordance with Article VI of these Bylaws.

Section 5. Resignation.

A governor may resign from his or her position. The resignation shall be in writing to the President or, if an appointed member of the Board, to the governor of the State and the Bar President.

Section 6. Vacancy.

As provided in AS 08.08.070, a vacancy on the Board of Governors from among the elected members shall be filled by appointment by a majority vote of the Board, and a vacancy from among the appointed members shall be filled by the governor of the State.

Section 7. Board Meetings.

(a) **Regular Meetings.** The regular meetings of the Board whether by physical assembly of the Board or by electronic conference shall be held within the State at the times and places designated by the President. Upon assumption of office, the President shall promptly schedule at least four regular meetings during the year of his or her term. These meeting dates may be changed as circumstances require. The schedule of the Board's regular meetings shall be published electronically on the State of Alaska's Online Public Notice System and on the Alaska Bar's website at least 30 days prior to each regularly scheduled meeting. Timely notice and the tentative agenda of each Board meeting will be posted on the Bar's website.

(b) **Emergency Meetings.** Emergency meetings are defined as those meetings held at times other than regular meetings whether by physical assembly of the Board or by electronic conference. The President or three governors may call emergency meetings of the Board of Governors. At an emergency meeting, the Board may consider only those matters that are specifically set forth in the call of the meeting. Electronic notice of the emergency meeting call shall be given to each governor, unless waived by him or her, as soon as reasonably practicable before the date fixed for the emergency meeting. Public notice of the emergency meeting shall be published electronically on the State of Alaska's Online Public Notice System and on the Alaska Bar's website as soon as reasonably practicable prior to the date of the emergency meeting.

(c) **Minutes and Public Attendance.** All meetings of the Board shall be open to the public, except that the Board shall meet in executive session when considering the following matters: personnel matters of the Association; litigation or other proceedings in which the Association is interested or a party; the admission of applicants to membership in the

Association; Board deliberations on disciplinary and disability matters of the Association; and those other matters that are considered confidential under Part III of the Rules. After approval by the Board, minutes of all public meetings shall be available to members of the Association and to the public.

Section 8. Quorum.

Seven members of the Board constitutes a quorum at any meeting.

Section 9. Finances.

(a) **Disbursement Authority.** Any member of the Board so designated, or the Executive Director, shall sign checks for disbursements by the Alaska Bar from its funds. The Executive Director's authority to sign checks is limited by the Board's Standing Policies.

(b) **Line-Item Budget.** The Board annually shall adopt a line-item budget. Upon approval by the Board, the budget will be published in an official publication of the Bar as soon as practicable. The Association's fiscal year is the calendar year.

(c) **Regular Financial Statements.** The Executive Director shall submit a financial statement at each regular meeting of the Board.

Section 10. Audits.

The books and accounts of the Association shall be maintained and audited in accordance with generally accepted standards of accounting. An audit by an independent audit firm shall take place at the close of each fiscal year, and the report shall be made available to the membership no fewer than ten days prior to each annual business meeting.

Section 11. Referendum to Membership.

Whenever the Board of Governors is required to take a referendum, or whenever the Board orders a question referred to a vote of the active membership of the Alaska Bar in good standing, a questionnaire shall be prepared containing the matters upon which the vote is to be taken. The questionnaire shall be submitted to each active member in a form that allows the member to vote on it and return it to the Board. Whenever any referendum is taken, the question so referred shall not again be referred before the next annual business meeting of the Alaska Bar. Any question submitted to the members shall be prepared in accordance with the forms and procedures set forth in the Board's Standing Policies.

Section 12. Proxy Votes.

A Board member may not vote by proxy.

ARTICLE V. BOARD ELECTIONS

Section 1. Nominations.

A nominating petition shall be sent to each active Bar member entitled to hold office. Nominations for the election of the governors from each District and for the Board's at-large

ALASKA BAR BY LAWS

position shall be by petition signed by at least three members entitled to vote for the nominee.

Section 2. Voting Rights.

Each active in-state Bar member in good standing may vote in and be a candidate from the District in which he or she resides at the time of election, or for the at-large position.

Section 3. Election Roster.

