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Alaska Bar Association

1990 Annual Report

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THE ALASKA BAR ASSOCIATION
Annual Report for the Year 1990

Board of Governors

Daniel R. Cooper, Jr., President
Elizabeth "Pat" Kennedy, President-Elect
Michael A. Thompson, Vice President
Daniel E. Winfree, Secretary
Bruce A. Bookman, Treasurer
Barbara J. Blasco
Jeffrey M. Feldman
Stan Filler
Andonia Harrison
Beth Lauesen
John M. Murtagh
Philip R. Volland

Staff

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 H. Hale, Secretary/Receptionist
Shalese M. Dayton, Lawyer Referral Receptionist

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

March 15, 1991

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 2,896 members in the following categories: Active, 2,404; Inactive, 471; Honorary, 1; Retired, 20. Its affairs are governed by a twelve (12) member (attorney and non-attorney) Board currently comprised of the following persons:

Daniel R. Cooper, Jr., President
Elizabeth "Pat" Kennedy, President-Elect
Michael A. Thompson, Vice-President
Daniel E. Winfree, Secretary
Bruce A. Bookman, Treasurer
Barbara J. Blasco
Jeffrey M. Feldman
Stan Filler (public member)
Andonia Harrison (public member)
Beth Lauesen (public member)
John M. Murtagh
Philip R. Volland

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 14 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
Carol Jane Seidlitz, Assistant Bar Counsel
Mark Woelber, Assistant Bar Counsel
Deborah C. Ricker, Legal Assistant

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, admissions, conventions, the Lawyer Referral Service, and interest income. The Association received no public monies in 1990.

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 1990 the Board held five (5) meetings (January 19; March 23-24; June 4-6; September 7; and October 26-27) and one (1) telephone conference meeting (December 19). The Bar Convention and Annual Business Meeting were held in Anchorage, June 7 through 9.

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 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 examines or provides by contract for the examination of all applicants and determines or approves 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 reviewing findings, conclusions and 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 times a year, not including telephone conference 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, like other state boards and commissions, is reviewed by the Alaska Legislature every four years to determine whether it is fulfilling its responsibilities and should continue in operation.

HB 120 passed the House during the 1989 legislative session, but did not make it out of the Senate Judiciary Committee. A hearing was held on HB 120 by the committee in November, 1989. HB 120, which passed out of the legislature early in 1990 and was signed by the governor in January, extends the board until 1993.

F. Bylaw Amendment

The Board of Governors amended the bylaws of the Bar Association (Article III, Section 1(b)) to increase the annual membership fee for an inactive member from \$75.00 to \$150.00, effective with the 1991 dues.

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) 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 states which allow Alaskan attorneys admission without examination. (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. (These fees were raised to \$700.00 and \$400.00, respectively, effective with the July, 1991 exam.)

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 emphasize 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 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 is 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 the 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;
5. The team continues this process until they have read at least 15 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 following procedures for determining the pass/fail status of applicants.

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.

Thomas S. Obermeyer applied to the Alaska Supreme Court for ad hoc admission to the Alaska Bar Association without passage of the Alaska Bar Examination. The court denied his request on June 12, 1990.

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.

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 14 applicants requested assistance after the July exam results were released.

G. Statistical Summary

In 1990, 180 individuals applied for admission to the Bar and 116 were admitted.

1990 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 provide some assurance that persons admitted to the Alaska Bar are prepared to identify and deal 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 rule, with reciprocity provisions. An 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-seven (27) jurisdictions provide for admission without examination.

In 1990, twelve applicants applied for and were admitted without examination.

K. Admissions Rule Amendments

Several changes to the admission rules recommended by the Board were approved by the Supreme Court.

Bar Rule 2(1)(b) was amended to clarify that the degree which an applicant receives from an accredited law school must be a J.D. or an LLB degree.

In 1990 the Supreme Court approved a rule change which ties 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 change was effective January 15, 1991. This rule change will 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.

Bar Rule 2(2)(c)(2) added the provision that an applicant's service as a law clerk for a judicial officer qualifies as the active practice of law for reciprocity purposes.

Bar Rule 3(3) allows the executive director, for good cause, to accept applications for late filing after the June 15 and January 15 deadlines. A total late filing fee of \$125.00 must be paid for applications accepted after June 15 and January 15.

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. The substantive and procedural rules of the Supreme Court in regulating the practice of law in Alaska are significantly 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 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 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 has 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.

C. Summary of Public Discipline Actions in 1990

The Alaska Supreme Court issued an order of reciprocal suspension to James David Kimo Smith. Mr. Smith had been previously suspended by the Supreme Court of Colorado. In addition, the Court ended the probation of David Michael Clower.

1990 DISCIPLINE CASE STATISTICS*

Open cases pending as of January 1, 1990 **160

New cases opened in 1990 (+) 105

Cases closed in 1990:

Closed after disbarment by Supreme Court 0

Closed after suspension by Supreme Court 1

Closed after probation ended 3

Closed after public censure by Supreme Court 0

Closed after public reprimand

by Disciplinary Board 0

Closed after private reprimand

by Disciplinary Board 1

Closed after private admonition

by Bar Counsel 9

Dismissed by Bar Counsel 86

TOTAL closed cases. (-) 100

Open cases as of December 31, 1990 165

STATUS OF OPEN CASES AS OF 12-31-90

Pending First Response from Respondent Attorney. 16

Pending Complainant's Reply. 8

Pending Second Response from Respondent Attorney 1

Pending Bar Counsel Investigation/Decision 114

Abeyance Pending Outcome of Related Court Case 1

Abeyance Pending Outcome of Fee Arbitration. 0

Pending Approval to Issue Written Private Admonition 3

Pending Acceptance of Written Private Admonition by

Respondent Attorney 3

Pending Approval to File Petition for Formal Hearing 2

Pending Stipulation for Discipline between

Bar Counsel and Respondent Attorney 11

Pending before Area Hearing Committee. 1

Pending before Disciplinary Board. 0

Pending before Supreme Court 4

Respondent Attorney on Probation 1

TOTAL open cases 165

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

**Figure corrected to delete a closed case inadvertently reported as an open case in 1989 Annual Report

At its January 1990 meeting, the Board appointed a Board subcommittee to conduct a comprehensive review of the discipline process to identify the reasons for the backlog of disciplinary matters and to develop ways in which the processing time of disciplinary matters could be improved.

After an extensive examination of the procedural steps in the discipline process and an evaluation of statistical data, the subcommittee reported back to the Board at its March 1990 meeting.

As a result, the Board adopted the following major policies:

(1) the president-elect of the Board now serves as a liaison between the Board and bar staff to oversee the discipline process and implement necessary changes;

(2) a full time paralegal has been added to the staff to help prepare backlogged cases;

(3) the backlog will be addressed in chronological order; and,

(4) time limits have been established for the processing of disciplinary matters. Under this new policy, bar counsel must decide whether a violation has occurred within six months of the filing of a grievance. If a violation is found, bar counsel must then decide on the appropriate level of discipline to be requested within the next three months. Any deviations from these limits must be approved by the Board's liaison.

