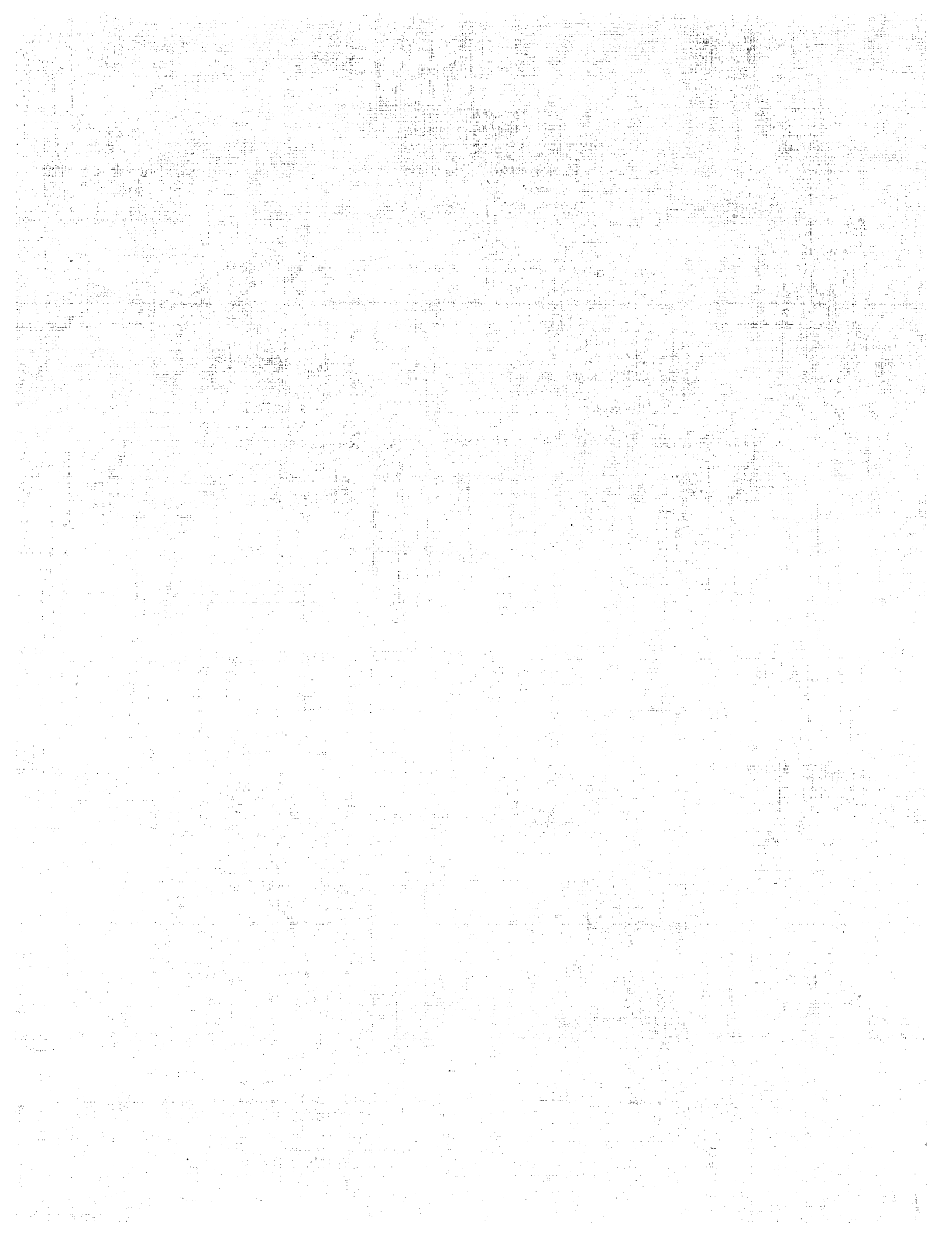


# **Alaska Bar Association**

## **1989 Annual Report**



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THE ALASKA BAR ASSOCIATION  
Annual Report for the Year 1989

Board of Governors

Jeffrey M. Feldman, President  
Daniel R. Cooper, Jr., President-Elect  
Alex Young, Vice President  
John M. Murtagh, Secretary  
Lew M. Williams, Treasurer  
Bruce A. Bookman  
Andonia Harrison  
Ardith Lynch  
Elizabeth "Pat" Kennedy  
Michael A. Thompson  
Larry R. Weeks

Staff

Deborah O'Regan, Executive Director  
Barbara Armstrong, Assistant Director & CLE Director  
Virginia Ulmer, Executive Secretary  
Geraldine F. Downes, Controller  
Karen Gleason, Accounting Assistant  
Shaunda H. Hale, Secretary/Receptionist  
Shalese M. Dayton, Lawyer Referral Receptionist

Stephen J. Van Goor, Bar Counsel  
C. J. Allen, Assistant Bar Counsel  
Mark Woelber, Assistant Bar Counsel  
Mary Lou Burris, Arbitration/Discipline/CLE Assistant  
Norma L. Gammons, Discipline Secretary  
Laura Hernandez, Discipline Secretary

February 1, 1990

## 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 2,777 members in the following categories: Active, 2,347; Inactive, 413; Honorary, 1; Retired, 16. Its affairs are governed by a twelve (12) member (attorney and non-attorney) Board currently comprised of the following persons:

Jeffrey M. Feldman, President  
Daniel R. Cooper, Jr., President-Elect  
Alex Young, Vice-President  
John M. Murtagh, Secretary  
Lew M. Williams, Treasurer (public member)  
Bruce A. Bookman  
Andonia Harrison (public member)  
Ardith Lynch  
Elizabeth "Pat" Kennedy  
Michael A. Thompson  
Larry R. Weeks

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 6 standing committees, 16 sections, 4 bar rule committees, and 2 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 12-1/2 full-time professionals:

Deborah O'Regan, Executive Director  
Barbara Armstrong, Assistant Director & CLE Director  
Virginia Ulmer, Executive Secretary  
Geraldine F. Downes, Controller  
Karen A. Gleason, Accounting Assistant  
Shaunda L. Hale, Secretary/Receptionist  
Shalese M. Dayton, Lawyer Referral Receptionist

Stephen J. Van Goor, Bar Counsel  
C. J. Allen, Assistant Bar Counsel  
Mark Woelber, Assistant Bar Counsel  
Mary Lou Burris, Arbitration/Discipline/CLE Assistant  
Norma L. Gammons, Discipline Secretary  
Laura Hernandez, 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 received no public monies in 1989.

## **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 until the next election. 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 1989 the Board held five (5) meetings (January 19 - 21; March 17 and 18; June 5-7; September 8; and October 27) and three (3) telephone conference meetings (March 31, August 15 and November 17). The Bar Convention and Annual Business Meeting were held in Anchorage, June 8 through 10.

### **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 fifteen 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 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 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 Bar Counsel, supervises the Bar Counsel and Bar Counsel 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 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.

## E. Sunset

The Board of Governors was up for sunset review in 1989. The Division of Legislative Audit began conducting the performance audit in November, 1988 and issued its final report on February 3, 1989. They concluded that the Board of Governors operates in an effective and economical manner and should be reestablished.

HB 120 extending the term of the Board of Governors until 1993 passed out of the House, but was not passed out of the Senate before the end of the Legislative session. A hearing on HB 120 before the Senate Judiciary Committee was held on November 9. The committee chair indicated that the bill would be placed on the Senate consent calendar at the start of the legislative session.

## F. Miscellaneous Bylaw Amendments

The Board of Governors amended the bylaws of the Bar Association (Article II, section 2(b)) to require members to make the election to go on inactive status by January 1 of the applicable year in which they want to be inactive. The previous deadline of February 1 created some confusion among members who would practice law in January and then want to go inactive for the rest of the year. If a member practices law in Alaska at all during a particular year, the member is not eligible to be an inactive member for that year and must pay dues for the entire year.

Article V, section 5 was amended to provide that the executive director and at least two members of the Bar Polls and Elections committee may review and certify the count of votes cast in an election. The prior amendment required the committee members to do the actual counting of the ballots. The Board wanted to allow for more flexibility in the case of high ballot returns, when it may be more expeditious to use bar staff to count ballots, or contract out the ballot counting.

## 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 meet the standard of character and fitness as required pursuant to Bar Rule 2(1)(d); 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 it is determined that he or she does not meet the required standard of character and fitness. 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.

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. The 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. The questions and proposed grader's guides are 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 consisting of at least five members of the Committee is convened for each essay question given on the exam;
2. As a group, the team will read two randomly selected applicant answers to that essay question;
3. The team will compare and discuss the answers and agree on a ranking of the essay answers they have just read;



4. The team will then read a third essay answer, compare and discuss this answer with the answers previously ranked, and agree on a ranking of all the answers they have read. The team reads and ranks a total of ten answers;
5. The team will continue this process for at least 5 more answers and until the team is calibrated and the team selects five benchmarks;
6. The team reviews the grader's guide and the weights assigned to particular portions of the question to take into account any issues identified during the reading of the applicant answers; the 2 graders are responsible for amending the grader's guide into its final form;
7. The team selects five benchmark applicant essays; a benchmark is an answer which represents one of the 5 points on the grading scale. ("5" is high, "1" is low.) It is not a model answer, nor a minimally competent answer, but is a representative answer for this particular point on the scale;
8. From this calibration team, two people, not including any member of the original drafting team, are assigned to independently read and score each applicant's answer to the essay question they have just calibrated;
9. The two graders submit their scores to the Executive Director;
10. 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;
11. If a discrepancy of more than one point is found, the graders must reconcile their differences by reference to the benchmarks and grader's guide. The graders must agree on a score that is the same or no more than one point apart;
12. The two scores given to a particular applicant's answer are averaged for a final score on that essay;
13. The scores of the various sections of the essay exam (the short essay, long essay, and research/analysis question) are tabulated, weighted, and combined according to the attached procedures for determining the pass/fail status of applicants; and

14. A "combined" score of 140 and above shall be passing for the exam.

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 released to all failing applicants.

#### 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.

Two admission appeal hearings from the July 1988 exam were held in January. The first applicant appealed a specific MBE question and essay questions 1 and 10. The Alaska Bar Association, because of the expression of non-involvement of the MBE administrators, was unable to discuss in detail the legal arguments raised by the applicant. Without the testimony from the MBE graders, the hearing master found that the deficiency left an evidentiary void. The hearing master recommended that both of the answers suggested by NCBE and by the applicant be scored as correct. The master also heard testimony from the four graders as to the rationale and methodology used in grading the answers to essay questions 1 and 10. The master found that the rationale and analysis used in regard to applicant's essay answers were extremely fair and

evidenced the highest standards of testing and that the applicant failed in her burden with respect to the essay questions. The master's decision on the MBE question had the practical effect of raising the applicant's combined score above 140.00 and making her eligible for admission to the Bar.

