
ALASKA BAR

A S S O C I A T I O N

1987

ANNUAL REPORT

TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION	i
I. THE BOARD OF GOVERNORS	1
II. ADMISSIONS PROCEDURES.	6
III. DISCIPLINE OF MEMBERS.	16
IV. CONTINUING LEGAL EDUCATION	24
V. ALASKA PRO BONO PROGRAM.	27
VI. STATEWIDE LAWYER REFERRAL SERVICE.	29
VII. THE COMMITTEES OF THE ALASKA BAR	31
VIII. MEMBERSHIP SERVICES.	42
IX. ADJUNCT INVOLVEMENT.	44
X. BUDGET	49

THE ALASKA BAR ASSOCIATION

Annual Report for the Year 1987

Board of Governors

Robert H. Wagstaff, President
Larry R. Weeks, President-Elect
Elizabeth "Pat" Kennedy, Vice President
Kenneth P. Eggers, Secretary
Lew M. Williams, Treasurer
Ralph R. Beistline
Dana Fabe
Jeffrey M. Feldman
Andonia Harrison
Ardith Lynch
Sandra Stringer
Michael A. Thompson

Staff

Deborah O'Regan, Executive Director
Barbara Armstrong, Assistant Director & CLE Director
Virginia Ulmer, Executive Secretary
Geraldine F. Downes, Controller
Karen Gleason, Accounting Clerk
Shanna L. Turner, Receptionist
Shaunda L. Hale, Lawyer Referral Receptionist

Stephen J. Van Goor, Discipline Counsel
Susan L. Daniels, Discipline Counsel
Mary Lou Burris, Discipline & Fee Arbitration Assistant
Norma L. Gammons, Discipline Secretary
Kelly A. Klemper, Discipline Secretary

March 1, 1988

INTRODUCTION

On November 4, 1884, some six months after the passage of the Organic Act, three attorneys were admitted to the practice of law in Alaska. In the next two years, the Bar -- practicing before the District Court of the United States in and for the District of Alaska -- increased to thirteen (13) members and, by 1896, there were fifty-nine (59) members. Of that number, approximately twenty-one (21) resided within the State, either in Juneau, Nome, "Wrangle," Sitka, Valdez, "Skaguay," or Berners Bay.

It was those individuals who, in November of 1896, in Juneau, organized the Alaska Bar Association. The governing documents were a Constitution and Bylaws. Its object was "to maintain the dignity of the legal profession, to secure proper legislation for Alaska, to promote the administration of justice, and to cultivate social intercourse among its members."

Membership was voluntary, annual fees were \$1.00 (now they are \$310.00), and six members constituted a quorum. The standing committees were legislation, judiciary, and grievance. The first President was John S. Bugbee.

In 1955, the structure changed somewhat with the passage of the Integrated Bar Act by the Territorial Legislature. Nevertheless, the essential functions and purposes continued, albeit on an expanded, more formal basis.

Currently, the Alaska Bar Association has 2,615 members in the following categories: Active, 2,216; Inactive, 382; Honorary, 1; Retired, 16. Its affairs are governed by a twelve (12) member (attorney and non-attorney) Board currently comprised of the following persons:

Robert H. Wagstaff, President
Larry R. Weeks, President-Elect
Elizabeth "Pat" Kennedy, Vice-President
Kenneth P. Eggers, Secretary
Lew M. Williams, Treasurer (public/non-attorney member)
Ralph R. Beistline
Dana Fabe
Jeffrey M. Feldman
Andonia Harrison (public/non-attorney member)
Ardith Lynch
Sandra Stringer (public/non-attorney member)
Michael A. Thompson

Written guidelines for governance are contained in the Integrated Bar Act, the Alaska Bar Rules (promulgated by the Supreme Court of Alaska), the Code of Professional Responsibility, the Association's Bylaws and Regulations, the Board of Governors' Policy Manual, and a Personnel Manual.

The two most important functions of the Bar are the admission and discipline of its members, both of which are carried out under the supervision of the Supreme Court of Alaska.

There are presently 8 standing committees, 14 sections, 4 bar rule committees, and 3 special committees. In addition, the Bar Association participates in a number of adjunct organizations and administers special projects, such as the Statewide Lawyer Referral Service. In excess of half of the membership participates, voluntarily and without remuneration, in the affairs of the Association.

The staff of the Alaska Bar has grown from a part-time, volunteer executive secretary in 1968, to the following 12 full-time professionals:

Deborah O'Regan, Executive Director
Barbara Armstrong, Assistant Director & CLE Director
Virginia Ulmer, Executive Secretary
Geraldine F. Downes, Controller
Karen Gleason, Accounting Clerk
Shanna L. Turner, Receptionist
Shaunda L. Hale, Lawyer Referral Receptionist

Stephen J. Van Goor, Discipline Counsel
Susan L. Daniels, Discipline Counsel
Mary Lou Burris, Discipline & Fee Arbitration Assistant
Norma L. Gammons, Discipline Secretary
Kelly A. Klemper, Discipline Secretary

The Association is largely funded through monies garnered from its members through dues, continuing legal education programs, conventions, the Lawyer Referral Service, and interest income. The Association receives no public monies except for reimbursement for the travel and per diem expenses of the public members, which in 1987 amounted to less than one-half a percent (1/2%) of its budget.

I. THE BOARD OF GOVERNORS

The Board of Governors consists of twelve (12) members, nine (9) attorney members and three (3) non-attorney members. The nine active members of the Alaska Bar are elected by their peers to govern the affairs of the Association. Serving three year staggered terms, two attorneys represent the First Judicial District, four are from the Third Judicial District, two serve the Second and Fourth Judicial Districts, and one member is elected at-large. Any vacancy is filled by the Board through appointment for the unexpired term. The three non-attorney members are appointed by the governor and are subject to legislative confirmation. The "public" members also serve staggered three year terms.

The Board generally meets five to six times a year at dates and places designated by the President of the Association; special meetings may be called by the President or three members of the Board of Governors. In 1987 the Board held five (5) meetings (January 8 and 9; March 19; June 1-3; September 2 and 3; and November 5 and 6) and three (3) telephone conference meetings (July 30, November 19 and 23). The Bar Convention and Annual Business Meeting were held in Fairbanks, June 4 through 6.

A. Officers

There are five officers (President, President Elect, Vice President, Secretary and Treasurer), all of whom are elected from among the members of the Board by the active Association members in attendance at the annual meeting held in May or June of each year.

The President of the Bar Association presides at all meetings of the Board and of the Bar Association, and is designated as the official spokesperson for the Association.

The President Elect of the Alaska Bar Association is required to assist the President in all the President's endeavors and take the place of the President if the President is unable to perform the duties of that office. The President Elect is also responsible for maintaining good communication with the presidents of the various local bar associations across the State.

The Vice President of the Association acts as liaison to the Bar's fourteen sections and the Secretary is in charge of all of the Association's committee operations. The Treasurer is

responsible for overseeing the fiscal affairs of the Association, including budget preparation, reports to the Board at each meeting, and the annual report to the membership.

B. Purposes, Policies, and Procedures

In order to understand the commitment that each member of the Board of Governors makes, it is appropriate to review the Bylaws and policies of the Association, as well as the Alaska Bar Rules. Article 2, Section 2, of the Bylaws of the Alaska Bar Association sets out the purposes of the Association. They are:

1. To cultivate and advance the science of jurisprudence;
2. To promote reform in the law and in judicial procedure;
3. To facilitate the administration of justice; and
4. To encourage higher and better education for the membership in the profession, and to increase the usefulness and efficiency of the Bar Association.

The workload undertaken by members of the Board of Governors includes admissions, discipline, fiscal responsibility, and service activities. Admissions and discipline are discussed in other sections of this booklet. Illustrative of the other activities of the Board are the following:

1. The Board of Governors is required to approve an annual budget, oversee investment of Association funds, and maintain control of expenditures.
2. The Board reviews, approves, and publishes all formal ethics opinions which respond to requests for rulings and gives guidance to the membership in the ethical conduct of the profession.
3. The Board of Governors has overall responsibility for defining the powers, duties, and functions of all of the committees of the Alaska Bar Association. These committees are designated as standing committees, as special committees, and as bar rule

committees. The President appoints all members and designates a chairperson for each committee.

The members of all committees serve at the pleasure of the Board and their reports and recommendations must be adopted by the Board of Governors to be binding upon the Association.

4. The Board actively supports education and public relations, including programs in the schools with respect to the justice system, seminars for non-lawyers, institutional advertising, and a statewide lawyer referral service.
5. The Board oversees the administration of the Bar office and its staff, and has developed a personnel manual and job descriptions to guide its employees in the performance of their duties.
6. The Board recommends to the Supreme Court revisions and additions to the Alaska Bar Rules, and reviews and revises the Bylaws of the Association. In addition, the Board has promulgated a Policy Manual which sets forth the guidelines for the operation of the Board in all phases of Association activity.
7. In addition, the Board is directly responsible for all the other projects, programs, and activities described in this booklet.

C. Admissions

The Alaska Bar Rules set forth the responsibilities of the Board of Governors with respect to admissions. They include the following:

1. The Board of Governors shall examine or provide by contract for the examination of all applicants and determine or approve the time, place, scope, form, and content of all bar examinations.

2. The Board of Governors sets the standards for the examinations.
3. Under the Rules, the Board has the power to require the appearance of an applicant before the Board in an instance where there is concern on behalf of the applicant or the Board regarding the application procedure, or to refer the matter to a Master for the purpose of accumulating all of the facts and supplementing the record before a decision is made.
4. Both the Board members and the Master have the power to issue subpoenas, administer oaths and affirmations, and take testimony concerning any application for admission to the Alaska Bar Association.
5. The Board of Governors must develop an appropriate application form requiring the applicant to file the necessary evidence and documents in support of the applicant's eligibility for admission.
6. The Board sets the fees and dates for filing of all documents with the Association.
7. The Board is required to certify the results of each exam to the Supreme Court for the State of Alaska with its recommendations for admission.
8. In the event an applicant is denied an exam permit or is denied certification, the applicant is required to file a verified statement with the Board of Governors and, upon a review of the sufficiency of the verified statement, a hearing may be granted. The burden of proof is upon the applicant to prove material facts that constitute an abuse of discretion or improper conduct on the part of the Board of Governors, the Executive Director, the Law Examiners Committee, or the Master appointed by the President. Each decision must be supported by findings of fact and conclusions of law, with the Board

having the power to adopt the decisions of the Committee or Master in whole or in part, or reject the recommendation and draft its own findings and conclusions of law along with an appropriate order. In each instance, the applicant may appeal the decision of the Board of Governors to the Supreme Court.

D. Discipline

One of the most critical areas of responsibility for the Board of Governors is the discipline of Association members.

Whenever a disciplinary matter is before the Board of Governors, the Board sits as the "Disciplinary Board of the Alaska Bar Association."

In that capacity, it appoints Discipline Counsel, supervises the Discipline Counsel and their staff, and appoints the Area Discipline Divisions of which there are currently three: one in the First Judicial District, one in the Third Judicial District, and one in the combined Second and Fourth Judicial Districts.

In addition, the Board is charged with overall responsibility for the functioning of the attorney discipline system, and for hearing appeals from the recommendations of the Hearing Committees. The Board administers public and private reprimands and, in the case of disbarment, suspension, probation or public censure, forwards its recommendations to the Supreme Court of Alaska for final action.

The Disciplinary Board generally meets five to six times a year, not including conference telephone calls. Seven (7) members constitute a quorum. Records of disciplinary proceedings are maintained according to the Alaska Bar Rules promulgated by the Supreme Court.

II. ADMISSIONS PROCEDURES

In order to practice law in the State of Alaska, membership in the Alaska Bar Association is a necessary prerequisite. In other words, it is an integrated (or unified) bar association.

A. Requirements for Admission

Applicants for admission to the practice of law must 1) be graduates of an accredited law school; 2) pass the Alaska Bar Examination; 3) be determined to be of "good moral character;" and 4) pass the Multistate Professional Responsibility Examination (MPRE). Attorneys who have been admitted in other jurisdictions but who did not graduate from accredited law schools may qualify to take the bar exam if they have been in active practice in another jurisdiction for five years or more.

The Alaska Supreme Court has adopted an admission without examination rule, with reciprocity provisions. (See Part J of this section for details on the amendments to the Alaska Bar Rules.)

The Alaska Bar Examination is intended to assist in the determination of whether applicants possess minimal competence to practice law. This includes the ability to analyze facts, apply the appropriate substantive and procedural law, and to effectively communicate the issues and the proposed solutions.

B. Application Procedure

Information and application forms may be obtained from the Bar office. These include instructions and information on the examination; fingerprint cards; and an application form which includes an affidavit of personal history and an authorization and release form consenting to an investigation of moral character, professional reputation, and fitness for the practice of law. The application fee for first time applicants is \$600.00; for reapplicants (some one who has sat for and failed the Alaska Bar Exam within one year of application), the fee is \$325.00.

The Alaska Bar Association conducts a character investigation on each applicant for admission to the Bar based on information provided by the applicant, contacts initiated by the Bar office with individuals familiar with the applicant, and on other information which may be sought by or come to the attention of the Bar Association. No applicant is certified for admission, regardless of the applicant's score on the written examination, if he or she is determined not to be of good moral

character. The Bar Association may require a formal hearing with the introduction of sworn testimony and other evidence, where it determines that a hearing is necessary or appropriate to assist in its investigation. An applicant may appeal from an adverse determination on character to the Board of Governors and, if necessary, to the Alaska Supreme Court.

