



1996 Annual Report

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THE ALASKA BAR ASSOCIATION

Annual Report for the Year 1996

Board of Governors

Elizabeth Kerttula, President
David H. Bundy, President-Elect
Dennis L. McCarty, Vice President
Joseph Faulhaber, Secretary
Venable Vermont, Jr., Treasurer
Ray R. Brown
J. John Franich, Jr.
Barbara Miklos
William B. Schendel
Ethel Staton
Robert D. Stone (New Lawyer Liaison)
Kirsten Tinglum
Diane F. Vallentine

Staff

Deborah O'Regan, Executive Director
Barbara Armstrong, Assistant Director & CLE Director
Deb Lash, Executive Secretary
Geraldine F. Downes, Controller
Karen A. Schmidlkofer, Accounting Assistant
Rachel M. Tobin, CLE Assistant
Krista M. Scully, Admissions Secretary/Receptionist
Robyn R. Helvey, Lawyer Referral Receptionist

Stephen J. Van Goor, Bar Counsel
Mark Woelber, Assistant Bar Counsel
Louise R. Driscoll, Assistant Bar Counsel
Deborah C. Ricker, Discipline Investigator/Paralegal
Ingrid Varenbrink, Arbitration/Discipline/CLE Library
Joanne Baker, Arbitration/Discipline/CLE Library
Norma L. Gammons, CPS®, Disc. Section Administrative Supervisor
Cheryl L. Rapp, PLS®, CPS®, Discipline Secretary

March 20, 1997

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 \$450.00), 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 3,285 members in the following categories: Active, 2,611; Inactive, 628; Honorary, 1; Retired, 45. Its affairs are governed by a twelve (12) member (attorney and non-attorney) Board currently comprised of the following persons:

Elizabeth J. Kerttula, President
David H. Bundy, President-Elect
Dennis L. McCarty, Vice President
Joseph Faulhaber, Secretary
Venable Vermont, Jr., Treasurer
Ray R. Brown
J. John Franich, Jr.
Barbara Miklos, (public member)
William B. Schendel
Ethel Staton
Robert D. Stone, (new lawyer liaison)
Kirsten Tinglum
Diane F. Vallentine

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 9 standing committees, 20 sections, 5 bar rule committees, and special committees as appointed by the Board. 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 15 full-time professionals:

Deborah O'Regan, Executive Director
Barbara Armstrong, Assistant Director & CLE Director
Deb Lash, Executive Secretary
Geraldine F. Downes, Controller
Karen A. Schmidlkofer, Accounting Assistant
Rachel M. Tobin, CLE Assistant
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Ingrid Varenbrink & JoAnn Baker, Arbitration/Discipline/CLE Library
Norma Gammons, CPS®, Disc. Section Administrative Supervisor
Cheryl L. Rapp, PLS®, CPS®, 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 this past year.

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 1996 the Board held five (5) meetings (January 12-13; March 22-23; May 13-15; August 22-23; and October 18-19). Conference calls were held on September 16, October 30 and December 10. The Bar Convention and Annual Business Meeting were held in Anchorage, May 16-17.

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 chair 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 report.

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 important responsibilities of 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 Bar Counsel and Bar Counsel's staff, and appoints members of three Area Discipline Divisions: 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. Bylaw and Rule Amendments

The Board of Governors amended several bylaws of the Bar Association and proposed several rule changes to the supreme court. Bar Rule 61(b)(1) and Article III, Section 3(a) of the Bylaws were amended to increase the penalty for late payment of Bar dues from \$5 to \$10 per week. Article III, Section 3 of the Bylaws was also amended to increase the installment fee for splitting the bar dues payment from \$15 to \$25.

The Board also amended Article III, Section 1(a) of the Bylaws to provide that active members who provided 400 hours or more of pro bono services in a calendar year may pay 30% of bar dues for the membership year immediately following the year these services were rendered.

The Board amended Article VII, Section 1(a)(10) of the Bylaws to change the name of the Substance Abuse Committee to the Lawyers' Assistance Committee.

F. 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. The Board has been extended until June 30, 1998.

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); 4) pass the Multistate Professional Responsibility Examination (MPRE); 5) attend a presentation on attorney ethics as prescribed by the Board; and 6) file an affidavit that they have read and are familiar with the Alaska Rules of Professional Conduct. 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, which provides for reciprocal admission for attorneys from 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 \$800.00; for reapplicants (some one who has sat for and failed the Alaska Bar Exam within one year of application), the fee is \$500.00. The Board set this fee effective with the July 1996 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 him or herself from the grading of that exam. The following procedures govern the grading of the essay exam:

1. A calibration team consisting of at least five members of the Committee is convened for each essay question given on the exam;
2. As a group, the team will read two randomly selected applicant answers to that essay question;
3. The team will compare and discuss the answers and agree on a ranking of the essay answers they have just read;
4. The team will then read a third essay answer, compare and discuss this answer with the answers previously ranked, and agree on a ranking of all the answers they have read. The team reads and ranks a total of ten answers;
5. The team will continue this process 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 an 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.

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In 1995, an applicant filed an appeal following the results of the July 1995 exam. At its January 1996 meeting, the Board granted an appeal on a couple of the applicant's points. The applicant never pursued the appeal.

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. 5 applicants requested a tutor for the February exam, and 1 applicant requested assistance for the July exam.

The Board of Governors reviewed its pilot program which was formed to provide tutoring and lectures for minority bar applicants who qualified for the program. Although six applicants had participated prior to the February 1995 exam, no minority applicants opted to apply for the program since then. The Board decided to suspend the program in August of 1995 until sufficient interest was expressed in the program.

G. Statistical Summary

In 1996, 117 individuals took the Bar Exam and 82 passed the exam.

1996 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 a reciprocal jurisdiction and have engaged in the active practice of law in one or more 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-six (26) jurisdictions provide for admission without examination.

In 1996, ten applicants applied for and were admitted without examination.

K. Mandatory Ethics Course and Affidavit of Review

All applicants are required to attend a course on ethics as prescribed by the Board prior to admission. The three hour course is offered twice a year, live in Anchorage, Juneau and Fairbanks. Applicants may watch the course on videotape if they cannot attend one of the live programs.

All applicants must also submit an affidavit that they have read and are familiar with the Alaska Rules of Professional Conduct.

L. Bar Rule Changes in 1996

Bar Rule 2, Section 2(b)(3) was amended to allow a reciprocity applicant who has failed the Alaska Bar Exam to apply for admission without examination, if the failure of the exam took place more than five years before the application and the applicant was engaged in the practice of law for five years.

Bar Rule 5, Section 1(a) regarding admission requirements was amended to include the requirement that an applicant file an affidavit stating that the applicant has read and is familiar with the Alaska Rules of Professional Conduct.

Bar Rule 5, Section 3 was amended to allow an applicant for admission to take the oath of attorney before any state or federal judicial officer.

III. DISCIPLINE OF MEMBERS

The activities of attorneys admitted to practice within the State of Alaska are governed by the Rules of Disciplinary Enforcement adopted 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 Alaska Rules of Professional Conduct, 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 operation of the disciplinary process has 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. Assistant Bar Counsel review the grievance to determine whether it is properly completed and contains allegations which, if true, would constitute grounds for discipline. They also request a voluntary response from the attorney involved. If they determine 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 must 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 1996

The Alaska Supreme Court disbarred Robert T. Price and ordered imposition of a censure and a public reprimand. *Robert T. Price is not to be confused with Robert E. Price who is Vice President of Bristol Bay Native Corporation.* The Court suspended: Irwin Ravin for six months effective February 2, 1996; Randall S. Cavanaugh for three years effective December 27, 1995; and, Robert M. Beconovich for two years, two months effective April 15, 1996. The Court censured Patrick Conheady and Frederick W. Triem.

The Disciplinary Board issued a reprimand, publicly imposed, to Moshe Calberg Zorea and Maryann E. Foley.

1996 DISCIPLINE CASE STATISTICS*

Open cases pending as of January 1, 1996	99
New cases opened in 1996 (+)	49
Cases closed in 1996:	
Closed after disbarment by Supreme Court	1**
Closed after suspension by Supreme Court	10
Closed after probation ended	
Closed after public censure by Supreme Court	4
Closed after reprimand publicly imposed by Disciplinary Board	5
Closed after reprimand privately imposed by Disciplinary Board	1
Closed after written private admonition by Bar Counsel.	2
Dismissed by Bar Counsel	31
TOTAL closed cases (-)	<u>54</u>
Open cases pending as of December 31, 1996	94

STATUS OF OPEN CASES AS OF 12-31-96

Pending First Response from Respondent Attorney	7
Pending Complainant's Reply	4
Pending Second Response from Respondent Attorney	1
Pending Bar Counsel Investigation/Decision	39
Abeyance Pending Outcome of Related Court Case	2
Abeyance Pending Outcome of Fee Arbitration	0
Pending Approval to Issue Written Private Admonition	0
Pending Acceptance of Written Private Admonition by Respondent Attorney	0
Pending Approval to File Petition for Formal Hearing	0
Pending Stipulation for Discipline between Bar Counsel and Respondent Attorney	10
Pending before Area Hearing Committee	9
Pending before Disciplinary Board	18
Pending before Supreme Court	3
Respondent Attorney on Probation	<u>1</u>
TOTAL open cases	94

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

**This disbarred attorney also recieved a censure and a pubic reprimand which were not carried as separate cases

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.

The Board may impose a reprimand to be publicly disclosed 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 reprimand (either publicly or not publicly disclosed) or submit its recommendation on the stipulation to the Supreme Court.

As with civil litigation, many of the above procedures may be lengthy or protracted before the issuance of a Hearing Committee report or a Board order. Thus, a need exists -- and a procedure has been formulated -- whereby either party can make an interlocutory appeal to the Supreme Court for review of the procedures and evidentiary rulings of the Hearing Committee.

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 or she 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.

*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.

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 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.

Summary of Disability/Reinstatement Actions in 1996

In 1996, there were no disability transfers or reinstatements.

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 Discipline Investigator/Paralegal, a Discipline Section Administrative Supervisor, a part time Arbitration/Discipline Assistant, and a Discipline Secretary. 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 totaled \$525,366 in 1996, a substantial allocation of Bar Association resources for the protection of the public and the administration of justice through the attorney discipline process.

L. Bar Rule Changes in 1996

Changes to the Bar Rules regarding admissions are reported in section L of the Admissions portion of this report.

The Court amended Bar Rule 10, concerning attorney discipline, to give the Board the power to impose monetary sanctions of up to \$500 against an attorney appearing before the Board on a disciplinary or disability matter for that attorney's failure to comply with the disciplinary rules or orders issued by or on behalf of the Board.

Bar Rule 12 was amended to change the way in which members of area hearing divisions are selected. Now, the Chief Justice will appoint members of the hearing divisions from lists of qualified applicants submitted every year by the Board. Members will be assigned to matters by the Executive Director in roster order. The rule provides for reassignment if a member is unable to serve and removal of a member from the list by the Chief Justice if the member

declines assignments on two consecutive occasions. The rule change will go into effect in May 1997.

Bar Rule 16(c) was amended to reflect the change in the name of the Client Security Fund to the Lawyers' Fund for Client Protection.

Bar Rule 26 was amended to allow interim suspension of an attorney upon the entry of a plea of guilty or no contest or upon a finding or verdict of guilt.

Bar Rule 40, concerning fee arbitrations, was amended to require an attorney to respond to each of the allegations in a petition for arbitration of fee dispute. In addition, if a petitioner fails to provide scheduling information for hearing as requested, the matter may be dismissed after the notice required in the rule.

Finally, Bar Rule 60, concerning suspension for nonpayment of fees, was amended to increase the weekly penalty for nonpayment from \$5.00 to \$10.00.

IV. CONTINUING LEGAL EDUCATION

Continuing Legal Education (CLE) programs and activities are a significant part of the work of the Alaska Bar Association and have an essential role in enhancing a lawyer's skills, attitudes, knowledge and sense of professional responsibility. Members of the legal profession have an obligation to be competent in performing legal services. It is critical that the Bar Association provide an appropriate number of quality CLE seminars to educate attorney members about new developments in the field of law and to emphasize their ethical responsibilities.

A. Administration

The Continuing Legal Education Committee and the Association's Director of Continuing Legal Education are responsible for presenting and administering all CLE programs and activities. The CLE Committee is composed of 15 Bar Association members: 12 attorney members representing the various geographic areas of the state, 2 new lawyers representatives, and 1 judicial representative. Members serve staggered 3-year terms, with the exception of New Lawyer members who serve staggered 2-year terms.