In the second admission appeal from the July 1988 exam, the applicant alleged an abuse of discretion in the grading of essay question 9 and drafting of essay question 7. The master recommended that these points on appeal be dismissed. In the second half of this bifurcated appeal, the Board reserved points 3 and 4 for consideration by itself. The applicant contended that the notice provided to a failing applicant was not adequate to allow the applicant to make intelligent decisions and to formulate her appeal. Her last point alleged that the Alaska Bar Association abused its discretion by not regrading or rereading examinations other than those upon which the graders have disagreed and in not providing for independent regrade procedures. The Board of Governors denied applicant's appeal points and directed Bar Counsel to prepare comprehensive findings and conclusions concerning points 3 and 4 which will have precedential value in future appeals.

Following the results of the July 1989 exam, two applicants appealed challenging the use of the equi-percentile method for combining MBE and essay scores, and also challenged the method for providing access to the MBE. One of the applicants also appealed alleging an abuse of discretion on the grading of essay question 7, and the drafting and grading of essay question 2. The Board of Governors denied a hearing on the equi-percentile method and the access to the MBE issue, on the basis that these were policy decisions to be determined by the Board. The Board's decisions on these issues are reflected below in a discussion of amendments and policy changes. A hearing was held on the essay questions. The master found that there was no abuse of discretion on the drafting or grading of these questions.

#### **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 or copy any part of the test material.

In October, the Board voted to allow failing applicants to be accompanied to the MBE review by an attorney, licensed to practice law in the state of Alaska, and not associated with any bar review course.

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 Tutoring 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. 11 applicants requested a tutor following the results of the February exam, and 12 applicants requested assistance after the July exam results were released.

#### G. Statistical Summary

In 1989, 137 individuals applied for admission to the Bar and 86 were admitted.

1989 Alaska Bar Exam pass/fail statistics for the February and July exams are included in Appendix 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 a 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 1989, eight applicants applied for and were admitted by admission without examination.

In September the Board submitted a proposed rule change to the Supreme Court which would tie the reciprocity provision into the jurisdiction where the applicant passed a written bar exam rather than the jurisdiction(s) where the applicant engaged in the practice of law. This would avoid confusion over questions of eligibility when applicants practice law in several states, or when attorneys practice in a state in which they are not admitted, e.g., when an attorney works for the federal government.

#### **K. Admissions Rule Amendments and Policy Changes**

As a result of the issues raised on the admissions appeals from the July 1989 bar exam, the Board of Governors decided to review their policy decisions regarding the equi-percentile method of combining the MBE and essay scores as well as the procedures for failing applicants to review the MBE.

At the October Board meeting, the Board voted, that for future exams, the standard deviation method of combining the MBE and essay scores would be used. The Board also reviewed the procedures for review of the MBE. The Board decided that applicants may bring someone to review the MBE with them, as long as that person is an attorney, licensed to practice law in Alaska, and not associated with any bar review course.

The Board of Governors recommended that Bar Rules 2, 5, 6, and 61 be amended. These changes were to provide more concrete guidance in assessing an applicant's character and fitness to practice law. The amendments list ten items which would be treated as cause for further inquiry in the character investigation process of applicants to the Bar. Ten factors are then listed for consideration in assigning weight and significance to prior conduct. These amendments were adopted by the court with an effective date of July 15, 1989.

### 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 from 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 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 final forum with authority to make and enforce disciplinary decisions.

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 against 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, violations 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 Bar Counsel.

## **B. The Disciplinary Board**

As 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 Bar Counsel and Assistant Bar 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. Bar Counsel reviews the grievance to determine whether it is properly completed and contains allegations which, if true, would constitute grounds for discipline. If Bar 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 Bar 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.

## **SUMMARY OF PUBLIC DISCIPLINE ACTIONS IN 1989**

The Alaska Supreme Court suspended three attorneys from the practice of law in 1989: (1) Scott D. Harless for four years effective March 2, 1989; (2) Homer L. Burrell for 90 days effective August 21, 1989; and (3) Ranald H. Jarrell for four years effective November 3, 1989.

### 1989 DISCIPLINE CASE STATISTICS\*

Open cases pending as of January 1, 1989 . . . . . 166

New cases opened in 1989 . . . . . (+) 117

#### Cases closed in 1989:

Closed after disbarment by Supreme Court . . . . .

Closed after suspension by Supreme Court . . . . . 6

Closed after public censure by Supreme Court . . . . .

Closed after public reprimand

by Disciplinary Board . . . . .

Closed after private reprimand

by Disciplinary Board . . . . . 4

Closed after private admonition

by Bar Counsel . . . . . 17

Closed after probation ended . . . . . 4

Dismissed by Bar Counsel . . . . . 91

TOTAL cases closed. . . . . (-) 122

Open cases as of December 31, 1989 . . . . . 161

### STATUS OF OPEN CASES AS OF 12-31-89

Pending Supreme Court. . . . . 2

Pending Disciplinary Board . . . . .

Pending Stipulation. . . . .

Pending Area Hearing Committee . . . . . 2

Pending Petition Approval. . . . .

Pending Private Admonition . . . . . 2

Attorney on Probation. . . . . 4\*\*

In abeyance pending outcome of related

fee arbitration proceeding . . . . . 1

In abeyance pending conciliation . . . . .

In abeyance pending outcome of civil case . . . . . 2

Under investigation by Bar Counsel . . . . . 148

161

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

\*\*There are two attorneys on probation: one attorney with three complaints, and one attorney with one complaint.

### C. The Hearing Committee

Investigations which result in the filing of a Petition for Formal Hearing by Bar 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, Bar 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 Bar 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 recommendation is filed 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 Court may also issue an opinion published in the Pacific Reporter which becomes a precedent for future cases.

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 Bar Counsel and a respondent 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 Bar 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 misconduct 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 Bar Counsel, the Board and/or the Court.

#### **F. The Court's Order**

When either disbarment, suspension or probation is ordered by the Court, more is involved than a simple 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 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 the attorney is eligible for reinstatement.

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 or she possesses the moral qualifications, competency, and knowledge of law required for admission to practice and that the attorney's resumption of practice will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive of 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

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\*Attorneys who have been suspended for one year or less will be automatically reinstated by the Court unless Bar 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.

intoxicants, senility, death, disappearance, or judicially declared incompetence of an attorney, rather than actual 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, while the Court's final order is public, the disability proceedings themselves 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.

## 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 Bar Counsel, Assistant Bar Counsel, a half-time assistant Bar Counsel, one part time Discipline Assistant, and two Discipline Secretaries. Bar Counsel has 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 \$301,538 in 1989, a substantial commitment of Bar Association resources and a reaffirmation of the Bar Association's responsibility for the protection of the public through the attorney discipline process.

## K. Bar Rule Changes in 1989

The Supreme Court revised Bar Rule 15(b) to prohibit disbarred or suspended attorneys from providing legal advice or preparing legal documents for another even if they are not compensated for the service. This change is effective January 15, 1990.

The Court amended Bar Rules 21(c) and 22(b) to authorize a trial judge to allow the discovery of discipline files under certain circumstances in criminal cases.

Bar Rule 38(c) of the fee arbitration rules was changed to explicitly authorize the fee arbitration executive committee to refer apparent violations of the Bar Rules for disciplinary investigation.

The Court approved a name change from "discipline counsel" to "bar counsel" for the attorneys employed by the Bar Association in the disciplinary process.

Finally, although not a Bar Rule, the court made an amendment to Disciplinary Rule 9-102 which requires an attorney to provide a notice of whether he or she intends to maintain an IOLTA trust account. IOLTA stands for Interest on Lawyer Trust Accounts. The program provides that interest on nominal sums or short term deposits in an attorney's care which would ordinarily be kept by a financial institution is instead paid to the Alaska Bar Foundation to provide funds for civil legal services to the poor. Further information on the IOLTA program can be found in this report under section IX, ADJUNCT INVOLVEMENT.

#### IV. CONTINUING LEGAL EDUCATION

Continuing Legal Education programs and activities are an important part of the work of the Alaska Bar Association and are in furtherance of its goal of serving and assisting the legal profession in the State of Alaska. Programs and activities presented for Continuing Legal Education (CLE) purposes are for the professional development and enhancement of the membership of the Alaska Bar Association. It is of the utmost importance that the Bar Association provide sufficient CLE seminars to allow attorney members to keep abreast of new developments in the field of law.

The supervisory responsibility for presenting and administering all CLE programs and activities is placed upon the Continuing Legal Education Committee and the Association's Director of Continuing Legal Education. The CLE Committee is composed of 13 Bar Association members: 12 attorney members representing the various geographic areas of the state, and 1 judicial representative. All members serve staggered 3-year terms.

The 16 substantive law sections of the Bar Association are responsible for sponsoring one CLE seminar a minimum of every two years. Most sections sponsor one CLE activity per year, in addition to holding regular monthly section meetings and an annual meeting at the yearly Bar convention. Other CLE seminars not sponsored by a particular Substantive Law Section are sponsored by the CLE Committee itself.

In 1989 the CLE program sponsored 24 live programs in Anchorage and 1 live program in Fairbanks with a total member attendance for the year of 1,335 (970 members/365 non-members). Average attendance at a CLE was 71. The most challenging CLE presented in 1989 was the National Institute of Trial Advocacy (NITA) Skills Course, an intensive 8-day program for 48 attorneys presented by a faculty of 17 practitioners and judges from across the United States. Local and Outside faculty provided a program of one-on-one training for our members which culminated in 12 simultaneous mock trials presided over by local volunteer judges, and augmented by over 100 local community volunteer jurors and witnesses.

Overall program income exceeded this year's target; however, the general CLE budget, which includes indirect costs of staff time and overhead, experienced a shortfall. This shortfall is significantly lower than in past years. The general fund of the Bar Association covers the indirect costs of CLE programs, including staff time. This financial arrangement allows the bar to offer programs at lesser registration fees than if administrative indirect costs had to be covered by direct program income. The Bar also offers a



registration fee credit option of up to 50% to members traveling into Anchorage via commercial carrier for a CLE program.