C. Bar Examination

The Alaska Bar Examination is conducted twice each year in Anchorage, Fairbanks, Juneau, and Ketchikan and in such other locations as the Board may direct. It consists of: 1) one and one-half days of essay questions on Alaska law prepared by a permanent committee of the Association known as the Alaska Law Examiners; and 2) two half-days of objective, multiple choice questions (the Multistate Bar Examination or "MBE"), prepared by the National Conference of Bar Examiners and administered simultaneously in over forty states.

THE ESSAY EXAMINATION: Essay questions are of the analytical or problem type consisting of a hypothetical case or situation involving one or more principles of law. Answers to essay questions are expected to demonstrate the ability to analyze the facts presented by the questions, to select the material facts, to discern the points upon which the case turns, and to present the response in a logical, well-organized, literate manner.

The essay portion of the Alaska Bar Examination is structured as follows:

One half-day (three hour) session consists of three (3) "long" essay questions which require substantial legal analysis. An answer should reflect an applicant's knowledge and understanding of the pertinent principles and theories of law as applied in Alaska, their relationship to each other, and their qualifications and limitations. Answers should also demonstrate the applicant's ability to apply the law to the facts given and to reason logically -- in a lawyer-like manner -- to a sound conclusion.

One half-day (three hour) session consists of six (6) "short" essays which emphasizes substantive knowledge of the law as applied in Alaska; an answer should reflect an applicant's knowledge and understanding of the pertinent law, but will not require extensive discussion.

The final half-day (three hour) session consists of a research/analysis task (or practicum) which assesses how well an applicant can both evaluate the effect of various facts, statutes, and case law on a client's case and integrate and present the results of that analysis in written form. In this session, the applicant is provided with an array of relevant factual and legal information about the client's case, such as previous cases, statutes, regulations, facts, documents, etc., and is best likened to an "open book" examination in that all the information needed is provided. For example, an applicant could be asked to prepare a memorandum regarding various specific aspects of a case (such as a senior partner might request in order to provide a basis for counseling a client), the memorandum to indicate the major strengths and weaknesses of the client's case, set out the additional information that might be needed, indicate whether a jury trial would be desirable, etc.

All three sessions of the essay examination will consist of essay questions which are to be answered in accordance with principles of law as applied in Alaska and may involve one or more issues on the following subjects:

Business Organizations
(corporations, partnerships,
associations)

Civil Procedure

Constitutional Law
(State and Federal)

Contracts
(including Chapter 2 of the UCC)

Criminal Law and Procedure

Evidence

Family Law

Real Property

Torts
(including Products Liability)

In addition, and if applicable, Remedies may be tested as a part of each of the topics listed above.

The following procedures govern the drafting of the essay questions:

1. At least 2 members of the Law Examiners Committee form a "team" to draft a question.
2. One member of the team is a drafter; the other edits and reviews.
3. A grader's guide must be prepared at the time question is drafted.
4. The team suggests the tentative weights (points) to be assigned to the components of an answer recognized by the grader's guide as pertinent to a minimally competent answer.
5. The entire Law Examiners Committee meets and reviews each question as drafted by the teams.
6. The Committee next reviews each grader's guide to judge whether the Committee agrees that the question raises the same issues identified by the team in its analysis of the question.
7. Committee reviews and either adopts or revises the tentative weights assigned to the components of each proposed grader's guide on a 100 point scale (no points are left for assignment at the discretion of graders).
8. Questions and proposed grader's guide finalized and provided to Bar staff seven days prior to exam.

D. Grading of Examinations

All examinations are graded anonymously using a double number coding system. A law examiner who is able to identify a particular applicant's examination paper is required to disqualify himself from the grading of that exam. The following procedures govern the grading of the essay exam:

1. A calibration team of at least five people is convened for each question on the exam.
2. As a group, the calibration team will read the question and review the grader's guide.
3. Each member of the team will then read the same five randomly selected essay answers.
4. The team members will then rank the essays they have read on a five point scale, basing this ranking on the tentative weights assigned by the guide.
5. The team will then compare the ranking each member awarded to the same answer, discussing the differences -- if any -- in order to arrive at a consensus as to how the components of a particular answer should be weighted in determining a minimally competent answer.
6. The team will also review the grader's guide and amend the guide and weights assigned if any issues were identified during the first round of reading that the team decides should be taken into account in the grading.
7. The whole team will then read five more randomly selected answers and repeat the calibration process (steps 4 - 6 above).
8. The team will then read five more randomly selected answers and repeat the calibration process; this process is repeated until two goals are accomplished: first, the team is "calibrated" (i.e., the team members have similarly ranked the papers read) and, secondly, a set of five "benchmarks" answers (see below) are determined.
9. The whole team, from the randomly selected calibrated answers, selects an answer which is representative of each of the benchmarks on the five point

scale (a "benchmark" is an answer which represents one of five possible points on the grading scale -- it is not a model or a standard, it is a representative answer for that particular point on the scale.)

10. The whole team then finalizes the grader's guide and weights to be assigned to each of the components of the answer.
11. From this team, two people (not including any of the drafters) are assigned to independently read and score each applicant's answer to the question.
12. Graders submit their scores to the Executive Director.
13. The Executive Director determines whether a discrepancy of more than one point exists between the rankings given by the two graders to a particular applicant on the question.
14. If a discrepancy of more than one point is found, the graders must reconcile their differences by reference to the benchmarks.
15. The scores are averaged for a final score on that essay.

A passing score on the Alaska Bar Examination is determined by "combining" the scaled score received by the applicant on the MBE with the weighted score he or she received on the essay portion of the bar exam. A combined score of 140 or above is required to pass the Alaska Bar Examination. Applicants who receive a combined score between 139.00 and 139.99 will have appropriate portions of their essay exam reread by the graders before the scores are released. The mathematical procedures by which a combined score for each applicant is derived are performed for the Alaska Bar by the National Conference of Bar Examiner's (NCBE's) Division of Testing and is based on the scaled MBE and weighted essay scores provided to the NCBE by the Alaska Bar for each applicant.

The Multistate Bar Examination objective answer sheets are graded by machine by the National Conference of Bar Examiners. These scores are scaled to compensate for any difference in

difficulty of the examination from one administration to another, based on a detailed national statistical analysis, a comparison of performance on repeat questions, and other factors.

In reviewing the examination results before certification, the Board of Governors receives a report on the examination, including irregularities (if any), a compilation of scores by applicant number for each portion of the examination, a sampling of "benchmark" papers, copies of the essay questions, and the grader's analysis for each question. Once the examination results are approved, the names of the passing and failing applicants are disclosed and the names of passing applicants are published. Individual scores are not revealed to the applicants or to the Board unless a review of the examination is requested by a failing applicant or a failing applicant files an appeal.

E. Appeals

An applicant will be granted a hearing in either of two circumstances: 1) denial of an examination permit, or 2) denial of certification to the Supreme Court for admission. The applicant has the burden of alleging and proving an abuse of discretion or improper conduct on the part of the Executive Director, the Law Examiners Committee or the Board of Governors. If the applicant is not satisfied with the action taken on his appeal by the Board of Governors, he or she can appeal to the Alaska Supreme Court.

A failing applicant may obtain copies of the essay questions, his or her answers, the "benchmark" essays, a representative sampling of answers of other applicants who received overall passing and overall failing scores, and the grader's guides for each of the essay questions. Failing applicants are further afforded an opportunity to review their Multistate Bar Examination questions, answers, and correct answers under a supervised policy which provides for the exam's security.

When a appeal is filed which raises factual issues of whether the Association has abused its discretion or acted improperly, the appeal is assigned to a Master for a hearing. The Master hears testimony, considers other evidence, and then prepares in writing a proposed decision supported by findings of fact and conclusions of law. The Master's report is then submitted to both the applicant and the Board. Thereafter, either the applicant or Bar Counsel may file exceptions and briefs and, upon request, may appear and present oral argument to the Board of Governors. The Board may adopt the decision of the Master in whole or in part, or reject it in its entirety and adopt its own findings of fact, conclusions of law, and issue its own decision.

On the other hand, if there are no factual matters in dispute, the Board may decide the appeal without assigning it to a Master. If there are questions concerning the applicable legal principles, the Board will consider written or oral argument from the applicant and from Bar Counsel and will issue a written decision.

The applicant may appeal any adverse decision by the Board of Governors to the Supreme Court, which is the final authority on admissions questions. The Supreme Court reviews the findings of fact, conclusions of law and recommendations concerning procedure, due process, or other matters which are raised by the applicant, and issues its decision, which if published, establishes precedent for future admissions cases.

In 1987, a hearing was held concerning the appeal by a failing applicant who claimed that a delay in the start of a session of the bar examination had an adverse impact on the score received. An expert in bar exam testing testified that his review of the applicant's test results showed no adverse impact on the applicant's performance by the delay. The Board thereafter denied the applicant's appeal. In another admissions matter, the Board considered the results of a character investigation hearing and determined that the applicant be certified for admission.

The Alaska Supreme Court issued an opinion in the case of In Re McKay, 738 P.2d 1115 (Alaska 1987). John L. McKay, Jr. had failed the bar examination and filed an appeal with the Board. After the Board denied him a hearing on his appeal, he appealed to the Alaska Supreme Court. The Court remanded the case for a hearing on Mr. McKay's allegations regarding the scoring of certain essay questions in the bar examination. On remand, following a hearing, the Board dismissed the appeal. Mr. McKay again appealed to the Court which held that the committee of bar examiners did not abuse its discretion in grading his answers according to the benchmark grading system.

In the matter of Eduardo M. Lucero, the Court denied Mr. Lucero's request for a waiver of the bar examination and advised him that he could file the necessary application, take the examination, and meet all of the requirements for admission required for all other non-reciprocity applicants.

F. Assistance to Unsuccessful Applicants

The Board has a procedure for review of the MBE by failing applicants (which has also been reviewed and approved by the National Conference of Bar Examiners). The procedure allows failing applicants, upon request, to have a 3 hour period in

which to review a copy of their answer sheet, a copy of the questions and the correct answers. Applicants are not permitted to take notes, copy any part of the test material or to review the MBE with anyone else.

The Board of Governors and NCBE felt that these procedures were a fair compromise between maintaining the security of the MBE and allowing applicants access to their MBE materials.

As a service to failing applicants, the Bar Association offers several alternatives for assistance. A member of the Legal Educational Opportunities Committee will, upon request, accompany the applicant for the purpose of reviewing the essay exams and assist in identifying the individual causes for failing the Bar Exam.

A failing applicant may also request a member of the Tutoring Committee to assist in preparing for the next bar exam. The tutoring emphasis is on how to write essay exams. Three applicants requested a tutor following the results of the February exam, and eight applicants requested assistance after the July exam results were released.

G. Statistical Summary

In 1987, 154 individuals applied for admission to the Bar and 106 were admitted.

1987 Alaska Bar Exam pass/fail statistics for the February and July exams are included in Table 1.

H. The Multistate Professional Responsibility Exam (MPRE)

Passage of the MPRE is required as a condition of certification for admission to insure that persons admitted to the Alaska Bar are prepared to cope with ethical problems in the practice of law. The MPRE is not administered as a part of the bar exam, but is given separately three times a year (March, August, November) by the National Conference of Bar Examiners in cooperation with Educational Testing Services. This examination may be taken at any time by an applicant to the Alaska Bar (e.g., while still in law school; before the bar exam; after the bar exam). Receipt of a scaled score of 80 or above on the MPRE has been determined by the Board of Governors as demonstration of adequate awareness of the ethical responsibilities of the Code of Professional Responsibility and the Code of Judicial Conduct.

I. Ongoing Review of the Exam

The Board of Governors retains the assistance of Stephen P. Klein, Ph.D., who is a consultant to the National Conference of Bar Examiners and many state boards of bar examiners on statistical studies of bar examinations. He is a senior research scientist with the Rand Corporation in Santa Monica, California, and the only nationally recognized authority on bar examinations. Dr. Klein's assistance in the development of the "All Alaska" Bar Exam, necessitated by the withdrawal of the assistance of the California Bar Examiners effective with the July, 1982 Bar Exam, was invaluable. The essay drafting and grading procedures detailed above in "D" of this Section were developed with his advice and counsel, as was the decision to "combine" the essay and MBE scores after "scaling" the weighted essay scores to the MBE scaled scores.

J. Admission Without Examination

Effective January 1, 1985, the Alaska Supreme Court approved an admission without examination rules, with reciprocity provisions. The amendment to Bar Rule 2 removed the requirement that applicants for admission who have practiced law five or more years must take a bar exam prior to admission. Rather, such applicants would be able to apply for admission "upon motion" and without examination, so long as the applicant met certain requirements outlined below.

First, the attorney seeking admission on motion rather than by examination has to meet a number of general standards required of any applicant for admission (i.e., be a graduate of an accredited law school; be at least 18 years of age; and be of good moral character). In addition, the attorney must also have passed a written bar exam administered by another jurisdiction and have engaged in the active practice of law in one or more reciprocal states for five of the seven years preceding application to the Alaska Bar.

A "reciprocal" state or jurisdiction is one which has a rule providing that attorneys admitted in Alaska may be admitted to that jurisdiction without examination and under prerequisites similar (but not more demanding) than those set forth in Bar Rule 2. A total of twenty-five (25) jurisdictions provide for admission without examination.

In 1987, eight applicants applied for and were admitted by admission without examination. The applicants have taken a bar exam in seven (7) different states. This information is contained in Table 1.

III. DISCIPLINE OF MEMBERS

The activities of attorneys admitted to practice within the State of Alaska are governed by the Rules of Disciplinary Enforcement promulgated by the Alaska Supreme Court. As will be seen below, the substance and procedure of the rules of the Bar Association and the Supreme Court in regulating the practice of law within Alaska are entirely different than those of agencies of the State of Alaska charged with the regulation of legislatively controlled businesses and professions. For example, a ruling as to a permit or license issued by the Alcoholic Beverage Control Board or the Alaska Transportation Commission is final and binding, subject only to the right of a party to appeal questions of law to the Superior Court and, thereafter, if desired, to the Supreme Court. In matters involving public censure, probation, suspension, or disbarment of attorneys, however, the Supreme Court is the decision maker, acting not as an appellate body but as the sole forum with authority to make and enforce its ethical pronouncements.