The CLE Committee for June 30, 1995 - June 30, 1996 was David Ingram, Chair, Juneau; Gary Foster, Fairbanks; Ray Brown, Anchorage; Gail Ballou, Fairbanks; Trevor Stephens, Ketchikan; Aleen Smith, Anchorage; Judge Dana Fabe, Judicial Representative; Joe Loescher, Anchorage; Brian Hanson, Sitka; Holly Montague, Palmer; Marc Sokkappa, New Lawyer, Juneau; Cheryl Rawls Brooking, New Lawyer, Anchorage; Allan Beiswenger, Soldotna; James Stanley, Anchorage; Paul Eaglin, Fairbanks.

The CLE Committee for June 30, 1996 - June 30, 1997 is David Ingram, Chair; Gail Ballou, Fairbanks; Allan Beiswenger, Soldotna; Cheryl Rawls Brooking, New Lawyer, Anchorage; Ray Brown, Anchorage; Dawn Collinsworth, New Lawyer, Juneau; James DeWitt, Fairbanks; Paul Eaglin, Fairbanks; Justice Dana Fabe, Judicial Representative; Brian Hanson, Sitka; Joseph Loescher, Anchorage; Holly Montague, Kenai; Lawrence Ostrovsky, Anchorage; James Stanley, Anchorage; Trevor Stephens, Ketchikan.

The 20 substantive law sections of the Bar Association are responsible for sponsoring a minimum of one CLE seminar every two years. Most sections sponsor one CLE activity per year, in addition to holding regular monthly section meetings and an annual section meeting. CLE seminars not sponsored by a particular Substantive Law Section are sponsored by the CLE Committee itself or by the Board of Governors. In addition, CLE seminars of value and interest to attorneys and other professional groups are sometimes presented in cooperation with those groups, such as the Alaska Association of Legal Assistants, the Anchorage Legal Secretaries Association, the Alaska Academy of Trial Lawyers, the State of Alaska Real Estate Commission, and the Alaska Society of Certified Public Accountants. In 1996 the Alaska Bar participated for the fifth year in the Western Consortium of CLE Providers which presented

"The Art of Winning Before Trial" in Nevada. Each year an Alaska Bar member is selected to serve as one of the faculty for this program. Ray Brown was the 1996 faculty member.

In 1996 forty-five different CLE topics were scheduled. Thirty-nine live Bar-administered programs, not including the convention CLEs or Mandatory Ethics, were presented in 1996 primarily in three sites: Anchorage, Juneau and Fairbanks. This year live CLEs were also presented in cooperation with the U.S. District Court in Fairbanks, Kenai, Ketchikan, Kodiak and Nome. These were the first live CLEs we have done in Kodiak and Nome.

We also presented one program in cooperation with the American Law Institute/American Bar Association (ALI-ABA) on estate planning issues.

The Bar also presented a total of 6 live Mandatory Ethics for Applicants programs: two in Juneau, two in Fairbanks, and two in Anchorage. 5 CLE topics were presented at the Annual Convention in Anchorage held in conjunction with the Alaska Judicial Conference. One teleseminar in cooperation with the American Bar Association was scheduled in 1996.

Although none of the Mandatory Ethics or Convention programs included in the above figures has fiscal impact on the CLE budget, staff time is required to develop and implement these events.

Sixteen programs were also approved for CLE credit and administered by other groups or organizations. These programs had no staff or fiscal impact on the Alaska Bar.

The CLE Director works with individual CLE Planning Committees to incorporate into each CLE issues of professional responsibility and ethical concern to lawyers, and consults with Alaska Bar Counsel for assistance in identifying these issues.

In 1996 Kenai and Valdez were added to the list of video replay sites around the state. Forty video replays in 7 sites were presented in 1996. CLE Videotape Replays are routinely scheduled in Dillingham, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, and Valdez. Local bar members act as volunteer video replay coordinators in these cities.

Total attendance at CLE programs in 1996 (including group video replays and convention CLE) was 3,019. The number of different attorneys served was 1,010, and the number of different non-attorneys was 748. These figures are an increase over 1995.

1996 CLE Programs Summary

Topics	Live Bar Programs	Tele-seminars	Mandatory Ethics	Convention	Accredited Programs	VTRs
45	39	1	6	5	16	40

B. 1996 Accomplishments

1. The goal in 1996 was to keep prices for CLE group videotape replays and individual rental of CLE videotapes at the 1995 level to insure access and affordability for members. Although actual production costs rose in 1996 due to contracting with a professional videographer, there was a definite need to improve the audio and video quality of our tapes to better serve members outside the Anchorage area who cannot easily attend the regular live CLEs scheduled in Anchorage.

To offset rising costs, additional mailouts regarding videos and materials available in the CLE library were developed, including updating the CLE library catalog. The CLE library catalog project was begun in 1996 and publication date for the inaugural in-house desktop printed version of the catalog is early 1997. The CLE Library continues to be an important member service and resource for our members.

2. In 1996, approval was given by the Board to offer a 20% discount off the registration fee for any live CLE to any member who travels 100 miles or more one way (other than on commercial air carrier) to attend a CLE. This adds to the discounts the Bar currently offers: 50% off the registration fee for members traveling via commercial air carrier to a program; 10% discount for 2 members of the same organization attending; 20% off for 3 or members members of the same organization attending.

In addition, new admittees are given one "Free CLE" registration valid for one year after admission to the Bar.

3. The CLE Calendar and articles about CLE continued to appear regularly in the Bar Rag to better communicate with members about course offerings.

4. The 5-Year Plan for CLE was approved by the Board of Governors in 1996 and covers five main areas: Course Materials, Marketing of CLE Programs to Members, Information Dissemination, Enhancing Technological Efficiency of CLE Department, and Mandatory Continuing Legal Education.

5. Course Materials for CLE programs are a critical part of any CLE presentation, and we continue to work with CLE faculty to create materials that are of value and easy to use. Our new desktop publishing software has given us greater capability to produce materials with a more consistent format and easy to read table of contents.

6. With our new computer system and software, we have increased capability for producing desktop published brochures and flyers regarding CLE programs. New formats include use of graphics, cartoons, and photos of faculty.

7. In 1996, the Alaska Court System developed a homepage and generously invited the Bar to contribute information. To date, Bar information includes the CLE Calendar, Section Chairs, Section News, Board of Governors, Bar Exam information and Ethics Opinions (1990 - present). You can visit the Alaska Court System homepage at <http://www.alaska.net/~akctlb/homepage.htm>

8. 1996 marked the 100th Anniversary of the Alaska Bar Association, and at our Annual Convention in Anchorage celebrating this event, we made the decision for the first time to videotape all the Convention CLE presentations. These tapes were advertised by special flyer stating that if you had missed the convention, you could still see the programs. As a result of this mailer, we had numerous requests for convention CLE tapes and materials. We plan to videotape future convention CLE presentations whenever possible.

9. As noted earlier, the number of videotape replay sites was increased to 7 with the inclusion of Kenai and Valdez.

10. The U.S. District Court requested the Alaska Bar for assistance in putting on for the first time federal "Off the Record" (informal bench/bar exchanges) programs around the state. "Off the Records" were held in Anchorage, Fairbanks, Juneau, Ketchikan, Kodiak and Nome and were very well attended at each site. We plan to continue working with the U.S. District Court on this type of program. It is especially important to be able to assist in bringing live CLE to such more remote areas as Nome and Kodiak.

A special CLE with the 9th Circuit Court of Appeals panel was also presented in 1996 in conjunction with the U. S. District Court.

11. 1996 also marked the first ever "Off the Record" with the Alaska Court System Administration. With the dedication of the new Nesbett Court House and the move of the trial courts and other court personnel, many questions and concerns were voiced by bar members. The Alaska Court administration was very interested in working with the Bar Association to develop a forum for such questions, which resulted in the very well attended CLE in February of 1996.

12. Other programs of particular note in 1996 include "Lawyers Helping Lawyers Who Belong to One 'Bar' Too Many," sponsored by the Lawyers Assistance Committee. This CLE highlighted the assistance available to Bar members through the Committee, and presented information on substance abuse and local resources for dealing with this issue. Thirty-five lawyers and non-lawyers attended the live program which was also videotaped and presented outside Anchorage. The program was presented at no charge to Bar members and was completely subsidized by the Alaska Bar.

"Finding the Fires Before They Start: Legal, Tax and Accounting Issues for Nonprofits -- Parts 1 & 2" were presented in cooperation with The United Way of Anchorage. This program was aimed at the staff and boards of nonprofits, and the lawyers and accountants who serve them. Response to this program was overwhelming, and we hope to make this an annual event as a "Nonprofit Update."

13. New substantive law sections that presented CLEs for the first time were Education Law and Immigration Law.

14. Two pilot CLEs were also presented this year: "Jury Secrets," which examined jury deliberations and included a faculty of both lay and attorney jurors, and "From Books to Cyberspace: The Changing World of Legal Research," which explored computer legal research and the Internet. Both

programs had high attendance and evaluations of the presentations were very positive.

15. In 1996 the Alaska Bar Association went online with e-mail. This new means of communication has enabled us to respond quickly to bar members, and also has lessened long distance costs both for the Bar and for members. A future goal is to make online registration for CLEs available to members, as well as online ordering of CLE tapes and materials, via a proposed Alaska Bar Association home page.

1996 CONVENTION -- 100th Anniversary of the Bar and the Historians' Committee CLE Program

1. In 1996 the Alaska Bar celebrated the 100th anniversary of its founding. As a part of the Alaska Bar Association Annual Convention in Anchorage, a special CLE program was developed by the Historians' Committee and included presentations by historians Professor Bill Hunt, Professor Claus Naske, Professor Steve Haycox, and historian and bar member Pamela Cravez. Topics included the Territorial Alaska Bar, the Federal Territorial Judicial System, the development of law in the newly formed state of Alaska, and the controversial 1964 Court-Bar Fight.

2. In addition, the Historians' Committee in conjunction with bar staff developed an exhibit of 3 historical panels with photos and text spanning the early days of the Bar Association up until the 1920's. These panels were on display at the Bar Convention and at the dedication of the Nesbett Courthouse in Anchorage. These 3 panels are the first of 5 projected panels to be completed and installed in the Jury Assembly Room of the Nesbett Courthouse in Anchorage. The start-up phase of the project was made possible by generous grants from a number of organizations, local companies, law firms, and bar members. Fundraising to complete the project is ongoing.

C. Fiscal

Overall program income exceeded this year's revenue target; however, expenses also exceeded our target figure due largely to increased costs in postage, paper, and professional videography services.

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 air carrier for a CLE program, a 20% discount to members traveling 100 miles or more one way to attend a CLE (other than on commercial air carrier), as well as discounts to organizations for multiple registrations, and one "free CLE" to new admittees.

Alaska Bar CLE continues to exist in a competitive marketplace with outside profit and nonprofit providers. This competition creates a healthy environment and offers more choice of topics for Alaska Bar members, but also presents some challenges. The Alaska Bar is committed to continuing to offer quality and affordable CLE to our members.

D. Request for CLE Credits

Private CLE providers, both profit and nonprofit, continued to present offerings in Alaska in 1996.

The Bar increasingly receives requests from in state and out of state organizations to review CLE programs they have developed and to approve them for CLE credit for Alaska Bar members attending these programs. Some of these programs are offered in Alaska, and other activities are offered outside the state.

Although Alaska is not currently a mandatory CLE jurisdiction, other providers of CLE request our CLE accreditation to indicate that a review of the program has been done and that the program meets the standards of the Alaska Bar. Programs meeting the requirements and standards outlined in the CLE Policies and Guidelines adopted by the Board of Governors are considered to be an extension of the Bar's educational effort on behalf of its members. The Bar is glad to assist in making CLE credit approval available when appropriate.

As of 1991, the Alaska Bar Association has been designated as an approved provider for California Bar members to meet the Minimum Continuing Legal Education requirements of the California State Bar, and is an approved provider for the State Bar of South Carolina.

E. Group Replays

Group video replays of live programs are regularly scheduled in Dillingham, Fairbanks, Juneau, Kenai, Kodiak, Ketchikan and Valdez to meet the educational needs of bar members outside Anchorage (the usual site for live programs). There is an average attendance of 5 bar members at each of these replay 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.

The Alaska Bar gratefully acknowledges the assistance of these organizations, firms, and members who donate space and time to provide this service for members.

Law firms and other organizations from time to time also request in-house group video replays. The Bar is always ready to assist with in-house CLE programs for members.