An expanded 2-day "Bridge-the-Gap" program for new admittees to the practice of law in Alaska was also presented in 1989. Ten sections participated in this program designed to help "bridge-the-gap" between the theory of law school and the practice of law, with emphasis on Alaskan legal practice.

In addition, updates to the 3rd edition of the "Bridge-the-Gap" manual were received from ten sections, and included for the first time were the topics of "Criminal Defense," "Criminal Prosecution," "Paralegal Profitability," "Collections and Executions," "Discovery," "Fast Track Rule," "Professional Conduct for the Non-Attorney," and "Tort Claims."

Group video replays of live programs are regularly scheduled in Juneau, Fairbanks and Kodiak, to meet the educational needs of bar members outside Anchorage, the usual venue for live programs. There is an average attendance of 5 bar members at each of these programs. Bar members receive CLE credit for attending a group video replay. A bar member in each city serves as the volunteer coordinator for these programs and handles scheduling, logistics, and registration.

A CLE Policy Statement and Guidelines was adopted by the Board of Governors in 1989. This Policy Statement and Guidelines aids the Bar in administering the CLE program and provides assistance to the CLE Director, CLE Committee, and Sections in developing CLE activities. The policy requires, for example, that the ethical content of every CLE topic be addressed at least peripherally at every CLE seminar, and clarifies the procedures for developing and sponsoring programs.

At the 1989 Annual Convention in Juneau, a resolution was passed to draft a proposed Mandatory Continuing Legal Education (MCLE) Rule requiring members to accrue a minimum number of CLE credits for seminars attended over a given period. A MCLE Committee was appointed to draft the Rule, and after consideration of comments by the CLE Committee, finalized a draft to be presented to the Board of Governors at their January 1990 meeting.

The CLE Library is now administered by the CLE Assistant and has dramatically improved service to bar members. The library contains videotapes (1/2" VHS) of all live programs, copies of course materials for each CLE, copies of Annual Section Updates, and a small number of audiotapes of short CLE programs. The library receives an average of 5 videotape rental and/or course materials requests per day, and usual response time to the request is 24 hours. Tape rental is normally \$10.00 per person plus \$25 per set of course materials. Priority is always given to bar members outside of

Anchorage. Library materials are also available for purchase including CLE course materials and Section Annual Updates. A CLE Library Catalog is scheduled for distribution in January 1990, and a CLE Calendar and Video Replay Calendar are routinely distributed and published in the Bar Rag.

In an effort to enhance the image of our CLE programs and create a more identifiable "look" for CLE brochures, as well decrease our printing costs, the CLE program now has a standard brochure designed by a graphic artist, and nearly all brochures are photocopied, rather than offset printed. Response to the new format has been excellent.

Over 125 attorney and non-attorney lecturers served as faculty for the 24 CLE programs presented live in 1989:

### **ALASKA BAR ASSOCIATION CLE CALENDAR**

Programs are full day unless otherwise noted.

#### 1989

#01 January 26 Lunch Program 1 CLE credit	Review of the New Recording Act	Hotel Captain Cook
#02 February 15 7.2 CLE Credits	Forensic Engineering: Testimony, Demonstrative Evidence and Exhibits	Anchorage Hilton
#03 February 24 AM Miniseminar 4.5 CLE Credits	Wrongful Discharge (ABA Tape Series & local commentary)	Hotel Captain Cook
#12 Feb 27,28 & Mar 1 22.8 CLE credits	Courtroom Procedures (Law Enforcement Coordinating Comm. & Crim. Pros. Section	Egan Conv. Ctr.
#11 March 3 Afternoon 4.5 CLE Credits	Tax Aspects of Bankruptcy & Insolvency(ASCPA, AATC,ASIA)	Clarion Hotel
#96 March 7-9 9.6 CLE Credits	Hawaii CLE: Unorthodox Trial Techniques	Sheraton Kauai
#04 March 14 7.2 CLE Credits	Loan Documentation	Hotel Captain Cook
#04 March 16 7.2 CLE Credits	Loan Documentation (Live repeat of Anchorage program)	Sophie's Station, Fairbanks

#05 March 27 Half Day 3.3 CLE Credits	Securities Law for Non-Securities Lawyers	Hotel Captain Cook
#07 April 20-22 Half Day on Th and Fri -- Full Day on Sat 19.8 CLE Credits	Bridge the Gap	Hotel Captain Cook
#09 May 25-26 18 CLE credits	5th Annual Alaska Tax Conference (with APU & Ak Society of CPAs	Anchorage Hilton
#08 June 8-10 6 CLE credits 3 CLE credits	Annual Convention - CLE: Negotiations Skills (1 day) Media and the Law (3-hr.)	Juneau
#16 July 12 7.2 CLE credits	Alaska Corporate Code	Hotel Captain Cook
#13 July 18 7.2 CLE credits	Foreclosure Issues in AK	Hotel Captain Cook
#06 Sept 7 Half Day 4.2 CLE credits	Adoption Issues	Hotel Captain Cook
#17 Sep 7-8 12 CLE credits	Fed. Sentencing Guidelines (in coop. with US Dist. and Probation Office)	Federal Bldg.
#10 Sep 16-23 63 CLE credits	NITA of the North - 8-day Intensive Trial Advocacy Program	Hotel Captain Cook
#15 Oct 27 4.4 CLE credits Half day	Maritime Personal Injury	Hotel Captain Cook
#18 Oct 31 & Nov 2 10.8 CLE credits 2 Half days	Fed. & State Sentencing Guidelines	Anchorage Hilton
#25 Nov 8 3.4 CLE credits Half day	Malpractice Survival	Hotel Captain Cook
#19 Nov 16 8.4 CLE credits	2nd Annual AK Native Law Conference	Hotel Captain Cook

#28 Nov 29  
1.8 CLE credits  
AM Miniseminar

Off the Record

Hotel Captain  
Cook

#22 Dec 5  
2.7 CLE credits  
AM Miniseminar

Basic Nuts & Bolts of  
Foreclosures

Hotel Captain  
Cook

A total of 24 live programs were presented in 1989.

A small number of CLE programs each year are presented on a cooperative basis with organizations outside the Bar Association, such as Professional Education Group and ALI-ABA. Generally, Bar CLE programs are developed in-house with volunteer faculty from the Bar Association.

## 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; Alaska 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 836 volunteer attorneys throughout Alaska, or 52.4% 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. Appendix 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, 1989.

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 well over 1,000 people in 1989. More than 250 elderly received assistance through the Elderlaw Projects last year.

In addition, the APBP has developed a set of Rules to govern the appointment of counsel for pro se parties in U.S. District Court. These new procedures, created in cooperation with the U.S. District Court in Alaska, took effect on January 1, 1989. To date, 12 cases have been referred to volunteer attorneys through these Rules.

The APBP is also proud to boast that more than 200 non-attorney professionals (doctors, court reporters, certified public accountants, translators, private investigators) have joined the program. In 1989, the total number of hours donated to the APBP was more than 7,000.

The APBP received a \$50,000 grant from the Alaska Bar Foundation from the Interest on Lawyers' Trust Accounts (IOLTA) program.

## 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 \$2.00 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 1989, 176 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 approximately \$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 718 requests for referrals.

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

	<u>1988</u>	<u>1989</u>
Administrative	274	301
Admiralty	31	31
Arts	7	4

Bankruptcy	373	329
Commercial	292	234
Construction	14	6
Consumer	632	690
Discrimination	60	19
Eminent Domain	12	12
Environmental	3	13
Family	2,705	2,837
Felony/Misdemeanor	692	677
Foreign Language	10	11
Immigration	20	18
Insurance	89	74
Labor Relations	562	584
Landlord/Tenant	334	360
Malpractice	202	154
Mining	14	13
Negligence	873	744
Patent/Copyright	157	134
Public Interest	0	0
Real Estate	706	585
SSI Cases	22	53
Tax	103	114
Traffic	117	65
Trust/Wills/Estates	285	254
Workers' Compensation	<u>273</u>	<u>304</u>
	8,862	8,620
+ 3%		- 3%
(Change from		(Change from
1987)		1988)



## **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. Carolyn E. Jones 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 10 attorneys and 2 non-attorney or public members in the First District; 8 attorneys and 3 public members in the combined Second and Fourth Districts; and 27 attorneys and 9 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 Bar Counsel, 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 determined 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 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 settle 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 or she may request that the member not participate in the hearing. For similar reasons, a member may disqualify himself or herself.

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.

The Executive Committee of the Fee Dispute Resolution Program meets at least twice each year. An addition to Alaska Bar Rule 38(c), effective July 15, 1989, gave the Committee authority to refer apparent violations of Bar Rule 35 to Bar Counsel for disciplinary investigation, including instances in which attorneys have substantial numbers of fee arbitrations filed against them.

Changes to Alaska Bar Rules 39 and 40 were approved by the Board of Governors this year, and are pending adoption by the Supreme Court. The proposed amendments to Rule 39 would

clarify the notice requirements for attorneys filing lawsuits for fees, and the requirements for obtaining stays of such actions. The proposed change to Bar Rule 40 excepts normal functions of Bar Counsel from confidentiality restrictions.

An amendment to Bar Rule 34(c), under consideration by the Board, would include costs incurred by attorneys in the jurisdiction of the Fee Dispute Resolution program. At the request of the Board, based on a major dispute decided this year, the Executive Committee is developing rules for handling complex fee arbitrations.

Arbitrations pending January 1, 1989 . . . . .	48
Arbitrations <u>filed</u> during 1989. . . . .	(+) 87
Arbitrations <u>closed</u> in 1989 . . . . .	(-) 82
Arbitrations pending January 1, 1990. . . . .	53

#### 5. The Client Security Fund Committee

The Bar Association maintains a fund for the purpose of making reimbursement to clients who have suffered non-insured losses of money, property, or other things of value as a result of dishonest conduct by attorneys. Dishonest conduct means acts 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 makes a claim by filing an application for reimbursement 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 address 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. When an application is filed, an attorney appointed to aid the Committee (Bar Counsel) 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. A rule change has been approved by the Board of Governors and is pending adoption by the Supreme Court, which would raise the payment limit to an individual claimant to \$50,000, and the limit for course of conduct by one attorney to \$200,000.

Before funds are paid to the claimant, he or she 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.

The Board of Governors approved payment of one claim in 1989. One other claim is pending before the Committee.

A proposed rule amendment sent to the Supreme Court for approval this year would change the name of the Client Security Fund to the Lawyers' Fund for Client Protection. Other rule changes, regarding notice requirements, are under consideration by the Board of Governors.