The Executive Director shall create a special election roster which shall contain an alphabetical listing of the active members of the Bar in good standing eligible to vote in each election.

Section 4. Ballots and Balloting.

(a) **Ballots.** Elections shall be conducted by secret ballot. Official election ballots shall be prepared in a form and manner approved by the Board. The ballots shall contain space for the voting member's printed name, written signature, and District.

(b) **Replacement Ballots.** If a member entitled to vote in an election does not receive a ballot, or if the ballot received is lost or destroyed, a second official ballot may be supplied to that member.

(c) **Balloting.** Ballots shall be mailed to each active member eligible to vote at least 21 days prior to the date of the election. To be counted, voted ballots must be received in the office of the Bar Association on or before 5:00 p.m. on the day of the election. The Executive Director shall have the custody of all ballots after they have been received and until the ballots are counted.

(d) **Invalid or Questioned Ballots.** Any ballot returned without the name and electronic signature of the voting member on the spaces provided on the ballot will not be counted. If it is determined in the cross-check against the election roster that a second ballot has been received from an eligible voter, that second and any subsequent ballots received from that member will not be counted. Invalid ballots shall be kept by the Executive Director until after certification of the election. A ballot received which causes the Executive Director to question its validity shall be held by the Executive Director for a determination as to its validity.

Section 5. Election Results.

When one vacancy occurs in a District election or for the at-large position, the gubernatorial candidate in that District or for the at-large position who receives the highest number of the votes cast shall be declared elected. If only one candidate has been nominated for a vacancy on the Board, that candidate shall be declared elected. When more than one vacancy on the Board occurs in the Third District in an election, the candidates shall run on one slate and each active member entitled to vote shall cast a vote for no more than two of the candidates on the ballot. The two candidates receiving the highest number of votes in the election shall be elected.

Section 6. Changing Election Districts During An Election.

If a member changes residence between the time the election ballots are sent and the date of the election, on or before the date of the election, the member will be entitled to vote for the candidate(s) from his or her new District of residence.

Section 7. Ballot Election Roster Retention; Official Record.

Upon completion of the ballot count, the Executive Director shall retain all ballots until the close of the first annual business meeting held following the election.

ARTICLE VI. OFFICERS; STAFF

Section 1. Officers.

The officers of the Association are a President, President-elect, Vice President, Secretary and Treasurer. The President-Elect, Vice President, Secretary, and Treasurer shall be elected from among the members of the Board by a majority vote of the active members of the Alaska Bar in attendance at the Association's annual business meeting. Nothing in this Article prohibits an appointed non-attorney governor from being elected an officer of the Association. Newly elected officers of the Association shall take office at the close of the annual business meeting at which they have been elected and shall serve until the close of the next annual business meeting.

Section 2. President.

The President shall conduct and preside at all meetings of the Alaska Bar and the Board of Governors. He or she shall be the official spokesperson for the Board and for the Association. The President shall furnish leadership in the accomplishment of the aims and purposes of the Alaska Bar. The President has those other duties which the Board of Governors directs.

Section 3. President-Elect.

The President-Elect shall assist the President. If the President resigns or is unable to act, the President-Elect shall fulfill the duties of President. The President-Elect shall succeed to the Presidency when the term for which the President was elected expires, or when there is a vacancy in the office of President, whichever first occurs. The President-Elect shall furnish the Executive Director with a list of the members of each Bar Rule and Standing Committee of the Association whose terms begin on the next first day of July. The President-Elect has those other duties which the Board of Governors directs.

Section 4. Vice President.

The Vice President shall fulfill the duties of the President in the absence of the President and President-Elect. The Vice

ALASKA COURT RULES

President has those other duties which the Board of Governors directs.

Section 5. Secretary.

The Secretary, or his or her designee, shall record the proceedings of all Board and Bar meetings. The Secretary has those other duties which the Board of Governors directs.

Section 6. Treasurer.

The Treasurer shall be responsible for the financial records of the Association. The Treasurer, or his or her designee, shall prepare a report on the status of the financial affairs of the Association at each meeting of the Board of Governors. The treasurer has those other duties which the Board of Governors directs.