F. CLE Library

1. The CLE Library is a valuable member service and resource for bar members.

2. The updated CLE Library Catalog project was begun in 1996 as an inhouse desktop publishing goal. This publication with graphics will be completed in early 1997. Ads for the catalog will appear in the January/February 1997 Bar Rag with discount coupons.

1996 Program Rentals	312 programs
1996 Program Purchases	143 programs
<u>Alaska Attorney's Desk Manuals</u>	87 purchases

G. 800 CLE Information Line

Thanks to the generosity of the Alaska Bar Foundation, the Alaska Bar Association has an 800 CLE information line. The recording gives general bar office information, the CLE schedule for the month, Multi-State Professional Responsibility Exam dates and Bar Exam information.

H. 1996 CLE Program Listing

The numerous bar, non-bar, and bench faculty for our CLE programs are volunteers in service to the legal community. Their generous contributions of time, talent and energy make Alaska Bar programs possible.

ALASKA BAR ASSOCIATION 1996 CLE CALENDAR

(NV) denotes No Video Replay

#19 Jan 12-14, 27-28 33.75 cles	Mediation Certification (NV)	Seattle University of Washington
#01 January 17 1.75 cles	New Eminent Domain Rules	Anchorage Hotel Captain Cook
#02 February 8 2.75 cles	Finding the Fires Before They Start: Legal and Tax Issues for Non-Profit Corporations	Anchorage Hotel Captain Cook
#03 February 13 1.5 cles	Off The Record: Court Administration (NV)	Anchorage Hotel Captain Cook
#11 February 23 3.75 cles	Lawyers Helping Lawyers (Substance Abuse)	Anchorage Anchorage Hilton Hotel
#18 March 7-8 11.0 cles	OMI 32nd Annual Non-Profit Legal & Tax Conference (NV)	Washington, DC
#31 March 12 1.5 cles	Evaluation of Vocational Damages (NV)	Various Locations Alaska

#88 March 14 3.0 cles	Mandatory Ethics for Applicants	Anchorage Hotel Captain Cook
#88 March 26 3.0 cles	Mandatory Ethics for Applicants (NV)	Juneau Centennial Hall
#21 March 28 5.25 cles	Labor Relations Committee (NV)	Anchorage Hotel Captain Cook
#06 March 28 6.5 cles	Family Law Advocacy	Anchorage Hotel Captain Cook
#30 March 29 6.75 cles	Ethical Leadership: Where Have All Our Heroes Gone? (NV)(Rotary Club)	Anchorage Hilton Hotel
#24 March 29 2.0 cles	Lynn Gold-Bikin with Judges	Alaska Supreme Court Anchorage
#23 March 29 2.0 cles	Direct & Cross Exam with Lynn Gold Bikin	Hotel Captain Cook Anchorage
#88 March 29 3.0 cles	Mandatory Ethics for Applicants (NV)	Fairbanks Westmark Hotel
#28 April 5 3.25 cles	Chapter 13 Bankruptcy (NV)	Fairbanks Regency Hotel
#28 April 8 3.25 cles	Chapter 13 Bankruptcy (NV)	Juneau Baranof Hotel
#29 April 10 18.75 cles	Utility Finance & Accounting (NV)	Various Locations
#14 April 12 2.75 cles	Going International: Exports Under the Vienna Convention	Anchorage Sheraton Hotel
#08 April 16 3.25 cles	Real Estate Issues in Divorce	Anchorage Hotel Captain Cook
#26 April 19-20 13.0 cles	AK Action Trust: Trial Skills (NV)	Anchorage Regal Alaska Hotel
#27 April 25 2.0 cles	OTR-Juneau (NV)	Juneau Centennial Hall
#16 April 25 6.0 cles	Children & Divorce (NV)	Fairbanks Westmark Hotel
#17 May 3 2.0 cles	Federal Bench/Bar OTR (NV)	Anchorage Hotel Captain Cook
#34 May 8 0.0 cles	Alaska Native Law Lunch & Annual Meeting (NV)	Anchorage Hotel Captain Cook

#37 May 10-11 9.5 cles	AATL Dynamic Cross Examination (NV)	Anchorage Sheraton Hotel
#39 May 14-15 1.25 cles	Managing Case Themes with Demonstrative Evidence (Litigation Services)	Anchorage Several Locations
#33 June 13 4.5 cles	Depositions with Paul Lisnek	Anchorage Hotel Captain Cook
#42 June 14 2.75 cles	Kenai Discovery (NV)	Kenai Courthouse
#05 June 20 3.75 cles	3rd Annual Workers' Comp Update	Anchorage Hotel Captain Cook
#35 June 24 5.5 cles	The Attorney's Guide to Understanding the Internet (NV)	Anchorage Sheraton Anchorage Hotel
#41 June 25 3.0 cles	Guess & Rudd Ethics Seminar (ARPC) (in-house program)	Anchorage Guess & Rudd
#45 July 9, 10, 11, 16 2.0 cles	Federal Off the Record LIVE in 4 Cities (NV)	Nome, Juneau, Ketchikan & Fairbanks
#43 July 7-11 16.0 cles	Transportation Law (NV)	Monterey, California
#44 July 19 3.0 cles	Family Wealth Protection (NV)	Anchorage Regal Alaska Hotel
#36 July 23 2.75 cles	Education Law Issues	Anchorage Hotel Captain Cook
#46 July 23 2.0 cles	ABA Telephonic Seminar (NV) Working with the High-Conflict Divorce	Anchorage Law Office of Allen Bailey
#47 August 5 2.0 cles	Federal OTR with 9th Circuit Administration (NV)	Anchorage Federal Building Room TBA
#13 August 23-24 14.0 cles	Estate Planning Techniques (NV) (in cooperation with ALI-ABA)	Anchorage Regal Alaskan Hotel
#49 September 9 3.5 cles	Federal Pre-Trial Criminal Trial Issues	Anchorage Hotel Captain Cook
#12 September 23 3.0 cles	ALPS Professional Responsibility & Video Vignettes	Juneau Centennial Hall
#88 September 23 3.0 cles	Mandatory Ethics for Applicants (NV)	Juneau Centennial Hall
#88 September 25 3.0 cles	Mandatory Ethics for Applicants	Anchorage Hotel Captain Cook

#12 September 25 3.0 cles	ALPS Professional Responsibility & Video Vignettes	Anchorage Hotel Captain Cook
#7 September 26 CANCELLED	Court Rules Update Teleseminar (NV)	State-Wide
#48 September 26-7 10.0 cles	Art of Winning Before Trial - Western Consortium (NV)	Las Vegas, Nevada
#12 September 27 3.0 cles	ALPS Professional Responsibility & Video Vignettes	Fairbanks Westmark Hotel
#88 September 27 3.0 cles	Mandatory Ethics for Applicants (NV)	Fairbanks Westmark Hotel
#38 October 2 4.5 cles	Dual Agency	Anchorage Hotel Captain Cook
#09 October 16 6.25 cles	9th Annual Alaska Native Law Conference	Anchorage Hilton Hotel
#50 October 21 2.0 cles	Federal OTR in Kodiak (NV)	Kodiak The Golden Anchor
#15 October 24 3.75 cles	Immigration Issues	Anchorage Hotel Captain Cook
#53 October 30 5.5 cles	Domestic Violence Training for Mediators (NV)	Anchorage Hotel Captain Cook
#20 October 31 4.5 cles	Clients & Mediation: Who's Guarding the Henhouse? Representing Your Client Through Divorce Mediation	Anchorage Hotel Captain Cook
#52 November 08 2.0 cles	Jury Secrets: What Goes On in the Minds of Jurors	Anchorage Hotel Captain Cook
#54 November 18-9 10.25 cles	AK Municipal Attorneys Association Conference	Anchorage Sheraton Hotel
#40 November 20 6.5 cles	Non Profit Issues Part II	Anchorage Hotel Captain Cook
#51 December 4 4.25 cles	From Books to Cyberspace	Anchorage Hotel Captain Cook
#10 December 13 2.0 cles	Off the Record (NV)	Anchorage Hotel Captain Cook

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 950 volunteer attorneys throughout Alaska, or 59% of the State's available Bar Association membership, with an open case load of 450 - 500 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 1990 to December, 1996.

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; a landlord/tenant clinic; an immigration law clinic; a child support clinic; 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 1,269 people in 1996. More than 250 elderly received assistance through the Elderlaw Projects last year.

In addition, the APBP developed a set of Rules to govern the appointment of counsel for pro se parties in U.S. District Court. These procedures, created in cooperation with the U.S. District Court in Alaska, took effect on January 1, 1989. To date, 85 cases have been referred to volunteer attorneys through these Rules.

The APBP is also proud to boast that more than 250 other professionals (doctors, court reporters, certified public accountants, translators, private investigators) are members of the program. In 1996, the total number of hours donated to the APBP was more than 9,989.6.

Certain aspects of the Alaska Pro Bono Program may be changed to comply with new Federal restrictions and guidelines. For instance, as of December 1, 1995, the APBP ceased accepting cases for people who are incarcerated.

The APBP receives its principal funding from a grant from the Alaska Bar Foundation from the Interest on Lawyers' Trust Accounts (IOLTA) program.

VI. STATEWIDE LAWYER REFERRAL SERVICE

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

Enrollment in the Service is voluntary and all active members of the Association are urged to participate. Each participating lawyer pays an enrollment fee of \$50 per category selected for listing in any calendar year. Attorneys who are renewing a panel pay an enrollment fee of \$20.

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 \$4.00 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 \$50.00. Thereafter the fee is agreed upon by the attorney and the client.

At the end of 1996, 141 attorneys were enrolled in thirty-one 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 883 requests for referrals. Calls received by the Alaska Bar Association for Lawyer Referrals were as follows:

	1995	1996
Administrative	412	176
Admiralty	88	68
Adoption	91	87
Alaska Native Law	26	30
Arts	5	12
Bankruptcy	264	317
Commercial	295	303
Construction	33	19
Consumer	963	917
Criminal: Felony	675*	323
Criminal: Misdemeanor	*	352
Discrimination	121	155
Divorce/Dissolution/Custody	2,594	2,749
Eminent Domain	1	6
Environmental	14	13
Foreign Language	10	5
Guardian/Conservator	76	54
Immigration	116	41

Insurance	95	143
Labor Relations	977	955
Landlord/Tenant	497	570
Malpractice	334	362
Military	-	25
Mining	8	8
Negligence	8	1341
Patent/Copyright	0	4
Public Interest	3	4
Real Estate	344	297
SSI Cases	186	354
Tax	58	67
Traffic	129	150
Trusts/Wills/Estates	279	301
Workers' Compensation	540	396
	10,466	10,600
	+ 1.0% (Change from 1994)	+ 1.0% (Change from 1995)

* The Felony and Misdemeanor panels were one panel prior to 1996.

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 comprised 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.

Any changes to the fee arbitration rules in this report year are reflected in Section III, L above.

1996 FEE ARBITRATION STATISTICS

Arbitrations pending January 1, 1996	47
Arbitrations <u>opened</u> during 1996 (+)	89
Arbitrations <u>closed</u> in 1996 (-)	87
Arbitrations pending January 1, 1997	49

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.

1996 LFCP Report

The following amounts were approved for payment in fourteen (14) individual LFCP claims by the Board of Governors in 1996: \$500, \$400, \$400, \$800, \$4000, \$551, \$650, \$650, \$600, \$1200, \$662, \$1300, \$1300, and \$50,000 for a total of \$63,013. Nine (9) claims (\$5130, \$1250, \$4074, \$34,771, \$1150, \$930, \$2574, \$2850, \$2750) totaling \$55,479 were rejected by the Board. One claim for \$450 was not accepted by the Committee.

At the close of 1996, one claim was pending consideration by the LFCP Committee and four (4) claims were pending consideration by the Board.

D. Rebecca Snow currently chairs the LFCP committee.

Any changes to the Fund rules in the report year 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 (ELAP)

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, representing military clients, 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 20 Substantive Law Sections of member attorneys and non-bar members with similar interests in a particular area of law.