Finally, in late 1990, the Bar Association was able to bring a half-time assistant bar counsel up to full-time status, thus increasing the staff time available for handling disciplinary matters.

D. 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.

E. 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.

Until the rule change in 1990 the Board could order a 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. In 1990, the rule was changed to eliminate private reprimands (see Section III. L.)

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.

F. 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 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.

G. 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.

H. 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 at a hearing 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.

I. 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

*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.

J. 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 report.

K. Discipline Staff and Budget

The Discipline Section is currently staffed by Bar Counsel, two Assistant Bar Counsel, a Legal Assistant, a part time

Arbitration/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 \$368,583 in 1990, 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.

L. Bar Rule Changes in 1990

The Supreme Court revised Bar Rules 16(a) and 28(e) to delete the two year limitation on an attorney's initial or continued probation. The Court will now determine the length of probation justified by the circumstances of the case. These changes were made effective January 15, 1991.

The Court amended Bar Rules 10(c), 16(a), 16(b), 16(d), and 22(d) to create one class of reprimand by the Disciplinary Board and to delete the prior references to public and private reprimand. It also amended Bar Rule 28(h) to delete the prior notification requirements for public reprimands.

The Court also adopted changes to the Client Security Fund rules. The name of the Fund was changed to the Lawyers' Fund for Client Protection in changes to Bar Rules 45(b), 45(c), 46(c), 59 and 60(a). Rule 45(g) was added to provide a definition of "notice" in these proceedings. Rule 52(a) now provides for service of the application on the lawyer involved and notification of the date and time for a hearing on the application. Rule 53(d) raises the maximum amount of a claim in any one transaction involving any one lawyer from \$10,000 to \$50,000, and the aggregate maximum amount which all claimants may recover from an instance or course of conduct by any one lawyer from \$50,000 to \$200,000.

Finally, the Court adopted changes to the fee arbitration rules effective January 15, 1991. The notice to client provision in Bar Rule 39(a) was amended to delete the requirement that a fee arbitration form be included with a copy of the summons and complaint in a civil suit to collect attorneys fees. The notice now advises clients that they may obtain forms and instructions from the Bar Association. Bar Rule 39(b) was amended to provide that if a civil action is

filed, an order of stay of that proceeding must be obtained before the Bar Association may commence arbitration. Bar Rule 40(r) was amended to permit Bar Counsel to use fee arbitration records and decisions for statistical, enforcement and disciplinary purposes following acceptance of a grievance or referral by a fee arbitration panel. Minor name corrections were made in Bar Rules 34 and 36.

IV. CONTINUING LEGAL EDUCATION

Continuing Legal Education programs and activities are a significant 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 aimed at 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 quality CLE seminars to allow attorney members to keep abreast of new developments in the field of law.

A. Administration

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 17 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 addition, CLE seminars of value and interest to other professional groups are sometimes presented in cooperation with those groups, such as the Alaska Society of Certified Public Accountants.

In 1990 the CLE program sponsored 27 live programs: 20 in Anchorage, 3 in Juneau, 3 in Fairbanks, and 1 in Hawaii. In addition to live programming, the Bar Association routinely schedules video replays of live programs in 4 sites: Fairbanks, Juneau, Ketchikan, and Kodiak. Total attendance at the 27 live programs was 1,341: 899 Bar members and 442 non-members. Average attendance at a live CLE was 50.

B. 1990 Goals

Two of the major goals of 1990 were:

- 1) to increase the number of live programs presented in the two other major urban areas of Alaska: Fairbanks and Juneau, and
- 2) to increase the number of CLE programs dealing with professional responsibility.

These two goals were met as follows:

- 1) In 1989 the Bar presented only 1 live program outside of Anchorage; in 1990 6 were scheduled, and the response was excellent.
- 2) 3 live programs on professional responsibility were presented in 1990, including 1 live program in Fairbanks.

C. Fiscal

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. 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 lower registration fees than if 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.

D. Minimum Continuing Legal Education Referendum

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

January 1990 meeting. Following publication of the proposed rule in the BAR RAG, the official Bar newspaper, and solicitation of comments from members, the proposed rule was submitted to a referendum. The Bar Polls Committee counted and certified the results of the referendum on August 29, 1990. The proposal failed on a vote of 720 (56%) against and 558 (44%) in favor of MCLE.

Despite the failure of the referendum, it is important to note that Idaho, a mandatory CLE jurisdiction with roughly the same number of members as Alaska, averages about 40 people at a CLE. In 1990, Alaska, operating without a mandatory CLE rule, averaged 50 bar members per CLE seminar. The voluntary attendance of our Bar is very significant.

E. Group Replays

Group video replays of live programs are regularly scheduled in Juneau, Fairbanks, Kodiak and Ketchikan, 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. In 1990, Ketchikan, Nome and Kenai were added as replay sites.

F. CLE Library

The CLE Library has dramatically improved service to bar members. The library contains videotapes and materials in 18 categories for over 80 programs. In addition, the library contains 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 8 videotape rental and/or course materials requests per day, and usual response time to the request is 24 hours. In 1990, the CLE Committee, with approval by the Board of Governors, voted to increase individual videotape rental to \$20 per person; the course materials purchase price of \$25 remains unchanged. In addition, members may purchase videotapes for \$50 plus \$25 for the course materials.

The final work on the CLE Publication and Videotape Library Catalog was completed in December of 1990 and the catalog was distributed in January 1991.

G. 1990 CLE Program Listing

Over 160 volunteer attorney and non-attorney lecturers served as faculty for the 27 CLE programs presented live in 1990. This participation represents nearly a 10% increase over 1989.

ALASKA BAR ASSOCIATION CLE PROGRAMS 1990

| | | |
|-----------------|--|-----------|
| January 11 | Chapter 13 Lien Stripping | Anchorage |
| January 11 | Off the Record - Juneau | Juneau |
| January 18 & 19 | Appeals from Agency Decisions | Anchorage |
| January 23 | A Primer on Alaska Lands | Anchorage |
| January 30 & 31 | Civil Rule 90.3 - Child Support | Anchorage |
| February 8 | Basic Title Insurance | Anchorage |
| February 16 | Off the Record - Fairbanks | Fairbanks |
| March 2 | Civil Rule 90.3 - Child Support - LIVE REPEAT | Fairbanks |
| March 13-14 | Evidence for Advocates: To Prove Your Case - James McElhaney | Hawaii |
| March 30 | Basic Estate Planning | Anchorage |
| April 7 | Advising Clients Re Filing Chapter 11 | Anchorage |
| April 10 | Civil Rule 90.3 - Child Support - LIVE REPEAT | Juneau |
| April 18 | A Lawyer's Guide to Writing Clearly and Persuasively | Juneau |

