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Report on the Clerkship Program

John E. Havelock

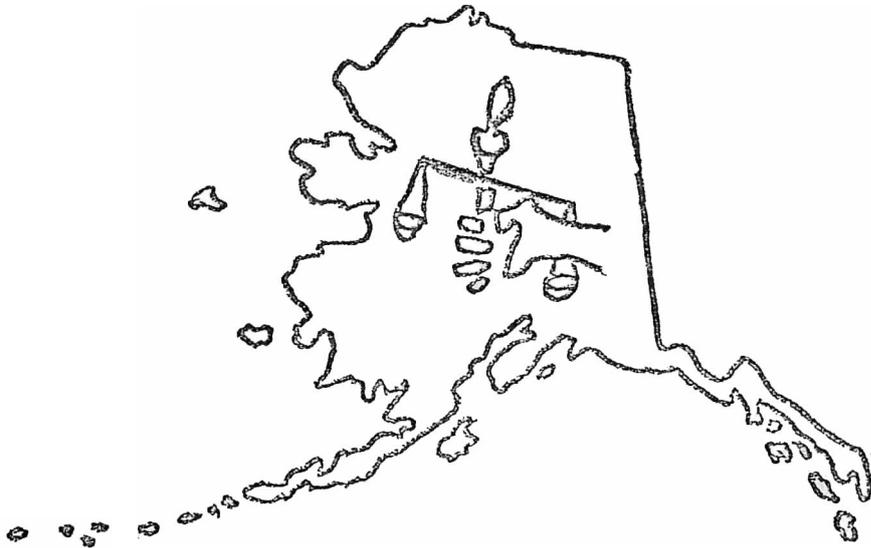
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Summary

There is no law school in Alaska. In 1976, the Alaska legislature adopted Chapter 181, SLA 1976 which provides that an eligible person who completes one year of law school and subsequently successfully pursues a three year course of law study in a clerkship program may be admitted to the practice of law upon taking and passing the bar examination administered by the Alaska Bar Association. The Act placed upon the Alaska Supreme Court the responsibility for administering the clerkship program and prescribing the course of law study. The Alaska Supreme Court contracted with the Criminal Justice Center to design a law clerkship program, including a system for registering law clerks and supervising attorneys, a basic curriculum, and other elements of the program. The report proposes guidelines for sound administration of an educational program conducted outside direct academic supervision, discusses budget issues, and proposes a new bill to amend the statute as first passed.

REPORT ON THE CLERKSHIP PROGRAM



PREPARED BY THE
OFFICE OF LEGAL STUDIES
UNIVERSITY OF ALASKA, ANCHORAGE
for
SUPREME COURT OF ALASKA

February 15, 1977

John E. Havelock
Director of Legal Studies

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REPORT ON THE CLERKSHIP PROGRAM

Prepared for the Supreme Court
of Alaska by the Office of Legal
Studies, University of Alaska.

Introduction

In 1976, the Alaska legislature adopted Chapter 181, SLA 1976 which provides that an eligible person who completes one year of law school and subsequently successfully pursues a three year course of law study in a clerkship program may be admitted to the practice of law upon taking and passing the bar examination administered by the Alaska Bar Association.

The Act was premised on the following findings included in the Act:

"Section 1. LEGISLATIVE FINDINGS. The present lack of a law school in Alaska works substantial hardship on Alaska residents who desire to become attorneys because they must leave the state and obtain their law school education elsewhere at law schools not directly concerned with Alaska problems and at substantial additional expense. At this time establishment of a law school in Alaska is not practicable if other means of alleviating the problem can be found. A method used in the past which has produced lawyers who are a credit to the profession is study of law in the office of a practicing attorney. The objection that this method may leave attorneys who follow this approach ungrounded scholastically and in legal theory is overcome by prescribing certain formal educational requirements as a prerequisite to a clerkship program. The legislature finds that establishment of a program whereby persons who have completed at least one year of approved legal studies and have studied law in a formal program in the office of a practicing attorney under review by the supreme court is a reasonable alternative means of assuring professional competency of attorneys."

The Act placed upon the Alaska Supreme Court the responsibility for administering the clerkship program and prescribing the course of law study.

Responding to both the inherent awkwardness of exercising an administrative function through a judicial body and the desirability of enlisting the assistance of an institution basically oriented to the educational process, the court turned to the University of Alaska for support in responding to these legislatively delegated responsibilities.

After some discussion, the University agreed to prepare for the court the following elements of a clerkship program:

1. The design of a system for the registration of law clerks and supervising attorneys, including
 - (i) proposed standards for admission to the program in areas such as character, credit for first year law study, residence, etc.,
 - (ii) design of draft forms required for registration, and
 - (iii) qualifications of supervising attorneys;
2. The design of the basic curriculum requirements and electives for the three year program;
3. The design for the administration of the three year program from admission through completion, including a system for monthly examinations, standards for advanced standing, and monitoring of work progress.
4. Standards for certification of an Alaska based first year law study program;
5. A budget proposal for the administration of the program from application through completion; and,
6. Such other matters as may appear necessary or appropriate in developing an efficient, workable system under the standards established by Chapter 181, SLA 1976.

It was understood that the proposal would be in a form suitable, so far as practical, to be submitted to the First Session of the Tenth Legislature with legislative and budgetary options.

Student Perspective on Problems with the Program

As of the time of this report no persons have registered under the program adopted by the legislature. Uncertainties associated with the program, which is sketched out only broadly in the statute, and in its implementation have probably discouraged a few candidates from applying. It is the estimate of this observer that one or two candidates may apply before the end of this month if some publicity is given to the readiness of a completely articulated program and two or three candidates may apply each year thereafter.

One of the initial hurdles in the law, (which we recommend changing) is that since accomplishment of clerkship goals is measured on whole calendar years only, enrollment is possible only in January and February of each year.

If this and other hurdles identified in the law are removed, we would anticipate an annual enrollment of 3-15 persons in the first year and 3-5 new registrants each year thereafter. A drop-out rate of about 50 percent could be expected during the course of the program.

The legislative finding that numbers of Alaskans do not attend law school because of the basic hardship is correct. In 1975 we estimated* that 28 Alaskans each year who would normally enroll in law school would not do so because of these hardships. Other factors such as the "backlog" and the numbers of Alaskans who attend law school outside Alaska reluctantly, suggested that an Alaska law school would have an annual, per class enrollment of 60-110 during its first few years.

Thus, if this clerkship program goes to its highest estimated potential, of 15 or so students per year, it is not addressing a major share of student need.

There is one very good reason for the reluctance of students to rush to this program. Admission standards in other states include the requirement that an applicant, even an applicant already admitted to the bar in another state, be a graduate of an accredited law school. Thus, a student who commits himself to the Alaska program is effectively precluded from professional mobility in a highly mobile society.

The first year of law school is the hardest economically, psychologically and academically. A student who achieves the personal triumph of completing the first year would think a long time, even if sure beyond any doubt of an eventual lifetime of practice in Alaska, before giving up the prestige of a J.D. degree for just two more years of effort. He must measure that, too, against the three years of study that would be required of him in Alaska before he could take the Alaska bar. He must also have doubts whether an untried clerkship program could prepare him for the Alaska bar exam as well as completing the degree requirements at the school of his first year enrollment.

Particularly in view of the mobility problem, it would be a careless counsellor who would encourage a younger student to drop out of law school to come home to a clerkship program. On the other hand the program might be of limited utility to the older student, one who is deeply tied to the Alaskan scene by family and other career commitments, so long as he can get away long enough to get that first year in.

That the program might "only" serve 5-15 students per year is of no concern to those 5-15. For them it opens a much sought after career opportunity. A partial answer, perhaps the best under the circumstances, is better than none.