The Sections for 1996 were:

- Administrative
- Admiralty Law
- Alaska Native Law
- Alternate Dispute Resolution
- Bankruptcy Law
- Business Law
- Criminal Defense
- Criminal Prosecution
- Education Law
- Elder Law
- Estate Planning/Probate Law
- Environmental/Natural Resources Law
- Employment Law
- Family Law
- Immigration Law
- International Law
- Law Practice Management
- Real Estate Law
- Tax Law
- Tort Law (requested to go inactive Fall 1996)

The Section Chairs for June 30, 1995 - June 30, 1996 were:

Administrative Law - Teresa Williams; Admiralty Law - Steve Shamburek; Alaska Native Law - David Case; Alternate Dispute Resolution - Glenn Cravez; Bankruptcy Law - Brenda Rhoades and Mike Mills; Business Law - John Tindall; Criminal Defense - Kevin McCoy; Criminal Prosecution - Karen Loeffler and Bob Linton; Education Law - Paul Eaglin; Elder Law -

Dick Thwaites; Employment Law - Barbara Jones and Tom Daniel; Environmental/Natural Resources Law - Susan Reeves; Estate Planning & Probate - Russ Nogg; Family Law - Fran Purdy and Maryann Foley; Immigration Law - Ken Diemer; International Law - Patrick Rumley; Law Practice Management - Harold Green; Real Estate Law - Jim Stanley; Tax Law - John Hoffer; Torts Law - Loretta Cieutat and Gail Voigtlander.

The Section Chairs for June 30, 1996 - June 30, 1997 were:

Administrative Law - Teresa Williams; Admiralty Law - Steve Shamburek; Alaska Native Law - Heather Kendall; Alternate Dispute Resolution - Glenn Cravez; Bankruptcy Law - Michael Mills; Business Law - John Tindall; Criminal Defense - Kevin McCoy; Criminal Prosecution - Karen Loeffler and Bob Linton; Education Law - Paul Eaglin; Elder Law - Dick Thwaites; Employment Law - Barbara Jones and Tom Daniel; Environmental/Natural Resources Law - Randal Buckendorf; Estate Planning & Probate - Russ Nogg; Family Law - Fran Purdy and Maryann Foley; Immigration Law - Ken Diemer; International Law - Patrick Rumley; Law Practice Management - Harold Green; Real Estate Law - Jim Stanley; Tax Law - Charles Schuetze; Torts Law - Loretta Cieutat (requested to go inactive Fall 1996).

The 20 Substantive Law Sections offer members a number of opportunities for professional growth and development by providing:

- Exchange of information among lawyers with similar legal interests.
- Continuing legal education programs.
- Section News, a monthly newsletter of section events and topics of interest.
- Review of legislative and court actions in the "Annual Update" compiled by each section.
- 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. Section sign-up and renewals are included on the bar dues notice.

As of December 31, 1996, 925 bar members and 35 non-bar members were involved in one or more sections. The Board of Governors has asked each section, when appropriate, to encourage membership by non-bar members. Section chairs meet regularly with the Board of Governors on a rotating basis.

A majority of the sections meet on a monthly basis. Section chairs contribute to the monthly newsletter, Section News, with such items as case citations and comment on legislation. In addition, each section is responsible for preparing an "Annual Update" reviewing significant cases and legislative issues in their respective areas of law. This "Update" is submitted to the Bar

each spring prior to the Annual Convention, is distributed to section members, and is available for purchase by non-section members. The Alaska Court System also routinely requests copies of "Updates" in the areas of Administrative Law, Employment Law, Family Law, and Alaska Native Law for the bench.

2. Activities

Each section is administered by an executive committee composed of at least five members who serve three-year staggered terms beginning June 30. 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) oversee the preparation of the "Annual Update," 3) sponsor a CLE seminar at least once every 2 years, 4) submit an annual report to the Board describing the section's activities, and 5) preside at the annual section meeting and election of new executive committee members. Non-bar members may join as non-voting associate members of a section, but may not serve on the executive committee. Section activities are coordinated by the Bar Assistant Director.

The sections are encouraged to assist the Continuing Legal Education Committee in the presentation of seminars and to submit articles in their fields of expertise to the Bar Rag and to Section News, the monthly section newsletter published by the Bar office, and to the Alaska Law Review. In addition, the listing of section chairs and the current issue of Section News is now available on the homepage of the Alaska Court System: <http://www.alaska.net/~akctlib/homepage.htm>

A majority of the sections have regularly scheduled monthly meetings in Anchorage at which members are briefed on important developments within their area of law. The Bar office coordinates teleconferences for these meetings for members outside of Anchorage. Other sections meet on an "as needed" basis depending on developments within their area of interest.

In 1996, we began to publish Section News in an expanded desktop publishing format, and highlighted the teleconference capability the Bar provides for section members outside Anchorage who wish to participate in section meetings.

Section chairs also routinely distribute information and case citations to members. Sections holding meetings with formal presentations and course materials may apply to the CLE Director for approval of the awarding of CLE credits for such programs.

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. 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. Timothy G. Middleton 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 educate Alaskan lawyers about new developments in the field of law and to emphasize their ethical responsibilities. The Committee is currently chaired by David A. Ingram. (See Part IV of this Report.)

3. Ethics Committee

Chaired by Robert J. Mahoney, 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 Alaska Rules of Professional Conduct.

An opinion may be requested by a member in good standing who is concerned about proposed conduct or by Bar Counsel. 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 Bar Counsel and Assistant Bar Counsel field over 700 calls a year from attorneys requesting this assistance. 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. The committee had a number of projects in connection with the 100th Anniversary of the Bar Association in 1996. The Committee developed 3 historical panels with photos and text, which will be displayed in the new Nesbett Courthouse jury assembly room. The Committee also developed a 100 year logo, and put on a half day presentation at the annual convention highlighting the infamous Bench-Bar fight. Leroy J. Barker chaired this committee in 1996.

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.

Several local bar associations have joined with their local school districts to form 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 8th year, with over 30 lawyers comprising the faculty and up to 100 teachers enrolled in the course. There were numerous mock trials held in the Anchorage schools.

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. Frederick H. Boness chaired this committee.

7. Pro Bono Service Committee

This 9 member committee, chaired by John Suddock, is responsible for identifying and promoting activities which would facilitate the provision of pro bono services and encourage all attorneys to provide pro bono service. At least 3 of the members shall be from communities outside of Anchorage, Juneau and Fairbanks.

8. Lawyers' Assistance Committee

John Abbott chairs this committee (fka the Substance Abuse 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.

Additionally, the Supreme Court may refer an attorney convicted of a crime relating to alcohol or drug abuse to the Committee. The attorney is required to meet with the Committee and follow its recommendations for professional evaluation and professionally recommended treatment or face suspension by the Supreme Court until the attorney complies.

The Committee put on a CLE program in 1996 providing information about substance abuse, treatment and intervention.

9. Alaska Rules of Professional Conduct Committee

This 9 member committee, chaired by Robert Bundy, is responsible for reviewing suggested amendments to the ARPC and making recommendations for amendments to the Board of Governors.

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, Vermont, 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. ALPS began issuing policies in spring of 1988. Keith E. Brown serves as Alaska's director on the ALPS Board of Directors.

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 and West CD-ROM

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.

The Bar also sponsors a discount program with West which provides for discounts on West CD-ROM and other West programs.

C. Group Insurance

The Bar Association sponsors a life insurance program for Bar members with States West Life Insurance Company. 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 Paul Revere 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 Peter J. Maassen.

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 for sale to members. There are approximately 181 subscribers for ethics opinions.

G. Copying Machines in the Law Library

The Alaska Bar Association and the Alaska Court System are continuing a cooperative agreement to provide copying services in the Anchorage Law Library. The Alaska Bar Association has a service agreement with the Anchorage Bar Association for the purpose of providing copiers in the Anchorage Law Library for the use of all library patrons. The revenue is divided as follows: Alaska Court System 50%; Anchorage Bar Association 35%; Alaska Bar Association 15%. The revenue to the Alaska Bar Association in 1996 was \$9,184.

H. Jury Instructions

The Alaska Bar Association, in cooperation with the court system, has sold copies of the Alaska Pattern Civil and Criminal Jury Instructions since 1984. Since 1994, the civil instructions have been offered for sale on disk.

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.

In 1996, the Board of Trustees consists of Mary K. Hughes, Winston S. Burbank, Leroy J. Barker, William B. Rozell and Eric T. Sanders.

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.

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.

In 1996, there were 320 firms, with an estimated 729 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 \$230,817 from interest in 1996.

In 1996 the Foundation made the following grants: \$165,000 to the Alaska Pro Bono Program; \$3,000 to CASAs for Children, \$2,500 to Anchorage Youth Court; \$6,000 to Catholic Social Services; \$8,000 to the Kenai Central High School Mock Trial Team, and \$2,000 to the Alaska Women's Resource Center.

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.

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.

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 1996 were Patrick T. Brown, Arthur H. Peterson and Jeffrey M. Feldman.

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 1996 was Lynn M. Allingham.

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 1996, Christopher E. Zimmerman, Thomas G. Nave and Robert H. Wagstaff 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 applications from Bar members. A selection committee was appointed by the Bar president which reviewed the applicants who were interested in the position and recommended four applicants to the Chief Judge. For the 1996 Ninth Circuit Conference, the representatives were Sandra K. Saville, Eric T. Sanders, Mary K. Hughes and Rex Lamont Butler.

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 1996 income and expense budget for the Association. The 1996 report reflects a total revenue of \$1,908,788 with total expenses of \$1,696,234 for a net gain of \$212,554.

The Board made several amendments to the budget to increase fees for services so that these programs pay their own way, and are not subsidized by bar dues.

The application fee to take the Alaska Bar Exam increased, effective with the July 1996 exam, from \$700 to \$800 for first time takers, and from \$400 to \$500 for reapplicants.

Effective January 1, 1996, the cost to sign up for a panel on the Lawyer Referral Service increased from \$25 per category of law to \$50. It now costs \$20 per panel for renewal on the service, up from \$10 per panel. The lawyer is charged \$4 each time his or her name is given as a referral, up from \$2. Panel fees had not changed since the lawyer referral service was set up in 1980--15 years ago.

The Board amended the Bylaws so that Active bar members who wish to take the option of splitting their bar dues payment (half by February 1 and the balance by July 1) must pay an installment fee of \$25 (up from \$10.) This is effective with the 1997 bar dues.

The Board recommended a change to Bar Rule 61, to provide that the weekly penalty for late payment of bar dues would be increased from \$5 to \$10 a week, effective with the 1997 bar dues.

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Appendix 1

ALASKA BAR

A S S O C I A T I O N

Carolyn E. Jones
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
May 10, 1996

Diane F. Vallentine
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, Ak 99510

Dear Ms. Vallentine:

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 29, 1996. 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 51 applicants participated in the February, 1996 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.

Diane F. Vallentine
May 14, 1996
Page 2

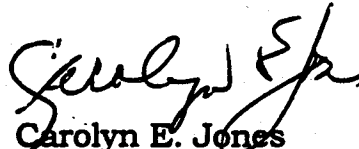
The components of the exam were weighted as follows: Essay portion, 50%; MBE, 50%; with the essay portion sub-weighted as follows: the three long essays, 30%; the six short essays, 45%; the research/analysis question, 25%. A combined score of 140 or above was passing.

The Committee read the essay and research answers during the months of March and April, 1996. The results of the February 1996 examination were certified by the Committee today, May 10, 1996, after the evaluation was completed and the statistics were compiled.