| | | |
|--------------|---|-----------|
| April 20 | A Lawyer's Guide - LIVE REPEAT IN ANCHORAGE | Anchorage |
| April 30 | Military Benefits & QDROs | Anchorage |
| May 18 | Taxation of Failed Businesses & Troubled Real Estate (in cooperation with Alaska Society of Certified Public Accountants) | Anchorage |
| June 7-9 | 1990 Northern Justice Conference & Annual Bar Convention | Anchorage |
| August 3 | 10 Malpractice Traps in Handling Military Divorces | Anchorage |
| September 20 | Professional Responsibility & Ethics | Fairbanks |
| September 21 | Professional Responsibility & Ethics - LIVE REPEAT | Anchorage |
| October 12 | Tax Planning for Bankruptcy & Tax Indebtedness-- in cooperation with Alaska Society of Certified Public Accountants | Anchorage |
| October 17 | Tort Reform in Alaska | Anchorage |
| October 22 | 3rd Annual Alaska Native Law Conference | Anchorage |
| November 5 | Mining Agreements & Conveyances | Anchorage |
| November 8 | Real Estate | TBA |
| November 9 | Effective Depositions: Techniques & Strategies | Anchorage |
| November 28 | Off the Record - ANCHORAGE Bench/Bar Relations: The Good, The Bad & The Ugly | Anchorage |
| December 4 | FDIC and Resolution Trust Corp. | Anchorage |

H. 1990 Northern Justice Conference

In June 1990 the Alaska Bar Association in cooperation with the Alaska Court System hosted over 200 members of the legal community, including lawyers and judges from the Soviet Union, Yukon Territory and British Columbia, at a symposium designed to explore issues of the administration of justice in the North.

Planning for this momentous event began in 1987 and the culmination of those years of planning was seen in Anchorage in June of 1990. Fred W. Friendly, Chief Judge Barbara Rothstein of the U.S. District Court of Washington, Judge Matthew Byrne of the U.S. District Court for the Central District of California and Weyman Lundquist, one of the pioneer lawyers initiating contact with the Soviet legal community, served as moderators for the 3-day conference. Delegations of lawyers and judges from Moscow, the Soviet Far East, British Columbia and the Yukon participated in an intense exchange of views on the topics of "Problems of the Administration of Justice and Law Enforcement in the North," "Northern Communities as Developing Nations: Environmental and Economic Problems," and "Northern Native Populations and the Law." Simultaneous translation of English to Russian and Russian to English was provided.

Through the volunteer efforts of the Alaska Shorthand Reporters Association, each presentation was transcribed and later edited by Barbara Hodgkin for "The 1990 Northern Justice Conference Proceedings." This publication was prepared and mailed to all conference attendees and will be reviewed in the fall issue of "Western Legal History."

As a result of the 1990 conference, Soviet Bar leader Alexander Boikov has issued an invitation to the Alaskan and Canadian participants to travel to Magadan in the Soviet Far East in the fall of 1991 to attend a reciprocal conference. A planning meeting is currently scheduled for the spring of 1991 to finalize details.

The contribution of the many individuals in Alaska, Canada, and the Soviet Union to the success of the 1990 Northern Justice Conference is gratefully acknowledged.

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 880 volunteer attorneys throughout Alaska, or 54.9% of the State's available Bar Association membership, with an open case load of 350 - 400 cases. These cases can range from the most complex litigation to emergency death-bed wills to issues facing Alaskan Natives. Appendix 2 shows the Alaska communities in which the APBP operates, the number of panel members in each community, and the numbers of cases closed from 1984 to December, 1990.

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; and 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 1990. 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, 16 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 1990, the total number of hours donated to the APBP was more than 5,900.

The APBP receives additional grants 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 any calendar year. Attorneys who are renewing a panel 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 1990, 187 attorneys 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 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.

In an average month, the Bar receives 797 requests for referrals. Calls received by the Alaska Bar Association for Lawyer Referrals were as follows:

| | <u>1989</u> | <u>1990</u> |
|----------------|-------------|-------------|
| Administrative | 301 | 284 |
| Admiralty | 31 | 30 |
| Arts | 4 | 7 |
| Bankruptcy | 329 | 290 |
| Commercial | 234 | 311 |
| Construction | 6 | 15 |
| Consumer | 690 | 698 |

| | | |
|-----------------------|--------------|--------------|
| Discrimination | 19 | 12 |
| Eminent Domain | 12 | 16 |
| Environmental | 13 | 13 |
| Family | 2,837 | 3,061 |
| Felony/Misdemeanor | 677 | 846 |
| Foreign Language | 11 | 14 |
| Immigration | 18 | 25 |
| Insurance | 74 | 67 |
| Labor Relations | 584 | 655 |
| Landlord/Tenant | 360 | 465 |
| Malpractice | 154 | 214 |
| Mining | 13 | 13 |
| Negligence | 744 | 961 |
| Patent/Copyright | 134 | 113 |
| Public Interest | 0 | 0 |
| Real Estate | 585 | 549 |
| SSI Cases | 53 | 61 |
| Tax | 114 | 113 |
| Traffic | 65 | 61 |
| Trust/Wills/Estates | 254 | 324 |
| Workers' Compensation | <u>304</u> | <u>351</u> |
| | 8,620 | 9,569 |
| | - 3% | + 10% |
| | (Change from | (Change from |
| | 1988) | 1989) |

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 discipline divisions are compromised of attorneys and public members appointed by the president of the Bar Association to serve for staggered three year terms.

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 Dispute Review Committee

The Bar Association, under the Alaska Bar Rules, maintains an Attorney Fee Dispute 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 \$2000 or less, 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 authority to subpoena witnesses. If the client believes 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 rules 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 Dispute 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 Review Committee meets at least twice each year. The committee is responsible for reviewing the general operations of the Bar's fee dispute resolution program, reviewing summaries of denials of petitions

prepared by Bar Counsel, formulating rules of procedure and policy, determining questions regarding interpretation and application of the rules, approving proposed forms and referring 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 the fee arbitration rules in 1990 are reflected in Section III, L above.

1990 FEE ARBITRATION STATISTICS

| | |
|---|--------|
| Arbitrations pending January 1, 1990 | 53 |
| Arbitrations <u>opened</u> during 1990. | (+) 92 |
| Arbitrations <u>closed</u> in 1990. | (-) 71 |
| Arbitrations pending January 1, 1991. | 74 |

5. The Lawyers' Fund for Client Protection 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 is required to be deposited in 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.

The Lawyers' Fund for Client Protection Committee consists of six members 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 maximum loss to be paid any one claimant is the lesser of (a) \$50,000 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 \$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 two claims in 1990.

Changes to the Fund rules in 1990 are reflected in Section III, L above.

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 submits proof of good standing.

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;
2. Appear in district court in a number of matters, both civil and criminal, without the supervising attorney present, provided the supervising attorney has certified 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 17 Substantive Law Sections of member attorneys with similar interests in a particular area of law.