The law clerkship program also provides for the possibility of a one year law school equivalency program as a way of meeting the one year law school requirement. However, no funding was provided and the requirement that the one year be the equivalent of the first year at an ABA accredited school poses an imposing hurdle as may be seen from a glance at the guidelines drafted as a part of this report on the subject which are based on ABA standards and which are

* Havelock, "Legal Education for a Frontier Society", University of Alaska, 1975.

reasonably and necessarily implied by the statute. Implementation of this section, even with an amendment designed to relax the standard, will await the readiness of the legislature to commit substantial sums to formal law school education.

RECOMMENDED CHANGES IN THE LAW

So that the intent of the legislature in adopting Ch 181, SLA 1976 may be properly implemented, a number of technical changes are required or would be helpful in removing meaningless obstacles or advancing the program's administration.

In keeping with the idea that as close an equivalency as possible to a law school program should be maintained, it is recommended that AS 08.08.207(a) be amended to require that a student begin his law clerkship within five years of his completion of his earlier law school studies. If a student dropped out of law school after successfully completing a year and reapplied for admission, the school would treat his application generously for one, two, even three years. After that, the risk that knowledge gained has rusted beyond use in the interim is too high. The student would not be admitted or would be required to repeat his course work. It is not in the best interest of the law clerk program to dilute the quality of its student enrollment by allowing a person to take a fling at it years after he has lost the specific knowledge benefit of his earlier instruction. While we think the authority to impose this requirement is found in the existing law, it is not explicit and should be made so.

AS 08.08.207(b) would benefit from three amendments. The requirement that a law clerk study in a special kind of law office or judicial chamber is too restrictive. The key factor is not the nature of the office but the quality of the tutor. Under a supervised program where discretion to review working conditions lies in a supervising authority, a more general description allows more latitude to acceptable opportunities.

The supervising authority should be given the power to set a reasonable calendar for the performance and measurement of the work/study program, not the rigid calendar requirement of this subsection and (d).

Lastly, in subsection (b), the responsibility for administration of the program should be transferred directly to the authority of the University responsible for the administration of legal programs. While this authority could be left in the court, and the draft guidelines provide for the court to designate a "supervising authority", there are good reasons for giving educational functions to educational institutions. Not the least of these is that there may be fatal constitutional problems in imposing non-judicial functions upon the judicial branch of government.

The changed reference to a "certificate" instead of a "statement" is a more accurate reference and allows for a less cumbersome

some reference to a simplified form of registration transfer upon changing tutor. Other changes in subsection (c) are required by changes made elsewhere in the section.

Changes in subsection (d) and (e) are designed to give the supervising authority greater flexibility in designing a rational course of study. The existing statute requires whole calendar years on (or off). Law students may not study 35 hours a week for every single week of school. There is no reason to impose this requirement here, particularly when a significant degree of oversight is contemplated. Monthly examinations conform to no known schedule of learning. The better course is to allow the supervising authority to design a program geared to academic semesters and utilizing an examination system which follows the semester pattern.

At the same time, the setting of an exam system suggests that some level of proficiency be tested. A student who can't do the work should be "flunked out" of the program. The proposed guidelines now superimpose a rational system of work/credit units on an irrational system of hours per week and monthly exams. It would be better to repeal the latter.

In subsection (i) the accrediting function is given to the Alaska Commission on Post Secondary Education, an accrediting agency.

Guidelines

The proposed guidelines reflect both our judgement of sound administration of clinical educational programs conducted away from direct academic supervision and some of the irrationalities of the clerkship law. For the most part they are self-explanatory.

The term "guidelines" was selected to distinguish those rules of educational administration from the Rules of Court including the Rules of Admission to Practice.

G-1.01 and 1.05 reflects the rigid calendar structure and the need to keep track of the law clerk and his work on an annual basis.

The original application for registration is adapted from the application for admission to the Alaska Bar.

The provisions relating to the preparation of a work/study plan and the assignment of credit are drawn from the informal arrangements already in use in the University to allow academic credit for work performed. It is contemplated that the law clerk, his tutor and the supervising authority will sit down and work out the best program considering the resources available and the objectives of legal education.

A proficiency examination system is imposed as a more sensible way to test student accomplishment against the overall objectives of legal education. We would hope to use standard examination questions taken from law school exams.

Curiously, allowance for advance standing does not necessarily require credit from an ABA approved school and allowance is made for that.

The provisions relating to approval of schools are drawn from the ABA's requirements for approval of law schools.

Hardship on Alaskans working to go to law school is properly cited in the intent clause of the statute as the major reason for adoption of the legislation yet there is no stated requirement in the statute that a person be a resident of Alaska for any durational period before registering, though he must be a "bona fide" resident of Alaska. We reviewed the possibility of limiting the program to students who were residents of Alaska before they took the one year of law school, but the constitutional problems with imposing an extensive durational requirement are substantial. Differentials between resident and non-resident tuitions tied to a durational requirement have not fared well in the courts.

The guidelines now include in the definition section a one year requirement, a requirement which has been in use in several states to distinguish resident and non-resident tuition (consider also fishing licenses), however it may be better to allow the class of beneficiaries to include persons not contemplated by the statutory intent rather than risk unfavorable judicial consideration of an exclusionary durational requirement.

Budget

When the legislature adopted Ch. 181, SLA 1976, no extensive consideration was given to budgetary considerations. Yet it is clear from the intent clause that the legislature intended the program to come as close as possible to approximating the law school experience without facing the multi-million dollar expenditure associated with the establishment of a law school. As the guidelines illustrate, a significant improvement in the quality of the program can be obtained for, proportionately, a very small expenditure, to the benefit of the law clerk, his supervising tutor and the public.

The guidelines will assure some uniformity in administration, assistance to tutors (who bear the heaviest burden of the program) in setting and delivering a curriculum, an examination and reporting system that will let the law clerk know where he is and adequate monitoring in the interest of the public.

Without any experience with this unique program, budgetary estimates are inevitably rough. Nevertheless, some parameters are possible.

First, assume no legislative changes and assume some level of continued funding for legal studies at the University so that the cost estimate may be based on a marginal increase, and assume only one eligible student this calendar year. The costs of administra-

tion, as indicated in earlier correspondence with the court, is likely to be very high for "set up". With one student registrant, the cost of administration would be \$4,000 for the balance of FY 1977 and \$1,500 for each additional registrant.

In FY 78 the costs are likely to be as follows:

1. Continuing student (1)	\$ 5,000
2. New enrollees Jan. '78 (4) at \$1,500	6,000
Overhead & indirect costs at 54%*	5,900
	<u>\$16,900</u>

Second, assume the legislative changes recommended are adopted, the principle consequences will be increased enrollment and earlier enrollment as semester enrollment is substituted for the calendar year requirement.

FY 1978

Continuing student (1)	\$ 5,000
July 1 enrollment (4) at \$1,800**	7,200
Oct. 1 enrollment (4) at \$2,000 x 3/4	6,000
Jan. 1 enrollment (4) at \$2,000 x 1/2	4,000
April 1 enrollment (4) at \$2,000 x 1/4	2,000
Overhead & indirect costs at 54%	<u>13,000</u>
17 students	\$37,200

* University supplied figure.

** Costs per student will increase after the first five enrollees out of problems with upgrading administrative handling - more information regarding students must be carried on paper, less in head.

Survey Results and Implications

To assist the Office of Legal Studies in projecting legal education needs, a mail survey of student opinion was conducted in the last months of 1976 using as its population base the list of students enrolled under the Western Interstate Compact on Higher Education.*

A number of preliminary observations might be made on the resulting profile of the Alaska resident pursuing legal studies. First of all, the replying student is likely to be more interested in Alaska practice and the future of Alaska. He is likely to be slightly less affluent, on the average, than his brethren who are not in the sample because they pursued law school in the East or Mid-West. He may have slightly more longevity in Alaska. Some students with lesser ties with the state may have been dissuaded from replying to the survey by a few questions which related to these ties. But, in short, the twenty-one replies we did get are probably reflective of the student population that the state has the greatest interest in from the perspective of program design.