Section 7. Executive Director; Staff.

The Board may employ an Executive Director to serve at its pleasure and assist it in carrying out its functions. The Executive Director is the staff director of the Association. He or she shall have the qualifications, duties and responsibilities, prescribed by the Board. With the approval of the Board, the Executive Director may employ other staff required for the efficient functioning of the Association.

ARTICLE VII. COMMITTEES AND SECTIONS

Section 1. Committees.

(a) **Standing Committees.** The Board shall define the powers, duties, functions, and scope of each standing committee in its Standing Policies. The President, subject to Board approval, shall appoint eligible Bar members to fill all vacancies or expired terms on standing committees and shall name and designate the chair of each committee. Committee members shall serve staggered, three year terms. Committee members may be reappointed for successive terms. The Board may appoint additional members to a committee, remove members from a committee for good cause, or dissolve a committee when it considers the work of a committee has been completed or when it considers that a committee is no longer necessary. Each committee may select such other officers as it considers advisable and may designate subcommittees from among its membership. Each committee shall meet at such times and places as may be designated by its chair. The Association's standing committees are:

(1) the Continuing Legal Education Committee, a 15 member committee responsible for presenting legal education seminars to the membership, and includes one Judicial representation and two Young Lawyer representations serving staggered 2-year terms;

(2) the Ethics Committee, a committee responsible for the issuance of opinions providing guidance to Association members in complying with the Alaska Rules of Professional Conduct;

(3) the Historians Committee, a committee responsible for preserving the unique history of the Alaska Bar;

(4) The Law Related Education Committee, a committee responsible for presenting programs and producing publications to aid the public in understanding of the law and the legal system; the committee is divided into subcommittees in the communities of Anchorage, Fairbanks, Juneau, Kenai, Mat-Su and such other communities as the president sees fit to appoint;

(5) the Tutor Committee, a committee responsible for tutoring assistance to failing bar examinees;

(6) the Pro Bono Service Committee, a committee responsible for identifying and promoting activities which would facilitate the provision of pro bono services and encourage all attorneys to provide pro bono service; at least three of the members shall be from communities from outside of Anchorage, Juneau and Fairbanks;

(7) the Alaska Rules of Professional Conduct Committee, a committee responsible for reviewing suggested amendments to the ARPC and making recommendations for amendments to the Board of Governors;

(8) the Lawyers' Assistance Committee whose members provide services to members of the Bar, their families or business associates when it appears a Bar member is suffering from substance abuse or from a mental or emotional disorder affecting his or her practice. The committee may also conduct interviews and provide recommendations for applicants for admission. Communications between Bar members and the Committee shall be kept confidential by the Committee, as set forth in Rule 8.3(c) of the Alaska Rules of Professional Conduct and Rule 26(i) of the Alaska Bar Rules; and,

(9) the Committee for Fair and Impartial Courts, a Committee responsible for recommendations to the Board for activities that the Bar can undertake to explain and promote the concept of judicial independence, and to undertake to educate the public about and promote the concept of judicial independence.

(10) the Scholarship committee, a committee responsible for implementation of the scholarship program. At least one member of the committee will be a member of the Board of Governors.

(b) **Special Committees.** The President may appoint special committees with limited purposes and of limited duration. The terms of membership on such committees shall be established by the President at the time the committees are appointed.

(c) **Committee Actions Endorsed.** No action, report, or recommendation of any standing or special committee is binding upon the Association unless first approved by the Board.

ALASKA BAR BY LAWS

Section 2. Reports of Committees.

All standing and special committees shall render to the Board those reports as from time to time that are requested by the President or the Board.

Section 3. Substantive Law Sections.

The Board shall establish substantive law sections in areas pertinent to the practice of law and shall define the powers, duties, functions and scope of each section in its Standing Policies.

(a) Membership and fees requirements are as follows:

(1) *Attorney Membership and Fees.* Attorney membership in each section is open to all active and inactive members of the Alaska Bar Association in good standing. \$5.00 of a member's annual membership fee will be allocated to the budget of the first section joined by that member. A member may join additional sections at a registration fee to the member of \$15.00 per additional section joined per year.