Of the 51 applicants, 35 (69%) received a combined score of 140 or greater. Twenty-nine (29) first time applicants received a passing score for a first time applicant pass rate of 81%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 35 applicants achieving passing scores on the February, 1996 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,

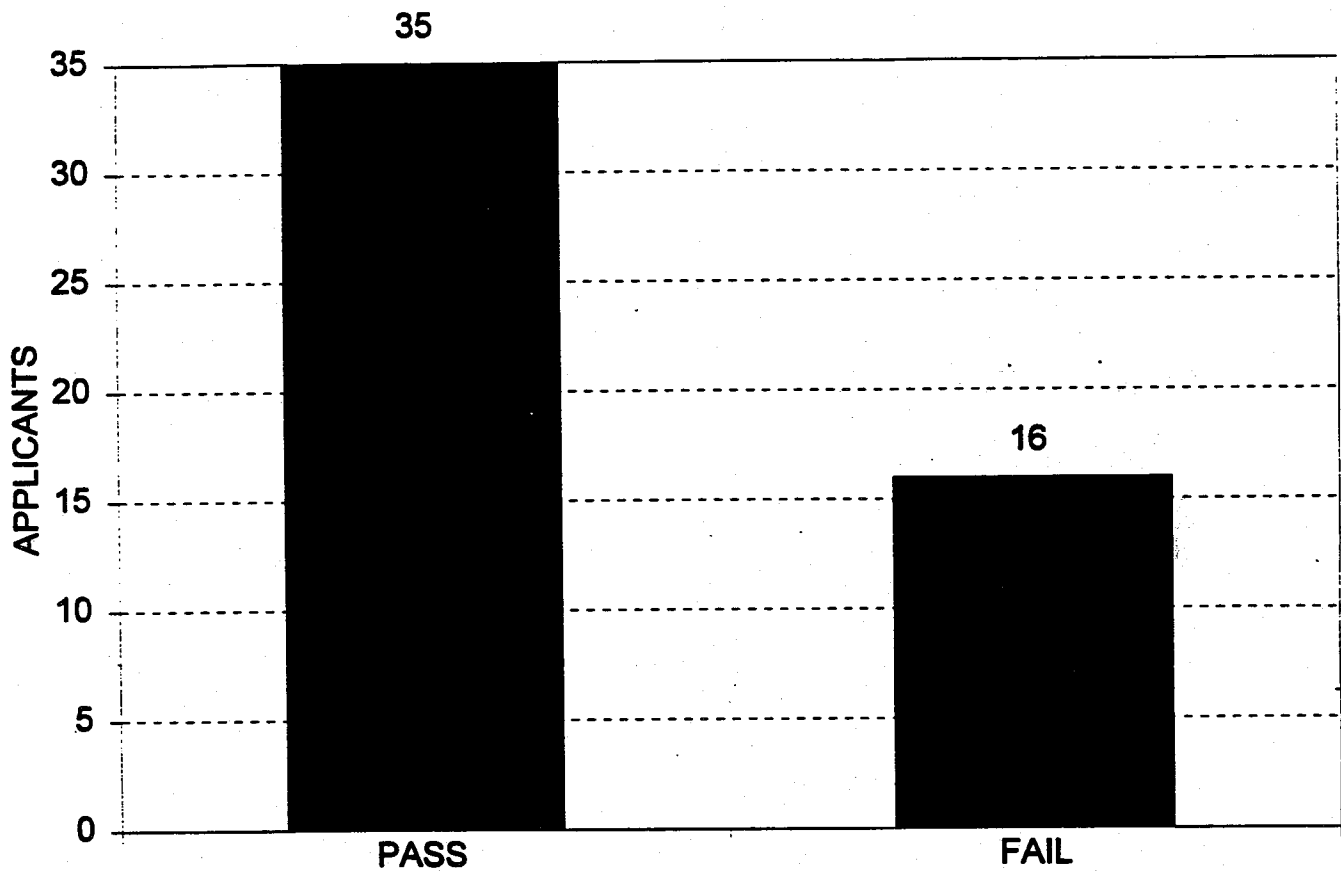
COMMITTEE OF LAW EXAMINERS


Carolyn E. Jones
Chair

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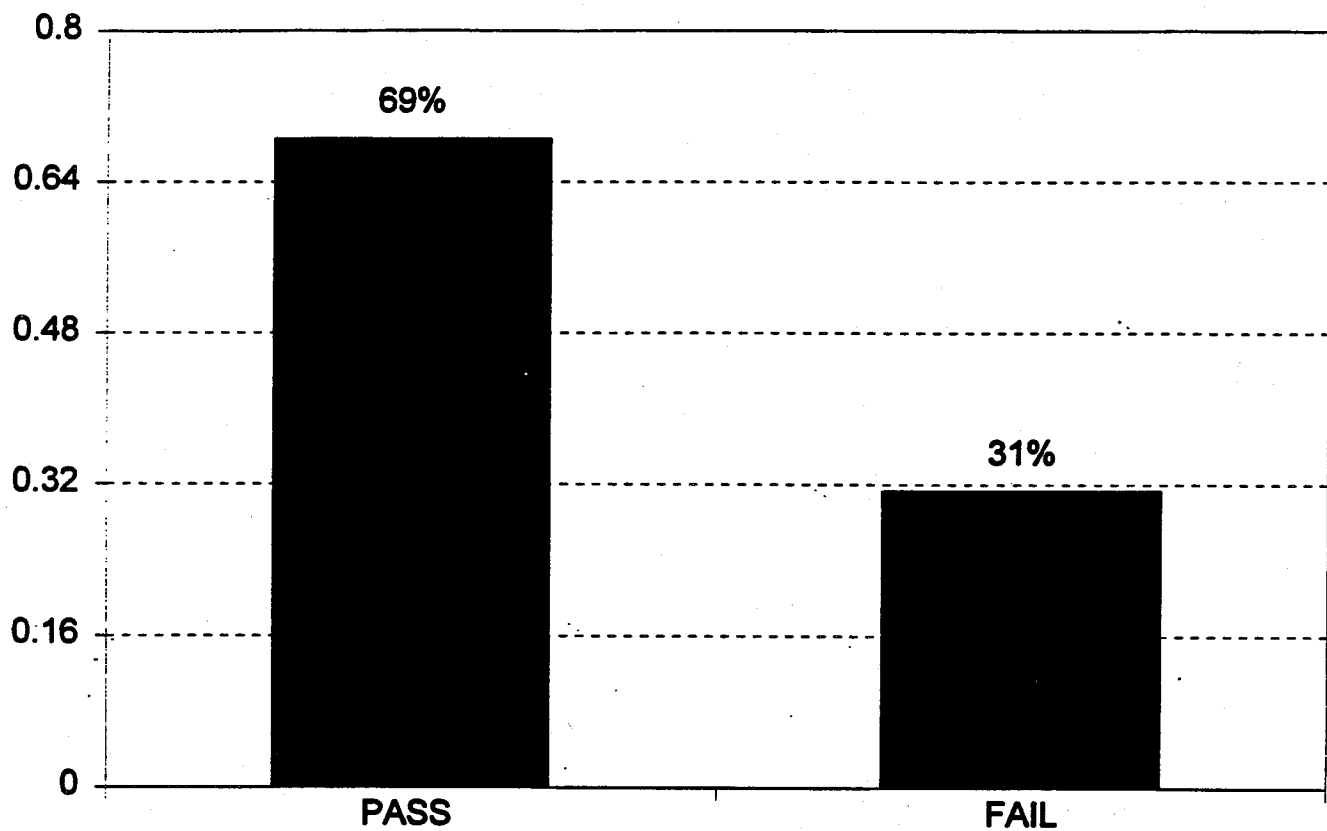
FEBRUARY 1996

PASS/FAIL RESULTS (NUMBER)



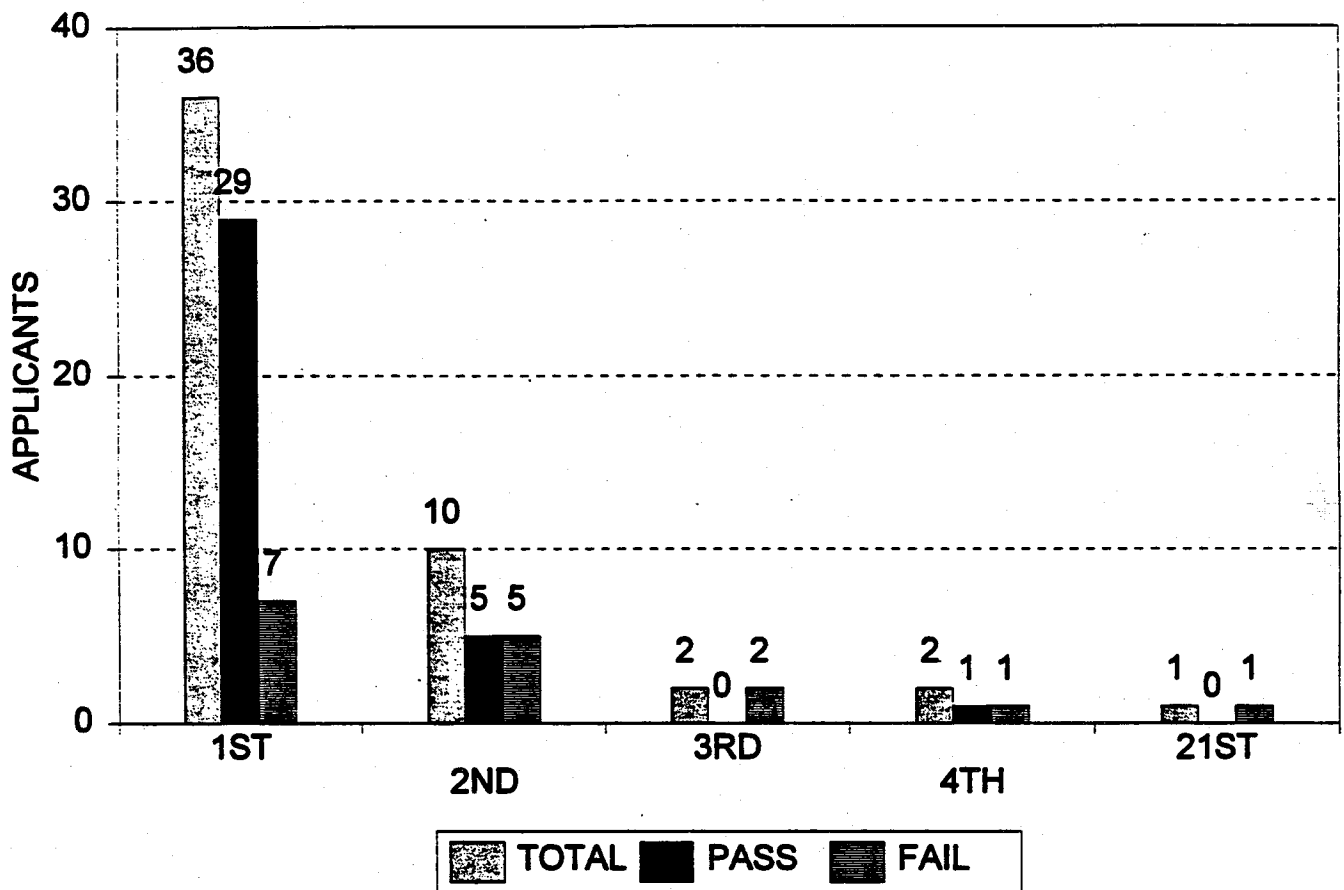
FEBRUARY 1996

PASS/FAIL RESULTS (PERCENT)



