

THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 72

Rescinding Supreme Court
Order No. 68; terminating
Supreme Court Orders No.
69 and No. 71.

By Order dated April 7, 1964 the Supreme Court of Alaska promulgated the Alaska Bar Rules with respect to the Alaska Bar Association effective June 1, 1964. Thereafter the members of the Board of Governors of the Association indicated that they were not prepared to comply with said Rules and, in order to insure such compliance, the Supreme Court issued, effective July 23, 1964, its Orders No. 68, No. 69, No. 70 and No. 71.

Since July 23, 1964 the State Grievance Committee and the four District Grievance Committees of the Alaska Bar Association and the Committee of Law Examiners have been functioning in compliance with the Alaska Bar Rules and making their required reports.

By letter to this court dated August 6, 1964 counsel for the Alaska Bar Association, its Board of Governors and Officers, has formally advised the Court:

As you know, I am attorney of record and a member of the Committee of lawyers representing the Alaska Bar Association, its Officers and Board of Governors, and the many individual members of the Association who have asked to join as plaintiffs in the pending action.

Please be advised that upon advice of counsel our clients expect to obey as far as is reasonably possible the rules, orders and writs of the Supreme Court of Alaska affecting the Alaska Bar Association in the conduct of its affairs, unless the enforcement of these rules, orders and writs is stayed by the United States District Court, or until the same are vacated or annulled by a court of competent jurisdiction or the Legislature and people of Alaska.

Certain of the duties which are or may be imposed upon members of the Alaska Bar Association by the rules and orders of the Supreme Court may involve acts of a discretionary or executive nature which individual members may not, in all conscience, be able to perform. Please be assured, however, that if such a situation should arise counsel for the Bar Association pledge you our full and immediate cooperation in seeking a solution which will uphold the dignity of the Supreme Court while respecting if possible the conscience of the individual lawyer concerned.

Please note, however, that our clients are rendering such obedience as they are able under protest and without prejudice to their rights in the pending litigation.

In view of these assurances on behalf of the Alaska Bar Association, its Board of Governors and Officers, there is no further necessity for the continuance of the temporary arrangement provided for in the foregoing Supreme Court Orders.

Now, therefore, by reason of the circumstances stated above, it is hereby ORDERED:

1. Order No. 68 of this Court is hereby rescinded.
2. Thomas B. Stewart, Administrative Director of Courts, is hereby directed to return to the Board of Governors of the Alaska Bar Association all assets and other property temporarily sequestered by the Court (less expenditures authorized by this Court) by delivering them to the person who shall be designated in writing by the President of the Association to receive them. If no such designation is made within a reasonable time, then Stewart is directed to return the assets and other property to the Secretary of the Association.

3. Supreme Court Orders No. 69 and No. 71 shall be deemed terminated upon the delivery of assets and other property as provided for in paragraph 2 above.
4. Upon the return of such assets by Stewart, Ernest Z. Rehbock, who was appointed Executive Director-Trustee by Order No. 71, is directed to deliver to the President of the Alaska Bar Association a statement of disbursements made from sequestered funds of the Association.

EFFECTIVE DATE: September 8, 1964.

/s/ Buell A. Nesbett
Chief Justice

/s/ John H. Dimond
Associate Justice

/s/ Harry O. Arend
Associate Justice

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