## 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 Alaska Bar Association currently has 16 Substantive Law Sections or recognized groups of member attorneys with similar interests in a particular area of law.

The Sections for 1990 are listed below:

- Administrative Law
- Alaska Native Law
- Bankruptcy Law
- Business Law
- Criminal Defense
- Criminal Prosecution
- Economics of Law Practice
- Estate Planning/Probate Law
- Environmental Law
- Employment Law

Family Law  
International Law  
Natural Resources Law  
Real Estate Law  
Taxation Law  
Torts Law

The 16 Substantive Law Sections provide a number of opportunities for professional growth and development through:

- o An exchange of information among lawyers with similar legal interests.
- o Continuing legal education programs.
- o Section News, a monthly newsletter of section events and topics of interest.
- o Review of legislative and court actions.
- o A forum to respond to the needs of the community and the profession.

Section membership is open to all active members of the Alaska Bar Association. \$5.00 of a member's bar dues is budgeted to the first section joined by a member. Members may join additional sections for \$10.00 per section. Non-bar members may join a section as a non-voting associate member for dues of \$10 per year per section. New and renewing section memberships are solicited each January by mail.

Each section is administered by an executive committee composed of at least five members who serve three-year staggered terms. The Chair of each section is elected by the section's membership. The primary responsibilities of the executive committee are to 1) administer the section, 2) publish the annual professional update at each annual meeting, 3) present a CLE seminar at least once every 2 years, and 4) preside at the annual section meeting and election of new executive committee members. Section activities are coordinated by the Bar Assistant Director.

The sections are encouraged to assist the Continuing Legal Education Committee in the presentation of seminars and to submit articles in their fields of expertise to the Bar Rag and to Section News, the monthly section newsletter published by the Bar office. Ten of the sections have regularly scheduled monthly meetings at which members are briefed on important developments within their area of law, and members outside of Anchorage are encouraged to participate via teleconference. The remaining sections meet on an "as needed" basis depending on developments within their area of interest. Section chairs also routinely distribute information and case citations to members.



When appropriate, the sections 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.

As of December 31, 1989, over 900 bar members were involved in one or more sections (an increase of 100 over 1988). Section activity has increased significantly in 1989. Ten sections now meet regularly and contribute to the newsletter such items as case citations and comment on legislation of particular interest. Most notably, in 1989, the International Law Section was begun, and a record number of sections participated in our expanded "Bridge-the-Gap" program of 2 days and contributed updates to the "Bridge-the-Gap" Manual. For the first time, the topics of "Criminal Defense," "Criminal Prosecution," "Paralegal Profitability," "Collections and Executions," "Discovery," "Fast Track Rule," "Professional Conduct for the Non-Attorney," and "Tort Claims" were included in the Manual. At the 1989 Annual Convention in Juneau, 10 Sections met for their annual meeting and review of updates.

### 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. Maryann E. Foley currently chairs this committee.

#### 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 Raymond M. Funk. (See Part IV of this Report.)

### **3. Ethics Committee**

Chaired by Kenneth P. Jacobus, the 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 about proposed conduct. The Ethics Committee then decides whether the matter may be resolved by issuing an informal opinion or by preparing a formal opinion for consideration by the Board of Governors. Only the Board may issue and publish formal opinions. If a formal opinion is adopted, it is published in the Bar Rag, and circulated to all law libraries. Copies of individual Ethics Opinions are available from the Bar office and a complete set of Ethics Opinions is available in the office for review. The Board is also publishing complete sets of the Ethics Opinions for purchase.

Additionally, Bar Counsel may give informal ethics advice to practitioners who request assistance. The number of attorneys requesting this assistance continues to steadily increase. The availability of this service has helped practitioners become aware of ethical problems and thus avoid those problems in their day to day activities.

### **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. Madeline R. "Loni" Levy chaired this committee in 1989.

### **5. Law Related Education Committee**

The purpose of this 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.

Bylaw VII, section (a)(5) was amended to divide the committee into subcommittees in the different communities to reflect the involvement of the lawyers with the local school districts.

a. Bar-School Partnership Program

As part of the continuing Bar-School partnership established in various communities in Alaska as the result of a grant from the American Bar Association, an orientation and training session was held in October for lawyers and teachers from Anchorage, Kenai, Mat-su, Juneau and Fairbanks. The participants were shown teaching techniques and ideas, and methods for getting students involved in discussing and analyzing ideas.

The different communities have formed lawyer-teacher committees aimed at teaching students about the law, getting lawyers into the classroom and to otherwise act as resources for teachers. In Anchorage and Juneau, the committees developed credit courses for teachers which covered different substantive and procedural areas of the law each week over the semester. The Anchorage course was being held for the second year, with over 30 lawyers comprising the faculty and 100 teachers enrolled in the course.

6. 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.

The Board of Governors established an eight person study committee. 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. In the fall of 1988, the Board and the Committee started holding joint work sessions at each Board meeting to discuss and vote on the more controversial rules before adopting the rules for publication.

In 1989, the Board completed its study and published its proposals in the Bar Rag for comment by the membership. In October, the Board took final action to send the proposed rules to the Supreme Court. During this last stage of review by the Court, the Board anticipates working with the Court and its staff on the final wording of the various provisions.

## **2. Substance Abuse Committee**

John Abbott 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.

## **3. 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. Orientation and training material is provided to 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. Twenty-three applicants requested tutoring assistance in 1989.

## **VIII. MEMBERSHIP SERVICES**

### **A. ALPS (Attorney Liability Protection Society)**

The Alaska Bar Association is a member of 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. Michael A. Thompson serves as Alaska's director on the ALPS Board of Directors. ALPS began issuing policies in spring of 1988.

In order to be eligible for coverage by the company, Alaskan lawyers are required to contribute \$2,200 as their capital share. Rates will be computed for each participating state based upon the claims experience in that state.

### **B. LEXIS**

The Bar Association sponsors a group program to provide members with access to LEXIS, a computer-assisted legal research service offered by Mead Data Central, (MDC). Participating firms pay a \$25.00 monthly subscription fee. Additionally, all members' use of LEXIS aggregates to take advantage of volume discounts.

### **C. Group Insurance**

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.

The Bar Association sponsors a group Disability Insurance program offered by Crown Life Insurance Company.

#### D. The Alaska Bar Rag

The official publication of the Bar Association is the Alaska Bar Rag, which is published bi-monthly. The editor is Ralph R. Beistline.

#### E. 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. It contains notices of section meetings, CLE seminars, and information on new case law.

#### F. Membership Directory

In August 1989, the Association distributed to all active members, at no charge, a membership directory of all members of the Association. The directory was broken down by judicial district, member status, and also listed the state judges. The Board of Governors' intention was to print and distribute this directory every year. Before printing again however, the Board directed that a survey be conducted of all active members, asking whether they think the Association should continue to print and distribute the directory, at no charge to the members.

#### G. Ethics Opinions

The Board of Governors directed that the ethics opinions be printed and available in 3 ring binders for sale to members. Preorders were taken and due by the end of the year so that sets of opinions would only be printed for the orders taken.

#### H. Copying Machines in the Law Library

In October, the Alaska Court System gave notice to the Anchorage Bar Association that it was terminating its agreement with them to provide copying services in the Anchorage Law Library. The court system approached the Board of Governors to

make a proposal for a cooperative agreement for similar services. The court's proposal was that the Alaska Bar Association establish service agreements with local bar associations for the purpose of providing copiers in the Alaska Court Libraries for the use of all library patrons. The Board directed the vice-president and the executive director to negotiate the contracts with the court system and the local bar association.

## **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. In 1989 seven scholarships were awarded: One \$2,000 scholarship, five in the amount of \$1,000, and one \$500 scholarship.

#### **1. IOLTA**

The Alaska Supreme Court adopted amendments to DR 9-102 in 1986, effective March 15, 1987, establishing a voluntary IOLTA (Interest on Lawyers Trust Accounts) program for the state of Alaska. Beginning March 15, 1987, lawyers may place client trust money, previously held in co-mingled, noninterest-bearing checking accounts, into interest-bearing accounts. Included are 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 is 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.

On March 30, 1989, the Alaska Supreme Court amended DR 9-102 which converted the IOLTA voluntary program to an opt-out program. This rule, effective July 15, 1989 provides that unless an election not to participate is submitted in accordance with the procedures outlined in the rule, a lawyer or law firm shall establish an IOLTA account. The rule stated that the lawyer or law firm shall make the election on or before September 1, 1989 on a Notice of Election form provided by the Alaska Bar Association. If the Notice of Election is not submitted, the lawyer or law firm shall maintain the IOLTA account. The election can be changed at any time by notifying the Alaska Bar Association.

Notice of Election forms went out to all members in early August. The opt-out program resulted in a 39% increase in participating firms. In May there were 88 firms signed up with the IOLTA program. By the end of 1989, there were 122 firms participating in the program. The monthly income for the IOLTA program has increased from \$8,008 in May to \$14,405 in December. Total income for 1989 was \$106,912.

The Foundation solicited Requests for Proposals for the distribution of grants. In 1989, a \$50,000 grant was made to the Alaska Pro Bono Program.

## 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 Alaska Law Review is edited by law students at Duke University School of Law in Durham, North Carolina, and includes articles by practicing attorneys, law professors, and notes and comments by Duke law students. The Alaska Bar Association and Duke Law School renewed a 3 year contract to continue publication of the Alaska Law Review until December, 1992.

In March, eight law students on the 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 1989 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 1989, Daniel L. Callahan, 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 lawyer representatives who are appointed by the presiding judge of the Federal Court in Alaska to serve three year terms. The Bar Association participates in the selection of these attorney members by soliciting nominations, conducting an advisory poll, and recommending to the Chief Judge lawyers for each vacancy. At the end of 1989, the representatives were Robert C. Bundy, Lewis F. Gordon, R. Collin Middleton and Millard F. Ingraham. R. Everett Harris was appointed as Special Representative of the Alaska Bar Association to assist with planning for the 9th Circuit Judicial Conference to take place in Anchorage in June 1990.

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. Joseph J. Perkins, Jr., 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**

Appendix 3 contains the year end monthly report on the 1989 income and expense budget for the Association. The 1989 report reflects a total revenue of \$1,209,694 with total expenses of \$1,242,254 for a net loss of \$32,560.

Originally, the Bar Association was budgeted for a \$130,624 loss in 1989, with projected income of \$1,146,877 and expenses of \$1,277,501. Generally, projected income is budgeted conservatively, while expenses are budgeted for "worse case scenario." This year our expenses ran at 97% of budget, while income came in at 1.05% over budget.