The Sections for 1990 are:

- Administrative Law
- Alaska Native Law
- Alternate Dispute Resolution
- 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
- Tax Law
- Torts Law

The 17 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 A review of legislative and court actions.
- o A forum to respond to the needs of the community and the profession.

1. Membership

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. For the first time in 1990, section sign-up and renewals were included on the bar dues notice.

As of December 31, 1990, over 990 bar members were involved in one or more sections (an increase of 190 over 1989). Section activity has also increased significantly in 1990. A majority of the sections meet regularly and contribute to the newsletter such items as case citations and comment on legislation of particular interest. In 1990, the Alternate Dispute Resolution Section was organized.

2. Activities

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.

At the 1990 Annual Convention in Anchorage, 13 Sections met for their annual meeting and review of updates.

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. A majority 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.

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 Mickale C. Carter, 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 Bar 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 1990.

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 David W. Baranow.

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, 1990 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. The Anchorage courses were held for the third year, with over 30 lawyers comprising the faculty and up to 56 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. Margie MacNeille chaired this committee.

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. The Bar Association has made an oral presentation to the court concerning the rules and will be working with the court in 1991 on the final wording.

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 attorneys who tutor 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. Thirty-one applicants requested tutoring assistance in 1990.

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) was created. 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 are 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 Unum Life Insurance Company of America. All members of the Association and employees of their firms are eligible.

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 UNUM 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. Ethics Opinions

The Board of Governors directed that the ethics opinions be printed and available in 3 ring binders for sale to members. Approximately 180 sets of opinions were sold.

At the October, 1990 Board meeting the Board voted to provide a set of ethics opinions, at no charge, to any new admittee upon request.

G. Copying Machines in the Law Library

The Alaska Court System approached the Board of Governors to make a proposal for a cooperative agreement to provide copying services in the Anchorage Law Library.. 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. Agreements to provide copying services were signed with the court system and the Anchorage 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 incorporated as a Not for Profit Corporation 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 1990 eight scholarships in the amount of \$1,000 each were awarded.

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 could place client trust money, previously held in co-mingled, noninterest-bearing checking accounts, into interest-bearing accounts. Included were those client funds which are expected to be held for such a short duration or which were 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.

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 must establish an IOLTA account. The rule stated that the lawyer or law firm must 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 must maintain the IOLTA account. The election can be changed at any time by notifying the Alaska Bar Association. By the end of 1990, there were 194 firms, with an estimated 607 attorneys, participating in the program.

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 must use the interest income to make grants to non-profit providers of legal services to the poor. The IOLTA program earned \$207,211 from interest on attorney accounts, and \$13,832 from interest on its own accounts, for a total of \$221,043.

In 1990 the Foundation made the following grants: \$60,000 to the Alaska Pro Bono Program (\$10,000 to Elder Law, \$20,000 to Tuesday Night Bar, \$20,000 to reimburse expenses for volunteer attorneys, and \$10,000 for remote rural outreach); \$34,200 to Anchorage Youth Court; \$20,000 to the 1990 Northern Justice Conference; \$12,625 to Alaska Legal Services (social services block grant replacement); \$10,925 to Advocacy Services of Alaska; and \$1,500 to W.E.L.F. (A Woman's Education and Leadership Forum.)

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 contract between the Alaska Bar Association and Duke Law School continues publication of the Alaska Law Review until December, 1992.

In March, several 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 1990 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 representative in 1990 was 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 1990, Daniel L. Callahan, William T. Council and Mark E. Ashburn 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 1990, the representatives were Robert C. Bundy, Harold M. Brown, Gary A. Zipkin 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 which took 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 1990 income and expense budget for the Association. The 1990 report reflects a total revenue of \$1,293,194 with total expenses of \$1,393,059 for a net loss of \$99,865.

Originally, the Bar Association was budgeted for a \$122,911 loss in 1990, with projected income of \$1,194,324 and expenses of \$1,317,235. This year our expenses were 1.05% of budget, while income was 1.08% over budget.

Several factors contributed to the budget deficit this year. The Board of Governors decided to put more resources into the discipline process, and a full time legal assistant was hired in April. The half time assistant bar counsel became full time in November.

At the budget meeting in October, the Board of Governors reduced the proposed deficit by over \$100,000. The bar exam fee was raised to \$700.00, while the reapplicant fee was raised to \$400.00, effective with the July 1991 exam. Inactive bar dues were raised to \$150.00, effective with the 1991 dues. Travel and training expenses were cut for the law examiners, the Board, discipline hearing witnesses, administration and the fee arbitration executive committee.

The Board discussed the possibility that active member dues will have to be raised, probably in 1993. By that time, the Bar Association will have spent down the surplus monies which it had accumulated since the dues were last raised in 1981.

Appendix 1

ALASKA BAR

A S S O C I A T I O N

Carolyn Jones
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
May 23, 1990

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 February 27, 28 and March 1, 1990. 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 74 applicants participated in the February, 1990 Bar Examination. The performance of each examinee is also attached.

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

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

May 23, 1990


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, 1990. The results of the February, 1990 examination were certified by the Committee today, May 23, 1990, after the evaluation was completed and the statistics were compiled.

Of the 74 applicants, 45 (61%) 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 45 applicants achieving passing scores on the February, 1990 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 E. Jones
Chair

vu

aform188

Report Date: 90/05/18

FEBRUARY 1990

Pass/Fail Results

| | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 |
|---|---|----|----|----|----|----|----|----|----|----|
| ↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑ | | | | | | | | | | |
| (45) [##### | [| [| [| [| [| [| [| [| [| [|
| ↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑ | | | | | | | | | | |
| (29) [##### | [| [| [| [| [| [| [| [| [| [|
| ↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑-----↑ | | | | | | | | | | |
| # of occurrences | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 |

Total 74

Report Date: 90/05/18

FEBRUARY 1990

Gender vs./ Pass/Fail Results

| | | 4 | 8 | 12 | 16 | 20 | 24 | 28 | 32 | 36 | 40 |
|-----------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| Females | (39) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| Fail | (21) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| Pass | (18) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| Male | (35) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| Fail | (8) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| Pass | (27) | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### | [##### |
| # of occurrence | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |

Report Date: 90/05/18

FEBRUARY 1990

No. of Times Taken/ Pass-Fail Result

| | | 5 | 10 | 15 | 20 | 25 | 30 | 35 | 40 | 45 | 50 |
|----------------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| 1st time taken | (44) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (14) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| pass | (30) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| 2nd time | (16) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (6) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| pass | (10) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| 3rd time | (7) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (3) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| pass | (4) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| 4th time | (4) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (3) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| pass | (1) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| 5th time | (1) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (1) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| 3rd time | (2) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| fail | (2) | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### | ##### |
| of occurrence | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |

FEBRUARY 1990 EXAM

Law School vs./ Pass/Fail Results

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|------|--------|---|---|---|---|---|---|---|---|----|
| | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| | | [| [| [| [| [| [| [| [| [| [|
| Cornell Law School | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Georgetown University | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Golden Gate University | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Gonzaga University | (3) | [##### | [| [| [| [| [| [| [| [| [|
| P | (3) | [##### | [| [| [| [| [| [| [| [| [|
| Harvard University | (3) | [##### | [| [| [| [| [| [| [| [| [|
| P | (3) | [##### | [| [| [| [| [| [| [| [| [|
| Lewis Clark College | (3) | [##### | [| [| [| [| [| [| [| [| [|
| F | (2) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Northeastern University | (4) | [##### | [| [| [| [| [| [| [| [| [|
| F | (2) | [##### | [| [| [| [| [| [| [| [| [|
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| Saint Louis University | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| South Texas College | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Southern University | (2) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Stanford Law School | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| State University of New York at Buffalo | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| The John Marshall | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| The University of Kansas | (2) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| # of occurrence | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

34 Law Schools

Report Date: 90/05/22

FEBRUARY 1990 EXAM

Law School vs./ Pass/Fail Results

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|----------------------------|--------|--------|---|---|---|---|---|---|---|---|----|
| | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Tulane University | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Arizona | (3) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of California | (5) | [##### | [| [| [| [| [| [| [| [| [|
| P | (5) | [##### | [| [| [| [| [| [| [| [| [|
| University of Denver | (2) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Florida | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Idaho | (3) | [##### | [| [| [| [| [| [| [| [| [|
| F | (2) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Iowa | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Montana | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of New Mexico | (2) | [##### | [| [| [| [| [| [| [| [| [|
| F | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of North Dakota | (2) | [##### | [| [| [| [| [| [| [| [| [|
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of Oregon | (3) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of Puget Sound | (10) | [##### | [| [| [| [| [| [| [| [| [|
| F | (4) | [##### | [| [| [| [| [| [| [| [| [|
| P | (6) | [##### | [| [| [| [| [| [| [| [| [|
| University of Santa Clara | (2) | [##### | [| [| [| [| [| [| [| [| [|
| | | [| [| [| [| [| [| [| [| [| [|
| # of occurrence | | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ | ↑ |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Report Date: 90/05/22

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FEBRUARY 1990 EXAM

=====

Law School vs./ Pass/Fail Results

| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|--------------------------|------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ |
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of Utah | (2) | [##### | [| [| [| [| [| [| [| [| [|
| P | (2) | [##### | [| [| [| [| [| [| [| [| [|
| University of Virginia | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| University of Washington | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Vermont Law School | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Washburn University | (1) | [##### | [| [| [| [| [| [| [| [| [|
| P | (1) | [##### | [| [| [| [| [| [| [| [| [|
| Willamette University | (6) | [##### | [| [| [| [| [| [| [| [| [|
| F | (3) | [##### | [| [| [| [| [| [| [| [| [|
| P | (3) | [##### | [| [| [| [| [| [| [| [| [|
| Yale Law School | (1) | [##### | [| [| [| [| [| [| [| [| [|
| F | (1) | [##### | [| [| [| [| [| [| [| [| [|
| | | [| [| [| [| [| [| [| [| [| [|
| # of occurrence | | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ | ↑-----↑ |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

ALASKA BAR ASSOCIATION

Carolyn E. Jones
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
October 19, 1990

Daniel R. Cooper, Jr.
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, AK 99510

Dear Mr. Cooper:

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 24, 25, and 26. 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 106 applicants participated in the July, 1990 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.

Daniel R. Cooper, Jr.
October 19, 1990
Page 2


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, 1990. The results of the July, 1990 examination were certified by the Committee today, October 19, 1990, after the evaluation was completed and the statistics were compiled.

Of the 106 applicants, 71 (67%) 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 71 applicants achieving passing scores on the July, 1990 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 E. Jones
Chair

vu

aform155

JULY 1990

PASS/FAIL RESULTS

Report Date: 10/15/90

=====

COUNT

0 10 20 30 40 50 60 70 80 90 100

+-----+-----+-----+-----+-----+-----+-----+-----+-----+

I

I

FAIL

I

I

I

I

PASS

I

35

71

Total: 104

JULY 1990

GENDER VS. PASS/FAIL RESULTS

Report Date: 10/15/90

T TOTAL
P PASSED
F FAILED

COUNT

0 10 20 30 40 50 60 70 80 90 100

+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+

I

I

FEMALE

I [REDACTED] 50

IPPPPPPPPPPPPPPPPPPPPP 32

IFFFFFFFFFF 18

I

I

MALE

I [REDACTED] 56

IPPPPPPPPPPPPPPPPPPPPP 39

IFFFFFFFFFF 17

JULY 1990

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/15

T TOTAL
P PASSED
F FAILED

0 3 5 8 10 13 15

American University Washington College

T 1
0
F 1

Connell Law School

T 1
P 1
0

Duke University School of Law

T 1
P 1
0

Franklin Pierce Law Center

TTT 2
PPP 2
0

George Mason University

T 1
P 1
0

Georgetown University

T 1
0
F 1

Golden Gate University

T 1
P 1
0

Gonzaga University School of Law

TTT 2
P 1
F 1

Hamline University School of Law

T 1
P 1
0

JULY 1990

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/17/90

T TOTAL
P PASSED
F FAILED

| | 0 | 3 | 5 | 8 | 10 | 13 | 15 |
|---|------------------|---|---|---|----|----|----|
| Harvard University Law School | IT | 1 | | | | | |
| | IP | 1 | | | | | |
| | I | 0 | | | | | |
| Lewis Clark College | TTTTTTTTTTTTTTTT | | | | | 3 | |
| | PPP | 2 | | | | | |
| | FFFFFFFFFFFF | | | | | 6 | |
| Marshall-Wythe School of Law | T | 1 | | | | | |
| | | 0 | | | | | |
| | F | 1 | | | | | |
| McGeorge School of Law | TTTTTTT | | | 4 | | | |
| | PPPPPP | | | 4 | | | |
| | | 0 | | | | | |
| Northeastern University School of Law | TTTTTTTTT | | | | | 5 | |
| | PPPPP | | | | 3 | | |
| | FFF | | | 2 | | | |
| Oral Roberts University | T | 1 | | | | | |
| | | 0 | | | | | |
| | F | 1 | | | | | |
| Saint Louis University School of Law | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |
| Southern Illinois University Law School | IT | 1 | | | | | |
| | IP | 1 | | | | | |
| | | 0 | | | | | |
| Southern University Law Center | IT | 1 | | | | | |
| | | 0 | | | | | |
| | IF | 1 | | | | | |
| Southwestern University School of Law | IT | 1 | | | | | |
| | IP | 1 | | | | | |
| | | 0 | | | | | |