FEBRUARY 1996

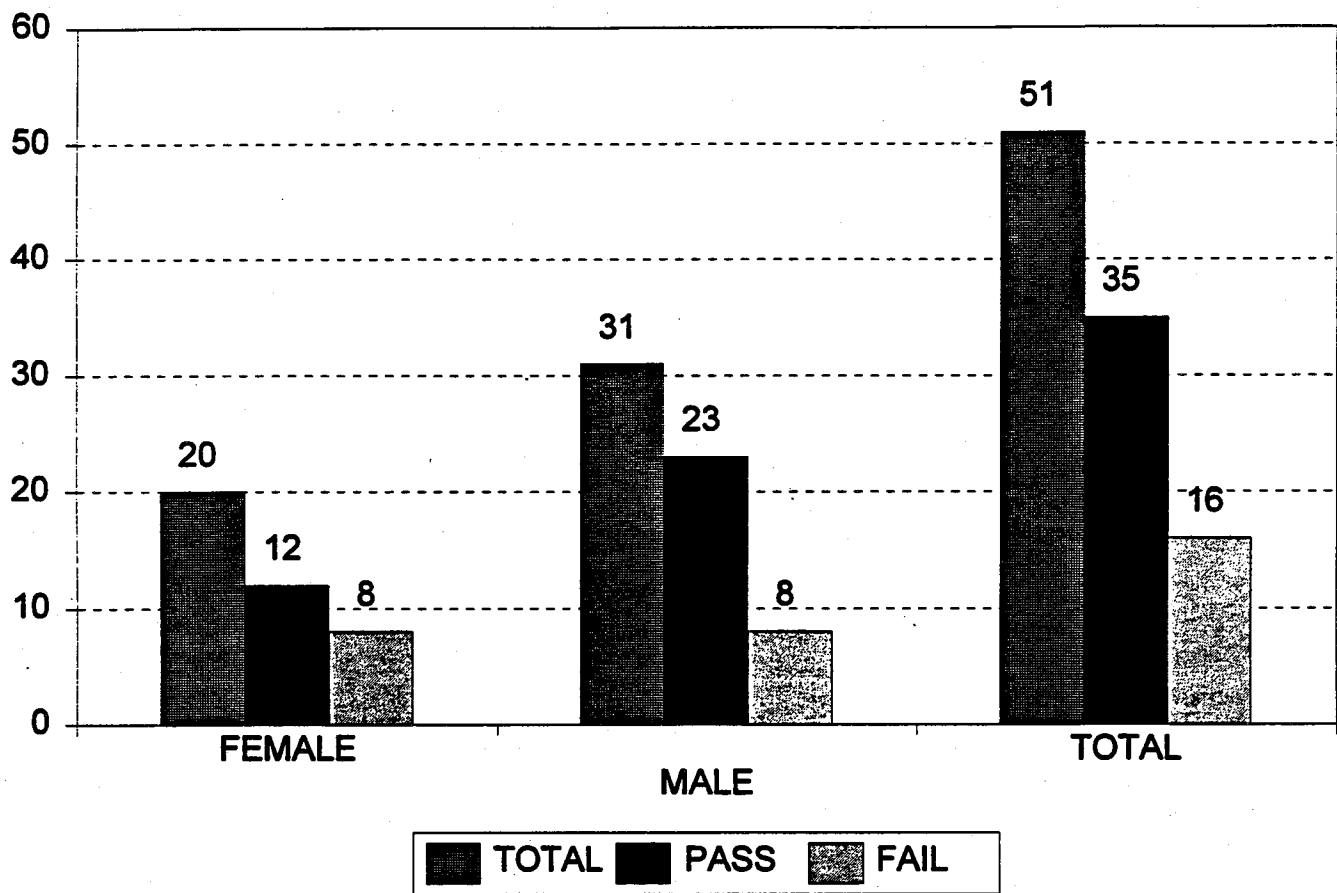
TIMES TAKEN V. PASS/FAIL



1st Time Taker Pass Rate: 81%

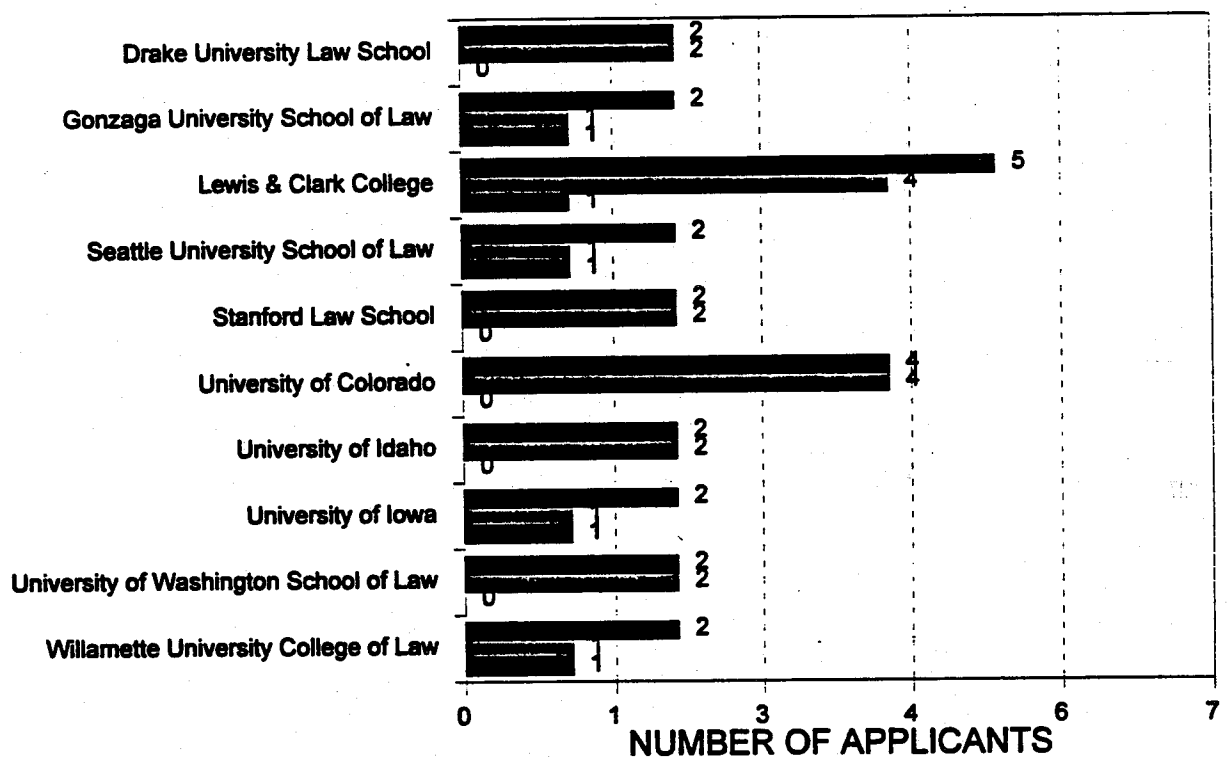
FEBRUARY 1996

GENDER V. PASS/FAIL (NUMBER)



FEBRUARY 1996

LAW SCHOOLS V. PASS/FAIL



Schools with 2 or more Applicants



T TOTAL
P PASSED
F FAILED

	0	3	5	8	10	13	15
American University Washington College	IT	1					
	I	0					
	IF	1					
Drake University Law School	ITTT	2					
	IPPP	2					
	I	0					
Duquesne University School of Law	IT	1					
	I	0					
	IF	1					
Golden Gate University	IT	1					
	IP	1					
	I	0					
Gonzaga University	ITTT	2					
	IP	1					
	IF	1					
Harvard University Law School	IT	1					
	IP	1					
	I	0					
Howard University School of Law	IT	1					
	IP	1					
	I	0					
Lewis & Clark College	ITTTTTTTT	5					
	IPPPPPP	4					
	IF	1					
New York University School of Law	IT	1					
	IP	1					
	I	0					

Northeastern University School of Law	I	
	IT	1
	I	0
	IF	1
	I	
	I	
Ohio Northern University	IT	1
	IP	1
	I	0
	I	
	I	
Rutgers University-Newark	IT	1
	I	0
	IF	1
	I	
	I	
Seattle University School of Law	ITTT	2
	IP	1
	IF	1
	I	
	I	
Seton Hall University	IT	1
	I	0
	IF	1
	I	
	I	
Southern Methodist Univ. School of Law	IT	1
	IP	1
	I	0
	I	
	I	
Southwestern University School of Law	IT	1
	IP	1
	I	0
	I	
	I	
Stanford Law School	ITTT	2
	IPPP	2
	I	0
	I	
	I	
Stetson University College of Law	IT	1
	I	0
	IF	1
	I	
	I	
The Ohio State University School of Law	IT	1
	IP	1
	I	0
	I	
	I	
Thomas M. Cooley Law School	IT	1
	IP	1
	I	0
	-	

University of Colorado

I
I
ITTTTTTT 4
IPPPPPPP 4
I 0
I
I

University of Denver College of Law

IT 1
IP 1
I 0
I
I

University of Idaho

ITTT 2
IPPP 2
I 0
I
I

University of Iowa

ITTT 2
IP 1
IF 1
I
I

University of Michigan School of Law

IT 1
IP 1
I 0
I
I

University of Missouri-Kansas City

IT 1
I 0
IF 1
I
I

University of New Mexico School of Law

IT 1
I 0
IF 1
I
I

University of North Dakota

IT 1
I 0
IF 1
I
I

University of Notre Dame

IT 1
IP 1
I 0
I
I

University of Oregon School of Law

IT 1
IP 1
I 0
I
I

University of Pittsburgh School of Law

IT 1
I 0
IF 1
I

University of Tulsa College of Law

I
IT 1
I 0
IF 1

University of Utah

I
I
IT 1
IP 1
I 0

University of Washington School of Law

I
I
ITTT 2
IPPP 2
I 0

Vermont Law School

I
I
IT 1
IP 1
I 0

Willamette University College of Law

I
I
ITTT 2
IP 1
IF 1

TOTAL SCHOOLS 36

ALASKA BAR

A S S O C I A T I O N

Carolyn E. Jones
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501
October 18, 1996

Elizabeth J. Kerttula
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, AK 99510

Dear Ms. Kerttula:

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 30, 31, and August 1, 1996. 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 66 applicants participated in the July 1996 Bar Examination. The performance of each examinee is also attached.

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

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

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

P.O. Box 100279 • Anchorage, Alaska 99510-0279
907-272-7469 • Fax 907-272-2932

Elizabeth J. Kerttula

10/4/96

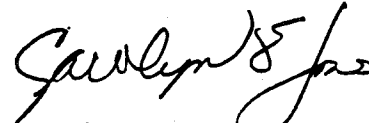
Page 2

The Committee read the essay and research answers during the months of August through October, 1996. The results of the July 1996 examination were certified by the Committee on October 15, 1996, after the evaluation was completed and the statistics were compiled.

Of the 66 applicants, 47 (71%) received a combined score of 140 or greater. 43 first time applicants received a passing score for a first time applicant pass rate of 83%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 47 applicants achieving passing scores on the July 1996 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

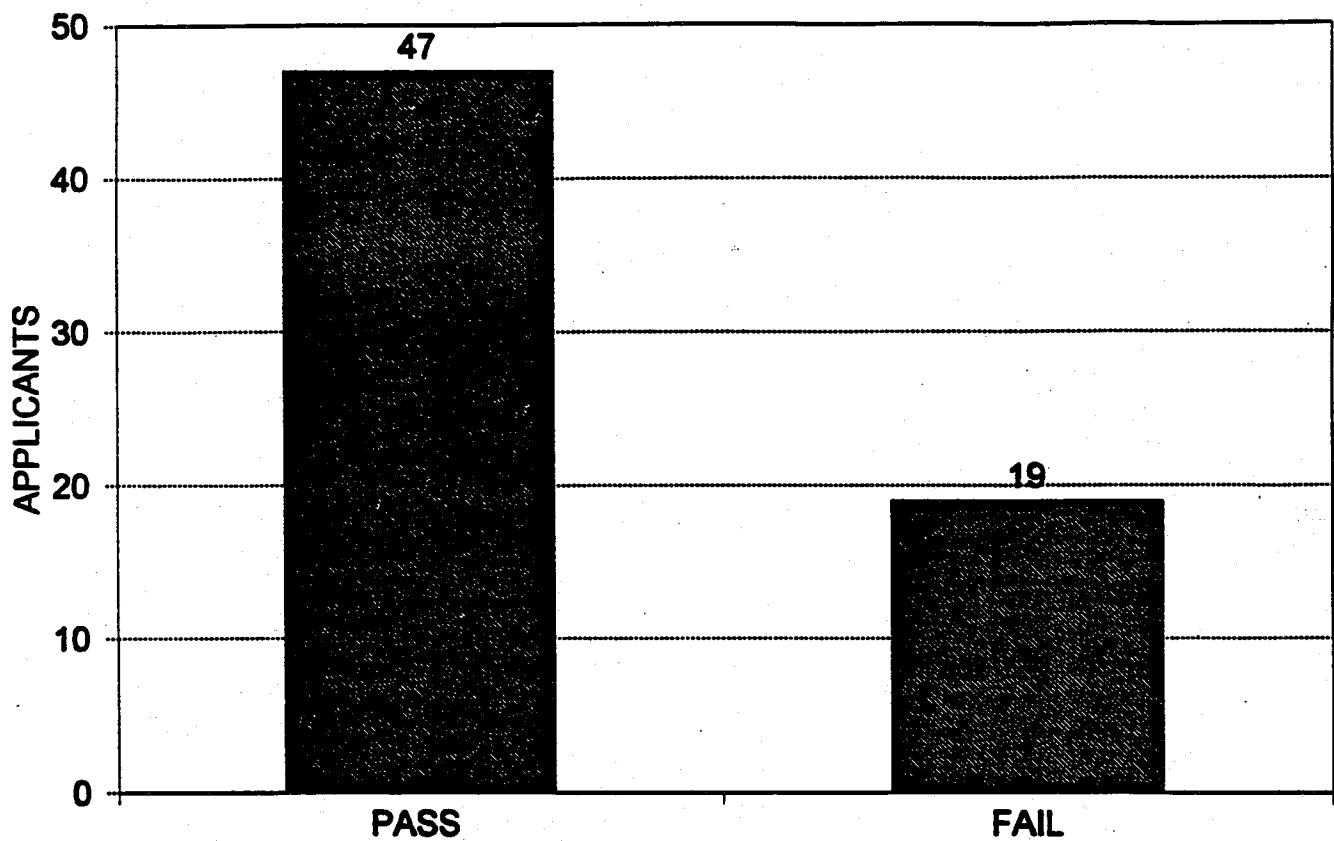
A handwritten signature in cursive script, appearing to read "Carolyn E. Jones".