A thorough revision of the Rules of Disciplinary Enforcement was accomplished by the Board in 1984 and made effective by the Supreme Court on January 1, 1985. The most significant change is the opening of attorney discipline proceedings to the public after a Petition for Formal Hearing is filed. Now, the public is able to attend formal discipline hearings conducted before hearing committees and the Disciplinary Board in the same way as they have been able to attend court or other government proceedings. The following discussion reflects the revised procedures in effect.

A. The Supreme Court's Authority

The Supreme Court has held that an attorney's license to practice law is "a continuing proclamation by the Court that the holder is fit to be entrusted with professional and judicial matters...as an officer of the courts."

Attorneys are, therefore, bound to act in conformity with standards adopted or recognized by the Supreme Court of Alaska. The Supreme Court has also declared that any attorney admitted to practice in Alaska, or who appears or participates in legal matters within the State, is subject to the jurisdiction of the Supreme Court of Alaska and the Disciplinary Board which the Court established.

Due to the vastness of the size of the State of Alaska and the great distance between population centers, the Supreme Court has established three disciplinary areas: 1) the First

Judicial District; 2) the combined Second and Fourth Judicial Districts; and 3) the Third Judicial District. Charges of misconduct on the part of a lawyer are assigned to be heard by members of the hearing committee established for the district in which the attorney lives or practices. Such charges may be based upon a violation of the Code of Professional Responsibility, Ethics Opinions adopted by the Board of Governors, criminal convictions, or misconduct within or arising from disciplinary proceedings themselves. Depending on the severity of the misconduct, it may result in disbarment, suspension, probation, or public censure by the Court or, in less serious cases, in public or private reprimand by the Disciplinary Board or written private admonition by Discipline Counsel.

In 1987, the Alaska Supreme Court approved a stipulation disbarring Robert J. Buckalew from the practice of law effective July 18, 1985. This was the date Mr. Buckalew was placed on interim suspension by the court.

B. The Disciplinary Board

As has been discussed above, the Board of Governors acts as the Disciplinary Board for the Supreme Court. The day-to-day workings of the disciplinary process have been delegated to Discipline Counsel, attorneys hired by the Board, whose functions include assisting the public in the grievance process, maintaining records, investigating, processing, and prosecuting grievances and appeals.

The procedures for disciplinary enforcement begin upon the filing of a grievance by any person alleging misconduct on the part of any attorney. During this stage, grievances against attorneys are confidential by court rule. Discipline Counsel review the grievance to determine whether it is properly completed and contains allegations which, if true, would constitute grounds for discipline. If Discipline Counsel determines that the allegations are inadequate or insufficient to warrant an investigation, an investigation will not be opened. If a grievance is accepted for investigation, the attorney involved is required to provide full and fair disclosure in writing of all the facts and circumstances pertaining to the alleged misconduct.

If Discipline Counsel determines that probable cause exists to believe that attorney misconduct as occurred, permission may be requested from a Hearing Committee member to issue a written private admonition (in less serious cases) or to file a Petition for Formal Hearing in serious matters. Once the petition is filed, the proceedings are open to the public.

1987 DISCIPLINE CASE STATISTICS*

Open cases pending as of January 1, 1987 134

New cases opened in 1987 143

Cases closed in 1987:

Closed after disbarment by Supreme Court	1
Closed after suspension by Supreme Court	0
Closed after public censure by Supreme Court	0
Closed after private reprimand by Disciplinary Board	0
Closed after private admonition by Discipline Counsel	9
Dismissed by Discipline Counsel	111
TOTAL CLOSED CASES	121
OPEN CASES AS OF December 31, 1987	156

STATUS OF OPEN CASES AS OF 12-31-87

Pending Supreme Court.	5
Pending Disciplinary Board	5
Pending Stipulation.	5
Pending Area Hearing Committee	4
Pending Petition Approval.	4
Pending Private Admonition	13
Attorney on Probation.	5**
In abeyance pending outcome of related fee arbitration proceeding	3
In abeyance pending conciliation	0
In abeyance pending outcome of civil case	3
Under investigation by Discipline Counsel	<u>109</u>
	156

*All numbers reflect individual complaints filed and not the number of attorneys under investigation.

**There are two attorneys on probation: one attorney with four complaints and one attorney with one complaint (this attorney also received two public reprimands by the Disciplinary Board)

C. The Hearing Committee

Investigations which result in the filing of a Petition for Formal Hearing by Discipline Counsel are referred to a Hearing Committee in the relevant geographical area. The attorney may thereafter file a written answer admitting or denying the charges, or setting forth a claim of mitigation. Hearings are then held before the Committee. At the hearing, Discipline Counsel prosecutes the case on behalf of the Bar Association. The responding attorney may be represented by counsel. Either party may call, examine, and cross-examine witnesses and otherwise request the production of evidence. The burden of proving misconduct by clear and convincing evidence is placed upon Discipline Counsel. The Committee may direct the submission of briefs.

At the conclusion of the hearing, the Committee must file a written report to the Board, together with the recorded transcript, briefs, findings, conclusions and recommendations. If either party appeals from the Committee's recommendation, briefs may be filed with the Board. If desired, the matter may be orally argued to the Board. The Board must then conduct a review of the record and briefs and enter its order or recommendation to the Court.

D. The Recommendation

If the Board's decision recommends either public censure, probation, suspension, or disbarment, the decision is filed immediately with the Supreme Court, which makes the final decision. The Board must submit a case record, including the hearing transcript, to the Supreme Court. The parties are required to file briefs in accordance with the Supreme Court rules for regular civil and criminal appeals; oral argument is available. It is only after review of this record by the Court that the Court enters its order relating to the attorney's discipline.

The Board may order public reprimand by the Board if it decides the matter can be resolved appropriately without referral to the Court. The Board may also consider stipulations of proposed discipline entered into between Discipline Counsel and a responding attorney and enter an order for a private reprimand by the Board or submit its recommendation on the stipulation to the Supreme Court.

As with civil litigation, many of the above procedures may be lengthy or protracted before the issuance of a Hearing Committee report or a Board order. Thus, a need exists -- and a

procedure has been formulated -- whereby either party can make an interlocutory appeal to the Supreme Court for review of the procedures and evidentiary rulings of the Hearing Committee.

E. Interim Suspension

The Rules of Disciplinary Enforcement anticipate situations requiring immediate action against an attorney for protection of the public pending the completion of the full disciplinary process. One such situation exists when an attorney is convicted of a serious crime, such as a felony or when he is convicted of certain other crimes including those relating to interference with justice, false swearing, fraud, deceit, misappropriation or theft.

Conviction of such a crime is conclusive evidence that disciplinary action is necessary. The sole issue for determination is the nature of the final discipline to be imposed. Such a conviction also requires interim suspension, regardless of whether the conviction is based on a jury verdict or a plea of guilty, and regardless of whether an appeal is pending. In the event the conviction is reversed, the suspension is lifted, but formal disciplinary proceedings may nevertheless continue to final disposition.

Further, if Discipline Counsel shows that an attorney's conduct constitutes a substantial threat of irreparable harm to his or her clients or prospective clients or where there is a showing that the attorney's conduct is causing great harm to the public by a continuing course of conduct, the Court may impose interim suspension.

An attorney facing disciplinary charges cannot avoid the consequence of his misdeeds by simply leaving the practice of law, thus leaving open the possibility of a future return to the profession. The Rules of Disciplinary Enforcement do permit discipline by consent of attorneys under disciplinary investigation but only upon the free and voluntary admission by the attorney that he is guilty of the charges, and with the consent of Discipline Counsel, the Board and/or the Court.

F. The Court's Order

When either disbarment, suspension or probation is ordered by the Court, it is more than a mere order to that effect. There are various notification requirements to that attorney's clients, to opposing counsel and other jurisdictions in which the attorney is admitted. Sworn proof that these notification

requirements have been met must be filed with the Supreme Court. Proof of compliance with these requirements is a prerequisite to any subsequent reinstatement.

The Bar Rules, however, do not rely solely on notification by the disbarred, or suspended attorney. They also require the Board to publish notice of disbarment and suspension in a newspaper in Anchorage, Fairbanks and Juneau, the official Bar publication and a newspaper serving the community where the attorney practiced. The Board must also advise the presiding judges of all courts within the State and, through the Attorney General, all administrative agencies.

G. Reinstatement

Disbarred or suspended attorneys can, under certain circumstances and procedures, be reinstated to the practice of law. However, in cases of disbarment, a minimum of five years must pass before an application for reinstatement can be accepted.

Petitions for reinstatement are filed with the Supreme Court and served upon the Executive Director for the initiation of reinstatement proceedings.* As with the imposition of discipline, the findings and recommendations of the Hearing Committee -- and thereafter the Board -- are only advisory, and the final determination on reinstatement is made by the Supreme Court. In order to be reinstated, a disbarred attorney or an attorney suspended for more than one year has the primary burden of establishing that he possesses the moral qualifications and legal skills required for re-admission to practice and that his reinstatement will not be detrimental to the integrity of the Bar, the administration of justice, or the public interest.

H. Disability

The Rules of Disciplinary Enforcement also anticipate circumstances where the need for protection of the public arises from an incapacitating illness, addiction to drugs or intoxicants, senility, death, disappearance, or judicially declared incompetence of an attorney, rather than actual

*Attorneys who have been suspended for one year or less will be automatically reinstated by the Court unless Discipline Counsel files an opposition to automatic reinstatement. Attorneys who have been disbarred or suspended for more than one year must appear before an appropriate Area Hearing Committee.

misconduct by the attorney. Upon a finding by the Supreme Court that such a disability exists, an order is entered transferring the attorney to disability inactive status until further order of the Court during which time the attorney is prohibited from engaging in the practice of law. As with public discipline, notice of the Court's action must be published. Likewise, presiding judges of all courts and administrative agencies are also notified. However, until the Court issues its order, disability proceedings are confidential.

Reinstatement of the right to practice can thereafter only be granted by the Supreme Court upon a showing by the attorney that the disability no longer exists and that he or she is fit to resume the practice of law.

While the above procedures are designed to remove the disabled attorney from active status, it is essential that the interests of the clients of the disabled, deceased or unavailable attorney are also protected. Thus, the Bar Rules provide for appointment by the Superior Court of Trustee Counsel to protect the interests of this unavailable attorney and his clients. Trustee Counsel, on behalf of the unavailable attorney, exercises powers similar to those of a personal representative of a deceased person, but does so only in those matters specifically provided in the rules and allowed by State law. In 1987, the Supreme Court adopted several changes to the trustee counsel rule concerning appointment of trustee counsel, powers of trustee counsel, stay of court proceedings, disposition of assets, and compensation for trustee counsel by the estate of the unavailable attorney or by the Bar Association up to \$5,000 in the discretion of the Board.

I. Alternative Proceedings

Some grievances do not rise to the level of professional misconduct warranting formal discipline. Nevertheless, two other forums are available to review the reasons for a client's dissatisfaction.

If the matter involves a dispute concerning the fee charged by an attorney, it is referred to a Fee Arbitration Panel. If the allegations involve a grievance which is not amenable to either discipline or fee arbitration, it is referred to a Conciliation Panel. Both are more fully discussed in Section VIII of this booklet.

J. Discipline Staff and Budget

The Discipline Section is currently staffed by two Discipline Counsel, one part time Discipline Assistant, and two Discipline Secretaries. Discipline Counsel have the overall responsibility for the review, investigation, prosecution and appeal of attorney grievance cases. This level of staffing is a reflection of the continued commitment by the Board to the efficient and thorough processing of grievance matters.

Expenditures for the Discipline Section totalled \$211,386.54 in 1987, a substantial commitment of Bar Association resources and a reaffirmation of the Bar Association's goal of service to the public and practitioner alike.

IV. CONTINUING LEGAL EDUCATION

The Bar Association established a Continuing Legal Education (CLE) program for the purpose of presenting substantive education seminars in order to keep Alaskan lawyers abreast of new developments in the law. The CLE Director is responsible for the development and administration of the program.

The twelve member CLE committee sets policy and advises the CLE Director on program development. The committee is made up of attorneys from three geographic locations (Southeastern, Southcentral and Interior), so that the program can meet the needs and concerns of the different areas.

The fifteen substantive law sections in the Bar Association are each responsible for putting on a continuing legal education seminar on a regular basis, according to a two year rotating calendar. The sections, who work with the CLE Director, are encouraged to present programs even more frequently than required by the calendar.

1987 was another good year for CLE programs. Attendance was good, although not as high as in 1986. Highlights for 1987 included the Family in Crisis series of mini-seminars, a well attended program on Commercial Bankruptcy Law, and the always popular Trial Advocacy program.

New programs were given on topics never before offered by the bar. A year in planning, the "Computers in the Law Office" seminar was a two-day program which featured local and national experts in their fields and also an exhibit of computer hardware and software. "Women in the Courts" was a course and workshop on gender bias in the legal system. The "Admiralty Law in Alaska" seminar was the first cooperative effort between the Alaska Bar and the Admiralty Bar Association of Alaska and featured speakers of national prominence.