He or (one of three) she is a couple of years older than most law students. A little over a quarter have no surviving family ties in Alaska. Two or three had only lived in Alaska for a couple of years before going to law school but many are life long residents. The average residence in Alaska prior to attending law school is 9 years. They come from a wide range of family and financial backgrounds in keeping with the needs of the profession. Only one of the respondents came from an attorney family. Almost half those replying were seniors, reflecting their greater concern for "what comes next". Everyone wanted to return to practice in Alaska if possible. About 1/3 took their undergraduate education in Alaska. Others were scattered with a predictable majority in West Coast and Pacific Northwest institutions. Two thirds majored in the social sciences.

Wide variations in personal financial circumstances and resources were represented in the response, including one student totally self-supporting, one totally supported by his wife and another all but totally supported by loans. But, for the average student, one third of his support comes from his own earnings, one third or better comes from loans and grants - almost always the Alaska programs, and one third from combinations of other resources - savings, spouse's earnings, etc. The state's aid programs are a vital factor in every case. Significantly, parental support represents no more than 3% of income; we are dealing with an emancipated population. Three out of four reported that attending law school outside the state was a hardship, half of these found it a "severe" hardship.

* Persons aided under the loan/grant program are not broken out in state records by field of study as yet.

The survey asked a number of questions about the interest of students in Alaska legal educational programs. Student opinion suggested that participation in a clerkship program merging into continuing legal education would be most helpful. One student volunteered the sentiment of many:

"The most fundamental interest of any student today is an opportunity to use what they have (sic) learned. If Alaska is concerned for its students it should provide them with job assistance and legal experience."

No more than half of the students attended law schools giving them, in their opinion, reasonable access to a clinical program.

Almost all were interested in maritime and uplands natural resource law, environmental law and oil and gas. Half expressed special interest in a clinical program that would relate to the Alaska Native Claims Settlement Act, Alaska's style of real estate transactions and criminal law.

All but a handful felt that the third year program offered by their law school was not as relevant as necessary to Alaskan circumstances.

All but one came back to Alaska for a summer job 1st year, but only a few could find jobs in the legal field.

Significantly for the long term future, three out of four would have enrolled in an Alaska law school had there been one when they went to law school. About one in five expressed some interest in the Alaska law clerk program, suggesting that a well-organized clerkship program would attract a small number of students for whom the present financial or personal burdens of law school is barely tolerable.

The key ingredients seen in the success of a clerkship program which would include participation of law students still in school were the quality of faculty (including visiting faculty) and the acceptance of law schools and American Bar accreditation officials.

Four out of five would like to participate in a summer internship program with or without formal accreditation. Almost all students wanted assistance in employment placement in Alaska. (The Office of Legal Studies is now circulating the Alaska Bar Association in an attempt to find firms that might be specially interested in employing Alaska students returning home.)

Despite the hardship imposed by the absence of a law school and their eagerness to attend a law school here if the state had one, Alaskan law students do not appear to be much more favorably inclined to establishing a law school than their brethren already admitted to the bar. About a third of the respondents (sharing the prejudices of the author) do not consider a three year law school as a priority need at this time. More than half of admitted attorneys have such views.

About half those responding would attend a law program completing their third year of law school in Alaska if it were offered. Though generally not supportive of a law school, all thought the state should undertake some legal education program. Of greatest interest were a summer internship, preferably supported by a law professor in residence. Considerable interest was expressed in trying to get a program that could be accredited, foreshortening the time spent out of state. It was suggested that such a program could fit in with continuing legal educations particularly aimed at younger lawyers. Despite criticism from academe and practitioners alike, there is still too sharp a division today between law school studies and the real world of practice.

Whether or not it was accredited for outside law school purposes, a clinically oriented program of instruction and law practice would be of considerable interest and benefit to new Alaskan lawyers and about-to-be lawyers. Its greatest benefit would be to the public served by the profession who are too easily exposed to practice by unsupervised novice counsellors. Alaska has a very liberal rule, at the present time, for practice by law students and transferring lawyers prior to their admittance to the Alaska Bar. It is noted that rules of this nature in other jurisdictions are usually in aid of a law school supervised program.

Some consideration should be given to limiting this early practice in Alaska courts to law students (or graduate students) who are enrolled in a course of study accredited by the Alaska Post Secondary Education Commission. Such a course of study, to be accredited, would provide greater assurance of close supervision than now exists. In addition, such an approach, integrating academic programs associated with a clinical setting with continuing legal education, may encourage young lawyers to view the educational process as a continuing one.

There are significant advantages for the unique Alaskan statutory clerkship program in merging it into a broad program of legal education supported by the bar and the University. The statutory clerkship program should be revamped and continued. So long as no law school exists in the state, even though for the great majority it is not an answer, there will continue to be a small number of deserving Alaskans who have no opportunity otherwise to enter the legal profession. These people will benefit more if the program is not treated as the embarrassing misbegotten stepdaughter of legal qualification for practice, but rather is integrated into a program of bar and University supported education available to all attorneys.

GUIDELINES RELATING TO LAW CLERKS

PART 1. Applications for Registration or Renewal; Qualifications

G-1.01. APPLICATIONS. A person wishing to pursue studies under the law clerk program shall file his Application for Registration, in duplicate, with the clerk of the court no later than January 20 of the first year for which he wishes credit to accrue. Within five days of filing his application he shall serve a copy of his application at the office of the supervising authority endorsed as filed with the clerk.

For the year 1977, applications may be accepted to February 26.

G-1.05. RENEWALS. A person who has successfully completed his first year of work/study and who wishes to continue, shall renew his registration by filing with the clerk of the court his work/study plan, approved by the supervising authority, no later than the last day of the eighth week of any year for which he wishes to obtain credit.

G-1.10. RENEWAL AFTER ABSENCE. If the application for renewal of registration is made after a year or more of absence from study in the law clerk program, the application for renewal shall include a complete statement regarding the whereabouts and employment of the law clerk applicant during the time he was absent from his studies and the identification of employers and other persons able to verify the same. Such an application shall be processed as a new application.

G-1.15. COMPLETION OF LAW SCHOOL STUDY. To qualify a person for enrollment under the law clerk program, the law school study offered as a qualification must have been completed not more than five years before the date of application.

PART 2. Management of Law Clerk Program

G-2.01. GENERAL SUPERVISION. Management supervision of law clerk studies shall be conducted by the supervising authority, according to these guidelines.

G-2.05. REVIEW OF APPLICATIONS. The supervising authority shall obtain verification of matters contained in the application for registration as appropriate and shall file a report and recommendation with the clerk of court by the seventh week of the year for which credit is sought.

G-2.10. APPROVAL OF REGISTRATION. No later than the close of the eighth week of the year for which the applicant files his application for registration, the clerk shall issue

1. A certificate of registration; or
2. A certificate of provisional registration; or
3. A statement of reasons why registration is denied.

G-2.15. USE OF REGISTRATION CERTIFICATION. Certification of registration under G-2.10 does not constitute an approval or verification of any other fact, qualification or condition precedent to eligibility for taking the Alaska Bar examination or admission to the Bar.

G-2.20. PROVISIONAL REGISTRATION. (a) A statement of provisional registration shall be issued when more time is necessary to verify matters in the application pertaining to the applicant's eligibility.

(b) When a provisional registration has been issued, a certificate of registration or a statement of reasons for denial shall be issued as soon thereafter as feasible.

G-2.25. APPEALS. (a) The certificate of registration, of provisional registration or denial of registration shall be issued upon the recommendation of the supervising authority.

(b) A person aggrieved by the issuance of a registration or provisional registration or an applicant aggrieved by the denial of registration or of advanced standing or any other final action of

the supervising authority may contest the action taken by filing an appeal with the Supreme Court. To the extent practicable, the procedure governing an appeal shall be governed by the rules of practice in civil matters set forth in Part IV, Alaska Supreme Court Rules.

(c) A person aggrieved includes the applicant, the attorney (tutor) with whom he proposes to study, a designee of the Board of Governors, Alaska Bar Association, or any other person aggrieved.

G-2.30. CHANGE OF TUTOR. (a) A law clerk who terminates or suspends his course of study for any reason shall immediately notify the supervising authority.