JULY 1990

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/17/

T TOTAL
P PASSED
F FAILED

0 3 5 8 10 13 15

Stanford Law School

T 1
P 1
0

State University of New York at Buffalo

T 1
0
F 1

Statson University College of Law

T 1
P 1
0

The Ohio State University

T 1
P 1
0

The University of Kansas

T 1
P 1
0

Thomas M. Cooley Law School

T 1
0
F 1

Touro College School of Law

T 1
0
F 1

Tulane University Law School

T 1
0
F 1

University of Arizona College of Law

TTT 2
P 1
F 1

University of California at Davis

T 1
P 1
0

Report Date: 10/17/90

| | |
|---|--------|
| T | TOTAL |
| P | PASSED |
| F | FAILED |

| | 0 | 3 | 5 | 8 | 10 | 13 | 15 |
|--------------------------------------|-------------------|---|---|---|----|----|----|
| University of Colorado | T T T T T | 3 | | | | | |
| | P P P | 2 | | | | | |
| | F | 1 | | | | | |
| University of Denver College of Law | T T T T T T T T T | 5 | | | | | |
| | P P P P P P P | 4 | | | | | |
| | F | 1 | | | | | |
| University of Florida College of Law | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |
| University of Houston | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |
| University of Idaho | T T T | 2 | | | | | |
| | P P P | 2 | | | | | |
| | | 0 | | | | | |
| University of Miami School of Law | T T T | 2 | | | | | |
| | P P P | 2 | | | | | |
| | | 0 | | | | | |
| University of Michigan School of Law | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |
| University of Minnesota Law School | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |
| University of Montana School of Law | T | 1 | | | | | |
| | P | 1 | | | | | |
| | | 0 | | | | | |

JULY 1990

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/17/

T TOTAL
P PASSED
F FAILED

0 3 5 8 10 13 15

University of North Carolina

T 1
P 1
0

University of North Dakota

T 1
0
F 1

University of Oklahoma

T 1
0
F 1

University of Oregon School of Law

TTTTTTTTTTTT 6
PPPPPPPPPP 6
0

University of Puget Sound

TTTTTTTTTTTTTTTTTT 9
PPPPPPPP 5
FFFFFFF 4

University of San Diego School of Law

T 1
P 1
0

University of Southern California

T 1
P 1
0

University of Tennessee School of Law

T 1
P 1
0

University of Texas School of Law

TTT 2
PPP 2
0

JULY 1990

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/17/90

T TOTAL
P PASSED
F FAILED

0 3 5 8 10 13 15

University of Utah

T 1
0
F 1

University of Washington School of Law

TTTTTTTTTTT 6
PPPPPPPPP 5
F 1

University of Wyoming

T 1
P 1
0

Vermont Law School

T 1
P 1
0

Wake Forest University School of Law

T 1
0
F 1

Washington University School of Law

T 1
P 1
0

Western State University College of Law

T 1
P 1
0

Willamette University College of Law

TTTTTTTTTTT 6
P 1
FFFFFFFFF 5

Yale Law School

TTT 2
PPP 2
0

TOTAL SCHOOLS 56

Appendix 2

Profile as of January 1, 1991

| City | Available Attorneys | Registered in 1990 | Registered in 1991 | Plus/ (Minus) | Number of Cases Closed by Year | | | | | | | | Cases Pending | |
|----------------|---------------------|--------------------|--------------------|---------------|--------------------------------|------|-------|-------|-------|-------|------|------|---------------|-----|
| | | | | | 1984 | 1985 | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | | |
| Haines | 1 | 1 | 1 | 0 | 3 | 3 | 0 | | | | | | | 4 |
| Juneau | 144 | 105 | 105 | 0 | 22 | 102 | 180 | 239 | 147 | 124 | 91 | | | 48 |
| Ketchikan | 27 | 20 | 20 | 0 | 2 | 2 | 14 | 19 | 12 | 11 | 10 | | | 12 |
| Petersburg | 2 | 1 | 1 | 0 | | | 1 | 1 | | | | | | 1 |
| Sitka | 11 | 8 | 8 | 0 | 3 | 3 | 3 | 3 | 9 | 8 | 3 | | | 5 |
| Wrangell | 1 | 1 | 1 | 0 | | | | | | | | | | 1 |
| Barrow | 9 | 7 | 7 | 0 | | 1 | 1 | 2 | 8 | 12 | | | | 5 |
| Kotzebue | 2 | 1 | 1 | 0 | 1 | 1 | 1 | 2 | 78 | 1 | 2 | | | 7 |
| Nome | 7 | 5 | 5 | 0 | | 1 | 3 | 1 | 3 | 3 | 11 | | | 9 |
| Anchorage | 1,120 | 551 | 551 | 0 | 125 | 452 | 850 | 1,167 | 1,142 | 813 | 844 | | | 143 |
| Eagle River | 4 | 1 | 1 | 0 | | 4 | 2 | 5 | 12 | 3 | 2 | | | 6 |
| Cordova | 1 | 1 | 1 | 0 | 1 | | 1 | | 2 | 1 | | | | |
| Dillingham | 3 | 3 | 3 | 0 | | | 2 | | | | | | | 5 |
| Homer | 9 | 6 | 6 | 0 | | 2 | 7 | 11 | 37 | 4 | 33 | | | 9 |
| King Salmon | 1 | 1 | 1 | 0 | | | 1 | | | | 1 | | | 0 |
| Kodiak | 20 | 17 | 17 | 0 | 2 | 3 | 2 | 6 | 26 | 42 | 34 | | | 4 |
| Palmer | 9 | 5 | 5 | 0 | | 1 | 5 | 9 | 4 | 11 | 3 | | | 7 |
| Soldotna/Kenai | 24 | 13 | 13 | 0 | 1 | 4 | 7 | 15 | 27 | 15 | 65 | | | 15 |
| Valdez | 2 | 1 | 1 | 0 | | | 1 | 2 | 2 | 0 | | | | 3 |
| Wasilla | 16 | 9 | 9 | 0 | 1 | 4 | 8 | 27 | 65 | 63 | 34 | | | 12 |
| Bethel | 6 | 6 | 6 | 0 | | | 1 | 5 | | 4 | 13 | | | 14 |
| Fairbanks | 181 | 100 | 100 | 0 | 25 | 143 | 137 | 165 | 135 | 122 | 122 | | | 63 |
| Out of State | | 13 | 13 | 0 | | 1 | 3 | 2 | 2 | 4 | 3 | | | 6 |
| Totals | 1,600 | 876 | 876 | 0 | 186 | 727 | 1,230 | 1,681 | 1,711 | 1,241 | 1271 | 0 | | 379 |

Other Volunteers

| | |
|-----------------------|-----|
| Doctors | 116 |
| Court Reporters | 48 |
| CPA's | 9 |
| Private Investigators | 12 |
| Paralegals | 9 |
| Other | 4 |

Appendix 3



**DANIEL, HEWKO
& SCHAMBER**

Certified Public Accountants • A Professional Corporation

Board of Governors
Alaska Bar Association
Anchorage, Alaska

Ladies & Gentlemen:

In planning and performing our audit of the financial statements of the Alaska Bar Association for the year ended December 31, 1990, we considered its internal control structure in order to determine our auditing procedures for the purpose of our report on the financial statements and not to provide assurance on the internal control structure. However, we noted certain matters involving the internal control structure and its operations that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control structure that, in our judgment, could adversely affect the organization's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements.