Nineteen (19) programs, plus three convention CLE programs, were presented in 1987. Over 165 attorney and non-attorney lecturers and demonstrators served as faculty for these programs. There were over 1,162 registrants for the following programs:

1987 Programs

1. Litigation Before Alaska Administrative Agencies
2. Appellate Advocacy (Hawaii)
3. Family in Crisis: Child Support
4. Family in Crisis: Domestic Violence
5. Family in Crisis: Estate Planning/Guardianships and Conservatorships
6. Estate Planning for the Elderly
7. Business Torts
8. The Legal Framework of Subsistence Regulation in Alaska
9. Off The Record
10. Commercial Bankruptcy Law
11. Convention CLE
 - a. Evidence for Advocates
 - b. Opening & Closing Argument
 - c. Deed of Trust Foreclosures
12. Taming of the Shrews: Environmental Issues in Agency Review of Department Activities
13. Medical Malpractice: Forms and Procedures
14. 1987 Tax Conference
15. Translating from "Legalese" to Plain English
16. Computers in the Law Office
17. Trial Advocacy
18. Women in the Courts
19. Business Valuation (Anchorage & Fairbanks)
20. Admiralty Law in Alaska

In order to keep program costs under control, most CLE seminars are presented in Anchorage. Nearly all programs are videotaped on 1/2" VHS tape. After the live presentation, a videotape replay is scheduled in Juneau and Fairbanks, with coordination assistance by a local CLE committee member. Thereafter the videotaped program then becomes part of the Bar's CLE video library for distribution throughout the State. The rental cost for viewing a program is a nominal \$10.00 per person.

Also included in the CLE library are course materials from every CLE seminar offered by the Bar. These can be purchased at any time after a program.

Because CLE is considered to be one of the most important services offered to members of the Bar, programs are budgeted so that income will cover the direct costs of the seminars. This does not include the CLE Director's salary, benefits, telephone, etc. which are absorbed by the general fund of the Bar Association. This allows programs to be offered at lesser tuition fees than if administrative costs had to be covered.

LOOKING AHEAD TO 1988

1988 looks like another busy year. Programs planned include the following: Civil Jury Instructions and the New Non-Fast Track Pretrial Order, Drug Testing in the Workplace, Medical Malpractice Litigation, Deposition Skills, Will and Trust Drafting, Corporate Law Mini-Seminars, The 10 Most Common Causes of Lawyer Malpractice Claims, Listening and Memory Skills for Judges and Lawyers, Fundamentals of Bankruptcy Law, 1988 Tax Conference, Lender Liability, Family Law Seminar, Land Issues of the 90's, Preserving the Settlement, and Maritime Liens and Mortgages.

The 1988 bar convention will feature Alan Dershowitz on constitutional issues, John P. Dwyer on "new wave" litigation and the impact of technology and scientific issues on the practice of law, and Edgar Paul Boyko on trial techniques.

V. ALASKA PRO BONO PROGRAM

The Alaska Pro Bono Program (APBP), jointly sponsored by the Alaska Legal Services Corporation (ALSC) and the Alaska Bar Association, is a State-wide, Direct-Service Pro Bono program involving private and public attorneys in the delivery of free legal services to low-income Alaskans. The APBP is the only Private Bar Involvement program in Alaska, a state twice the size of Texas with a population only half the size of Dallas, and is staffed by a full-time coordinator and a part-time support person. All ALSC staff assist the coordinator in administering the APBP.

Clients with civil law problems approach ALSC for free legal representation. Screening of these individuals by ALSC personnel determines if the client meets federal poverty guidelines and ALSC priorities. The case is then forwarded to APBP for referral to an attorney who has volunteered to take one case per year in his/her area of expertise.

Attorneys who volunteer to become members of APBP agree to take cases in at least one of the following areas of law: consumer finance or bankruptcy; public benefits or health or employment issues; domestic relations; housing; Alaskan Native issues; wills and/or probate. When a client from a particular region of the State requires legal assistance, an attorney from that region who has volunteered in that specific area of law, is contacted. If no attorneys are available in that region, the Pro Bono Coordinator attempts to make the next best referral which would be most convenient to both client and volunteer attorney.

If an attorney is available, and accepts the case, the client is referred to him/her for full representation. The attorney is then contacted on a regular basis to ensure that the case is progressing satisfactorily. When the case is completed, the attorney provides APBP with a form summarizing the action taken on the case, the outcome of the case, and itemizes the time spent on the case, as well as expenses incurred, which are reimbursed by APBP.

Currently, APBP has a panel of 778 volunteer attorneys throughout Alaska, or 45% of the State's available Bar Association membership, with an open case load of 350 - 400 open cases at any one time. These cases can range from the most complex litigation to emergency death-bed wills to issues facing Alaskan Natives. Table 2 shows in which Alaska communities the APBP operates, the number of panel members in each community, and the numbers of cases closed from 1983 to December, 1987.

The APBP provides free CLE training seminars for its volunteer attorneys, as well as malpractice coverage, cost reimbursement, free depositions, free medical testimony in disability and family law cases, free process service, and free computerized research services. Additional services for the client community includes: free monthly classes to provide assistance to clients who wish to obtain uncontested divorces pro se (without representation by an attorney); pro se custody classes for uncontested custody and support orders for unmarried parents; pro se Chapter 7 Bankruptcy class; weekly advice-only question and answer clinics; Elderlaw projects for low-income clients over 60 years old, offering assistance in the areas of wills, public benefits, and housing. These advice-only and pro se clinics, held in numerous cities throughout Alaska, served approximately 1,775 people in 1987. More than 250 elderly received assistance through the Elderlaw Projects last year.

The APBP is also proud to boast that many non-attorney professionals (doctors, court reporters, private investigators) have joined the program. In 1987, the total number of hours donated to the APBP was more than 7,000.

VI. STATEWIDE LAWYER REFERRAL SERVICE

The Bar Association operates a Lawyer Referral Service for the purpose of providing the general public with names of active members of the Alaska Bar Association who are in good standing and are willing and able to accept referral clients at a reasonable fee.

Enrollment in the Service is voluntary and all active members of the Association are urged to participate. Each participating lawyer pays an enrollment fee of \$25.00 per category selected for listing in up to five panels in any calendar year. Attorneys who are renewing a panel may pay an enrollment fee of \$10.00

Each caller requesting services is given the names of three lawyers in his/her geographical area who are listed in the category requested. Each lawyer pays a surcharge on each referral made regardless of whether the caller actually contacted the lawyer as a result of the referral. The first half-hour conference may be charged at a maximum of \$35.00. Thereafter the fee is agreed upon by the attorney and the client.

In 1987, 161 attorneys from across the State were enrolled in twenty-eight categories in the Lawyer Referral Service. All lawyers participating in the Service must maintain "Errors and Omissions" insurance of at least \$50,000.

In 1983, the Bar Association installed a Zenith number so that callers statewide could call the Lawyer Referral Service at no charge. In 1985, the Association switched the Lawyer Referral Service to an in-state (800) number. This results in increased convenience to callers who can now dial the service directly, without operator assistance. This also results in a savings of \$238.00 a month to the Bar Association since there is no Zenith line charge now, but only the cost of the phone calls.

The annual call summary shows that the referral service has developed into the public service it was first envisioned. In an average month, the Bar receives 715 requests for referrals.

Calls received by the Alaska Bar Association for Lawyer Referrals were as follows:

	<u>1986</u>	<u>1987</u>
Administrative	214	235
Admiralty	33	32
Arts	1	0
Bankruptcy	505	429
Commercial	505	345
Construction	29	19

	<u>1986</u>	<u>1987</u>
Consumer	383	559
Discrimination	100	94
Eminent Domain	9	10
Environmental	6	3
Family	2,213	2,619
Felony/Misdemeanor	808	702
Foreign Language	1	2
Immigration	70	82
Insurance	122	92
Labor Relations	461	464
Landlord/Tenant	286	322
Malpractice	155	158
Mining	6	9
Negligence	732	729
Patent/Copyright	128	162
Public Interest	1	4
Real Estate	504	718
SSI Cases	2	40
Tax	89	102
Traffic	289	183
Trust/Wills/Estates	230	247
Workers' Compensation	<u>189</u>	<u>216</u>
	8,071	8,577
	- 5%	+ 6%
	(Change from	(Change from
	1985)	1986)

VII. THE COMMITTEES OF THE ALASKA BAR

A. The Bar Rule Committees

1. The Committee of Law Examiners

The President of the Alaska Bar appoints the thirty (30) members who comprise the Committee of Law Examiners. The terms are staggered, with each person serving for three years.

The Committee is charged with responsibility for preparing and grading the essay portion of the Alaska Bar Examination. Reports are made to the Board at least twice yearly with respect to the results of each examination. Included are a statistical analysis and any recommendations which the Committee might have with respect to the form and content of the examination. (See Part II of the Report for details concerning the Committee's annual work.)

The Committee consists of ten (10) members who draft the essay questions prior to the exam, and twenty (20) members who do the grading of answers after the exam. David Mannheimer currently chairs this committee.

2. The Disciplinary Hearing Committees

There are three area discipline divisions, one in the Third Judicial District, one in the First Judicial District, and one serving the combined Second and Fourth Judicial Districts. The current composition of the discipline divisions includes 11 attorneys and 1 non-attorney or public member in the First District; 8 attorneys and 2 public members in the combined Second and Fourth Districts; and 27 attorneys and 11 public members in the Third District. All serve three year terms which are staggered.

Three members constitute a quorum for a hearing committee. They may only act with the concurrence of a majority of the sitting members. One of those participating must be a public member. Members may be replaced by the President for good cause and they may not represent respondent attorneys during their term.

To insure the fairness of the disciplinary hearing process, committee members are prohibited from acting in matters where they are a party or directly interested, a material witness, related to a respondent by blood or affinity within the third degree, have been a lawyer for a respondent within two years of the filing of the petition, or for any reason, cannot give a fair and impartial decision. The circumstances and procedures considered by the committee members are almost identical to those which a judge must follow in disqualifying himself in court proceedings.

The hearing committee has the power and duty to swear and examine witnesses and to issue subpoenas; at the conclusion of an evidentiary hearing, the committee may direct the submission of proposed findings, conclusions, recommendations and briefs. Thereafter, the committee is required to submit a written report to the Disciplinary Board, together with its findings, conclusions, recommendations, any briefs submitted, and the record.

Once the Board has acted on the Committee's recommendation, each participating member is advised of the Board's decision. (See also Part III of this Report.)

3. The Conciliation Panels

There are three conciliation panels serving the First, Third and combined Second and Fourth Judicial Districts. Each panel consists of members of the Alaska Bar appointed by the President and subject to ratification by the Board. They serve staggered three year terms.

The conciliation procedure was created to deal with disputes which do not involve ethical misconduct or fee disputes. The conciliator's function is to resolve such disputes between attorneys and their clients in an informal manner.

Although the procedure is informal, the failure of any attorney to participate in good faith in an effort to resolve a dispute submitted to conciliation may constitute independent grounds for disciplinary action.

If a resolution is reached, the Conciliator reduces it to writing for signature by all parties. In any event, the Conciliator submits a written report to the Disciplinary Administrator, including a summary of the dispute, its outcome, and the Conciliator's opinion as to the merits and good faith or lack thereto of the attorney party.

4. The Attorney Fee Review Committee

The Bar Association, under the Alaska Bar Rules, maintains an Attorney Fee Review Committee to settle fee disputes between attorneys and clients where such disputes have not been settled by statute or court rule or decision. Five subcommittees residing in Ketchikan, Juneau, Anchorage, Kenai and Fairbanks comprise the Committee. Each subcommittee consists of a "pool" of attorney and non-attorney members. Each subcommittee member serves for three years. From these subcommittees, a panel of two attorneys and one non-attorney is convened to hear a fee dispute. If the amount in dispute is less than \$2000, a single panel member will hear the matter.

The client initiates a fee arbitration proceeding by filing a petition describing the dispute and the efforts made to resolve the matter directly with the attorney. If Bar Counsel finds that reasonable efforts have been made to resolve the problem directly with the attorney, and that the Association has jurisdiction over the dispute, the petition will be accepted. Notification is sent to the client and the attorney that they have ten days to resolve the matter before it goes to the appropriate panel.

At the hearing, the parties can present both written and oral evidence. The panel has the ability to subpoena witnesses. If the client feels any member of the Committee cannot be fair and impartial, he may request that the member not participate in the hearing. For similar reasons, a member may disqualify himself.

At the hearing, basic rights of due process are followed, with some relaxation of the rules of evidence. Any party may be called to testify. A decision must be rendered by the panel within thirty days after the close of a hearing. An appeal may be taken from the decision to the Superior Court.

Forms and booklets explaining the Fee Review Committee's processes and procedures are available in the Association's office and are provided to the clerks of court in every location in the State.

Arbitrations pending January 1, 1987	49
Petitions filed during 1987	64
Arbitrations closed in 1987	69
Cases pending January 1, 1988	47

5. The Client Security Fund Committee

The Bar Association maintains a fund for the purpose of making reimbursement to clients of attorneys who have suffered non-insured losses of money, property, or other things of value as a result of a dishonest act by an attorney. A dishonest act means an act of embezzlement, wrongful taking, or conversion of money, property, or other things of value. The monies of the Fund come from the membership of the Bar Association, as it is mandated that a portion of the annual dues paid by each member be deposited to the Fund.

A client begins the procedure by filing a form with the office of the Alaska Bar Association. The client may not be a spouse, relative, partner, associate, employee or insurer of the lawyer, a surety or bonding agency, or a governmental entity or agency. The sworn application contains the name and addresses of the lawyer, the amount of the client's alleged loss, the dates of the loss and discovery of the loss, the name and address of the client, a statement as to the facts, an agreement that the client will be bound by the Alaska Bar Rules concerning the Fund, and a statement that the loss was not covered by insurance or bond.