Several factors contributed to the budget deficit this year. Admissions income was down slightly, while expenses were up. Printing costs for the Board of Governors elections were higher than normal due to the exceptionally large number of candidates running for a greater number of vacancies on the Board. Also contributing to higher printing and postage costs were two polls conducted this year, for the U.S. District Court judge vacancy, and the U.S. Bankruptcy judge position. Unbudgeted expenses included the \$4,000 contribution to conduct a Membership survey of the members of the Bar Association, in conjunction with the Alaska Judicial Council, as well as \$15,000 to print and distribute the membership directory.

The Association is continuing to pay off a \$167,000 loan taken out to purchase the new computer system, consisting of a WANG VS6E and Focus software. All staff now have a computer terminal on their desk, which, even though only word processing and "Office" messaging functions are currently operational, have made the office function more efficiently. The controller is working, along with part-time contract programmer assistance, to design and code the data processing programs, with a target date of completion the summer of 1990.



# Appendix 1





# ALASKA BAR ASSOCIATION

Carolyn Jones  
1031 W. 4th Avenue, Suite 200  
Anchorage, AK 99501  
May 31, 1989

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

Dear Mr. Weeks:

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 21, 22 and 23, 1989. 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 56 applicants participated in the February, 1989 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.

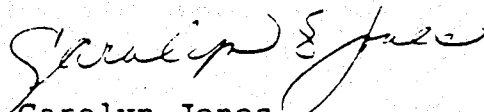
The components of the exam were weighted as follows: Essay portion, 50%; MBE, 50%; with the essay portion sub-weighted as follows: the three long essays, 30%; the six short essays, 45%; the research/analysis question, 25%. A combined score of 140 or above was passing.

The Committee read the essay and research answers during the months of March and April, 1988. The results of the February, 1989 examination were certified by the Committee today, May 31, 1989, after the evaluation was completed and the statistics were compiled.

Of the 56 applicants, 36 (65%) 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 36 applicants achieving passing scores on the February, 1989 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

  
Carolyn Jones  
Chair

vu

aform188

Report Date: 89/05/26

=====

2/89 EXAM PASS/FAIL RESULTS

=====

Pass/Fail Results

		4	8	12	16	20	24	28	32	36	40
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Fail	( 20)	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Pass	( 36)	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
of occurrences		4	8	12	16	20	24	28	32	36	40

Report Date: 89/05/26

FEBRUARY 1989

GENDER VS./ PASS-FAIL RESULT

		4	8	12	16	20	24	28	32	36	40
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Female	( 17 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Fail	( 8 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Pass	( 9 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Male	( 39 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Fail	( 12 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
Pass	( 27 )	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		4	8	12	16	20	24	28	32	36	40

Report Date: 89/05/26

FEBRUARY 1989

10. OF TIMES TAKEN/ PASS-FAIL RESULT

		4	8	12	16	20	24	28	32	36	40
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
1st Time taken	( 33 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
ail	( 8 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
pass	( 25 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
2nd time	( 16 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
ail	( 8 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
pass	( 8 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
3rd time	( 4 )	#####	#####	#####	#####	#####	#####	#####	#####	#####	#####
ail	( 2 )	##	##	##	##	##	##	##	##	##	##
pass	( 2 )	##	##	##	##	##	##	##	##	##	##
5th time	( 1 )	#	#	#	#	#	#	#	#	#	#
ail	( 1 )	#	#	#	#	#	#	#	#	#	#
6th time	( 1 )	#	#	#	#	#	#	#	#	#	#
pass	( 1 )	#	#	#	#	#	#	#	#	#	#
8th time	( 1 )	#	#	#	#	#	#	#	#	#	#
ail	( 1 )	#	#	#	#	#	#	#	#	#	#
of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑

Report Date: 89/05/27

FEBRUARY 1989

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Case Western Reserve	( 1 )	[#####	[	[	[	[	[	[	[	[	[
F University	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Columbia University	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Franklin Pierce Law	( 1 )	[#####	[	[	[	[	[	[	[	[	[
F Center	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Georgetown University	( 1 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Gonzaga University	( 2 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Harvard University	( 3 )	[#####	[	[	[	[	[	[	[	[	[
P	( 3 )	[#####	[	[	[	[	[	[	[	[	[
Lewis & Clark College	( 2 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Northwestern University	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Santa Clara University	( 3 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 2 )	[#####	[	[	[	[	[	[	[	[	[
Southern Illinois	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
State University of	( 1 )	[#####	[	[	[	[	[	[	[	[	[
F New York at Buffalo	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Syracuse College of	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P Law	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Touro College School of	( 1 )	[#####	[	[	[	[	[	[	[	[	[
F Law	( 1 )	[#####	[	[	[	[	[	[	[	[	[
Tulane University	( 1 )	[#####	[	[	[	[	[	[	[	[	[
P	( 1 )	[#####	[	[	[	[	[	[	[	[	[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of occurrence		1	2	3	4	5	6	7	8	9	10

Report Date: 89/05/27

FEBRUARY 1989

LAW SCHOOL VS. / PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[	[	[	[	[	[	[	[	[	[
University of California	( 3 )	[#####									
P	Hastings ( 3 )	[#####									
University of Dayton	( 1 )	[#####									
P	( 1 )	[#####									
University of Denver	( 2 )	[#####									
F	( 1 )	[#####									
P	( 1 )	[#####									
University of Iowa	( 1 )	[#####									
P	( 1 )	[#####									
University of Miami	( 1 )	[#####									
P	( 1 )	[#####									
University of Michigan	( 1 )	[#####									
P	( 1 )	[#####									
University of New Mexico	( 1 )	[#####									
F	( 1 )	[#####									
University of Oklahoma	( 1 )	[#####									
P	( 1 )	[#####									
University of Oregon	( 5 )	[#####									
F	( 1 )	[#####									
P	( 4 )	[#####									
University of Puget Sound	( 8 )	[#####									
F	( 5 )	[#####									
P	( 3 )	[#####									
University of Tennessee	( 1 )	[#####									
F	( 1 )	[#####									
University of Texas	( 1 )	[#####									
P	( 1 )	[#####									
University of Wyoming	( 1 )	[#####									
F	( 1 )	[#####									
University of Minnesota	( 1 )	[#####									
		[									
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		1	2	3	4	5	6	7	8	9	10

Report Date: 89/05/27

FEBRUARY 1989

LAW SCHOOL VS./ PASS-FAIL RESULT

		1	2	3	4	5	6	7	8	9	10
		↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑
P		[	[	[	[	[	[	[	[	[	[
	( 1 )	#####	[	[	[	[	[	[	[	[	[
=====											
Western State College	( 1 )	#####	[	[	[	[	[	[	[	[	[
F	( 1 )	#####	[	[	[	[	[	[	[	[	[
=====											
Whittier College School	( 1 )	#####	[	[	[	[	[	[	[	[	[
P of Law	( 1 )	#####	[	[	[	[	[	[	[	[	[
=====											
Willamette University	( 5 )	#####	[	[	[	[	[	[	[	[	[
F	( 1 )	#####	[	[	[	[	[	[	[	[	[
P	( 4 )	#####	[	[	[	[	[	[	[	[	[
=====											
William Mitchell College	( 1 )	#####	[	[	[	[	[	[	[	[	[
P of Law	( 1 )	#####	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
		↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑	↑-----↑
# of occurrence		1	2	3	4	5	6	7	8	9	10



# ALASKA BAR ASSOCIATION

Carolyn Jones  
1031 W. 4th Avenue, Suite 200  
Anchorage, AK 99501  
October 17, 1989

Jeffrey M. Feldman  
President, Board of Governors  
Alaska Bar Association  
Post Office Box 100279  
Anchorage, AK 99510

Dear Mr. Feldman:

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 25, 26 and 27, 1989. 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 81 applicants participated in the July, 1989 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 17, 1989

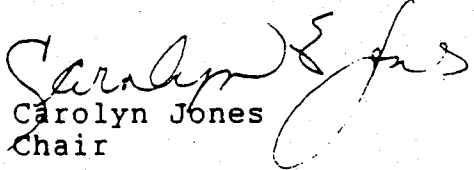
The components of the exam were weighted as follows: Essay portion, 50%; MBE, 50%; with the essay portion sub-weighted as follows: the three long essays, 30%; the six short essays, 45%; the research/analysis question, 25%. A combined score of 140 or above was passing.

The Committee read the essay and research answers during the months of August and September, 1989. The results of the July, 1989 examination were certified by the Committee today, October 17, 1989, after the evaluation was completed and the statistics were compiled.

Of the 81 applicants, 50 (62%) 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 50 applicants achieving passing scores on the July, 1989 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

  
Carolyn Jones  
Chair

vu

aform188

Report Date: 89/10/11

JULY 1989

Pass/Fail Results

		5	10	15	20	25	30	35	40	45	50
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		[	[	[	[	[	[	[	[	[	[
Pass	( 50)	[#####]									
		[	[	[	[	[	[	[	[	[	[
Fail	( 31)	[#####									
		[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of occurrences		5	10	15	20	25	30	35	40	45	50

Report Date: 89/10/11

JULY 1989

Gender vs./ Pass/Fail Result

		5	10	15	20	25	30	35	40	45	50
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Male	( 45)	[	[	[	[	[	[	[	[	[	[
Pass	( 30)	[	[	[	[	[	[	[	[	[	[
Fail	( 15)	[	[	[	[	[	[	[	[	[	[
Female	( 36)	[	[	[	[	[	[	[	[	[	[
Pass	( 20)	[	[	[	[	[	[	[	[	[	[
Fail	( 16)	[	[	[	[	[	[	[	[	[	[
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑

Report Date: 89/10/11

JULY 1989

NO. OF TIMES TAKEN/ PASS/FAIL RESULT

		7	14	21	28	35	42	49	56	63	70
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
1st time taken	( 62)	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####
Fail	( 16)	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####
Pass	( 46)	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####	[#####
2nd time taken	( 5)	[###	[	[	[	[	[	[	[	[	[
Fail	( 4)	[##	[	[	[	[	[	[	[	[	[
Pass	( 1)	[#	[	[	[	[	[	[	[	[	[
3rd time	( 8)	[#####	[	[	[	[	[	[	[	[	[
Fail	( 5)	[###	[	[	[	[	[	[	[	[	[
Pass	( 3)	[##	[	[	[	[	[	[	[	[	[
4th time	( 3)	[##	[	[	[	[	[	[	[	[	[
Fail	( 3)	[##	[	[	[	[	[	[	[	[	[
5th time	( 1)	[#	[	[	[	[	[	[	[	[	[
Fail	( 1)	[#	[	[	[	[	[	[	[	[	[
8th time	( 1)	[#	[	[	[	[	[	[	[	[	[
Fail	( 1)	[#	[	[	[	[	[	[	[	[	[
10th time	( 1)	[#	[	[	[	[	[	[	[	[	[
Fail	( 1)	[#	[	[	[	[	[	[	[	[	[
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		7	14	21	28	35	42	49	56	63	70