Our consideration of the internal control structure was for the limited purpose described in the preceding paragraph and would not necessarily disclose all matters that might be reportable conditions. In addition, because of inherent limitations in any internal control structure, errors or irregularities may occur and not be detected by such control structure.

During our audit, we noted the following reportable conditions and other comments and observations:

Court System Library Fund:

In February, 1990 the Alaska Bar Association entered into an agreement with the Court System and the Anchorage Bar Association, wherein the Alaska Bar Association would administer a fund for the purpose of obtaining research materials for the law library purchased with proceeds from the law library copy machine. The Anchorage Bar Association was to be primarily responsible for the collection of these proceeds and their remittance to the Alaska Bar Association for subsequent disbursement. Under the agreement, certain periodic reporting was required of the Anchorage Bar Association to the Alaska Bar Association, as well as reporting by the Alaska Bar Association to the Court System. We noted during our examination that no reports had been submitted to the Alaska Bar Association nor had any monies from copy machine proceeds been

Daniel, Hewko & Schamber

forwarded to the Alaska Bar Association. Accordingly, the Alaska Bar did not submit any of its required reports to the Court System.

We recommend that the Alaska Bar Association review its agreement with the Court System and follow up with representatives of the Anchorage Bar Association to assure that the terms of the agreement are complied with by all parties involved.

We wish to acknowledge the assistance and courtesy you extended to our staff during our examination. We would be pleased to discuss our comments further at your convenience.

This report is intended solely for the use of the Board of Governors, management, and others within the association.

Daniel, Hewko & Schamber

Anchorage, Alaska
February 6, 1990

| LIABILITIES AND FUND BALANCES | <u>General Fund</u> | <u>Lawyers' Fund for Client Protection</u> | <u>Court System Library Fund</u> | <u>Total All Funds</u> |
|--|-------------------------|--|--|--------------------------------|
| CURRENT LIABILITIES | | | | |
| Current portion of long term debt (Note 4) | \$ 29,401 | - | - | \$ 29,401 |
| Accounts payable and accrued expenses | 41,489 | - | - | 41,489 |
| Due to Bar Foundation | 2,836 | - | - | 2,836 |
| Due to other funds | 24,039 | - | - | 24,039 |
| Deferred revenue | <u>829,747</u> | <u>24,030</u> | <u>-</u> | <u>853,777</u> |
| Total current liabilities | <u>927,512</u> | <u>24,030</u> | <u>-</u> | <u>951,542</u> |
| LONG TERM DEBT, net of current maturities (Note 4) | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> |
| COMMITMENTS (Note 3) | | | | |
| FUND BALANCES | | | | |
| Unrestricted | | | | |
| Designated by the Board for: | | | | |
| Working capital | 200,000 | - | - | 200,000 |
| Asset acquisition | 33,035 | - | - | 33,035 |
| Undesignated | <u>320,311</u> | <u>398,458</u> | <u>10,000</u> | <u>728,769</u> |
| | <u>553,346</u> | <u>398,458</u> | <u>10,000</u> | <u>961,804</u> |
| | <u>\$1,480,858</u> | <u>\$ 422,488</u> | <u>\$ 10,000</u> | <u>\$1,913,346</u> |

ALASKA BAR ASSOCIATION

STATEMENT OF ACTIVITY AND CHANGES IN FUND BALANCE
For the Year Ended December 31, 1990

| | General Fund | Lawyers' Fund for Client Protection | Court System Library Fund | Total All Funds |
|--|-------------------|--|------------------------------------|-----------------------|
| Revenue | | | | |
| Dues | \$ 729,163 | \$ 23,365 | \$ - | \$ 752,528 |
| Admission fees | 99,275 | - | - | 99,275 |
| Continuing legal education | 118,981 | - | - | 118,981 |
| Lawyer referral fees | 57,070 | - | - | 57,070 |
| Annual meeting | 114,352 | - | - | 114,352 |
| Interest on investments | 67,434 | 30,157 | - | 97,591 |
| Other | 106,681 | - | 10,000 | 116,681 |
| Total revenue | <u>1,292,956</u> | <u>53,522</u> | <u>10,000</u> | <u>1,356,478</u> |
| Expenses | | | | |
| Admissions | 167,202 | - | - | 167,202 |
| Board of Governors | 38,371 | - | - | 38,371 |
| Discipline | 368,583 | - | - | 368,583 |
| Administration | 293,739 | - | - | 293,739 |
| Referrals | 47,020 | - | - | 47,020 |
| Continuing legal education | 198,668 | - | - | 198,668 |
| Fee arbitration | 39,510 | - | - | 39,510 |
| Annual meeting | 148,718 | - | - | 148,718 |
| Other | 93,271 | 2,300 | - | 95,571 |
| Total expenses | <u>1,395,082</u> | <u>2,300</u> | <u>-</u> | <u>1,397,382</u> |
| Excess (deficit) of revenues over expenses | (102,126) | 51,222 | 10,000 | (40,904) |
| Fund balances, beginning of year | <u>655,472</u> | <u>347,236</u> | <u>-</u> | <u>1,002,708</u> |
| Fund balances, end of year | <u>\$ 553,346</u> | <u>\$ 398,458</u> | <u>\$ 10,000</u> | <u>\$ 961,804</u> |

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

ALASKA BAR ASSOCIATION

STATEMENT OF CHANGES IN FINANCIAL POSITION
For the Year Ended December 31, 1990

| | <u>General Fund</u> | <u>Lawyers' Fund for Client Protection</u> | <u>Court System Library Fund</u> | <u>Total All Funds</u> |
|---|-------------------------|--|--|--------------------------------|
| SOURCES OF FUNDS | | | | |
| Operations: | | | | |
| Excess (deficit) of revenues over expenses | \$ (102,126) | \$ 51,222 | \$ 10,000 | \$ (40,904) |
| Items not requiring outlay of working capital during the year: | | | | |
| Depreciation and amortization | <u>42,921</u> | <u>-</u> | <u>-</u> | <u>42,921</u> |
| Working capital provided by operations | <u>(59,205)</u> | <u>51,222</u> | <u>10,000</u> | <u>2,017</u> |
| Total sources of funds | <u>(59,205)</u> | <u>51,222</u> | <u>10,000</u> | <u>2,017</u> |
| USES OF FUNDS | | | | |
| Payments on long term debt and transfers to current maturities | 33,348 | - | - | 33,348 |
| Purchase of property and equipment | <u>17,483</u> | <u>-</u> | <u>-</u> | <u>17,483</u> |
| Total uses of funds | <u>50,831</u> | <u>-</u> | <u>-</u> | <u>50,831</u> |
| Increase (decrease) in working capital, as below | <u>\$ (110,036)</u> | <u>\$ 51,222</u> | <u>\$ 10,000</u> | <u>\$ (48,814)</u> |

