

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 341

Amending Alaska Bar Rules  
7 and 8, Relating to  
Admissions and Adding a  
New Section, 7.1.

IT IS ORDERED:

1. Sections 6, 7, 8, 9, 10, 11, and 12 of Rule 7, Alaska Bar Rules, are deleted and a new section 6 is added to read:

Section 6. Only the following materials shall be subject to production by the Alaska Bar Association in any proceedings held pursuant to this Rule:

(a) Where certification for admission to practice has been denied, the failing applicant has the right to inspect his examination books, the grades assigned thereto, the examination questions, the graders' analyses of the questions and a representative sampling of passing and failing answers to the bar examination at the office of the Alaska Bar Association or at such other place and such time or times as the Board may designate;

(b) Where an examination permit has been denied because of failure to meet residency requirements, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which his application has been discussed, together with a synopsis of the facts with respect to any other person who, within the last two years, has been denied an examination permit for the same reason; and

(c) Where an examination permit has been denied on the basis of character, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which his application has been discussed, together with a statement of the

specific grounds upon which denial of the permit was based.

2. The Alaska Bar Rules are amended by adding a new section, 7.1, to read:

Rule 7.1. Procedures.

Section 1. All hearings before the master shall be electronically recorded with facilities provided by the Alaska Court System. The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision. The record may be destroyed two years following the last date upon which administrative appeal rights may be available under the provisions of this rule.

Section 2. From the time he has been designated to preside until issuance of his proposed decision and the transfer of the proceeding to the Board, the master shall have the following authority to:

- (a) take or cause depositions to be taken;
- (b) require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which a ruling will be required;
- (c) hold conferences for the settlement or simplification of the issues by consent of the parties;
- (d) dispose of procedural requests;
- (e) establish the time limitations for the filing of pleadings and set the times for any hearings;
- (f) preside at and regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaged in contentious conduct or otherwise disrupting the proceedings;
- (g) administer oaths and affirmations;

(h) examine witnesses;

(i) rule upon questions of evidence; and

(j) render interlocutory decisions which are appealable to the Board of Governors of which no fewer than three members shall constitute a quorum.

Section 3. The Alaska Rules of Civil Procedure shall not apply to proceedings held pursuant to Rule I-7.

Section 4. The applicant shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, even if not covered in direct examination, to impeach any witness regardless of which party called him, and to rebut the evidence against him. The applicant may be called and examined as if under cross-examination whether or not he testified on his own behalf. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient standing alone to support a finding unless it would be admissible over objections in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The sworn testimony of a witness subpoenaed under these rules shall be deemed testimony received in a judicial proceeding. In any action for defamation arising out of such sworn testimony, the witness shall be entitled to the defense of privilege to the same extent available to witnesses in judicial proceedings with the State of Alaska.

Section 5. The master shall prepare in writing a proposed decision supported by findings of fact and conclusions of law. In cases in which the majority of the Board was not present during the

evidentiary hearing, the master shall file the proposed decision with the Board and cause the entire record to be certified to the Board for decision. The record, upon payment of costs, shall be made available to the applicant. Copies of the proposed decision shall be served by the master on the applicant or his attorney of record and on the Executive Director, or the Bar Association's attorney of record. Within twenty days after service of the proposed decision, the applicant and the Executive Director or attorney for the Alaska Bar Association may file exceptions and briefs and, upon request, may appear and present oral argument to the Board. Copies of the exceptions and briefs, when filed, shall be served on the applicant or the Executive Director or attorney for the Bar Association, as the case may be.

Section 6. The Board may adopt the proposed findings, conclusions and decision, ruling or order of the master in whole or in part or reject it in its entirety and adopt its own findings of fact, conclusions of law, decision or order.

Section 7. The findings of fact, conclusions of law and final decision of the Board shall be conclusive as to the matter alleged in applicant's statement of appeal unless an appeal to the Supreme Court shall be filed within thirty days following service upon applicant of the findings of fact, conclusions of law and decision in the manner provided by these rules.

3. Rule 8, Alaska Bar Rules, is rescinded and re-promulgated to read as follows:

Rule 8. Supreme Court Review.

Section 1. Any interlocutory order of the Board of Governors may be subject to review as provided in Part VI, Rules of Appellate Procedure.

Section 2. An appeal to the Supreme Court may be filed by an applicant from a decision of the Board entered as provided in Section 7 of Rule 7.1.

Section 3. To the extent practicable, the procedure governing an appeal by an applicant for admission to the practice of law from a final decision of the Board of Governors shall be governed by the rules of practice in civil matters set forth in Part IV, Rules of Appellate Procedure.

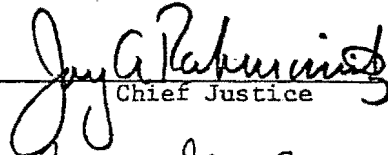
Section 4. The filing fees normally charged for matters brought before the Supreme Court shall be applicable in all admissions cases.

DATED: December 18, 1979

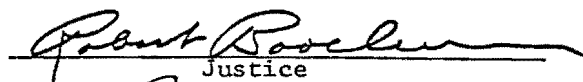
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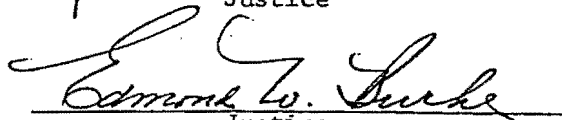
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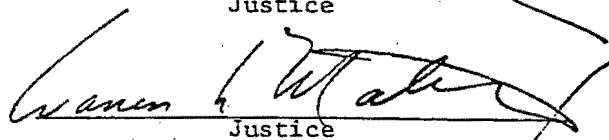
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Justice

  
Justice

  
Justice