Report Date: 89/10/11

JULY 1989

LAW SCHOOL vs. / PASS-FAIL RESULT

			2	4	6	8	10	12	14	16	18	20
			↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
Case Western Reserve	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P.	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Cornell Law School	( 2)[#####	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
George Washington	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Georgetown University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Gonzaga University	( 2)[#####	[	[	[	[	[	[	[	[	[	[	[
F	( 2)[#####	[	[	[	[	[	[	[	[	[	[	[
Harvard University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Hastings College of Law	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Indiana University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Lewis Clark College	( 3)[#####	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 2)[#####	[	[	[	[	[	[	[	[	[	[	[
Marquette University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
O.W. Coburn School	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Santa Clara University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
State University of N.Y. at Buffalo	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
Suffolk University	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
P	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
University of Arizona	( 4)[#####	[	[	[	[	[	[	[	[	[	[	[
F	( 1)[##	[	[	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[	[
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
			2	4	6	8	10	12	14	16	18	20

Report Date: 89/10/11

JULY 1989

LAW SCHOOL vs. / PASS-FAIL RESULT

		2	4	6	8	10	12	14	16	18	20
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
P	( 3 )	#####	[	[	[	[	[	[	[	[	[
University of California	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 1 )	##	[	[	[	[	[	[	[	[	[
University of Colorado	( 4 )	#####	[	[	[	[	[	[	[	[	[
P	( 4 )	#####	[	[	[	[	[	[	[	[	[
University of Denver	( 2 )	#####	[	[	[	[	[	[	[	[	[
P	( 2 )	#####	[	[	[	[	[	[	[	[	[
University of Idaho	( 2 )	#####	[	[	[	[	[	[	[	[	[
F	( 2 )	#####	[	[	[	[	[	[	[	[	[
University of Michigan	( 2 )	#####	[	[	[	[	[	[	[	[	[
P	( 2 )	#####	[	[	[	[	[	[	[	[	[
University of Montana	( 3 )	#####	[	[	[	[	[	[	[	[	[
F	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 2 )	#####	[	[	[	[	[	[	[	[	[
University of Nebraska	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 1 )	##	[	[	[	[	[	[	[	[	[
University of New Mexico	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 1 )	##	[	[	[	[	[	[	[	[	[
University of North Dakota	( 3 )	#####	[	[	[	[	[	[	[	[	[
F	( 2 )	#####	[	[	[	[	[	[	[	[	[
P Univ. of No. Carolina	( 1 )	##	[	[	[	[	[	[	[	[	[
University of Notre Dame	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 1 )	##	[	[	[	[	[	[	[	[	[
University of Oregon	( 9 )	#####	[	[	[	[	[	[	[	[	[
F	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 8 )	#####	[	[	[	[	[	[	[	[	[
University of Puget Sound	( 11 )	#####	[	[	[	[	[	[	[	[	[
F	( 8 )	#####	[	[	[	[	[	[	[	[	[
P	( 3 )	#####	[	[	[	[	[	[	[	[	[
University of San Diego	( 1 )	##	[	[	[	[	[	[	[	[	[
P	( 1 )	##	[	[	[	[	[	[	[	[	[
University of Santa Clara	( 1 )	##	[	[	[	[	[	[	[	[	[
		[	[	[	[	[	[	[	[	[	[
# of occurrence		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
		2	4	6	8	10	12	14	16	18	20

Report Date: 89/10/11

JULY 1989

LAW SCHOOL vs. PASS-FAIL RESULT

		2	4	6	8	10	12	14	16	18	20
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
F	( 1 )	[##	[	[	[	[	[	[	[	[	[
University of Southern California Law College	( 1 )	[##	[	[	[	[	[	[	[	[	[
P	( 1 )	[##	[	[	[	[	[	[	[	[	[
University of Tennessee	( 1 )	[##	[	[	[	[	[	[	[	[	[
F	( 1 )	[##	[	[	[	[	[	[	[	[	[
University of Utah	( 2 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[##	[	[	[	[	[	[	[	[	[
P	( 1 )	[##	[	[	[	[	[	[	[	[	[
University of Washington	( 1 )	[##	[	[	[	[	[	[	[	[	[
P	( 1 )	[##	[	[	[	[	[	[	[	[	[
University of Wyoming	( 1 )	[##	[	[	[	[	[	[	[	[	[
F	( 1 )	[##	[	[	[	[	[	[	[	[	[
Vermont Law School	( 3 )	[#####	[	[	[	[	[	[	[	[	[
F	( 1 )	[##	[	[	[	[	[	[	[	[	[
P	( 2 )	[#####	[	[	[	[	[	[	[	[	[
Willamette University	( 8 )	[#####	[	[	[	[	[	[	[	[	[
F	( 4 )	[#####	[	[	[	[	[	[	[	[	[
P	( 4 )	[#####	[	[	[	[	[	[	[	[	[
		↑	↑	↑	↑	↑	↑	↑	↑	↑	↑
# of occurrence		2	4	6	8	10	12	14	16	18	20



# **Appendix 2**



City	Available Attorneys (1989)	Registered in 1988	Registered in 1989	Plus/ Minus	Number 1983	of 1984	cases 1985	closed 1986	by 1987	year 1988	1989	Cases Pending
Haines	1	1	1	0		3	3					4
Juneau	145	111	109	-2	7	22	102	180	239	147	124	47
Ketchikan	29	19	19	0		2	2	14	19	12	11	11
Petersburg	2	2	1	-1				1	1		0	1
Sitka	13	10	9	-1		3	3	3	3	9	8	3
Wrangell	1	1	1	0							0	1
Barrow	10	10	8	-2				1	2	8	12	4
Rotzebue	2	1	1	0		1	1	1	2	78	1	1
Nome	8	5	6	1				3	1	3	3	15
Anchorage	1112	471	520	49	26	125	452	850	1167	1142	813	165
Cordova	1	1	1	0		1		1		2	1	0
Dillingham	3	3	3	0				2			0	3
Eagle River	4	3	1	-2			4	2	5	12	3	7
Homer	9	7	6	-1			2	7	11	37	4	7
King Salmon	1	1	1	0				1			0	0
Kodiak	15	11	15	4		2	3	2	6	26	42	6
Palmer	9	5	4	-1			1	5	9	11	11	5
Sold/Kenai	24	10	9	-1		1	4	7	15	27	15	9
Valdez	2	2	1	-1				1	2	2	0	3
Wasilla	16	10	11	1		1	4	8	27	65	63	8
Bethel	8	2	6	4				1	5		4	18
Fairbanks	185	100	96	-4		25	143	137	165	135	122	47
OUT OF STATE		12	13	1			1	3	2	2	4	8
TOTALS:	1600	798	842	44	33	186	727	1230	1681	1711	1241	373
		\$53.4	\$52.6									
Past Volunteers:	in 1987: 777	in 1986: 683	in 1985: 563	in 1984: 405	in 1983: 259	:	Doctors: 116	Court Repts.: 40	C.P.A.'s: 9	P-Invest.: 10	Paralegals: 9	other: 4



## **Appendix 3**



# INCOME BUDGET ANALYSIS

## INCOME

0400

SUB DD	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	OVER/UNDER	%YTD
400 00	MEMBERSHIP DUES	708,515	708,515.00	-715,948.60	7,433.60	101%
401 00	ADMISSION FEES - BAR EXAM	80,150	80,150.00	-74,450.00	-5,700.00	93%
401 02	ADMISSION FEES - ATTORNEY	8,000	8,000.00	-8,000.00	0.00	100%
402 00	CLE SEMINARS & TAPES	111,000	111,000.00	-155,592.15	44,592.15	140%
403 00	SUBSTANTIVE LAW SECTIONS	11,090	11,090.00	-6,265.00	-4,825.00	56%
404 00	ADDRESSING & COPYING	7,900	7,900.00	-10,596.20	2,696.20	134%
405 00	RULE B1 PARTICIPATION	19,600	19,600.00	-31,000.00	11,400.00	158%
406 00	DUES INSTALLMENT SVC FEES	9,750	9,750.00	-8,865.00	-865.00	91%
407 00	INTEREST INCOME	60,000	60,000.00	-70,357.33	10,357.33	117%
407 00	LAWYER REFERRAL FEES	52,000	52,000.00	51,389.53	-610.47	97%
410 00	THE ALASKA BAR RAG	25,872	25,872.00	-19,189.90	-6,682.10	74%
411 00	ANNUAL CONVENTION	45,000	45,000.00	-42,064.83	-2,935.17	93%
415 00	STATE OF ALASKA	0	0.00	0.00	0.00	0%
416 00	MISCELLANEOUS INCOME	2,000	2,000.00	-5,442.31	3,442.31	272%
417 00	PENALTIES - LATE DUES	6,000	6,000.00	-8,264.00	2,264.00	138%
418 00	BANKRUPTCY COURT PROJECT	0	0.00	0.00	0.00	0%
419 00	ACCOUNTING SVC-FOUNDATION	0	0.00	-2,269.62	2,269.62	0%
Subtotals for 0400		1,146,877	1,146,877	-1,209,694	62,817	