(2) *Informational Membership and Fees.* Non-voting section membership is available at the discretion of each section to any person who is not a member of the Association, but who subscribes to the informational and educational objectives of the section. Informational section members may not serve on the executive committee of any section. There is an annual \$15.00 membership fee assessed for each section joined by an Information Member.

(b) **Section Executive Committees.** Each section shall be administered by an executive committee of at least five members elected from the section's attorney membership to serve staggered three year terms. The executive committee shall annually elect, by September 30, a chair, and may elect such other officers as it deems advisable from the membership of the executive committee. Each executive committee shall meet at such times and places as may be designated by the chair of the section. All executive committees shall file with the Board such reports as from time to time shall be requested by the President or the Board.

(c) **Annual Section Meeting.** Each section's executive committee will schedule an annual meeting of the section membership to hear the annual report of its executive committee and discuss issues and developments pertinent to the section's area of law. The annual meeting will be held at a time and location determined by the executive committee.

(d) **Annual Section Chair/Board Meeting.** At each annual convention of the Association, the chairs of each section, or their designees, may meet with the President and President-Elect or the Board to discuss section activities and evaluate section needs.

(e) **Section Actions Endorsed.** No action, report, or recommendation of any section is binding upon the Association unless adopted and approved by the Board.

ARTICLE VIII. ASSOCIATION MEETINGS

Section 1. Annual Business Meeting.

The annual business meeting of the Alaska Bar Association shall be held within the State at the time and at the place that is selected by the Board of Governors. Notice of the annual business meeting shall state the time and place scheduled for holding the meeting, and shall be provided to the members of the Alaska Bar Association at least six months before the meeting.

Section 2. Emergency Meetings.

Emergency meetings of the Alaska Bar Association are defined as those meetings held at times other than the annual business meeting. Emergency meetings shall be called by the President upon a majority vote of the Board of Governors, or upon the receipt of a written application signed by not less than 25 percent of the active members of the Alaska Bar Association. Emergency meetings may consider only those matters that are specifically set forth in the call of the meeting. Notice of an emergency meeting shall be published electronically on the State of Alaska's Online Public Notice system and on the Alaska Bar's website, shall state the time and the place within the State where the meeting will be held, and shall be given as soon as reasonably practicable prior to the date of the emergency meeting. Each notice shall state specifically the matters to be considered at the emergency meeting.

Section 3. Parliamentary Rules.

Proceedings at any meeting of the Alaska Bar Association shall be governed by the most recent edition of "Robert's Rules of Order, Newly Revised".

Section 4. Resolutions.

Resolutions may be introduced for consideration at the annual business meeting if signed by at least 10 active members of the Association, or sponsored by a local bar association or substantive law section. Proposed resolutions shall be received in the office of the Association at least 45 days prior to the date of the annual business meeting and shall, upon receipt, be promptly submitted to each local bar association for its consideration. Resolutions also shall be considered at the annual business meeting if 35 members in attendance at that business meeting sign a petition requesting consideration of the resolution.

Section 5. Votes.

Each active member in good standing and public member of the Board of Governors in attendance at the annual business meeting shall be entitled to cast one vote on each matter presented for consideration. Proxy votes are not permitted.

ALASKA COURT RULES

ARTICLE IX. ALASKA'S DELEGATE TO THE AMERICAN BAR ASSOCIATION'S HOUSE OF DELEGATES

Section 1. Nomination and Election.

In each even numbered year, the active membership of the Alaska Bar Association shall elect one delegate from its membership to be its delegate to the House of Delegates of the American Bar Association (ABA). Nominations for the Alaska Bar's delegate shall be made in the same manner as provided for the nomination of the candidates for the Board of Governors in Article V of these Bylaws and the election shall be held at the same time and in the same manner as provided for the election of the Board of Governors, except that Alaska's ABA delegate shall be elected from the State-at-large and the term of office shall be two years. No delegate may be elected who is not an active member in good standing of the Alaska Bar Association. The candidate receiving the highest number of votes shall be declared the elected delegate. The elected delegate shall be responsible for all expenses incurred by him or her as the Alaska Bar's delegate to the American Bar Association's House of Delegates.