A Client Security Fund Committee of six members is appointed by the President, subject to ratification by the Board. Each member serves for three years, and the Chairperson is appointed by the President. Once an application is filed, an attorney appointed to aid the Committee will determine if, on its face, a legitimate claim for loss has been made. The claim will be denied only if both the appointed attorney and a majority of the Committee agree that the claim is not valid on its face. Otherwise, the claim goes to the Committee for a final hearing.

The Committee hears evidence, administers oaths, issues subpoenas and, with prior approval, hires experts to aid in its investigation. Because the technical rules of evidence are relaxed, the Committee may consider any previous disciplinary proceedings against the attorney, any criminal proceedings and any civil proceedings involving the lawyer. The determination of the Committee is advisory to the Board. The Board makes the final decision as to whether and how payment will be made.

The loss to be paid any one claimant is the lesser of (a) \$10,000 or (b) 10% of the Fund at the time the award is made. The total amount of all claims paid in one year shall not exceed 50% of the total amount in the Fund as of January 1 of that calendar year. The aggregate maximum amount which all claimants may recover arising from an instance or course of dishonest conduct of any one lawyer is \$50,000.

Before funds are paid to the claimant, s/he must assign the amount of the claim to the Bar Association so that the Bar may legally sue the attorney for recovery of all amounts paid to the client from the Fund. If the Bar Association chooses to sue the lawyer on this assigned claim, it must give written notice of the suit to the claimant in case the claimant wishes to join such an action to recover any loss in excess of the amount awarded to the client from the Fund.

Two claims are presently pending before the Committee.

6. Admission Waiver Programs

The Bar Association has three admission waiver programs allowing students and attorneys in special job classifications to perform certain legal services within the State of Alaska. These include:

a. Legal Intern Permit

An applicant for a legal intern permit files for a permit according to provisions set forth in the Bar Rules, stating that he is either 1) a student enrolled in an accredited law school who has completed one-half of his course work, 2) a graduate from an accredited law school who has never failed a bar examination or, 3) a law school graduate who has been admitted to another bar (so long as the person shows good standing has been maintained).

Once a permit is issued, the legal intern may do the following:

1. Appear in any district or superior court proceeding, to the extent permitted by the judge, if the lawyer of the client is present and able to supervise and has filed the necessary form with the court and the Bar Association;
2. Appear in district court in a number of matters, both civil and criminal, without the supervising attorney present, provided the supervising attorney has filed a form and certifies the intern is competent, the client gives written consent, or a governmental body has granted approval, and the judge or magistrate agrees.

The permit is good until one of the following events occur:

1. Six months have passed (the permit is renewable once for six more months);
2. The intern fails to take the first Alaska Bar Examination for which he or she is eligible;
3. The intern fails to pass any bar examination.

b. Alaska Legal Service Corporation Waiver

A person employed by or associated with Alaska Legal Services Corporation may receive permission to practice law in Alaska, for not more than two years, if the attorney is admitted to practice law -- or is eligible to be admitted to practice law -- in another state, territory, or the District of Columbia, and has not failed the Alaska Bar Examination. The permission to practice shall be withdrawn if the person at any time fails the Alaska Bar Examination or leaves the services of the Alaska Legal Services Corporation. The permission is only good for representation of Legal Services clients, and the person is subject to the disciplinary rules of the Alaska Bar Association.

c. United States Armed Forces Expanded Legal Assistance Program

A person who is an active duty member of the United States Armed Forces assigned to the Judge Advocate General Program, or the United States Coast Guard, may receive permission to practice law in Alaska for not more than two years if the attorney is admitted to practice -- or is eligible to be admitted to practice law -- in another state, territory or the District of Columbia, has graduated from an accredited law school, and has not failed the Alaska Bar Examination or does not leave military service.

B. The Substantive Law Sections

The fifteen (15) sections of the Alaska Bar Association focus on substantive law. The sections for 1987 - 1988 are:

Section

Administrative Law
Alaska Native Law
Bankruptcy Law
Business Law
Criminal Defense
Criminal Prosecution
Economics of Law Practice
Environmental Law
Employment Law
Family Law
Natural Resources Law
Probate Law
Real Estate Law
Taxation Law
Torts Law

Each section is responsible for monitoring the law, suggesting revisions, and reporting annually to the membership on legal developments in the area of law studied by the section.

In addition, the sections are encouraged to submit articles in their fields of expertise to the Bar Rag, and to aid the Continuing Legal Education Committee in the presentation of seminars. Many sections have regularly scheduled meetings that keep their members up-to-date on important events within their area of expertise. In addition, the bar office publishes Section News, a monthly newsletter, which informs section members of section meetings and activities.

The sections, when necessary, are requested to advise the Board on substantive issues.

While the sections cannot speak on behalf of the Alaska Bar Association without prior Board approval, several sections regularly monitor and testify concerning legislation both in Alaska and in Congress. The Board of Governors has, on occasion, and at the request of some sections, taken positions on certain issues and forwarded those views to the appropriate authorities.

Section membership is open to all active members of the Association, although there is currently a \$10.00 membership fee assessed for each section joined by a Bar member beyond his or her first selection. The sections are administered by executive committees composed of at least five members who serve three year staggered terms. The chair of each section is elected by the section's membership.

As of December 31, 1987, over 800 bar members were involved in one or more sections.

C. The Standing Committees

1. Bar Polls and Elections Committee

The function of this nine member committee is to prepare, at the direction of the Board, polls of the membership on any given number of subjects, e.g., the evaluation of persons seeking judicial appointments.

In addition to formulation of requested polls, the Committee compiles the results of the poll and presents them to the Board.

The other major responsibility of the Committee is to tabulate the results of the yearly elections to membership on the Board of Governors and the Alaska Legal Services Corporation Board of Directors. In addition, it conducts advisory opinion polls for use by the Board in its appointment of lawyer representatives to the Judicial Council, Judicial Conduct Commission, Ninth Circuit Judicial Conference and the ABA Delegate.

2. The Continuing Legal Education Committee

One of the most vital committees of the Alaska Bar is the Continuing Legal Education (CLE) Committee, which is responsible for presenting substantive education programs in order to keep Alaskan lawyers abreast of new developments in the law. The Committee is currently chaired by Bruce A. Bookman. (See Part IV of this Report.)

3. Ethics Committee

Chaired by Kenneth P. Jacobus, the nine member Ethics Committee issues opinions, based on actual circumstances but phrased in hypothetical terms, in order to give guidance to Association members in complying with the Code of Professional Responsibility.

An opinion may be requested by a member in good standing who is concerned with proposed conduct. Any other person desiring an ethics opinion can request one through the Board of Governors.

No official ethics opinion is published without approval of the Board which thereafter directs its distribution by publication to the membership, circulation to all law libraries, and mailing to the Supreme Court.

4. Historians of the Alaska Bar

As one of the most unique bar associations, populated through the years by many colorful individuals, it was determined that before the incidents and events become lost, a group would be created to preserve the history of the Alaska Bar. R. Everett Harris chairs this committee.

5. Law Related Education Committee

The purpose of this fifteen member committee is to present programs to the community and school system which will aid in an understanding of the law and the legal system. The Committee is currently chaired by Philip R. Volland.

A. Bar-School Partnership Program

The Alaska Bar Association and the Alaska Department of Education co-applied and received a grant of over \$3,000 from the American Bar Association to participate in the Bar-School Partnership Program. This program was started by the American Bar Association in 1985 and includes 10 states, with three school districts and three local bar associations participating in each State. In Alaska, these are Anchorage, Mat-Su and Kenai.

A team from the ABA visited Alaska in October to provide orientation and training for lawyers and teachers in the three districts. They also provided extensive teaching materials for distribution to the lawyers and teachers. Workshops were held in all 3 districts, with good attendance by both lawyers and teachers. (In Anchorage, over 50 educators and 32 lawyers attended, and over 45 more lawyers expressed interest in participating in the program.) At the workshops, the participants were shown teaching techniques and ideas, and methods for getting students involved in discussing and analyzing issues.

Kenai and Mat-Su have formed lawyer-teacher committees aimed at getting lawyers into the classroom, and to otherwise act as resources for teachers. In Anchorage, the Law-Related Education Committee added 4 teachers to the committee. They are putting together a directory of lawyers, for teachers, which includes what areas of law the lawyers would be willing to cover. The committee is also developing a credit course for teachers. The course, with a working title of "Law and Contemporary Issues" would be accredited by Alaska Pacific University and held in the fall of 1988. Faculty would be comprised of various attorneys knowledgeable in different areas of the law.

6. Legal Educational Opportunities Committee

Another standing committee of the Alaska Bar is the Legal Educational Opportunities (LEO) Committee. Chaired by Robert K. Hickerson, its responsibilities include administration of the Bar association scholarship program, and exam review assistance to failing bar examinees.

7. Statutes, Bylaws and Rules Committee

This standing committee of twelve persons is charged with responsibility for drafting proposed revisions of the statutes, bylaws, and rules which govern the Alaska Bar. The Board of Governors requests such proposals when it discovers an area that needs clarification or when new guidelines need to be adopted.

D. Special Committees

1. Model Rules Committee

In its August 1983 meeting, the House of Delegates of the American Bar Association adopted a comprehensive re-codification of the code governing a lawyer's conduct. Known as the Model Rules of Professional Conduct, this new statement of ethical requirements provides a clearer statement of a lawyer's responsibility to clients, the courts and the American legal system. The Model Rules have been adopted by a number of states and was studied by an eight person committee established by the Board of Governors. The committee began regular work sessions in 1985 and presented comprehensive proposals and commentary in 1987 on the Model Rules for the review by the Board of Governors. The Board in turn, appointed a subcommittee of the Board of Governors to review the proposals and make recommendations to the Board.

2. Lawyers Professional Liability Insurance Committee

Due to the increasing fluctuations in the cost and availability of professional liability insurance, this committee, chaired by Keith E. Brown, explored alternatives for lawyers to obtain malpractice insurance.

After reviewing several options, the committee recommended to the Board of Governors that the Alaska Bar Association join a Multi-state lawyer-owned insurance company. Alaska joins in this endeavor with states including Delaware, Idaho, Kansas, Montana, Nevada, North Dakota, South Dakota, West Virginia and Wyoming. A corporation called Attorney's Liability Protection Society (ALPS) has been created to handle the formation functions. The ultimate goal is to increase the availability of coverage to Alaska lawyers at rates that are predictable and which avoid wild fluctuations based on policies and practices over which the lawyers have no control.

In order to be eligible for coverage by the company, a lawyer will be required to contribute \$1,000 as their capital share. Rates will be computed for each participating state based upon the claims experience in that state.

3. Substance Abuse Committee

John Reese chairs this committee which put together a program to assist lawyers who have problems with alcohol or drug abuse. Volunteer attorneys will review cases forwarded to the committee by any referring authority, will provide counselling or information to any person inquiring about the identification and availability of substance abuse programs, and perform interventions upon request by persons having a relationship with a substance abusing attorney.

4. Tutoring Committee

This committee consists of a pool of former law examiners, and other attorneys who have had experience in tutoring applicants to take the Alaska bar exam. An orientation/training session was held for prospective tutors on how to tutor an applicant. Emphasis is placed on how to write essay exams, rather than substantive law.

Any applicant who has failed a bar exam may request tutoring assistance, which will be provided at no cost to the applicant. Eleven applicants requested tutoring assistance in 1987.

VIII. MEMBERSHIP SERVICES

A. LEXIS

The Bar Association sponsored a group program to provide members with access to LEXIS, a computer-assisted legal research service offered by Mead Data Central, (MDC). The Bar Association, rather than individual members, paid the \$125 monthly subscription charge. Members paid a one time sign up fee of \$100 to join the program. The Bar Association was billed by LEXIS for the use by all participating members. The Bar then invoiced the members for reimbursement for their use, adding a \$20.00 administrative service charge to the bill. In a month of no use, a member did not receive an invoice and thus paid nothing. Additionally, all members' use of LEXIS aggregates to take advantage of volume discounts.

By the end of the year, 61 firms participated in the LEXIS program. The administration of the program by Bar Association staff turned out to be more time consuming than anticipated, so the Bar Association opted to go on the standardized "Plan B" offered by MDC. Under this plan, the Bar Association would continue to sponsor and promote the program, but all administration would be done by MDC. Participating firms now pay \$25.00 a month regardless of use. To lessen the impact of the change, the Bar will credit or refund the \$100 sign-up fee paid by the member firms.

B. Group Term Life Insurance/Medical Benefit Plan

The Bar Association sponsors a life insurance program for Bar members with Continental Insurance Company and its subsidiary, Loyalty Life. All members of the Association and employees of their firms are eligible. Unlike the previous life insurance program, the Bar staff does not administer the plan.

The Bar Association, also sponsors a group medical program. Medical, dental, vision, life and disability coverage are available to firms ranging in size from sole practitioners to over one hundred employees. The plan is underwritten by Blue Cross of Washington and Alaska.

C. The Alaska Bar Rag

The official publication of the Bar Association is the Alaska Bar Rag which is published quarterly. The editor is James M. Bendell.

D. Section News

This newsletter, which is compiled by the Assistant Director, is printed monthly and goes to all members of all of the substantive law sections.

IX. ADJUNCT INVOLVEMENT

A. The Alaska Bar Foundation

In October, 1972, the Board of Governors established the Alaska Bar Foundation for the purpose of fostering and maintaining the honor and integrity of the profession, improving and facilitating the administration of justice, promoting the study of law and continuing legal education, administering loans and scholarships, and maintaining a law library and research center.

The Foundation was established, pursuant to Section 501(c)(3) of the Internal Revenue Code, as a Not for Profit Corporation, and was incorporated in accordance with the laws of the State of Alaska.

The current Board of Trustees consists of Mary K. Hughes, Winston S. Burbank, John M. Conway, William B. Rozell and Sandra K. Saville.