%

Grand Total

%

Percentages

# EXPENSE BUDGET ANALYSIS

## DEPARTMENT:

0500 ADMISSIONS

SUB ID	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	+OVER -UNDER	%YTD
501-00	ADMISSIONS SALARIES	54,503	54,503.00	55,616.58	1,113.58	102%
502-00	ADMISSIONS PAYROLL TAXES	3,909	3,909.00	4,260.19	351.19	107%
503-00	ADMISSIONS STAFF INSURANC	5,540	5,540.00	6,138.86	598.86	111%
504-00	ADMISSIONS STAFF PENSIONS	2,725	2,725.00	2,774.85	49.85	102%
505-01	BAR EXAM GRADING - MBE	3,220	3,220.00	3,151.00	-69.00	98%
505-02	BAR EXAM GRADING - LOCAL	21,620	21,620.00	25,670.00	4,050.00	119%
506-00	EXAM REVIEW TRAININGCONSULT	0	0.00	0.00	0.00	0%
507-00	ADMISSIONS LITIGATION	4,000	4,000.00	4,588.44	588.44	115%
508-00	BAR EXAM RENT/ADMIN	10,130	10,130.00	10,608.50	478.50	105%
509-00	ADMISSIONS POSTAGE/SUPPLY	8,100	8,100.00	10,120.09	2,020.09	125%
510-00	ADMISSIONS TELEPHONE	1,300	1,300.00	1,641.45	341.45	126%
511-00	ADMISSIONS MISCELLANEOUS	2,200	2,200.00	2,028.78	-171.22	92%
512-00	BAR EXAM QUESTIONS	6,000	6,000.00	6,000.00	0.00	100%
513-00	ADMISSIONS OFFICE RENT	8,714	8,714.00	9,097.87	383.87	104%
514-00	ADMISSIONS DEPR & AMORT	8,206	8,206.00	5,554.38	-2,651.62	68%
515-00	ADMISSIONS LEASED EQUIP.	3,129	3,129.00	3,261.79	134.79	104%
516-00	ADMISSIONS EQUIP MAINTAIN	3,213	3,213.00	3,003.86	-209.14	93%
517-00	ADMISSIONS FINGERPRINTING	1,764	1,764.00	1,750.00	-14.00	99%
Subtotals for 0500		148,273	148,273	155,269	6,996	

%

## 0600 BOARD OF GOVERNORS

601-01	BOG TRAVEL&EXPENSE - ANC	15,498	15,498.00	7,682.28	-7,815.72	50%
601-02	BOG TRAVEL&EXPENSE-JUNEAU	9,575	9,575.00	10,564.84	989.84	110%
601-04	BOG TRAVEL&EXPENSE - MISC	1,000	1,000.00	530.00	-470.00	53%
602-01	BOG ABA MID-YEAR MEETING	2,058	2,058.00	93.00	-1,965.00	5%
602-02	BOG BAR LEADERSHIP MTG	2,161	2,161.00	0.00	-2,161.00	0%
602-03	BOG ABA ANNUAL CONVENTION	2,465	2,465.00	0.00	-2,465.00	0%
602-04	BOG WESTERN STATES	2,167	2,167.00	0.00	-2,167.00	0%
603-01	N/ATNY TRAVEL&EXPENSE-ANC	8,020	8,020.00	2,032.13	-5,987.87	25%
603-02	N/ATNY TRAVEL&EXPENSE-JNU	3,648	3,648.00	1,603.74	-2,044.26	44%
604-00	BOG TELEPHONE	1,130	1,130.00	610.20	-519.80	54%



# EXPENSE BUDGET ANALYSIS

## DEPARTMENT:

0600 BOARD OF GOVERNORS

SUB DO	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	+OVER-UNDER	%YTD
605-00	BOG MAIL/SUPPLY/MISC	9,000	9,000.00	17,813.33	8,813.33	198%
606-00	BOG CONFERENCE ROOM RENT	850	850.00	500.00	-350.00	59%
Subtotals for 0600		57,572	57,572	41,430	-16,142	
			100%	71.96%		

%

## 0700 DISCIPLINE/ BAR COUNSEL

701-00	D/BC SALARIES	189,254	189,254.00	179,625.09	-9,628.91	95%
702-00	D/BC PAYROLL TAXES	14,352	14,352.00	14,694.46	342.46	102%
703-00	D/BC STAFF INSURANCE	15,322	15,322.00	13,107.00	-2,215.00	86%
704-00	D/BC STAFF PENSIONS	8,120	8,120.00	2,382.36	-5,737.64	29%
705-00	LITIGATION SUPPORT SVCS	1,000	1,000.00	1,418.00	418.00	142%
706-01	D/BC TRAVEL&EXPENSE-NOBC	5,808	5,808.00	1,119.20	-4,688.80	19%
706-02	D/BC TRAVEL&EXPENSE-JUNEA	2,726	2,726.00	2,042.29	-683.71	75%
706-04	D/BC TRAVEL&EXPENSE-INRAH	950	950.00	346.70	-603.30	36%
707-00	CONTRACT LABOR/CONFLICT/IT	5,000	5,000.00	5,501.59	501.59	110%
708-00	D/BC MAIL/SUPPLY/COPY/MSC	14,000	14,000.00	14,906.67	906.67	106%
709-00	AREA HEARINGS	1,500	1,500.00	0.00	-1,500.00	0%
710-00	D/BC TELEPHONE	4,000	4,000.00	4,972.68	972.68	124%
711-00	D/BC RENT	22,261	22,261.00	22,164.78	-96.22	100%
712-00	BAR RULE 31 - TRUSTEE ATNY	5,000	5,000.00	0.00	-5,000.00	0%
715-00	INFORMATION & TRAINING	6,000	6,000.00	6,440.03	440.03	107%
716-00	D/BC DEPR & AMORT	22,567	22,567.00	15,274.52	-7,292.48	68%
717-00	D/BC LEASED EQUIPMENT	8,604	8,604.00	9,281.91	677.91	108%
718-00	D/BC EQUIP MAINTENANCE	8,836	8,836.00	8,260.62	-575.38	93%
Subtotals for 0700		335,300	335,300	301,538	-33,762	
			100%	89.93%		

%

# EXPENSE BUDGET ANALYSIS

## DEPARTMENT:

0800 ADMINISTRATION

SUB DD	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	+OVER-UNDER	%YTD
801-00	ADMIN SALARIES	127,924	127,924.00	127,232.32	-691.68	99%
802-00	ADMIN PAYROLL TAXES	10,286	10,286.00	10,608.57	322.57	103%
803-00	ADMIN STAFF INSURANCE	11,859	11,859.00	12,444.08	585.08	105%
804-00	ADMIN STAFF PENSIONS	6,141	6,141.00	5,111.48	1,029.52	83%
805-00	ADMIN TELEPHONE	3,100	3,100.00	3,786.45	686.45	122%
807-01	AD TRAVEL&EXPENSE-ABANDYR	2,298	2,298.00	1,377.25	920.75	60%
807-02	AD TRAVEL&EXPENSE-ABA AN	2,224	2,224.00	1,382.11	841.89	62%
807-03	AD TRAVEL&EXPENSE-JUNEAU	4,649	4,649.00	2,322.07	2,326.93	50%
807-04	AD TRAVEL&EXPENSE-BARLEAD	0	0.00	0.00	0.00	0%
807-05	AD TRAVEL&EXPENSE-ACCT	4,799	4,799.00	3,316.53	1,482.47	69%
808-00	ADMIN EQUIPMENT MAINTAIN	7,230	7,230.00	6,764.70	465.30	94%
809-00	ADMIN SUPPLIES	8,700	8,700.00	4,789.93	3,910.07	55%
810-00	ADMIN POSTAGE/FREIGHT	19,800	19,800.00	15,520.46	4,279.54	78%
811-00	ADMIN EQUIPMENT LEASES	7,040	7,040.00	2,541.42	4,498.58	36%
812-00	ADMIN PRINTING	6,000	6,000.00	6,899.94	899.94	115%
813-00	ADMIN OFFICE RENT	18,776	18,776.00	15,685.20	3,100.80	83%
815-00	ADMIN ANNUAL AUDIT	8,700	8,700.00	8,298.50	401.50	95%
816-00	ADMIN DUES & SEMINARS	2,000	2,000.00	3,084.70	1,084.70	154%
819-00	ADMIN PROP&GLA INSURANCE	18,428	18,428.00	17,166.86	1,261.14	93%
820-00	ADMIN DEPR & AMORT	18,464	18,464.00	12,497.27	5,966.73	68%
823-00	ADMIN MISCELLANEOUS	2,500	2,500.00	1,170.29	1,329.71	47%
824-00	PENSION FUND ADMIN COSTS	1,600	1,600.00	1,126.93	473.07	70%
Subtotals for 0800		292,738	292,738	263,127	-29,611	
			100%	89.88%		

%

0900 LAWYER REFERRAL SERVICE

901-00	LAW REF SALARIES	14,839	14,839.00	15,005.27	166.27	101%
902-00	LAW REF PAYROLL TAXES	1,171	1,171.00	1,490.73	319.73	109%
903-00	LAW REF STAFF INSURANCE	1,605	1,605.00	1,729.23	124.23	108%
904-00	LAW REF STAFF PENSIONS	168	168.00	127.32	40.68	76%
905-01	LAW REF ADVERTISING - ANC	3,650	3,650.00	2,895.96	754.04	79%
905-02	LAW REF ADVERTISING - OUT	4,400	4,400.00	2,745.15	1,654.85	51%

# EXPENSE BUDGET ANALYSIS

## DEPARTMENT:

0900 LAWYER REFERRAL

SUB 00	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	+OVER-UNDER	%YTD
906-00	LAW REF TELEPHONE -LD,800	4,050	4,050.00	4,482.68	432.68	111%
907-00	LAW REF MAIL/SUPPLY/MISC	1,300	1,300.00	1,472.19	172.19	113%
908-00	LAW REF OFFICE RENT	4,735	4,736.00	4,610.94	-125.06	97%
909-00	LAW REF DEPR & AMORT	6,839	6,819.00	4,628.64	-2,210.36	68%
910-00	LAW REF LEASED EQUIPMENT	2,407	2,607.00	2,594.99	-12.01	100%
911-00	LAW REF EQUIP MAINTENANCE	2,678	2,678.00	2,503.23	-174.77	93%
Subtotals for 0900		48,243	48,243	43,787	4,456	
			100%	90.76%		

## 1000 CONTINUING LEGAL EDUCATION

1000-00	DIRECT COSTS OF SEMINARS	91,000	91,000.00	129,773.11	38,773.11	143%
101-00	CLE SALARIES	47,531	47,531.00	47,813.04	282.04	101%
102-00	CLE PAYROLL TAXES	4,194	4,194.00	4,392.61	198.61	105%
103-00	CLE STAFF INSURANCE	6,787	6,787.00	7,515.20	728.20	111%
104-00	CLE STAFF PENSIONS	2,081	2,081.00	1,855.43	-225.57	89%
105-00	CLE TELEPHONE	1,300	1,300.00	1,480.42	180.42	114%
106-00	CLE SUPPLY/MISCELLANEOUS	2,250	2,250.00	3,742.60	1,492.60	166%
107-02	CLE TRAVEL&PERDIEM-ACLEA	4,605	4,605.00	2,969.72	-1,635.28	64%
108-00	CLE DEPR & AMORT	9,836	9,836.00	6,914.78	-2,921.22	70%
109-00	CLE OFFICE RENT	18,153	18,153.00	17,675.61	-477.39	97%
110-00	CLE LEASED EQUIPMENT	2,868	2,868.00	2,868.42	0.42	100%
111-00	CLE EQUIP. MAINTENANCE	2,945	2,945.00	2,945.03	0.03	100%
113-00	CLE COMMITTEE EXPENSE	1,970	1,970.00	2,295.14	325.14	117%
Subtotals for 1000		195,520	195,520	232,241	36,721	
			100%	118.78%		