Carolyn E. Jones
Chair

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JULY 1996

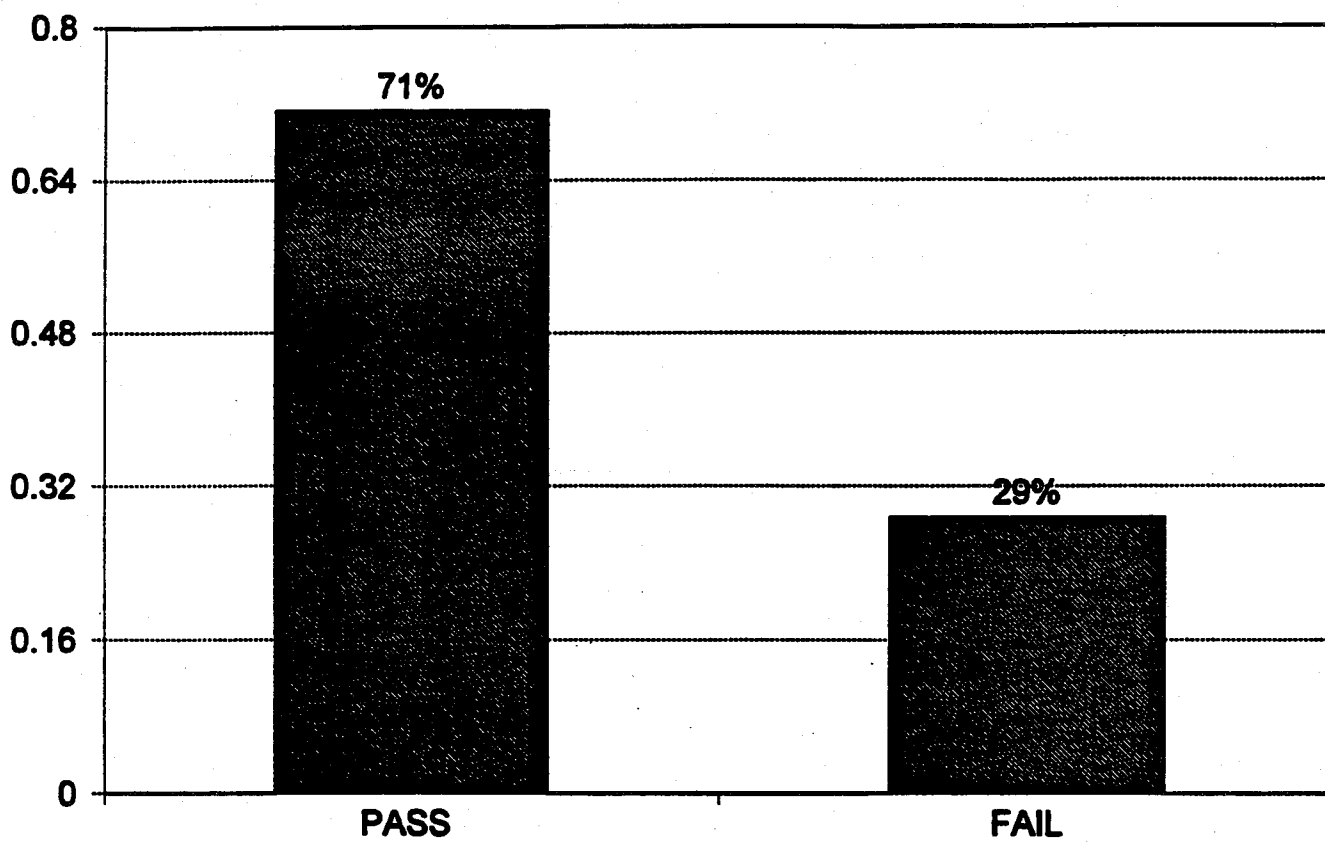
PASS/FAIL RESULTS (NUMBER)



Total Applicants 66

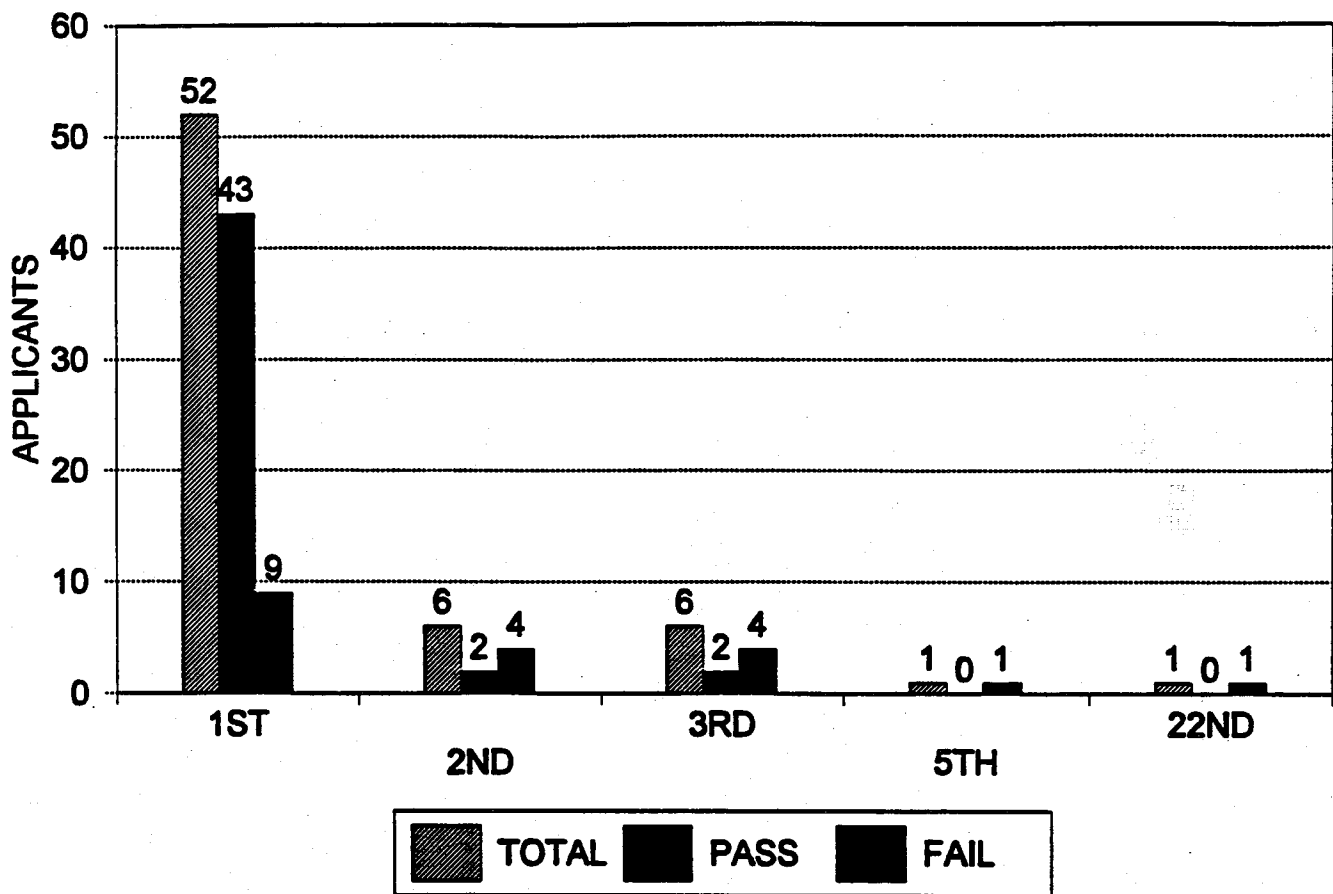
JULY 1996

PASS/FAIL RESULTS (PERCENT)