The law clerk shall seek to enroll with another qualifying attorney as tutor as soon as possible, considering the requirement that the law clerk be enrolled in a course of study at least 44 weeks in a calendar year to receive credit. Whenever possible, the tutor with whom the law clerk first enrolled shall endeavor to maintain his responsibilities until such time as a substitute tutor is ready and able to assume his duties.

(b) If the law clerk is registered with a new tutor within four weeks of terminating with his previous tutor and the new tutor continues with the existing work/study plan without change, then re-registration may be effected by filing with the clerk of the court the "certificate of attorney" form, with a notation of approval of the designated tutor by the supervising authority.

(c) If the law clerk files a new certificate of attorney within four weeks but the work/study plan changes, then the law clerk shall, within two weeks of his re-registration, file with the supervising authority all completed certificates and reports for work done and completed with his former tutor and a tentative work/study plan for a program to be performed with his new tutor.

(d) If the law clerk is not registered with a new tutor within four weeks of terminating with his previous tutor, the registration of the law clerk lapses and he must file a new application for registration.

PART 3. Registration and Supervision of the
Work/Study Plan

G-3.01. PROPOSED WORK/STUDY PLAN. An applicant for registration, or a registered law clerk, shall, no later than the end of the sixth week of the year for which he plans to obtain credit under the law clerk program, file with the supervising authority a proposed work/study plan setting forth a proposed plan of study for the year. During the two weeks following the filing of the proposed work/study plan, the applicant and the tutor shall make themselves available at reasonable times at the office of the supervising authority to work out a final work/study plan prior to the commencement of study.

G-3.05. WORK/STUDY PLAN. The proposed work/study plan of the applicant or law clerk shall outline generally the work and the subject matter of the study to be covered in each of four semesters of 11 weeks each for the calendar year. The applicant and the tutor shall make themselves available during the two weeks subsequent to the filing to work out a final work/study plan for the year. The work/study plan shall be reviewed and revised with the supervising authority not less frequently than once each semester.

G-3.10. WORK/STUDY CREDIT UNITS. Credit for work completed under the work/study plan shall accumulate through the satisfactory completion of work/study credit units reflecting the hours invested in a task by the law clerk which may appropriately be attributed to the learning process.

G-3.15. TASK PROPOSALS. The law clerk shall apply for work/study credit by preparing and submitting, on a form provided by the supervising authority, a task proposal which shall include the identification of designated subjects to be covered in the task proposal and the number of hours of learning attributable to each subject. A task proposal may describe assistance in a law suit, the preparation of an opinion, the completion of a legal transaction or other definable project and shall specifically identify the role of the law clerk. A task proposal form may embrace only one task or project, but it may include more than one designated subject. There is no limit to the number of task proposals which may be open at one time, nor to the duration of a task proposal other than conformity to the approved work/study plan. The supervising authority may require that interim reports on a task proposal be filed when the task proposal is carried out over more than one semester.

G-3.20. FILING OF TASK PROPOSAL FORMS. (a) Within 3 days of embarking on a task proposal, the law clerk or tutor shall file a task proposal form in general conformity with Form III of these guidelines.

(b) Task proposal forms shall be prepared in triplicate. One copy shall be held by the law clerk. One copy shall be filed with the supervising authority within three days of commencing the task for which credit is sought. The other copy shall be retained by the tutor and later filed with the supervising authority with an appropriate report of the task completed together with a report of any modifications which developed during the course of the task.

(c) The retained copy of the task proposal form should be filed within ten days of completion of the designated task.

G-3.25. USE OF TASK PROPOSALS AND THE GRANTING OF CREDIT. Task proposal forms are used by the supervising authority and the tutor to keep track of the overall progress of the law clerk in meeting the schedules of the work/study plan for the year by designated subject. Their completion and filing is additional to the monthly report filings required by statute and G-3.35.

The supervising authority shall review and evaluate work/study proposals and may assign credit units toward the completion of the requirements of the program based on that evaluation, not to exceed the total number of hours actually devoted to the proposal.

G-3.30. MONTHLY EXAM. As required by statute, the tutor shall, not less than three days before the end of each month, identify a topic within a designated subject upon which he believes the law clerk may suitably be examined from the work of that month. In consultation with the supervising authority, he shall select one or more essay questions from which the law clerk will answer one question during the following month to test his learning on the topic.

The essay question shall be submitted by the tutor in writing and shall be answered without research or assistance. It shall be of a length or complexity to take 30 minutes to one hour to answer.

The examination question and answer shall be submitted by the tutor with the monthly report required by G-3.35.

G-3.35. MONTHLY REPORTS. (a) The tutor shall submit his monthly report of examination and work completed to the supervising authority not less than thirty days after the close of the month for which the report is made. The report of work completed shall identify each week of the month in which the law clerk has completed

at least 35 hours of study for which credit has been applied for under task proposals. As required by law, the hours of work completed by a law clerk for which a report under this guideline is filed late may not be counted towards completion of the program. Filing under this guideline shall constitute a filing with the court under AS 08.08.207 (e).

(b) The monthly report form is exclusive of the requirement of Guideline 3.20 that completed task proposal forms be filed.

G-3.40. GRADING. Examinations administered under G-3.30 shall be graded by the tutor. The results are intended to be used as an aid to the law clerk in identifying problem areas and general progress. Proficiency exams provided under G-3.45 shall be graded by the supervising authority or his delegate or under standards established by him and are intended to test whether the law clerk has successfully completed his study of a designated subject in his course of study.

G-3.45. PROFICIENCY EXAMINATIONS. Whenever the law clerk has completed at least the hours of credited work/study in a designated subject which are required by G-3.50 and the tutor and the supervising authority agree that the law clerk is ready to be examined on the law of the subject, then during the month of December of each year or as soon thereafter as provision is made by the supervising authority, in lieu of the exam provided in G-3.30, the law clerk shall take an exam of 2-3 hours in length corresponding generally to the equivalent of final examination on the subject as given by a law school accredited by the American Bar Association.

A law clerk, with the approval of the tutor and the supervising authority, may elect to take a proficiency examination in up to six subjects each December.

G-3.50. DESIGNATED SUBJECTS. (a) No law clerk will be certified as having finally completed his program without having successfully completed proficiency examinations in the following subjects:

<u>Subject</u>	<u>Hours of Study*</u>
Civil Procedure (R)	150
Conflicts of Law	75
- Constitutional Law	150
Contracts (R)	150
- Corporations	100
Criminal Law and Procedure (R)	100
Remedies	50
- Evidence	100
Property (R)	150

Torts (R)	150
Trusts	75
Professional Ethics	75
Alaska Native Law	75
Regulatory Law	75
Domestic Relations	75
Taxation	75

Electives (selected by prior agreement between tutor and supervising authority) to total 1540 hours, including the mandatory courses marked above with an (R) if not covered in the first year of law school.

* The total adds up to more than 1540 hours since the student may be presumed to have completed the equivalent of 700 hours during his law school studies in the subjects designated by an (R).

In calculating a designated number of hours of study for each subject, a formula was used derived from the relationship between law school study and the hours of work/study indicated in the statute in the following paragraph. It should be noted that the hours of creditable work/study are not equivalent to hours of employment, but are more analagous to the private practitioner's term "billable hour", that part of the work day that was "usefully" applied to the task.

The typical law school establishes a 90 credit curriculum of 30 credits per year. Accordingly, in the 1540 hours of study required by the statutory clerkship program, the equivalent of 60 law school credits is to be covered. Each law school credit from that division would be worth a bit more than 25 hours.

* * *

(b) The learning to be tested in a subject matter shall include the Alaska law on the subject, but shall also include reference to national variations, the historic evolution of legal doctrine on the subject, and likely directions for the future.

(c) A law clerk may take as many hours as he wishes with the concurrence of the supervising authority in any subject, but the credit under the law clerk program will not exceed 50 hours in each of Civil Procedure, Constitutional Law, Contracts, Property or Torts or 25 hours in any other subject, if the law clerk successfully completed the subject in law school. This rule may be waived by the supervising authority for good cause shown.