The Foundation was originally supported by individual contributions. Since 1985, the dues notices have provided for a voluntary dues add-on contribution of \$9.00 to the Foundation. The voluntary add-on was requested in hopes of strengthening the Foundation's assets so that a sizeable fund could be developed over a period of time to be used for law-related education projects, community service programs and scholarships.

The Foundation currently has an active scholarship program. The first scholarships were offered in 1980; in 1987 eight scholarships were awarded: the John E. Manders Scholarship for \$2500, the George Boney Scholarship in the amount of \$1500, and an additional six at \$1000 each.

1. IOLTA

One of the Bar Foundation's primary goals in 1987 was the implementation of an IOLTA (Interest on Lawyers Trust Accounts) program. The Alaska Supreme Court adopted amendments to DR9-102 in 1986, effective March 15, 1987, thereby establishing a voluntary IOLTA program for the state of Alaska.

Beginning March 15, 1987, lawyers may place client trust money, previously held in commingled, noninterest-bearing checking accounts, into interest-bearing NOW accounts. Included will be those client funds which are expected to be held for

such a short duration or which are so small in amount that they could not as a practical matter produce interest for the client if held in a separate interest-bearing account. Funds which reasonably may be expected to generate in excess of \$100 interest to the client may not be deposited in an IOLTA account.

The interest earned on each account will be paid periodically to the Alaska Bar Foundation. Designated by the Alaska Supreme Court as the organization to administer the IOLTA program, the Foundation will use the interest income to make grants to non-profit providers of legal services to the poor.

The amount of funds generated by the IOLTA program in 1987 was approximately \$40,000. The Foundation will soon be developing Requests for Proposals for the first distribution of grants.

B. The Alaska Law Review

The Alaska Bar publishes, semi-annually, for the benefit of its members and at no additional cost, the Alaska Law Review. Strong emphasis is placed on topics related to the laws of Alaska and contributions to the Review by members of the Bar are actively solicited.

The Law Review is edited by law students at Duke University in Durham, North Carolina, and includes articles by practicing attorneys, law professors, and notes and comments by Duke law students.

In March, ten law students on the Law Review visited Alaska for a week to make contact with attorneys here and to gain a better insight into our state. They were hosted by local attorneys and firms, both in homes and at receptions.

C. Alaska Legal Services Corporation

Nine attorneys serve on the Board of Directors of Alaska Legal Services Corporation (ALSC), two from the First Judicial District, one from the Second Judicial District, three from the Third Judicial District, and one from the Fourth Judicial District. Each serves for a term of three years. The ninth attorney on the Board of Directors is the President of the Alaska Bar (or his/her designee). In addition, there are nine alternate members who serve when a regular attorney member is unable to do so. The attorney members are appointed by the Board of Governors after an advisory poll of the Bar membership is conducted.

The ALSC Board of Directors carries out the purpose of the Corporation, which is to provide legal assistance to persons lacking the financial capability to obtain private counsel. It meets at least four times a year and supervises the staff.

D. Alaska Code Revision Commission

The Alaska Code Revision Commission was established in 1976 to review and recommend revisions to the laws of Alaska. The Board of Governors appointed one attorney, Mary K. Hughes, to the Commission.

E. Alaska Commission on Judicial Conduct

Three attorney members who have practiced law in the State for at least ten years are appointed to the Alaska Commission on Judicial Conduct by the Governor from a list of recommendations submitted by the Board of Governors. These appointments are subject to legislative confirmation. The attorney members in 1987 were Patrick T. Brown, James L. Hanley and Vincent P. Vitale.

The Commission has the power to investigate malfeasance or misfeasance on the part of a member of the judiciary, and to recommend to the Supreme Court impeachment, suspension, removal from office, retirement or censure.

F. American Bar Association

Each state bar association has one representative in the House of Delegates of the American Bar Association. The delegate is elected by the active members of the Alaska Bar to serve a two year term. Alaska's current representative is Donna C. Willard.

Her function is to represent the views of the Alaska Bar on all matters which come before the House of Delegates for consideration.

G. Judicial Council

Three attorneys serve staggered six year terms on the Judicial Council. The Council's purpose is to recommend candidates for judicial office and to conduct studies for the improvement of the administration of justice in Alaska.

The attorney members are appointed by the Board of Governors after nominating petitions have been circulated and advisory polls conducted. In 1987, Barbara L. Schuhmann, William T. Council and James D. Gilmore served as the attorney members.

H. National Conference of Bar Presidents

At the time of their election to office, the President and President Elect of the Alaska Bar become members of the National Conference of Bar Presidents, which meets twice a year in conjunction with the meetings of the American Bar Association. In addition, all past Presidents of the Alaska Bar are members.

Its purpose is to educate and train bar leaders, to keep them abreast of current events, to improve the quality of delivery of legal services, and to improve the administration of justice.

I. Ninth Circuit Judicial Conference

The Ninth Circuit Judicial Conference was established by the Judicial Council of the Ninth Circuit Court of Appeals to consider the business of the courts in the circuit, advise means of improving the administration of justice, and implement decisions regarding the administration of the federal courts.

All the judges in the Ninth Circuit, the president of each state bar association, the United States Attorney, Magistrates, law school representatives, and private practitioners comprise its membership.

In addition to the President of the Bar, Alaska has three other lawyer representatives who are appointed by the presiding judge of the Federal Court in Alaska to serve staggered three year terms. The Bar Association participates in the selection of these three attorney members by soliciting nominations, conducting an advisory poll, and thereafter recommending to the Chief Judge three persons for each vacancy. The current representatives are Kermit E. Barker, Gary A. Zipkin and Leroy J. Barker.

The lawyer representatives serve without compensation and without reimbursement for expenses.

J. Rocky Mountain Mineral Law Foundation

The Rocky Mountain Mineral Law Foundation, one of the preeminent natural resource organizations in the United States, sponsors continuing legal education programs, publishes books and treatises, provides scholarships and, in general, encourages development of natural resources law.

Its Board of Trustees is comprised of law school representatives, private practitioners, and one appointee from each bar association in the Western states. Harris Saxon, the Alaska Bar's current representative, serves at the pleasure of the Board of Governors.

K. Western States Bar Conference

Fifteen (15) states are members of the Western States Bar Conference. The conference meets once a year to share the ideas and experiences of the member state bar associations.

The president and president elect of each state bar, as well as all past presidents, are members of the Conference.

X. BUDGET

Table 3 contains the Bar's 1987 audit report. The 1987 report reflects a total revenue of \$1,120,817 with total expenses of \$1,151,755 for a deficit of \$30,938.

Originally, the Bar Association was budgeted for a loss in 1987 of \$42,650 with projected income of \$1,109,050 and expenses of \$1,151,700. Even though, with tighter budgeting, this was the lowest deficit budgeted in several years, it was also the first time that a deficit was actually experienced since bar dues were raised in 1981. Generally, projected income is budgeted conservatively, while expenses are budgeted for "worse case scenario," e.g., we budget for admissions appeals and discipline conflict litigation and if these events do not happen or cost less than anticipated, we come out ahead.

This year our expenses ran at 100% of budget (within \$55 on a \$1.1 million budget) while income came in at 1.06% over budget.

Three key factors contributed to the deficit in 1987. Admissions were down. 154 applicants took the bar exam in 1987, though we had budgeted for 200. Eight applicants applied for admission under reciprocity rather than the anticipated 16 applicants.

Interest income was another area in which we did not do as well as anticipated. The Bar had done well with investments in Government Income Mutual Funds in 1986, but in 1987, as the bond market dropped, we started experiencing loss of interest income in these areas. While our principal was never eroded, as we sold off the Funds, we realized losses in these areas.

Another area of reduced income was the Annual Convention. While originally budgeted to make several thousand dollars, the convention fee was reduced by half in an effort to encourage attendance. 166 lawyers registered for the convention, not many more than the 150 for which we originally budgeted. The convention loss was approximately \$6,400.

Recognizing the need for tighter budgeting, the Board of Governors, at their November budget meeting, cut nearly \$60,000 out of the proposed 1989 budget. Areas that were cut include contract labor, travel, committees and admissions litigation.

Budgetary concerns will continue to be a challenge for 1989. With slower growth in our membership and more lawyers moving Outside and transferring to inactive status, the Bar Association will be looking for ways to hold costs while increasing revenues.

Table 1

ALASKA BAR

ASSOCIATION

Lucinda McBurney
303 "K" Street
Anchorage, AK 99501
May 19, 1987

Ralph R. Beistline
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, AK 99510

Dear Mr. Beistline:

This letter is written pursuant to Section 3 of Rule 4 of the Alaska Bar Rules and constitutes certification of the results of the Alaska Bar Examination given February 24, 25 and 26, 1987. Attached is a copy of the Bar Examination essay questions, the guides utilized by the graders of those questions, and the essays selected as "benchmarks" (i.e., those essays representative of each of the five possible points on the grading scale for each of the ten essays). A copy of the Multistate Bar Examination (MBE) is not included for your review. This letter shall constitute the written report of the Committee of Law Examiners pursuant to Rule 4.

A total of 78 applicants participated in the February, 1987 Bar Examination. The performance of each examinee is also attached.

The examination consisted of three parts. The first day of the examination consisted of three "long" essay questions given in the morning and six "short" essay questions which were given in the afternoon. The research/analysis portion of the examination consisted of one essay question given on the morning of the third day. The MBE, a multiple-choice examination, was given on the second day of the examination.

In accordance with Alaska Bar Rule 4, Section 6, the Committee submitted the weighted, standardized essay scores of the applicants to the National Conference of Bar Examiners for combining with the MBE scores.

May 19, 1987

The components of the exam were weighted as follows: Essay portion, 50%; MBE, 50%; with the essay portion sub-weighted as follows: the three long essays, 30%; the six short essays, 45%; the research/analysis question, 25%. A combined score of 140 or above was passing.

The Committee read the essay and research answers during the months of March and April, 1987. The results of the February, 1987 examination were certified by the Committee today, May 19, 1987, after the evaluation was completed and the statistics were compiled.

Of the 78 applicants, 58 (74%) received a combined score of 140 or greater. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 58 applicants achieving passing scores on the February, 1987 Alaska Bar Examination be certified to the Alaska Supreme Court for membership in the Bar and admission to the practice of law in Alaska.

Respectfully submitted,

COMMITTEE OF LAW EXAMINERS



Lucinda McBurney
Chair

vu

=====

2/87 BAR EXAM PASS/FAIL RESULT

=====

PASS/FAIL RESULT

		6	12	18	24	30	36	42	48	54	60
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
Fail	(20)	[#####			[[[[[[[
		[[[[[[[[[[
Pass	(58)	[#####									
		[[[[[[[[[[
		[[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of Applicants		6	12	18	24	30	36	42	48	54	60

=====

2/87 EXAM APPLICANT PROFILE

=====

GENDER VS./ PASS-FAIL RESULT

		5	10	15	20	25	30	35	40	45	50
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
Female	(43)	#####									[
		[[[[[[[[[[
Fail	(11)	#####									[
		[[[[[[[[[[
Pass	(32)	#####									[
		[[[[[[[[[[
=====											
Male	(35)	#####									[
		[[[[[[[[[[
Fail	(9)	#####									[
		[[[[[[[[[[
Pass	(26)	#####									[
		[[[[[[[[[[
		[[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of Applicants		5	10	15	20	25	30	35	40	45	50

2/87 EXAM APPLICANT PROFILE

NO. OF TIMES TAKEN/ PASS-FAIL RESULT

			5	10	15	20	25	30	35	40	45	50
			↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
1st time taken	(41)	#####	[[[[[[[[[[
Fail	(4)	#####	[[[[[[[[[[
Pass	(37)	#####	[[[[[[[[[[
2nd time taken	(24)	#####	[[[[[[[[[[
Fail	(6)	#####	[[[[[[[[[[
Pass	(18)	#####	[[[[[[[[[[
3rd time taken	(3)	###	[[[[[[[[[[
Fail	(2)	##	[[[[[[[[[[
Pass	(1)	#	[[[[[[[[[[
4th time taken	(5)	#####	[[[[[[[[[[
Fail	(3)	###	[[[[[[[[[[
Pass	(2)	##	[[[[[[[[[[
5th time taken	(2)	##	[[[[[[[[[[
Fail	(2)	##	[[[[[[[[[[
6th time taken	(2)	##	[[[[[[[[[[
Fail	(2)	##	[[[[[[[[[[
7th time taken	(1)	#	[[[[[[[[[[
Fail	(1)	#	[[[[[[[[[[
# of Applicants			↑	↑	↑	↑	↑	↑	↑	↑	↑	↑

2/87 LAW SCHOOL PROFILE

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
American University	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Antioch School of	(2)	[#####	[[[[[[[[[
F	(2)	[#####	[[[[[[[[[
Boston College Law	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Brigham Young University	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Creighton University	(1)	[#####	[[[[[[[[[
F	(1)	[#####	[[[[[[[[[
Glendale University	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Golden Gate University	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Gonzaga University	(3)	[#####	[[[[[[[[[
F	(1)	[#####	[[[[[[[[[
P	(2)	[#####	[[[[[[[[[
Howard University	(1)	[#####	[[[[[[[[[
F	(1)	[#####	[[[[[[[[[
Hull University	(1)	[#####	[[[[[[[[[
F	(1)	[#####	[[[[[[[[[
Lewis & Clark College	(2)	[#####	[[[[[[[[[
P	(2)	[#####	[[[[[[[[[
Loyola Law School	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
New York Law School	(2)	[#####	[[[[[[[[[
F	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
Northeastern University	(2)	[#####	[[[[[[[[[
P	(2)	[#####	[[[[[[[[[
Northwestern University	(1)	[#####	[[[[[[[[[
P	(1)	[#####	[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of Applicants		1	2	3	4	5	6	7	8	9	10

