

Committee Minutes

Feb 04, 2009

HB 88 - EXTEND BAR ASS'N BOARD OF GOVERNORS

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VICE CHAIR DAHLSTROM announced that the final order of business would be HOUSE BILL NO. 88, "An Act extending the termination date of the Board of Governors of the Alaska Bar Association; and providing for an effective date."

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JANE W. PIERSON, Staff, Representative Jay Ramras, Alaska State Legislature, explained on behalf of Representative Ramras, sponsor, that HB 88 would extend the termination date for the Board of Governors of the Alaska Bar Association (ABA), and noted that the Division of Legislative Audit has recommended that the termination date for the Board of Governors be extended to June 30, 2017, which is the date proposed by the bill.

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MITCHELL A. SEAVER, President, Board of Governors, Alaska Bar Association (ABA), opined that the sponsor statement for HB 88 succinctly sets forth the duties of the ABA, that being to screen applicants for admission to the ABA, and to discipline members of the ABA to ensure that they adhere to professional standards. Both of those activities are subject to supervision by the Alaska Supreme Court. The ABA is also responsible for, or involved in, a wide number of activities, including fee arbitration, handling disputes between clients and their lawyers, lawyer referral services, continuing legal education (CLE), promoting pro bono legal services to low-income Alaskans, and maintaining a fund that reimburses those clients damaged by an the dishonest acts of an attorney.

MR. SEAVER noted that through the efforts of the ABA's staff and countless volunteers, the aforementioned functions are performed without any cost to the State of Alaska. He observed that this is the third time in the past four years that the Board of Governors has been before the legislature regarding a sunset extension; each of the prior times, an eight-year extension was recommended, but only shorter extensions were approved. He concluded by indicating that the Board of Governors would prefer to be granted the eight-year extension.

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STEPHEN J. VAN GOOR, Bar Counsel, Alaska Bar Association (ABA), mentioned that he has been impressed with the dedication and willingness of the Board of Governors to take on the very difficult issues that it's confronted with, not the least of which involves disciplining members of the ABA; the Board of Governors is dedicated to the timely and complete investigation and prosecution of complaints against ABA members, and ultimately such cases are reviewed by the Alaska Supreme Court. He remarked that the ABA is small compared to bar associations in other states, and that although Alaska has a difficult bar exam, it's one that's designed to illustrate minimal competence to practice law, knowledge of Alaska law, an ability to spot issues, and an ability to thoroughly explain a legal problem in a manner expected of a lawyer.

MR. VAN GOOR encouraged the committee to recommend the extension of the Board of Governors' sunset date. The [Board of Governors] is functioning according to statute, he opined, and noted that it is accountable to the Alaska Supreme Court. In response to a question, he explained that every disciplinary case that comes before the Board of Governors is considered both by the lawyers elected to serve on it and by the three public members appointed to serve on it; furthermore, under current rules, at least one of the three members chosen to hear a particular disciplinary case must be a public member. He characterized the participation of the public members, both in such hearings and on the Board of Governors in general, as a