(d) Successful completion of any of the above courses at a law school accredited by the American Bar Association constitutes evidence of proficiency in the subject without taking a proficiency exam as provided by these rules and without certification of any work/study units in the subject matter area.

G-3.55. ADVANCED STANDING. (a) A law clerk may seek certification

for work done in addition to the first year of law school for whole courses (not including correspondence school courses) successfully completed at a law school approved by the American Bar Association or a law school approved as a law school by a state accrediting agency.

(b) Application for advanced standing certifications shall be made in the initial application for registration or at the time the first tentative work/study plan is filed. The law clerk shall submit his application and transcript from the law school granting the credit in the same manner as his evidence of completion of first year study. The supervising authority shall submit its recommendations regarding certification of the advanced standing to the court. Appeals from the recommendations of the supervising authority shall be disposed of in the same manner as any other certification by the supervising authority to the court.

(c) A law clerk who wishes to attend a law school approved by the American Bar Association or a law school approved as a law school by a state accrediting agency for advanced standing after he has commenced his studies under the Alaska law clerk program will receive consideration for such credit only if attendance at the school is part of an approved work/study plan or if he files a fresh application for the Alaska law clerk program.

(d) Work certifiable as creditable to advanced standing will be credited against course obligations specified in G-3.50 for the hours noted in G-3.50 if also justified by the number of credits given for the subject by the law school which first granted the credits.

(e) A law clerk who has successfully completed a full second year of law school at a law school described in (a) of this guideline shall file work/study plans and may be certified by the supervising authority for a law clerk program of not less than one and one-half years of study.

(f) If the credits offered for advanced standing were not obtained at a law school accredited or provisionally approved by the American Bar Association, the supervising authority may require the law clerk to successfully complete the proficiency exam given in the subject under G-3.50.

G-3.60. DUTIES OF TUTOR. If a law clerk fails to diligently pursue his studies or is discharged from his employment, the attorney supervising the law clerk's work shall immediately report the deficiency to the supervising authority.

PART 4. Approval of Schools

G-4.01. APPLICATIONS. (a) An applicant school shall file with the Supreme Court, at least one hundred and twenty days prior to the offering of an Alaskan school course, evidence that the Alaska school course meets the standards set in 4.05-4.10 of these guidelines and that the functions and purposes of the program have been reviewed by the Alaska Commission on Post Secondary Education (AS 14.40.901-915). The advice and recommendations of the Commission shall be submitted with the application.

(b) No school purporting to qualify under 4.01 of these regulations shall advertize for or otherwise solicit students or funds without receiving tentative approval under these guidelines.

G-4.05. EQUIVALENCY STANDARDS. Proof of equivalency to a year's study in an American Bar Association approved school shall include, but not be limited to evidence

(a) that the Alaska school course will be governed by a board whose members are dedicated to the maintenance of a sound educational institution;

(b) that the applicant school has the resources necessary to provide a sound legal education for the first year curriculum of a law school;

(c) that the applicant school has retained or made appropriate plans to retain the services of an administrative staff experienced and capable of administering such matters as faculty selection, retention, promotion and tenure; curriculum, methods of instruction; admission policies and academic standards for retention, advancement and graduation of students;

(d) that the applicant school shall maintain equality of opportunity in legal education without discrimination or segregation on the grounds of race, color, religion, national origin or sex;

(e) that satisfactory instruction will be provided in the core curriculum of the first year including drafting, trial and appellate advocacy, professional responsibility and preparation of the student to deal with recognized problems of the present and anticipated problems of the future;

(f) that it has retained the services of faculty possessing a high degree of competence, as demonstrated by education, classroom teaching ability, experience in teaching or practice, and scholarly research and writing;

(g) that the major burden of the educational program and major responsibility for faculty participation in the governance of the school rests upon full-time faculty members;

(h) that the school shall establish and maintain conditions adequate to attract and retain a competent faculty;

(i) that the school will utilize the Law School Admissions Test administered by Educational Testing Service or a similar acceptable test to determine apparent aptitude for the study of law and relies on that test for admitting students to approximately the same degree as accredited law schools admitting first year students;

(j) that the applicant school maintains and administers a library adequate to its program;

(k) that the applicant school has access to adequate classroom and administrative space.

G-4.10. CORRESPONDENCE PROHIBITED. An applicant school may not allow credit for study by correspondence.

PART 5. Definitions and General Provisions

G-5.01. DEFINITIONS.

- (a) "Alaska school course" means a course of study submitted by an applicant school.
- (b) "Applicant school" means a school proposing to offer a course of study qualifying as equivalent to a year's study in a law school accredited by the American Bar Association pursuant to AS 08.08.207(i)(2).
- (c) "Clerk of Court" means the clerk of the Supreme Court of Alaska.
- (d) "Certificate of attorney" means the certificate by an attorney agreeing to serve as a tutor under the law clerk program.
- (e) "Designated subject" means a subject designated in G-3.50 or an approved elective.
- (f) "Law clerk" means a law clerk properly registered under the law clerk program.
- (g) "Law clerk program" means the program for qualification for the Alaska Bar examination without being graduated from an accredited law school, established by AS 08.08.207 and in duplicate Section 5 of Rule 2 of Part 1 of the Alaska Bar Rules as adopted by Chapter 181, SLA 1976.
- (h) "Resident" means a person who has been a resident and domiciliary of Alaska for one year prior to filing an application for registration under the law clerk program.
- (i) "Semester" means each of the eleven week periods into which the calendar year is divided by the supervising authority for purposes of administering the program.
- (j) "Supervising authority" means (Director of Legal Studies, University of Alaska).
- (k) "Task proposal" is the written outline of work to be done towards a stated task or project for which work/study credit may be granted.
- (l) "Tutor" means the attorney agreeing, by filing a certificate, to carry out the duties of a tutor under the law clerk program.
- (m) "Work/study credit units" or "credit units" are credits reflecting hours appropriately attributable to the learning process creditable to completion of the work/study requirements of the law clerk program.

- (n) "Work study plan" means the outline of work proposed to be completed and associated study to be undertaken during a calendar year for which credit is sought.
- (o) Where applicable, the definitions and maxims of interpretation of AS 01.10.20-60 apply to these guidelines.

G-5.05. MISREPRESENTATION. Any willful misrepresentation made in connection with an application for registration as a law clerk or in connection with the reporting of work done under the program constitutes culpable misconduct under the program. The registration of any person who engages in willful misconduct shall be terminated.

(b) Upon receiving information leading the supervising authority to reasonably believe cause for inquiry exists, in addition to any other remedies that may be available, he may require the law clerk or his tutor to respond by affidavit to specific inquiry as to the use of time credited to the law clerk's studies.

(c) It is unethical for an attorney to allow the filing of any statement of work done or study completed which he does not believe to be true or otherwise to state a falsehood or tolerate falsehood under this program. The supervising authority shall report to the Alaska Bar Association any evidence of attorney misconduct under this program.

G-5.10. REQUIREMENTS OF LAW. The requirements established by these guidelines for administration are in addition to, or supplement or amplify the requirements imposed by statute. Applicants and registrants under the law clerk program are required to examine the requirements of the law and should be familiar with them.

G-5.15. AMENDMENTS. Additional guidelines or amendments may be prepared by the supervising authority and are effective ten days after filing with the clerk of court.

G-5.20. PUBLICATION OF GUIDELINES. (a) Publication of these guidelines and of any additional amendments is made by filing the same with the court and making copies available for distribution at offices of the Supreme Court throughout the state, at the office of the supervising authority and the office of the Alaska Bar Association.

(b) A copy of the guidelines as amended will be delivered or mailed to any Alaska resident making inquiry at any office where copies are kept.

G-5.25. AUTHORITY.