=====

2/87 LAW SCHOOL PROFILE

=====

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
Nova University(Florida)	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
O.W. Coburn School(OK)	(1)[#####		[[[[[[[[[
F	(1)[#####		[[[[[[[[[
Seton Hall University	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
Suffolk University	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
Temple University	(1)[#####		[[[[[[[[[
F	(1)[#####		[[[[[[[[[
The Ohio State University	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
University of Arizona	(2)[#####		[[[[[[[[[
P	(2)[#####		[[[[[[[[[
University of California	(5)[#####		[[[[[[[[[
P	(5)[#####		[[[[[[[[[
University of Colorado	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
University of Denver	(3)[#####		[[[[[[[[[
F	(1)[#####		[[[[[[[[[
P	(2)[#####		[[[[[[[[[
University of Houston	(2)[#####		[[[[[[[[[
P	(2)[#####		[[[[[[[[[
University of Michigan	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
University of Montana	(1)[#####		[[[[[[[[[
F	(1)[#####		[[[[[[[[[
University of Nebraska	(1)[#####		[[[[[[[[[
P	(1)[#####		[[[[[[[[[
University of New Mexico	(3)[#####		[[[[[[[[[
F	(1)[#####		[[[[[[[[[
			[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of Applicants		1	2	3	4	5	6	7	8	9	10

2/87 LAW SCHOOL PROFILE

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
P	(2)	#####		[[[[[[[[
University of Oregon	(5)	#####					[[[[[
P	(5)	#####					[[[[[
University of Puget Sound	(8)	#####								[[
F	(3)	#####		[[[[[[[[
P	(5)	#####					[[[[[
University of Texas	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Tulsa	(2)	#####		[[[[[[[[
F	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Utah	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Washington	(5)	#####					[[[[[
P	(5)	#####					[[[[[
Valparaiso University	(1)	#####	[[[[[[[[[
F	(1)	#####	[[[[[[[[[
Vermont Law School	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
Willamette University	(7)	#####							[[[
F	(3)	#####		[[[[[[[[
P	(4)	#####		[[[[[[[[
Yale Law School	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
		[[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of Applicants		1	2	3	4	5	6	7	8	9	10

ALASKA BAR

A S S O C I A T I O N

David Mannheimer
1031 W. 4th Avenue, Suite 318
Anchorage, AK 99501
October 23, 1987

Robert H. Wagstaff
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, AK 99510

Dear Mr. Wagstaff:

This letter is written pursuant to Section 3 of Rule 4 of the Alaska Bar Rules and constitutes certification of the results of the Alaska Bar Examination given July 28, 29 and 30, 1987. Attached is a copy of the Bar Examination essay questions, the guides utilized by the graders of those questions, and the essays selected as "benchmarks" (i.e., those essays representative of each of the five possible points on the grading scale for each of the ten essays). A copy of the Multistate Bar Examination (MBE) is not included for your review. This letter shall constitute the written report of the Committee of Law Examiners pursuant to Rule 4.

A total of 76 applicants participated in the July, 1987 Bar Examination. The performance of each examinee is also attached.

The examination consisted of three parts. The first day of the examination consisted of three "long" essay questions given in the morning and six "short" essay questions which were given in the afternoon. The research/analysis portion of the examination consisted of one essay question given on the morning of the third day. The MBE, a multiple-choice examination, was given on the second day of the examination.

In accordance with Alaska Bar Rule 4, Section 6, the Committee submitted the weighted, standardized essay scores of the applicants to the National Conference of Bar Examiners for combining with the MBE scores.

October 23, 1987

The components of the exam were weighted as follows: Essay portion, 50%; MBE, 50%; with the essay portion sub-weighted as follows: the three long essays, 30%; the six short essays, 45%; the research/analysis question, 25%. A combined score of 140 or above was passing.

The Committee read the essay and research answers during the months of August and September, 1987. The results of the July, 1987 examination were certified by the Committee today, October 23, 1987, after the evaluation was completed and the statistics were compiled.

Of the 76 applicants, 48 (63%) received a combined score of 140 or greater. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 48 applicants achieving passing scores on the July, 1987 Alaska Bar Examination be certified to the Alaska Supreme Court for membership in the Bar and admission to the practice of law in Alaska.

Respectfully submitted,

COMMITTEE OF LAW EXAMINERS



David Mannheimer
Chair

vu

Report Date: 87/10/20

=====

7/87 EXAM PASS/FAIL RESULT

=====

PASS/FAIL RESULT

Fail

Pass

of APPLICANTS

		5	10	15	20	25	30	35	40	45	50
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
(28)		[#####									
		[[[[[[[[[[
(48)		[#####									
		[[[[[[[[[[
		[[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		5	10	15	20	25	30	35	40	45	50

=====

7/87 EXAM APPLICANT PROFILE

=====

GENDER VS. / PASS/FAIL RESULT

		4	8	12	16	20	24	28	32	36	40
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Female	(37)	[[[[[[[[[[
		[[[[[[[[[[
Fail	(17)	[[[[[[[[[[
		[[[[[[[[[[
Pass	(20)	[[[[[[[[[[
		[[[[[[[[[[
Male	(39)	[[[[[[[[[[
		[[[[[[[[[[
Fail	(11)	[[[[[[[[[[
		[[[[[[[[[[
Pass	(28)	[[[[[[[[[[
		[[[[[[[[[[
# of APPLICANTS		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		4	8	12	16	20	24	28	32	36	40

7/87 EXAM APPLICANT PROFILE

NO. OF TIMES TAKEN/ PASS/FAIL RESULT

		7	14	21	28	35	42	49	56	63	70
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
1st Time Taken	(61)	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
		[[[[[[[[[[
Fail	(20)	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
		[[[[[[[[[[
Pass	(41)	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
		[[[[[[[[[[
=====											
2nd	(5)	###	[[[[[[[[[
		[[[[[[[[[[
Fail	(2)	#	[[[[[[[[[
		[[[[[[[[[[
Pass	(3)	##	[[[[[[[[[
		[[[[[[[[[[
=====											
3rd	(4)	##	[[[[[[[[[
		[[[[[[[[[[
Fail	(2)	#	[[[[[[[[[
		[[[[[[[[[[
Pass	(2)	#	[[[[[[[[[
		[[[[[[[[[[
=====											
4th	(1)	#	[[[[[[[[[
		[[[[[[[[[[
Fail	(1)	#	[[[[[[[[[
		[[[[[[[[[[
=====											
5th	(3)	##	[[[[[[[[[
		[[[[[[[[[[
Fail	(1)	#	[[[[[[[[[
		[[[[[[[[[[
Pass	(2)	#	[[[[[[[[[
		[[[[[[[[[[
=====											
6th	(1)	#	[[[[[[[[[
		[[[[[[[[[[
Fail	(1)	#	[[[[[[[[[
		[[[[[[[[[[
=====											
8th	(1)	#	[[[[[[[[[
		[[[[[[[[[[
Fail	(1)	#	[[[[[[[[[
		[[[[[[[[[[
		[[[[[[[[[[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of APPLICANTS		7	14	21	28	35	42	49	56	63	70

=====

7/87 EXAM APPLICANT PROFILE

=====

LAW SCHOOL VS./ PASS-FAIL RESULT

			1	2	3	4	5	6	7	8	9	10
			↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
American Universit	(1)	[#####	[[[[[[[[[[
P	(1)	[#####	[[[[[[[[[[
Cleveland State Un	(1)	[#####	[[[[[[[[[[
F	(1)	[#####	[[[[[[[[[[
Cornell Law School	(1)	[#####	[[[[[[[[[[
P	(1)	[#####	[[[[[[[[[[
Creighton Universi	(1)	[#####	[[[[[[[[[[
P	(1)	[#####	[[[[[[[[[[
Drake University L	(1)	[#####	[[[[[[[[[[
P	(1)	[#####	[[[[[[[[[[
George Washington	(3)	[#####	[[[[[[[[[[
F	(1)	[#####	[[[[[[[[[[
P	(2)	[#####	[[[[[[[[[[
Golden Gate Univer	(4)	[#####	[[[[[[[[[[
F	(3)	[#####	[[[[[[[[[[
P	(1)	[#####	[[[[[[[[[[
Gonzaga University	(4)	[#####	[[[[[[[[[[
F	(2)	[#####	[[[[[[[[[[
P	(2)	[#####	[[[[[[[[[[
Harvard University	(2)	[#####	[[[[[[[[[[
P	(2)	[#####	[[[[[[[[[[
Indiana University	(1)	[#####	[[[[[[[[[[
F	(1)	[#####	[[[[[[[[[[
Marquette Universi	(1)	[#####	[[[[[[[[[[
F	(1)	[#####	[[[[[[[[[[
Northeastern Unive	(3)	[#####	[[[[[[[[[[
P	(3)	[#####	[[[[[[[[[[
O. W. Coburn School	(1)	[#####	[[[[[[[[[[
F (Tulsa, OK)	(1)	[#####	[[[[[[[[[[
Pepperdine Univers	(2)	[#####	[[[[[[[[[[
F	(2)	[#####	[[[[[[[[[[
Southern Illinois	(2)	[#####	[[[[[[[[[[
		[[[[[[[[[[[
# of APPLICANTS		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		1	2	3	4	5	6	7	8	9	10	

=====

7/87 EXAM APPLICANT PROFILE

=====

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[[[[[[[[[[
F	(2)	#####	[[[[[[[[[
Stanford Law Schoo	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
Temple University	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
Tulane University	(2)	#####	[[[[[[[[[
P	(2)	#####	[[[[[[[[[
University of Arizona	(1)	#####	[[[[[[[[[
F	(1)	#####	[[[[[[[[[
University of California	(3)	#####	[[[[[[[[[
P	(3)	#####	[[[[[[[[[
University of Colorado	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Denver	(1)	#####	[[[[[[[[[
F	(1)	#####	[[[[[[[[[
University of Houston	(1)	#####	[[[[[[[[[
F	(1)	#####	[[[[[[[[[
University of Idaho	(2)	#####	[[[[[[[[[
F	(2)	#####	[[[[[[[[[
University of Michigan	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Minnesota	(1)	#####	[[[[[[[[[
P	(1)	#####	[[[[[[[[[
University of Montana	(2)	#####	[[[[[[[[[
P	(2)	#####	[[[[[[[[[
University of North	(1)	#####	[[[[[[[[[
P Dakota	(1)	#####	[[[[[[[[[
University of Oregon	(3)	#####	[[[[[[[[[
F	(1)	#####	[[[[[[[[[
P	(2)	#####	[[[[[[[[[
University of Puget	(10)	#####	[[[[[[[[[
Sound		[[[[[[[[[[
# of APPLICANTS		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		1	2	3	4	5	6	7	8	9	10

Report Date: 87/10/20

7/87 EXAM APPLICANT PROFILE

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
F	(3)	#####									
P	(7)	#####									
University of Tennessee	(1)	#####									
F	(1)	#####									
University of Texas	(3)	#####									
P	(3)	#####									
University of Washington	(4)	#####									
P	(4)	#####									
University of Wisconsin	(1)	#####									
F	(1)	#####									
University of Wyoming	(1)	#####									
F	(1)	#####									
Vermont Law School	(1)	#####									
F	(1)	#####									
Willamette Univers	(5)	#####									
F	(1)	#####									
P	(4)	#####									
Yale Law School	(1)	#####									
P	(1)	#####									
# of APPLICANTS		1	2	3	4	5	6	7	8	9	10

=====

1987 - ADMISSION W/O EXAMINATION

=====

State/Written Exam

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Kentucky	(1)	#####	[[[[[[[[[
		[[[[[[[[[[
Minnesota	(1)	#####	[[[[[[[[[
		[[[[[[[[[[
Missouri	(1)	#####	[[[[[[[[[
		[[[[[[[[[[
Ohio	(2)	#####	[[[[[[[[[
		[[[[[[[[[[
Tennessee	(1)	#####	[[[[[[[[[
		[[[[[[[[[[
		[[[[[[[[[[
# of occurrences		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		1	2	3	4	5	6	7	8	9	10

Table 2

Location and Number of available attorneys	Number of Attorneys Registered in 86 %	Number of Attorneys Registered in 87 %	# +/-	Number of Cases Closed				# Cases Pending
				1983	1984	1985	1986	1987
Haines	1	2	66		3	3		1
Juneau	169	109	51	7	22	102	180	239
Ketchikan	38	18	55		2	2	14	19
Petersburg	3	2	50				1	1
Sitka	17	11	65		3	3	3	4
Wrangell	3	2	50					1
Barrow	12	3	50			1	1	2
Kotzebue	8	2	50			1	1	2
Nome	9	3	38			1	3	1
St. Mary's	1	1	20					4
Anchorage	1,100	391	32	26	125	452	850	1,167
Cordova	2	2	66		1		1	1
Dillingham	4	2	50				2	1
Eagle River	3	3	5			4	2	5
Homer	10	5	50			2	7	11
King Salmon	1	1	100				1	0
Kodiak	18	10	55		2	3	2	6
Palmer	20	5	40			1	5	9
Soldotna/Kenai	39	9	32		1	4	7	15
Valdez	2	2	50				1	2
Wasilla	18	9	52		1	3	8	26
Willow	1	1	100			1		1
Bethel	14	5	40				1	5
Fairbanks	146	80	48		25	143	137	165
OUT OF STATE		7				1	3	2
TOTALS	1,650	683	40	33	185	727	1,223	1,778