# EXTENDED BUDGET ANALYSIS

## DEPARTMENT:

1100 JTE ARBITRATION

SUB ID	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	OVER UNDER	%YTD
001-00	FEEARB SALARIES	18,865	18,865.00	16,942.84	-1,922.16	90%
002-00	FEEARB PAYROLL TAXES	1,601	1,601.00	1,595.78	-5.22	100%
003-00	FEEARB STAFF INSURANCE	2,880	2,880.00	2,750.32	-129.68	95%
004-00	FEEARB STAFF PENSIONS	717	917.00	247.86	-669.14	27%
005-00	FEEARB TELEPHONE	850	850.00	1,498.73	648.73	176%
006-00	FEEARB MAIL/SUPPLY/MISC	3,450	3,450.00	2,390.59	-1,059.41	69%
007-00	FEEARB OFFICE RENT	4,757	4,757.00	5,323.92	566.92	112%
008-00	FEEARB DEPR & AMORT	4,787	4,787.00	3,240.02	-1,546.98	68%
009-00	FEEARB LEASED EQUIPMENT	1,825	1,825.00	1,078.97	-746.03	59%
010-00	FEEARB EQUIP MAINTENANCE	1,874	1,874.00	1,778.76	-95.24	95%
011-00	FEEARB COMMITTEE EXPENSE	1,500	1,500.00	30.00	-1,470.00	2%
Subtotals for 1100		43,306	43,306	37,678	-5,628	

100%  
87.00%

## THE ALASKA BAR RAC

001-00	BAR RAC TYPESET/LAYOUT	21,810	21,810.00	24,240.05	2,430.05	111%
002-00	BAR RAC PRINTING	8,478	8,478.00	6,002.20	-2,475.80	71%
004-00	BAR RAC DISTRIBUTION	1,446	1,446.00	2,353.74	907.74	163%
005-00	BAR RAC AD COMMISSIONS	7,284	7,284.00	5,272.75	-2,011.25	72%
006-00	BAR RAC PROMO/CONSULTANT	1,000	1,000.00	0.00	-1,000.00	0%
007-00	BAR RAC MISCELLANEOUS	1,000	1,000.00	610.90	-389.10	61%
Subtotals for 1300		41,018	41,018	38,480	-2,538	

%

## 1500 SUBSTANTIVE LAW SECTIONS

000-00	SUBSTANTIVE LAW SECTIONS	10,500	10,500.00	10,511.26	11.26	100%
Subtotals for 1500		10,500	10,500	10,511	11	
			100%	100.11%		

# EXPENSE BUDGET ANALYSIS

DEPARTMENT:

MISCELLANEOUS DEPARTMENTS

SUB ID	ACCOUNT NAME	ANNUAL BUDGET	BUDGETED YTD	BALANCE YTD	OVER/UNDER	%YTD
120-00	MISCELLANEOUS COMMITTEES	5,500	5,500.00	4,582.92	917.08	83%
140-00	INURE/AK LAW REVIEW	20,000	20,000.00	20,000.00	0.00	100%
110-00	ANNUAL CONVENTION	45,000	45,000.00	41,647.82	3,352.18	91%
210-00	MEMBERSHIP DIRECTORY	0	0.00	15,236.77	15,236.77	0%
211-00	ETHICS OPINIONS	0.00	0.00	164.82	164.82	0%
230-00	MISCELLANEOUS LITIGATION	0	0.00	1,000.00	1,000.00	0%
250-00	REMODELING/MOVING EXPENSE	1,000	1,000.00	0.00	1,000.00	0%
260-00	LOAN INTEREST/LOAN FEES	13,461	13,461.00	8,320.79	5,140.71	62%
280-00	COMPUTER SYSTEM TRAINING	4,110	4,110.00	1,050.00	3,060.00	45%
290-00	1990 N LEGALCONF PLANNING	7,960	7,960.00	10,555.76	2,595.76	133%
300-00	ACCOUNTING SVC-FOUNDATION	0	0.00	6,836.11	6,836.11	0%
310-00	BANKRUPTCY COURT PROJECT	0	0.00	0.00	0.00	0%
		105,031	105,031	118,174	13,163	

Subtotals for 2000

189

Grand Total

%

Percentages

1,277,501	100%	1,243,254	97.24%
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## ALASKA BAR ASSOCIATION

Income Summary for the Twelve Month Period  
Ending December 31, 1989

### INCOME

Membership Dues	\$ 715,949
Admission Fees	82,450
Continuing Legal Education	155,592
Substantive Law Sections	6,265
Addressing & Copying	10,596
Rule 81 Participation	31,000
Split Payment Service Fees	8,865
Interest	70,357
Lawyer Referral	51,389
The Alaska Bar Rag	19,190
Annual Convention	42,065
State of Alaska	0
Penalties on Late Dues	8,264
Bankruptcy Court Project	0
Accounting Svcs - Foundation	2,270
Miscellaneous	5,442
 TOTAL INCOME	 \$1,209,694

### EXPENSE

Admissions	155,269
Board of Governors	41,430
Discipline/Bar Counsel	301,538
Administration	263,127
Lawyer Referral Service	43,787
Continuing Legal Education	232,241
Fee Arbitration	37,678
The Alaska Bar Rag	38,480
Substantive Law Sections	10,511
Committee Expense	4,583
Duke/AK Law Review	28,000
Annual Convention	41,648
Membership Directory	15,236
Ethics Opinions	165
Miscellaneous Litigation	1,000
Remodeling/Moving Expense	0
Loan Interest/Bank Fees	8,320
Computer System Training	1,850
1990 Northern Legal Conference	10,555
Accounting Svcs - Foundation	6,836
Bankruptcy Court Project	0
 TOTAL EXPENSE	 \$1,242,254

NET GAIN (LOSS) \$ -32,560

# ALASKA BAR ASSOCIATION

## Income Summary for the Twelve Month Period Ending December 31, 1989

### INCOME

Membership Dues	\$ 715,949
Admission Fees	82,450
Continuing Legal Education	155,592
Substantive Law Sections	6,265
Addressing & Copying	10,596
Rule 81 Participation	31,000
Split Payment Service Fees	8,865
Interest	70,357
Lawyer Referral	51,389
The Alaska Bar Rag	19,190
Annual Convention	42,065
State of Alaska	0
Penalties on Late Dues	8,264
Bankruptcy Court Project	0
Accounting Svcs - Foundation	2,270
Miscellaneous	5,442
 TOTAL INCOME	 \$1,209,694

### EXPENSE

Admissions	155,269
Board of Governors	41,430
Discipline/Bar Counsel	301,538
Administration	263,127
Lawyer Referral Service	43,787
Continuing Legal Education	232,241
Fee Arbitration	37,678
The Alaska Bar Rag	38,480
Substantive Law Sections	10,511
Committee Expense	4,583
Duke/AK Law Review	28,000
Annual Convention	41,648
Membership Directory	15,236
Ethics Opinions	165
Miscellaneous Litigation	1,000
Remodeling/Moving Expense	0
Loan Interest/Bank Fees	8,320
Computer System Training	1,850
1990 Northern Legal Conference	10,555
Accounting Svcs - Foundation	6,836
Bankruptcy Court Project	0
 TOTAL EXPENSE	 \$1,242,254

NET GAIN (LOSS) \$ -32,560

ALASKA BAR ASSOCIATION

CLIENT SECURITY FUND

Financial Position as of December 31, 1989

ASSETS:

Operating Account-1st National	\$ 7,565	
Merrill Lynch		
Ready Assets Account	34,854	
Investments	293,468	
Total Cash		\$335,887
Accounts Receivable		
Alaska Bar Association	23,350	
Interest Receivable	11,349	
Total Receivables		34,699
TOTAL ASSETS:		<u>\$370,586</u>

LIABILITIES & FUND BALANCE:

Liabilities		
Accrued 1990 Active		
Member Assessments	23,350	
Claims Payable	0	
Total Liabilities		23,350
Fund Balance		
Client Security Fund Balance		
as of December 31, 1988	298,268	
Gain (loss) for 1989	48,968	
Total Fund Balance		347,236
TOTAL LIABILITIES & FUND BALANCE		<u>\$370,586</u>



ALASKA BAR ASSOCIATION

CLIENT SECURITY FUND

Income Summary

for the Twelve Month Period Ending December 31, 1989

INCOME

Active ABA Member Assessments  
Interest

\$22,958  
26,664

TOTAL INCOME

\$49,622

EXPENSE

Claims Awarded

\$ 654

NET GAIN (LOSS)

\$48,968

# ALASKA BAR FOUNDATION

## I O L T A

Financial Position as of December 31, 1989

### ASSETS:

Cash and Investments		
1st National Acct	\$24,644	
Sec Pac NOW Acct	40,424	
Sec Pac MMKT Acct	98,045	
Total		\$163,113
Account Receivable-Interest		1,261
TOTAL ASSETS:		<u>\$164,374</u>

### LIABILITIES and FUND BALANCE:

Liabilities		
Grants Payable	25,000	
Accounts Payable	457	
Total Liabilities		25,457
Fund Balance		
Funded Capital	300	
 IOLTA Grant Fund		
Balance at 12-31-88	84,730	
Increase(Decrease)	53,887	
Total		138,617
 Total Fund Balance		138,917

TOTAL LIABILITIES and FUND BALANCE: \$164,374

### IOLTA Grant Fund Income Summary for the Twelve Month Period Ending December 31, 1989

#### Income

Interest from Attorney Trust Funds	\$106,912	
Interest on IOLTA Account	6,765	
Total Income		\$113,677

#### Expense

IOLTA Grants Made	50,000	
Bank Fees/Costs	5,758	
Program Expenses	4,032	
Total Expense		<u>59,790</u>

Increase(Decrease) \$53,887