Supreme Court of Alaska

Order

The _____ is designated as the supervising authority to administer AS 08.08.207 and Section 5 of Rule 2 of Part 1 of the Alaska Bar Rules as adopted by Chapter 181, SLA 1976 according to published guidelines established by it and filed with the Court on _____

Additional guidelines may be prepared as necessary and are effective ten days after filing.

SO ORDERED _____

Dated: _____

Forms
to
Guidelines for Law Clerk Program

FORM 1

1. Form of Application for Registration (Form effective June 1-
July 1, 1977)

INSTRUCTIONS TO APPLICANT

Complete in full. Applications not completed in full may be rejected.

STATE OF ALASKA

Application for Registration as a Law Clerk

To the Clerk, Supreme Court of Alaska:

In accordance with AS 08.08.207 and Rule 2 of Part 1 of the
Alaska Bar Rules, (Ch. 181, SLA 1976), I, _____,
hereby apply to be registered as a law clerk, to commence the
study of law under the direction of _____,
Attorney-at-law.

1. _____
Last Name First Middle
2. _____
Permanent Residence Address Phone
3. _____
Mailing Address Zip
4. _____
Date of Birth Place of Birth: City, State
5. _____
Undergraduate College Attended Degree

6. ABA accredited law school in which the student completed, successfully, a full year:* _____
7. Dates of study: _____
8. Day _____ Evening _____
9. Courses taken and grades received: _____

10. If advanced standing beyond the first year of law school studies is requested at this time, state the course work for which advanced standing is requested, which should be reflected in the transcript attached to the application. _____

11. Principle address where studies of law will take place: _____

12. (a) I have been a resident and domiciliary of Alaska up to the filing date of this application from _____

- (b) The following matters constitute evidence of my residence and domicile:
- | Prior to law school study: | Alaska | | Another State | |
|----------------------------|--------|-------|---------------|-------|
| | Yes | No | Yes | No |
| Drivers license | _____ | _____ | _____ | _____ |
| Resident fishing license | _____ | _____ | _____ | _____ |

* An official transcript from the law school granting the credit shall be attached to this application.

	Alaska		Another State	
	Yes	No	Yes	No
Land ownership	_____	_____	_____	_____
Auto registration	_____	_____	_____	_____
Voter registration	_____	_____	_____	_____
Pymt. of resident income tax	_____	_____	_____	_____
Wife present	_____	_____	_____	_____
Parent present	_____	_____	_____	_____
Other (state) _____	_____	_____	_____	_____

13. Have you ever been known by any other name or surname?
Yes No

14. State every residence you have had since you were sixteen years of age:

		From	To
City and State	Street Number	(Mo. & Yr.)	(Mo. & Yr.)

15. Parents (if living):

Mother _____
Name Address

Father _____
Name Address

16. State all schools attended and indicate information requested below:

(a) High School: _____
Name Location

Dates of attendance: From _____ to _____

18. State any present employment not listed under Question 17, including beginning date, name and title of immediate superior, and the nature of your responsibilities. If self-employed, state name and nature of business, office address and names of associates, if any.
19. Give detailed statement regarding any service in the armed forces, including dates of active service, rank, serial number, locations, last commanding officer, and your last service address, complete. If separated from service, state nature of separation and, if other than honorable, specify type thereof and circumstances surrounding your release. Give full particulars as to any formal complaints or disciplinary proceedings against you.

Branch of Service

Serial Number

Other details:

20. (a) Have you ever held a license, the procurement of which required proof of good character (i.e., certified public accountant, patent attorney, real estate broker, etc.)?

Yes

No

As to each license, state the date it was granted, and the name and address of the issuing authority.

- (b) State every other application presented and examination taken by you for a license granted by the state or for an official position, the procurement of which required proof of good character. As to each application, state the date,

the name and address of the authority to whom it was addressed and the disposition made with the reasons therefor; as to each examination, state the date and whether successful or unsuccessful.

21. Have you been suspended, reprimanded, censured or otherwise disciplined or disqualified as a member of any profession or organization, or holder of any office, public or private; or have any complaints or charges, formal or informal, ever been made or filed or proceedings instituted against you? _____ If
Yes or No
so, state the dates, the facts, the disposition of the matter, and the name and address of the authority in possession of the record thereof.
22. Have you ever held any judicial office? _____ If so,
Yes or No
state where, when offices held, and if terminated, the reasons therefor.
23. Have you ever held a bonded position? _____ If so, specify
Yes or No
the nature of position, dates, amount of bond and whether or not anyone ever sought to recover upon your bond or to cancel the same. State facts fully, including the name and address of the bonding company, if any.

24. (a) Have you, in your individual capacity, ever been a party to or had or claimed any interest in any civil proceeding?

Yes or No

(b) Other than as a juvenile, have you ever been charged with, or within five years been arrested, or questioned regarding the violation of any law?

Yes or No

(c) Have you ever been charged with fraud, formally or informally, in any legal proceeding, civil or criminal, or in bankruptcy?

Yes or No

(d) Have you ever been declared a ward of any court? Yes or No

(e) Have you ever been adjudicated an incompetent person or an insane person by any court? Yes or No

(f) Have you been adjudicated a bankrupt, or has a petition in bankruptcy been filed at any time by you or against you, either alone or in association with others within five years? Have you, within five years, been brought in as a party to any proceedings in a bankruptcy court; or have you ever been sued or threatened with suit by the receiver, trustee, or other authority of any bankrupt estate, for unlawful preference, conspiracy to conceal assets, or any other fraud or offense, whether punishable by criminal law or not?

Yes or No

GIVE FULL DETAILS for (a), (b), (c), (d), (e), and (f), including dates, exact name and location of court, if any, case numbers, re-

ferences to the court records, if any, the facts, the disposition of the matter; if no court records are available, give to the best of your ability the names and addresses of all persons involved, including counsel. (Include all such incidents no matter how minor the infraction or whether guilty or not except for minor traffic violations which did not involve a court appearance.)

25. (a) Were you ever dropped, suspended, or expelled from school or college without being reinstated to the same college?

_____ If so, state facts fully.
Yes or No

(b) Have you, within five years, been discharged or resigned from any employment after being told that your conduct or work was not satisfactory? _____ If so, state facts fully.
Yes or No

26. Are you now, or have you ever been, addicted to, or have you undergone treatment for the use of narcotics or drugs or the excessive use of intoxicating liquors? _____ If so, attach statement giving full explanation.
Yes or No

27. (a) Are there any unsatisfied judgments against you? _____
Yes or No

(b) have you any debts which are 90 days past due? _____
Yes or No

If answer is Yes to (a) or (b), list details, giving names and addresses of creditors, amounts, dates, and the nature of debts or judgements, and the reason for nonpayment.

28. (a) Are you now or have you ever been married? _____ If so, give date and place of each marriage and full name of spouse prior to that marriage.
Yes or No

STATEMENT OF AUTHORIZATION AND RELEASE

I, _____, born at _____
(City)
_____, on _____, having
(State) (Date)

filed an application to study law under the rules of the Supreme Court of Alaska,

hereby apply for a character report and consent to have an investigation made as to my moral character, professional reputation and fitness for the practice of law and such information as may be received reported to the supervising authority. I agree to give any further information which may be required in reference to my past record. I understand that I will not receive and am not entitled to a copy of the report or to know its contents, and I further understand that the contents of my character report are privileged.

I also authorize and request every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish the supervising authority and its agents any such information, including documents, records, files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the supervising authority or any of its agents or representatives to inspect and make copies of such documents, records, and other information, and said persons, firms, companies, corporations, governmental agencies, courts, associations or institutions are hereby released, discharged and exonerated from any and all liability of any nature or kind arising out of furnishing any and all of such information and documentation to the supervising authority, its agents or representatives.

I hereby request and authorize the Department of the _____
(Army, Navy, Air Force) to furnish to the supervising authority, the record of each period of my service therein, and to furnish the character of service rendered for each period. My serial number was _____

I hereby release, discharge and exonerate the supervising authority its agents and representatives from any and all liability of any nature or kind arising out of the investigation conducted by the supervising authority and for requesting, inspecting or copying such documents, records and other information.