Past year's percentage is based on 1986 total attorney population of 1,700

Non-attorney volunteers: 54 Court Reporters
120 Doctors
5 Private Investigator

Table 3



**DANIEL, HEWKO
& SCHAMBER**

Certified Public Accountants • A Professional Corporation

Board of Governors
Alaska Bar Association

We have examined the balance sheets of the General Fund, Client Security Fund, and Insurance Trust Fund of the Alaska Bar Association as of December 31, 1987, and the related statements of revenue and expenses, changes in fund balances, and changes in financial position for the year then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the financial statements referred to above present fairly the financial position of the General Fund, Client Security Fund, and Insurance Trust Fund of the Alaska Bar Association as of December 31, 1987, and their revenue and expenses, changes in fund balances, and changes in financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Daniel, Hewko & Schamber

Anchorage, Alaska
February 9, 1988

ALASKA BAR ASSOCIATION

BALANCE SHEETS
December 31, 1987

	General Fund	Client Security Fund	Insurance Trust Fund	Total All Funds
ASSETS				
CURRENT ASSETS				
Cash	\$ 242,592	\$ 43,733	\$ -	\$ 286,325
Time certificates of deposit, at cost	500,111	209,644	-	709,755
Accounts receivable	529,842	-	-	529,842
Accrued interest receivable	14,259	3,028	-	17,287
Due from general fund	-	22,742	-	22,742
Prepaid expenses	28,158	-	-	28,158
Total current assets	<u>1,314,962</u>	<u>279,147</u>	<u>-</u>	<u>1,594,109</u>
PROPERTY AND EQUIPMENT, at cost				
Video tape library and equipment	12,645	-	-	12,645
Office furniture, equipment and leasehold improvements	<u>185,724</u>	<u>-</u>	<u>-</u>	<u>185,724</u>
	198,369	-	-	198,369
Less accumulated depreciation and amortization	<u>(137,224)</u>	<u>-</u>	<u>-</u>	<u>(137,224)</u>
	<u>61,145</u>	<u>-</u>	<u>-</u>	<u>61,145</u>
OTHER ASSET, deposit	<u>6,312</u>	<u>-</u>	<u>-</u>	<u>6,312</u>
	<u><u>\$1,382,419</u></u>	<u><u>\$ 279,147</u></u>	<u><u>\$ -</u></u>	<u><u>\$1,661,566</u></u>

The Notes to Financial Statements are an integral part of this statement.

	General Fund	Client Security Fund	Insurance Trust Fund	Total All Funds
LIABILITIES AND FUND BALANCES				
CURRENT LIABILITIES				
Accounts payable and accrued expenses	\$ 24,019	\$ -	\$ -	\$ 24,019
Due to Bar Foundation	639	-	-	639
Due to other funds	22,742	-	-	22,742
Deferred revenue	742,282	22,740	-	765,022
Total current liabilities	789,682	22,740	-	812,422
COMMITMENTS (Note 3)				
FUND BALANCES				
Unrestricted				
Designated by the Board for:				
Working capital	200,000	-	-	200,000
Asset acquisition	50,451	-	-	50,451
Undesignated	342,286	256,407	-	598,693
	592,737	256,407	-	849,144
	<u>\$1,382,419</u>	<u>\$ 279,147</u>	<u>\$ -</u>	<u>\$1,661,566</u>

ALASKA BAR ASSOCIATION

STATEMENT OF CHANGES IN FUND BALANCES For the Year Ended December 31, 1987

	General Fund			
	Designated for Working Capital	Designated For Asset Acquisition	Undesignated	Total
Fund balances, beginning	\$200,000	\$ 43,411	\$386,124	\$629,535
Excess (deficit) of revenue and other financing sources over expenses and other financing uses	-	-	(36,798)	(36,798)
Transfer of designated funds	-	7,040	(7,040)	-
Fund balances, ending	<u>\$200,000</u>	<u>\$ 50,451</u>	<u>\$342,286</u>	<u>\$592,737</u>

The Notes to Financial Statements are an integral part of this statement.

<u>Client Security Fund</u>	<u>Insurance Trust Fund</u>	<u>Total All Funds</u>
\$224,225	\$ 1,000	\$854,760
32,182	(1,000)	(5,616)
<u>-</u>	<u>-</u>	<u>-</u>
<u>\$256,407</u>	<u>\$ -</u>	<u>\$849,144</u>

ALASKA BAR ASSOCIATION

STATEMENT OF REVENUES AND EXPENSES
For the Year Ended December 31, 1987

	General Fund	Client Security Fund	Insurance Trust Fund	Total All Funds
Revenue				
Dues	\$ 683,278	\$ 22,069	\$ -	\$ 705,347
Admission fees	105,675	-	-	105,675
Continuing legal education	112,596	-	-	112,596
Lawyer referral fees	51,836	-	-	51,836
Annual meeting	31,633	-	-	31,633
Interest on investments	58,834	16,853	-	75,687
Lexis service	46,072	-	-	46,072
Other	65,606	-	-	65,606
Total revenue	<u>1,155,530</u>	<u>38,922</u>	<u>-</u>	<u>1,194,452</u>
Expenses				
Admissions	151,686	-	-	151,686
Board of Governors	34,382	-	-	34,382
Discipline	281,488	-	-	281,488
Administration	253,791	-	-	253,791
Referrals	31,740	-	-	31,740
Continuing legal education	168,345	-	-	168,345
Fee arbitration	41,002	-	-	41,002
Lexis service	58,074	-	-	58,074
Newsletter	39,688	-	-	39,688
Annual meeting	38,045	-	-	38,045
Other	54,274	-	-	54,274
Total expenses	<u>1,152,515</u>	<u>-</u>	<u>-</u>	<u>1,152,515</u>
Other financing sources (uses):				
Transfers (to) from other funds	1,000	-	(1,000)	-
Loss on sale of investments	(40,813)	(6,740)	-	(47,553)
	<u>(39,813)</u>	<u>(6,740)</u>	<u>(1,000)</u>	<u>(47,553)</u>
Excess (deficit) of revenues and other financing sources over expenses and other financing uses	<u>\$ (36,798)</u>	<u>\$ 32,182</u>	<u>\$ (1,000)</u>	<u>\$ (5,616)</u>

The Notes to Financial Statements are an integral part of this statement.

ALASKA BAR ASSOCIATION

STATEMENT OF CHANGES IN FINANCIAL POSITION
For the Year Ended December 31, 1987

	<u>General Fund</u>	<u>Client Security Fund</u>	<u>Insurance Trust Fund</u>	<u>Total All Funds</u>
SOURCES OF FUNDS				
Operations:				
Excess (deficit) of revenues and other financing sources over expenses and other financing uses	\$ (36,798)	\$ 32,182	\$ (1,000)	\$ (5,616)
Items not requiring outlay of working capital during the year:				
Depreciation and amortization	29,743	-	-	29,743
Loss on sale of investments	<u>40,813</u>	<u>6,740</u>	<u>-</u>	<u>47,553</u>
Working capital provided by operations	33,758	38,922	(1,000)	71,680
Proceeds from sale of investments	<u>572,175</u>	<u>95,586</u>	<u>-</u>	<u>667,761</u>
Total sources	<u>605,933</u>	<u>134,508</u>	<u>(1,000)</u>	<u>739,441</u>
USES OF FUNDS				
Purchase of property and equipment	7,668	-	-	7,668
Additions to long-term investments	<u>319,296</u>	<u>7,298</u>	<u>-</u>	<u>326,594</u>
Total uses	<u>326,964</u>	<u>7,298</u>	<u>-</u>	<u>334,262</u>
Increase (decrease) in working capital, as below	<u>\$ 278,969</u>	<u>\$ 127,210</u>	<u>\$ (1,000)</u>	<u>\$ 405,179</u>

The Notes to Financial Statements are an integral part of this statement.

ALASKA BAR ASSOCIATION

STATEMENT OF CHANGES IN FINANCIAL POSITION
For the Year Ended December 31, 1987

	General Fund	Client Security Fund	Insurance Trust Fund	Total All Fund
SUMMARY OF CHANGES IN WORKING CAPITAL COMPONENTS				
Increase (decrease) in:				
Cash	\$(39,754)	\$ 1,911	\$ (1,000)	\$(38,843)
Time certificates of deposit	304,190	124,479	-	428,669
Accounts receivable	50,775	-	-	50,775
Accrued interest receivable	(4,076)	818	-	(3,258)
Due from general fund	-	752	-	752
Prepaid expenses	1,471	-	-	1,471
Decrease (increase) in:				
Accounts payable and accrued expenses	(18,845)	-	-	(18,845)
Due to Bar Foundation	2,289	-	-	2,289
Due to other funds	(752)	-	-	(752)
Deferred revenue	(16,329)	(750)	-	(17,079)
 Increase (decrease) in working capital	 <u>\$278,969</u>	 <u>\$127,210</u>	 <u>\$ (1,000)</u>	 <u>\$405,179</u>

The Notes to Financial Statements are an integral part of this statement.

NOTES TO FINANCIAL STATEMENTS

Note 1. Significant Accounting policies

The accounting policies relative to the carrying value of the time certificates of deposit and property and equipment are indicated in the captions on the balance sheet. Other significant accounting policies are as follows:

Depreciation:

Depreciation is computed using the straight-line method which amortizes the costs of assets evenly over their estimated useful lives.

Income Taxes:

The Association is an instrumentality of the State of Alaska whose activities are exempt from taxation under the Internal Revenue Code.

Note 2. Employee Pension Plan

The Association established an Employee Pension Plan in April 1983, effective January 1, 1983. The plan covers all employees who have completed one year of service and who are twenty-one years of age. The Association's contributions are 5 percent of the compensation of each participant; contributions for 1987 totaled \$15,111.

Note 3. Lease Commitments

The Association leases its office facilities and certain office equipment under noncancellable long-term leases. The office lease expires December 31, 1990 and the equipment lease expires in July, 1989. The minimum future lease payments under these operating leases are as follows:

	1988	\$ 74,988
	1989	76,918
	1990	<u>78,965</u>
Total future minimum lease payments		<u>\$230,871</u>

REVENUE AND EXPENSE STATEMENT DETAIL

GENERAL FUND EXPENSES

	<u>Admissions</u>	<u>Board of Governors</u>	<u>Discipline</u>	<u>Adminis- tration</u>	<u>Referrals</u>
Salaries and related expenses	\$ 64,800	\$ -	\$ 195,852	\$ 145,686	\$ 11,758
Rent	20,600	400	26,735	21,468	3,966
Grading	27,082	-	-	-	-
Litigation	10,834	-	6,674	-	-
Office supplies and expense	8,488	10,618	10,660	11,095	1,169
Telephone	981	2,478	2,809	2,114	4,021
Travel	-	20,886	3,968	6,839	-
Contract services	-	-	7,320	-	-
Equipment lease	3,399	-	9,914	2,550	2,084
Postage	-	-	-	28,763	-
Accounting fees	-	-	-	7,943	-
Insurance	-	-	-	14,235	-
Repairs and maintenance	1,596	-	4,654	3,720	931
Depreciation and amortization	3,328	-	9,706	7,487	1,941
Advertising	-	-	-	-	5,870
Miscellaneous	10,578	-	3,196	1,891	-
Seminar costs	-	-	-	-	-
Lexis service	-	-	-	-	-
Insurance project	-	-	-	-	-
Jury instruction project	-	-	-	-	-
Committee expenses	-	-	-	-	-
Duke/Alaska Law Review	-	-	-	-	-
Annual meeting expense	-	-	-	-	-
Substantive law sections	-	-	-	-	-
President's meeting	-	-	-	-	-
	<u>\$ 151,686</u>	<u>\$ 34,382</u>	<u>\$ 281,488</u>	<u>\$ 253,791</u>	<u>\$ 31,740</u>

<u>Continuing Legal Education</u>	<u>Fee Arbit- tration</u>	<u>Lexis Service</u>	<u>Newsletter</u>	<u>Annual Meeting</u>	<u>Other</u>	<u>Total</u>
\$ 40,510	\$ 23,912	\$ 7,572	\$ -	\$ -	\$ -	\$ 490,090
11,104	6,375	1,586	-	-	-	92,234
-	-	-	-	-	-	27,082
-	-	-	-	-	-	17,508
3,665	3,317	4,436	-	-	-	53,448
905	603	-	-	-	-	13,911
2,282	-	-	-	-	-	33,975
-	1,875	-	39,688	-	-	48,883
2,833	1,983	566	-	-	-	23,329
-	-	-	-	-	-	28,763
-	-	-	-	-	-	7,943
-	-	-	-	-	-	14,235
1,349	956	266	-	-	-	13,472
4,785	1,941	555	-	-	-	29,743
-	-	-	-	-	-	5,870
-	-	-	-	-	1,188	16,853
98,827	-	-	-	-	-	98,827
-	-	43,093	-	-	-	43,093
-	-	-	-	-	2,844	2,844
-	-	-	-	-	7,072	7,072
2,085	40	-	-	-	6,952	9,077
-	-	-	-	-	25,000	25,000
-	-	-	-	38,045	-	38,045
-	-	-	-	-	7,670	7,670
-	-	-	-	-	3,548	3,548
<u>\$ 168,345</u>	<u>\$ 41,002</u>	<u>\$ 58,074</u>	<u>\$ 39,688</u>	<u>\$ 38,045</u>	<u>\$ 54,274</u>	<u>\$1,152,515</u>



**DANIEL, HEWKO
& SCHAMBER**

Certified Public Accountants • A Professional Corporation

Board of Governors
Alaska Bar Association

Our examination was made for the purpose of forming an opinion on the basic financial statements taken as a whole of the Alaska Bar Association for the year ended December 31, 1987, which are presented in the preceding section of this report. The supplemental information presented hereinafter is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the audit procedures applied in the examination of the basic financial statements, and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Daniel, Hewko & Schamber

Anchorage, Alaska
February 9, 1988