(Continued)

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

ALASKA BAR ASSOCIATION

STATEMENT OF CHANGES IN FINANCIAL POSITION, Continued
For the Year Ended December 31, 1990

| | <u>General Fund</u> | <u>Lawyers' Fund for Client Protection</u> | <u>Court System Library Fund</u> | <u>Total All Funds</u> |
|--|-------------------------|--|--|--------------------------------|
| SUMMARY OF CHANGES IN WORKING CAPITAL COMPONENTS | | | | |
| Increase (decrease) in: | | | | |
| Cash | \$ (8,753) | \$ 10,387 | \$ 10,000 | \$ 11,634 |
| Time certificates of deposit | (97,406) | 39,532 | - | (57,874) |
| Accounts receivable | 54,734 | - | - | 54,734 |
| Note receivable | (5,000) | - | - | (5,000) |
| Accrued interest receivable | (1,314) | 1,294 | - | (20) |
| Due from general fund | - | 689 | - | 689 |
| Prepaid expenses | 6,424 | - | - | 6,424 |
| Decrease (increase) in: | | | | |
| Current portion of long term debt | 11,863 | - | - | 11,863 |
| Accounts payable and accrued expenses | (20,812) | - | - | (20,812) |
| Due to Bar Foundation | 501 | - | - | 501 |
| Due to other funds | (689) | - | - | (689) |
| Deferred revenue | <u>(49,584)</u> | <u>(680)</u> | <u>-</u> | <u>(50,264)</u> |
| Increase (decrease) in working capital | <u>\$ (110,036)</u> | <u>\$ 51,222</u> | <u>\$ 10,000</u> | <u>\$ (48,814)</u> |

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

ALASKA BAR ASSOCIATION

REVENUE AND EXPENSE STATEMENT DETAIL
GENERAL FUND EXPENSES
Year Ended December 31, 1990

| | <u>Admissions</u> | <u>Board of Governors</u> | <u>Discipline</u> | <u>Adminis- tration</u> |
|-------------------------------|-------------------|-------------------------------|-------------------|-----------------------------|
| Salaries and related expenses | \$ 73,833 | \$ - | \$ 266,733 | \$ 180,754 |
| Rent | 18,549 | 600 | 29,491 | 16,973 |
| Exam review and training | 4,111 | - | - | - |
| Grading | 32,896 | - | - | - |
| Litigation | - | - | 643 | - |
| Office supplies and expense | 11,006 | 12,011 | 17,147 | 19,869 |
| Telephone | 1,090 | 235 | 3,492 | 2,625 |
| Travel | - | 25,525 | 3,469 | 4,089 |
| Contract services | - | - | 6,406 | - |
| Equipment lease | 3,005 | - | 10,330 | 1,810 |
| Postage | - | - | - | 16,966 |
| Accounting fees | - | - | - | 8,305 |
| Insurance | - | - | - | 17,926 |
| Repairs and maintenance | 3,445 | - | 12,394 | 7,994 |
| Depreciation and amortization | 4,593 | - | 15,868 | 10,439 |
| Advertising | - | - | - | - |
| Miscellaneous | 14,674 | - | 2,610 | 5,989 |
| Seminar costs | - | - | - | - |
| Newsletter | - | - | - | - |
| Committee expenses | - | - | - | - |
| Duke/Alaska Law review | - | - | - | - |
| Annual meeting expense | - | - | - | - |
| Substantive law sections | - | - | - | - |
| Loan interest and fees | - | - | - | - |
| | <u>\$ 167,202</u> | <u>\$ 38,371</u> | <u>\$ 368,583</u> | <u>\$ 293,739</u> |

| <u>Lawyer Referral</u> | <u>Continuing Education</u> | <u>Fee Arbi- tration</u> | <u>Other</u> | <u>Total</u> |
|----------------------------|---------------------------------|------------------------------|-------------------|--------------------|
| \$ 20,276 | \$ 69,165 | \$ 24,100 | \$ - | \$ 634,861 |
| 4,934 | 17,325 | 4,420 | - | 92,292 |
| - | - | - | - | 4,111 |
| - | - | - | - | 32,896 |
| - | - | - | - | 643 |
| 1,625 | 6,277 | 3,042 | - | 70,977 |
| 3,859 | 1,007 | 769 | - | 13,077 |
| - | 3,429 | - | - | 36,512 |
| - | - | - | - | 6,406 |
| 2,326 | 2,595 | 1,855 | - | 21,921 |
| - | - | - | - | 16,966 |
| - | - | - | - | 8,305 |
| - | - | - | - | 17,926 |
| 2,823 | 3,226 | 2,180 | - | 32,062 |
| 3,758 | 5,340 | 2,923 | - | 42,921 |
| 7,419 | - | - | - | 7,419 |
| - | - | - | 11,048 | 34,321 |
| - | 86,904 | - | - | 86,904 |
| - | - | - | 35,955 | 35,955 |
| - | 3,400 | 221 | 4,176 | 7,797 |
| - | - | - | 29,500 | 29,500 |
| - | - | - | 148,718 | 148,718 |
| - | - | - | 7,453 | 7,453 |
| - | - | - | 5,139 | 5,139 |
| <u>\$ 47,020</u> | <u>\$ 198,668</u> | <u>\$ 39,510</u> | <u>\$ 241,989</u> | <u>\$1,395,082</u> |

NOTES TO FINANCIAL STATEMENTS

Note 1. Significant Accounting Policies

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

Depreciation:

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

Income Taxes:

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

Note 2. Employee Pension Plan

The Association established an Employee Pension Plan in April 1983, effective January 1, 1983. The plan is a defined contribution plan and covers all employees who have completed one year of service and who are twenty-one years of age. The Association's contributions are 5 percent of the compensation of each participant; contributions for 1990 totaled \$22,399.

Note 3. Lease Commitments

The Association's long term office facilities lease expired December 31, 1990. Currently the Association is exercising the first of four six-month optional extension periods for the office space. The Association also leases their copier and postage machine under long-term leases. The copier lease is cancellable only if the State of Alaska terminates the Association's existence. The minimum future lease payments under these operating leases are as follows:

| | |
|------|---------------|
| 1991 | \$ 60,744 |
| 1992 | 19,680 |
| 1993 | <u>13,605</u> |

| | |
|--|------------------|
| Total future minimum lease payments | <u>\$ 94,029</u> |
|--|------------------|

NOTES TO FINANCIAL STATEMENTS, Continued

Note 4. Long Term Debt

Long term debt consists of a note payable to Security Pacific Bank of Alaska, secured by time certificates of deposit. The balance of the note is due in full in 1991, and is payable in monthly installments of \$4,196, including 9.5 percent interest.