(Over)

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and are true of my own knowledge.

State of _____)
County of _____)

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, 19_____

Notary Public

My Commission Expires:

ALASKA LAW CLERK PROGRAM
CERTIFICATE OF ATTORNEY

I, _____, a member of the Alaska Bar Association, do hereby certify:

- a. that no disciplinary proceedings are now pending against me before any bar association nor have I ever been censured, reprimanded, suspended or disbarred by any bar association;
- b. that I have been admitted to practice in this state for at least five years;
- c. that I or my firm is engaged in the general practice of law or, if I am a judge, that the jurisdiction of my court is not specially limited by subject matter;
- d. that _____ is a regular and full time employee of my office or firm or the court system and I believe him to be fully qualified to enter the program;
- e. that I have read the completed application of the law clerk and the facts stated therein are true to the best of my knowledge;
- f. that I have carefully read the statutes and rules applicable to the law clerk program and I am prepared to act as tutor to the aforementioned law clerk under the program;
- g. that I will faithfully instruct the applicant in the branches of law prescribed in the authorized course of study and I will diligently follow the procedures and guidelines for the program as they may be established from time to time;

(Over)

- h. if I have associates or partners, I have fully discussed the clerkship program and this student with them and they are fully prepared to cooperate fully in assisting me and the law clerk in achieving the objectives of the program;
- i. I will promptly make all reports required under the program and will endeavor to make such reports complete and accurate with regard to the work of the program;
- j. I will faithfully administer all tests and examinations given to me to set or administer without favoritism to the law clerk according to my best judgment as a teacher.

Dated:

Signature of Attorney:

Subscribed and sworn to before me this _____ day of _____, 19____

Notary Public

My commission expires:

Form II

Supreme Court of Alaska

CERTIFICATE OF REGISTRATION FOR LAW STUDY

In re law study of:)
)
)
)

This will certify that, upon the recommendation of the supervising authority appointed by the Court, the named student is duly enrolled as a law clerk in accordance with Section 5, Rule 2 of Part 1 of the Alaska Bar Rules and AS 08.08.207 (Chapter 181, SLA 1976) for the year 1977.

Dated: _____

/s/ _____
Clerk, Supreme Court

Form II A

Supreme Court of Alaska

CERTIFICATE OF REGISTRATION FOR LAW STUDY

In re law study of:)
)
)
)
_____)

This will certify that, upon the recommendation of the supervising authority appointed by the Court, the named student is tentatively enrolled as a law clerk in accordance with Section 5, Rule 2 of Part 1 of the Alaska Bar Rules and AS 08.08.207 (Chapter 181, SLA 1976) for the year 1977.

By proceeding under this tentative certification, the law clerk acknowledges that he accrues no rights under the law clerk program other than to have work properly done credited to him under the program in the event he receives a final certificate of registration.

Dated: _____

/s/ _____
Clerk, Supreme Court

Form III

WORK/STUDY UNIT REPORT

(In triplicate - one to be filed with supervising authority before study
- one to be filed with supervising authority after study
- one to be retained by attorney)

* To protect the privacy of clients, fictitious identifications may be used.

** A creditable hour is the equivalent to a billable hour for the practitioner - time spent in useful, legal endeavor or study as distinguished from those matters which could be performed by a non-professional.

Name of student _____

Supervising Attorney _____

Office Phone _____

1. Description of the task or project. (Identification of a case, task, client problem.*)
2. The learning objectives for the law clerk. At the completion of this project unit, the law clerk will be able to demonstrate:
3. Estimated total number of creditable hours.**
4. From the list of recognized substantive law subjects, identify the subject to be covered and the time to be spent.

Subject

Hours

Actual hours
(To be filled out after completion)

POST CERTIFICATE - See next page.

(Attach to bottom of preceding page)

CERTIFICATE OF WORK COMPLETED

I hereby certify that I have completed the work specified above according to the hours indicated.

Dated _____ /s/ _____

The work identified above was performed under my personal, regular and frequent direction and was completed as certified in a satisfactory manner.

/s/ _____
Attorney

Form IV

MONTHLY CERTIFICATE OF COMPLIANCE

Name of law clerk: _____

Supervising Attorney: _____

It is hereby certified:

1. That personal direction was regularly and frequently given by me to the law clerk during the preceeding month and that he was properly examined on his work during that month.

2. That the examination was submitted and responded to in writing and was answered by the law clerk without research or assistance.

3. The matters covered in the exam and the course of study pursued by the law clerk during the reported month was in accordance with the requirements of the statute and the Alaska Bar Rules and Regulations adopted pursuant thereto.

4. The examination question given to the law student this month on an aspect of his previous month's work and his answer are submitted herewith.

Preceding
Month: _____

Date _____

/s/ _____
Attorney at Law

Form V

CERTIFICATE OF COMPLETION OF WORK/STUDY PLAN

I, _____, being the tutor to _____, a law clerk enrolled under the Alaska law clerk program, do hereby certify that _____ has duly and successfully completed the work required of him under the work/study plan set for him under agreement between me and the supervising authority for the year _____ in a satisfactory manner and in accordance with laws, rules and guidelines for the program.

/s/ _____
Attorney-at-law

Approved: _____
Supervising authority

BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: An Act relating to legal education and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 08.08.207 is amended to read:

Sec. 08.08.207. LAW CLERKS. (a) A [EVERY] person who desires subsequently to qualify as a general applicant for admission to the Alaska Bar without having been graduated from an approved law school shall register as a law clerk as provided by this section. He must be a bona fide resident of the state and shall present satisfactory proof that he has been granted a bachelor's degree (other than bachelor of laws) by a college or university offering the degree on the basis of a four-year course of study and has successfully completed his first year of studies at a law school within five years of the date of his registration.

(b) The applicant shall obtain regular and full-time employment as a law clerk in a law office [THE OFFICE OF A JUDGE OF A COURT OF RECORD OR AN ATTORNEY OR FIRM OF ATTORNEYS LICENSED TO PRACTICE LAW IN ALASKA AND ENGAGED IN THE GENERAL PRACTICE OF LAW]. The person [BY WHOM HE IS EMPLOYED, OR IF HE IS EMPLOYED BY A FIRM,

THE PERSON] under whose direction he is to study, must have been admitted to practice law in this state for at least five years at the time the application for registration is filed, and be otherwise eligible to act as tutor. The study of law pursuant to this section shall be conducted according to a semester calendar set by the director. At least ninety days before [BEFORE] the commencement of the study of law under this section, the applicant shall file with the director [ALASKA SUPREME COURT] an application to register as a law clerk. The application shall be made on a form to be provided by the director [COURT] and shall require answers to interrogatories the director [SUPREME COURT] may determine from time to time to be relevant to a consideration of the application. Proof of a fact stated in the application may be required by the director [COURT]. If the applicant fails or refuses to furnish any information or proof or answer any interrogatory required by the application, or independently by the director [COURT], in a manner satisfactory to the director [COURT] the application may be denied.

(c) Accompanying the application there must be submitted a certificate [STATEMENT] under oath [OF THE PERSON BY WHOM THE APPLICANT IS EMPLOYED AS A LAW CLERK, OR, IF HE IS EMPLOYED BY A FIRM,] of the person under whose direction he is to study, certifying to the fact of the employment and that that person will act as tutor for the applicant and will faithfully instruct the applicant in the branches of the law prescribed by the course of study adopted by the director [SUPREME COURT]. No person is eligible to act as tutor while disciplinary proceedings (following the service of a formal complaint) are pending against him, or if he has ever been censured, reprimanded, suspended or disbarred. If a registered

law clerk finds it necessary to change his tutor during his period of study, a new certificate [APPLICATION FOR REGISTRATION AS A LAW CLERK] is required and such credit given for study under his prior tutor as the director [COURT] may determine.