Section 2. Young Lawyer Delegate.

The Board of Governors shall appoint a young lawyer delegate to the American Bar Association's House of Delegates. The term of office shall be two years. The young lawyer delegate must be an active member in good standing of the Alaska Bar Association and must have been admitted to his or her first bar within the past five years or be less than 36 years old at the beginning of his or her term. The young lawyer delegate shall be responsible for all expenses incurred by him or her as the Alaska Bar's young lawyer delegate to the American Bar Association's House of Delegates.

Section 3. Alternate Delegate.

In case of the refusal or inability of the duly elected delegate or young lawyer delegate to attend the meetings of the American Bar Association's House of Delegates, an alternate delegate shall be appointed by the Board of Governors. The appointed delegate shall take his or her place as the delegate at the meeting or meetings that the elected delegate or young lawyer delegate is unable to attend with all the rights and privileges of the elected delegate or young lawyer delegate.

ARTICLE X. LOBBYING AND PUBLICITY

Section 1. Lobbying.

No member of the Association may lobby or otherwise attempt to influence legislative or administrative action in the name of the Association, except with the consent of the Board of Governors.

Section 2. Publicity.

Public statements or press releases purporting to set forth the Association's position on pending or proposed legislation, on issues of public importance, or on Association matters in

general shall be made only by the President or his or her designee.

Section 3. Purpose.

No expenditure relating to political or ideological activities may be made by the Association unless reasonably incurred for the purpose of regulating the legal profession or improving the quality of legal services available to the people of the state. The Association may not publicly advocate nor allow its name to be used for the advancement of any cause unless such action directly relates to the authorized purposes stated in this section.

ARTICLE XI. OFFICIAL PUBLICATIONS

Section 1. Purpose.

The Alaska Bar Association, on a quarterly basis, shall issue a publication which shall be distributed to the members of the Association at no charge. Its purpose shall be to inform Bar members of Association activities, to report trends and developments in the profession, and to entertain. Cost per issue to non-members shall be established by the Board of Governors. The Bar Association will also issue news on its website and via electronic distribution.

Section 2. Editor-in-chief.

The editor is appointed by the President. The editor-in-chief in conjunction with the Executive Director will be responsible for the day-to-day operations of the quarterly publication. The editor-in-chief shall further establish and maintain an independent editorial policy.

ARTICLE XII. AMENDMENTS

Section 1. Amendments by the Board of Governors.

In accordance with the provisions of Bar Rule 62, these Bylaws may be amended by the Board of Governors at any regular meeting of the Board or at any emergency meeting called for that purpose.

Section 2. Amendments by the Members.

In accordance with the provisions of Bar Rule 62, any Bylaw adopted or amended by the Board of Governors may be modified or rescinded, or a new Bylaw adopted by a vote of the active members of the Association at any annual business or emergency meeting.

ARTICLE XIII. DEFINITIONS

Section 1. Definitions.

As used in these Bylaws, unless the context or subject matter otherwise requires:

ALASKA BAR BY LAWS

(1) “The Act” means the Alaska Integrated Bar Act contained in Title 8, Chapter 8, Alaska Statutes (AS 8.08);

(2) “Alaska Bar,” “Association,” or “the Bar” mean the Alaska Bar Association created by the above mentioned Act;

(3) “Bar Rules” or “Rules” mean the Alaska Bar Rules promulgated by the Supreme Court of Alaska;

(4) “Board” and “Board of Governors” mean the Board of Governors of the Alaska Bar Association;

(5) “District” means an administrative district of Alaska, as defined in Article I, Section 6;

(6) “Executive Director” means the principal member of the Alaska Bar Association staff;

(7) “Governor” means a member of the Board;

(8) “Member” means a member of the Alaska Bar;

(9) “President,” “President Elect,” “Vice President,” “Secretary,” and “Treasurer” mean the respective officers of the Board of Governors and of the Association;

(10) “Regulations” mean the regulations promulgated by the Board to implement the Act or the Rules;

(11) “Standing Policies,” “Policies,” or “Policy” mean the various written Standing Policies of the Board; and

(12) “State” means the State of Alaska.