(d) A law clerk whose registration has been approved by the director [COURT] must pursue a formal program [COURSE] of study as established by the director which, in the absence of an accredited law school, will, in conjunction with the bar admissions exam, offer a reasonable alternative means of assuring a level of professional competency adequate to protect the public [FOR THREE CALENDAR YEARS OF AT LEAST 44 WEEKS EACH YEAR, WITH A MINIMUM EACH WEEK OF 35 HOURS OF STUDY (IT BEING UNDERSTOOD THAT THE TIME ACTUALLY SPENT IN THE PERFORMANCE OF THE DUTIES OF LAW CLERK IS TO BE CONSIDERED AS TIME SPENT IN THE STUDY OF LAW)]. THE TUTOR MUST GIVE PERSONAL DIRECTION REGULARLY AND FREQUENTLY TO THE CLERK, MUST EXAMINE HIM AT LEAST ONCE A MONTH ON THE WORK DONE IN THE PREVIOUS MONTH, AND MUST CERTIFY MONTHLY AS TO COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION AND (E) AND (G) OF THIS SECTION.].

(e) The director shall provide for a system of reporting of work done, study completed, and set examinations to test proficiency in the knowledge and practice of law. A law clerk may be disqualified from the program for failing, within a reasonable time, to meet standards of diligence or proficiency or for failing to meet reporting requirements. [THE EXAMINATIONS SHALL BE WRITTEN AND NOT ORAL, AND SHALL BE ANSWERED BY THE CLERK WITHOUT RESEARCH OR ASSISTANCE DURING THE EXAMINATION. THE MONTHLY CERTIFICATE OF COMPLIANCE SUBMITTED BY THE TUTOR SHALL BE ACCOMPANIED BY THE ORIGINALS OF ALL WRITTEN EXAMINATIONS AND ANSWERS GIVEN DURING THE PER-

IOD REPORTED. IF THE CERTIFICATES, TOGETHER WITH THE REQUIRED ATTACHMENTS, ARE NOT FILED TIMELY WITH THE COURT, NO CREDIT MAY BE GIVEN FOR ANY PERIOD OF THE DEFAULT.]

(f) If a registered law clerk does not furnish evidence of completion of his law studies within a period of six years after registration, the director [COURT] may cancel the registration.

(g) The course of study to be pursued by a registered law clerk shall cover subjects, text books, case books, and other material the director [COURT] may from time to time require.

(h) A registered law clerk who has attended either an approved or a nonapproved law school may, in the discretion of the director [COURT], receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms, or for correspondence school work.

(i) As used in this section

(1) "law school" means [(1)] a law school accredited, approved or meeting the standards of the Council of Legal Education of the American Bar Association or the Association of American Law Schools; or [(2)] a school in Alaska offering a course of study which the Alaska Commission on Post Secondary Education [SUPREME COURT] approves as the equivalent to a year's study in a law school under [(1) OF] this subsection;[.]

(2) "director" means the Director of Legal Studies of the University of Alaska;

(3) "law office" means a public or private office approved by the director where a tutor is employed in which an appropriate clinical law studies program may be conducted.

* Sec. 3. This act takes effect on the day after its passage and approval or on the day it becomes law without approval.

Sec. 08.08.205. Eligibility to take bar examination. Applicants who have not graduated from an accredited law school but are otherwise qualified may take the bar examination if they have completed a clerkship in the manner prescribed by § 207 of this chapter. (§ 12 ch 181 SLA 1976)

Editor's note. — As to legislative findings, see § 1, ch. 181, SLA 1976.

Section 14, ch. 181, SLA 1976, provides: "The legislature declares that this Act is passed pursuant to art. IV, secs. 1 and 15,

Constitution of the State of Alaska, which empower the legislature to prescribe the jurisdiction of the courts, and to change the Rules of Court, and pursuant to the legislature's inherent power."

Sec. 08.08.207. Law clerks. (a) Every person who desires subsequently to qualify as a general applicant for admission to the Alaska Bar without having been graduated from an approved law school shall register as a law clerk as provided by this section. He must be a bona fide resident of the state and shall present satisfactory proof that he has been granted a bachelor's degree (other than bachelor of laws) by a college or university offering the degree on the basis of a four-year course of study and has successfully completed his first year of studies at a law school.

(b) The applicant shall obtain regular and full-time employment as a law clerk in the office of a judge of a court of record or an attorney or firm of attorneys licensed to practice law in Alaska and engaged in the general practice of law. The person by whom he is employed, or if he is employed by a firm, the person under whose direction he is to study, must have been admitted to practice law in this state for at least five years at the time the application for registration is filed, and be otherwise eligible to act as tutor. Before the commencement of the study of law under this section, the applicant shall file with the Alaska supreme court an application to register as a law clerk. The application shall be made on a form to be provided by the court and shall require answers to interrogatories the supreme court may determine from time to time to be relevant to a consideration of the application. Proof of a fact stated in the application may be required by the court. If the applicant fails or refuses to furnish any information or proof or answer any interrogatory required by the application, or independently by the court, in a manner satisfactory to the court, the application may be denied.

(c) Accompanying the application there must be submitted a statement under oath of the person by whom the applicant is employed as a law clerk, or, if he is employed by a firm, of the person under whose direction he is to study, certifying to the fact of the employment and that that person will act as tutor for the applicant and will faithfully instruct the applicant in the branches of the law prescribed by the course of study adopted by the supreme court. No person is eligible to act as tutor while disciplinary proceedings (following the service of a formal complaint) are pending against him, or if he has ever been censured, reprimanded, suspended or disbarred. If a registered law clerk finds it necessary to change his tutor during his period of study, a new application for registration as a law clerk is required and such credit given for study under his prior tutor as the court may determine.

(d) A law clerk whose registration has been approved by the court must pursue a course of study for three calendar years of at least 44 weeks each year, with a minimum each week of 35 hours of study (it being understood that the time actually spent in the performance of the duties of law clerk is to be considered as time spent in the study of law). The tutor must give personal direction regularly and frequently to the clerk, must examine him at least once a month on the work done in the previous month, and must certify monthly as to compliance with the requirements of this subsection and (e) and (g) of this section.

(e) The examinations shall be written and not oral, and shall be answered by the clerk without research or assistance during the examination. The monthly certificate of compliance submitted by the tutor shall be accompanied by the originals of all written examinations and answers given during the period reported. If the certificates, together with the required attachments, are not filed timely with the court, no credit may be given for any period of the default.

(f) If a registered law clerk does not furnish evidence of completion of his law studies within a period of six years after registration, the court may cancel the registration.

(g) The course of study to be pursued by a registered law clerk shall cover subjects, text books, case books, and other material the court may from time to time require.

(h) A registered law clerk who has attended either an approved or a nonapproved law school may, in the discretion of the court, receive credit for work done and obtain advanced standing. In no event will credit be given for fractional parts of semesters or terms, or for correspondence school work.

(i) As used in this section "law school" means

(1) a law school accredited, approved or meeting the standards of the Council of Legal Education of the American Bar Association or the Association of American Law Schools; or

(2) a school in Alaska offering a course of study which the supreme court approves as the equivalent to a year's study in a law school under (1) of this subsection. (§ 12 ch 181 SLA 1976)

Cross reference. — For amendment to Rule 2 of Part I of the Alaska Bar Rules, see § 13, ch. 181, SLA 1976, located in the 1976 Temporary and Special Acts and Resolutions in Binder 6.

Editor's note. — As to legislative findings, see § 1, ch. 181, SLA 1976.

Section 14, ch. 181, SLA 1976, provides: "The legislature declares that this Act is

passed pursuant to art. IV, secs. 1 and 15, Constitution of the State of Alaska, which empower the legislature to prescribe the jurisdiction of the courts, and to change the Rules of Court, and pursuant to the legislature's inherent power."

Article 4. Unlawful Acts.

Section

210. Who may practice law

230. Unlawful practice a misdemeanor

240. [Repealed]

Sec. 08.08.210. Who may practice law. (a) No person may engage in the practice of law in the state unless he is licensed to practice law in Alaska and is an active member of the Alaska Bar. A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may prescribe.

(b) The practice of law shall be defined in the Alaska Bar Rules.