JULY 1996

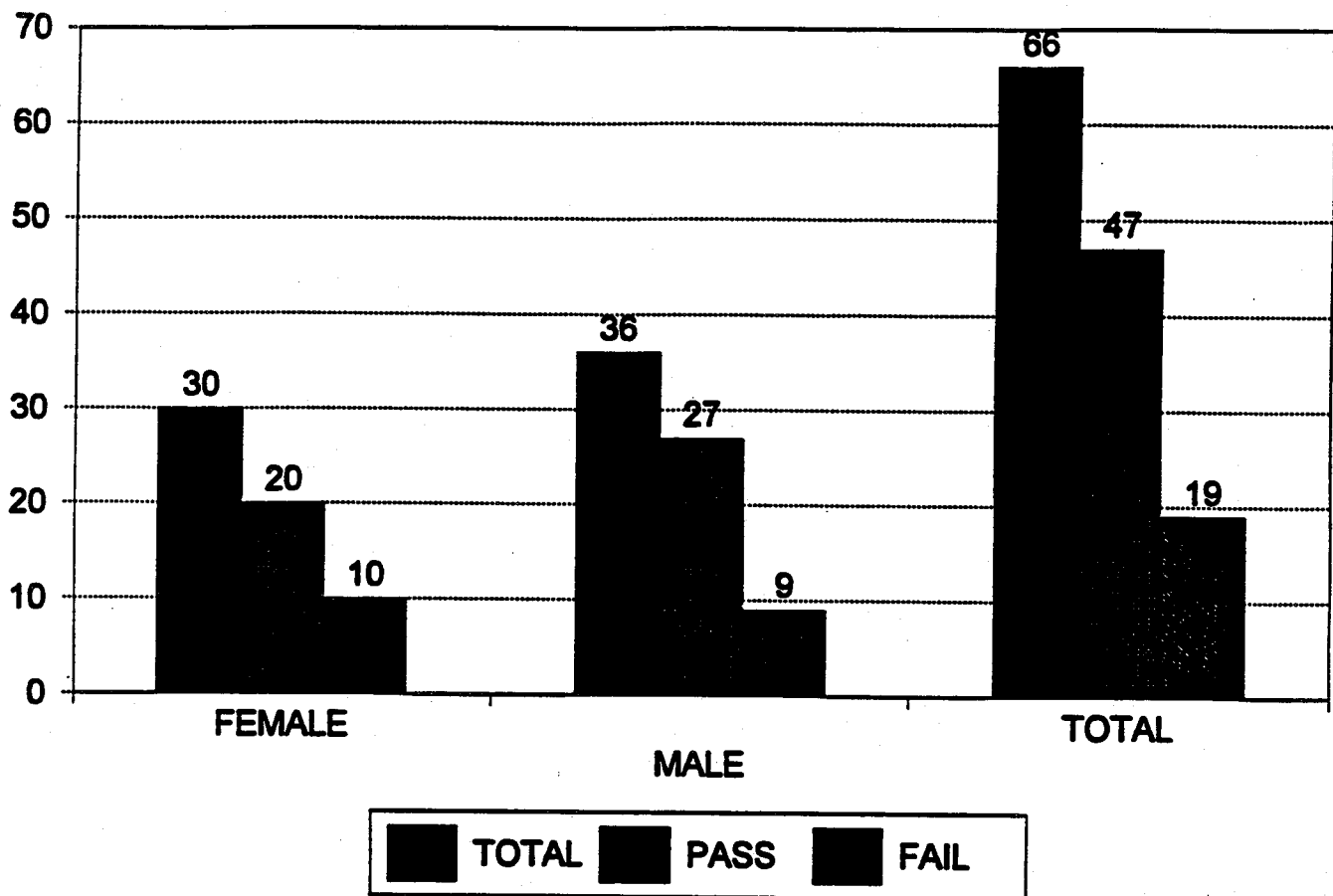
TIMES TAKEN V. PASS/FAIL



1st Time Takers Pass Rate = 83%

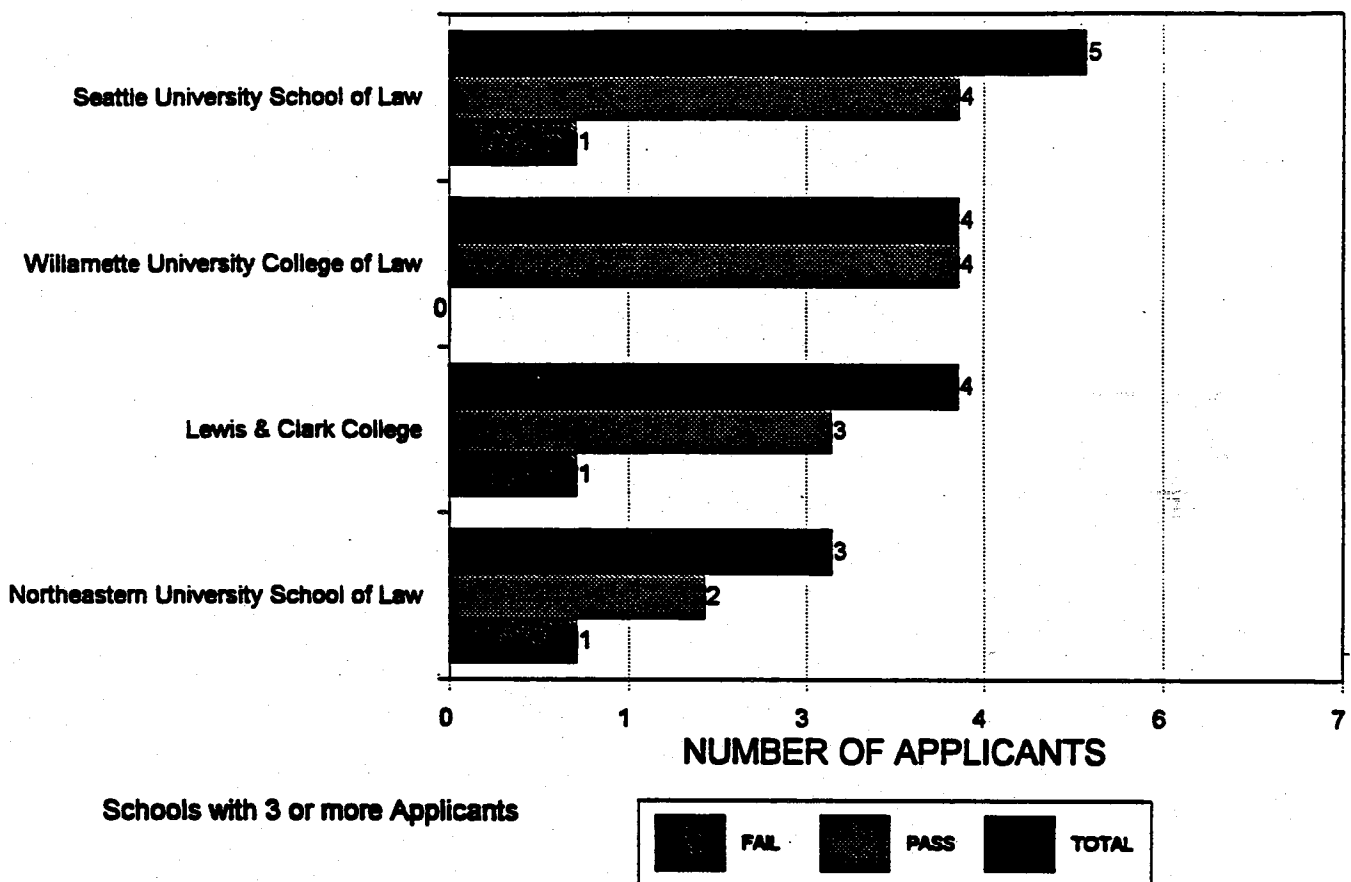
JULY 1996

GENDER V. PASS/FAIL (NUMBER)



JULY 1996

LAW SCHOOLS V. PASS/FAIL



JULY 1996

LAW SCHOOLS VS. PASS/FAIL RESULTS

Report Date: 10/02/96

T TOTAL
P PASSED
F FAILED

	0	3	5	8	10	13	15
	+-----+-----+-----+-----+-----+-----+-----+						
	I						
	I						
American University Washington College	ITTT	2					
	IP	1					
	IF	1					
	I						
	I						
Chicago-Kent College of Law	IT	1					
	IP	1					
	I	0					
	I						
	I						
Columbus School of Law	IT	1					
	I	0					
	IF	1					
	I						
	I						
Creighton University School of Law	IT	1					
	IP	1					
	I	0					
	I						
	I						
Duquesne University School of Law	IT	1					
	I	0					
	IF	1					
	I						
	I						
Franklin Pierce Law Center	IT	1					
	IP	1					
	I	0					
	I						
	I						
George Mason University School of Law	IT	1					
	IP	1					
	I	0					
	I						
	I						
Golden Gate University	IT	1					
	IP	1					
	I	0					
	I						
	I						
Gonzaga University	IT	1					
	I	0					
	IF	1					

(10)

Harvard University Law School

I
I
ITTT 2
IPPP 2
I 0
I
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Lewis & Clark College

ITTTTTTT 4
IPPPPP 3
IF 1
I
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Northeastern University School of Law

ITTTTT 3
IPPP 2
IF 1
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Nova Univ.

IT 1
IP 1
I 0
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Regent University College of Law

IT 1
IP 1
I 0
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Rutgers University-Newark

IT 1
I 0
IF 1
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Seattle University School of Law

ITTTTTTTTT 5
IPPPPPPP 4
IF 1
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Seton Hall University

IT 1
IP 1
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Southern Illinois University Law School

IT 1
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IF 1
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T.C. Williams School of Law

IT 1
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IF 1
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Temple University School of Law

IT 1
I 0
IF 1
I

The Ohio State University College of Law

I
IT 1
IP 1
I 0
I
I

Thomas M. Cooley Law School

IT 1
IP 1
I 0
I
I

Tulane University Law School

ITTT 2
IP 1
IF 1
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I

University of Arizona College of Law

IT 1
IP 1
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University of California, Berkeley

IT 1
IP 1
I 0
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University of Georgia School of Law

IT 1
I 0
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University of Idaho

IT 1
IP 1
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University of Iowa

IT 1
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University of Michigan School of Law

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University of Minnesota Law School

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University of New Mexico School of Law

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University of North Dakota

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IP 1
IF 1

University of Notre Dame

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IP 1
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University of Oregon School of Law

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ITTT 2
IPPP 2
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University of Pennsylvania Law School

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IP 1
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University of Pittsburgh School of Law

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IP 1
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University of San Diego School of Law

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IT 1
I 0
IF 1

University of Southern California

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IT 1
IP 1
I 0

University of Utah

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IT 1
IP 1
I 0

University of Virginia School of Law

I
ITTT 2
IPPP 2
I 0

University of Washington School of Law

I
I
ITTT 2
IP 1
IF 1

University of Wyoming

I
I
IT 1
IP 1
I 0

Valparaiso University School of Law

I
I
IT 1
IP 1
I 0
I
I

Washburn University @ Topeka

IT 1
I 0
IF 1
I
I

Washington and Lee School of Law

IT 1
IP 1
I 0
I
I

Willamette University College of Law

ITTTTTTT 4
IPPPPPPP 4
I 0

TOTAL SCHOOLS 46

Appendix 2

City	Available Attorneys	Registered in 1995	Registered in 1996	Plus/ (Minus)	1990	1991	1992	1993	1994	1995	1996	Cases Pending
Haines	1	0	1	1		12	1		1		2	6
Juneau	162	98	93	(5)	91	86	86	124	44	92	82	54
Ketchikan	25	23	21	(2)	10	10	9	10	7	8	12	9
Petersburg	3	1	2	1								2
Sitka	10	9	9	0	3	1	4	5	3	4	2	6
Wrangell	3	1	2	1						1		2
Barrow	6	3	3	0					1	2		5
Kotzebue	0	0	0	0	2	1	6	3	1	3	5	11
Nome	6	4	5	1	11	7	9	13	5	11	10	17
Anchorage	1,160	608	617	9	844	957	842	804	802	814	895	106
Eagle River	4	3	2	(1)	2	3	1	1		3	3	5
Cordova	1	1	1	0								
Dillingham	2	2	2	0			4	3		1	1	5
Homer	11	10	9	(1)	33	13	44	24	49	39	41	9
King Salmon	1	1	1	0	1							1
Kodiak	15	13	13	0	34	24	46	57	42	51	34	9
Seward	2	1	1	0					1	6	1	0
Palmer	13	9	9	0	3	7	8	16	7	26	32	4
Soldotna/Kenai	24	18	18	0	65	9	12	27	10	5	7	25
Valdez	2	1	2	1			2	2		3	3	1
Wasilla	14	10	10	0	34	32	41	28	10	26	52	17
Bethel	11	8	10	2	13	6	3	10	6	11	11	8
Fairbanks	149	97	90	(7)	122	158	294	164	125	78	68	101
Out of State		29	29	0	3	4	8	5	5	9	8	9
Totals	1,625	950	950	0	1271	1330	1420	1296	1119	1193	1269	412

Other Volunteers

Doctors	120
Court Reporters	84
CPA's	12
Private Investigators	16
Paralegals	26
Other	28

Appendix 3

Dec 31, 1996
1:28 pm

ALASKA BAR ASSOCIATION
Balance Sheet

Page 1

December 31, 1996

ASSETS:

Current Assets:

Cash	\$140,689
Investments	1,017,857
Receivables	994,646
Prepaid Expense	46,565

TOTAL Current Assets

\$2,199,758

Fixed Assets:

Fixed Assets (Net)	279,451
--------------------	---------

TOTAL Fixed Assets

279,451

TOTAL ASSETS

\$2,479,208

LIABILITIES:

Current Liabilities:

Unearned Income	\$1,275,761
Accounts Payable	280
Accrued Liabilities	27,298
Due Related Funds	30,787

TOTAL Current Liabilities

\$1,334,126

TOTAL LIABILITIES

1,334,126

CAPITAL:

Working Capital Reserve	200,000
Capital Acquisition Reserve	76,751
Unappropriated Capital	655,777
Year-to-Date Earnings	212,554

TOTAL CAPITAL

1,145,082

TOTAL LIABILITIES & CAPITAL

\$2,479,208

*UNAUDITED STATEMENT

Dec 31, 1996
1:29 pm

ALASKA BAR ASSOCIATION
Balance Sheet

Page 1

December 31, 1996

ASSETS:

Current Assets:

Petty Cash	\$100	
Office Stamp Fund	50	
Office Change Drawer	100	
1st National Checking Account	140,439	
Merrill Lynch Cash Management	207,367	
Merrill Lynch Investments	784,887	
Alaska USA Money Market	7,569	
First National Money Market	18,034	
Lawyer Referral Receivable	22,954	
Members Dues Receivable	953,016	
Bar Foundation Receivable	799	
Interest Receivable	16,401	
Suspense - Miscellaneous	1,476	
Prepaid Postage	1,817	
Prepaid Property/GLA/WC Insc	11,223	
Prepaid Miscellaneous	7,904	
Prepaid Maintenance	1,313	
Prepaid Continuing Legal Ed	416	
Prepaid Annual Convention	1,398	
Prepaid Rent/Benefit/CopyLease	22,493	

TOTAL Current Assets		\$2,199,758

Fixed Assets:

Furniture & Equipment	546,648	
CLE Video Library Equipment	5,485	
Accumulated Depreciation	(275,354)	
Leasehold Improvements	9,449	
Amortized Leasehold Improve	(6,777)	

TOTAL Fixed Assets		279,451

TOTAL ASSETS		\$2,479,208
		=====

LIABILITIES:

Balance Sheet with Account Detail Listing

Dec 31, 1996
1:29 pm

ALASKA BAR ASSOCIATION
Balance Sheet

Page 2

December 31, 1996

Current Liabilities:

Unearned Dues-Current Year	\$58
Unearned Dues-Next Year	1,242,243
Unearned Exam Fees-Feb	22,650
Unearned Dues Install Fees	1,850
Unearned Lawyer Referral Fees	7,400
Unearned Rule 81 Fees	500
Unearned Section Fees	960
Unearned Bar Rag Fees	100
Alaska ESD Payable	347
FUTA Payable	(67)
Accrued Annual Leave	27,298
Due LFCP-Next Year	26,380
Due Bar Foundation	4,408

TOTAL Current Liabilities

\$1,334,126

TOTAL LIABILITIES

1,334,126

CAPITAL:

Working Capital Reserve	200,000
Capital Acquisition Reserve	76,751
Unappropriated Capital	655,777
Year-to-Date Earnings	212,554

TOTAL CAPITAL

1,145,082

TOTAL LIABILITIES & CAPITAL

\$2,479,208

Balance Sheet with Account Detail Listing

Dec 31, 1996

1:32 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Revenue				
Admission Fees-Bar Exam	\$85,775	\$75,200	\$10,575	14.1%
Admission Fees-Motion Admit	11,000	12,000	(1,000)	-8.3%
Admission Fees-Rule 81	86,830	84,720	2,110	2.5%
Continuing Legal Education	136,525	124,100	12,425	10.0%
Lawyer Referral Fees	113,798	112,800	998	0.9%
The Alaska Bar Rag	30,808	13,600	17,208	126.5%
Annual Convention	55,335	40,000	15,335	38.3%
100th Anniversary Projects	13,050	0	13,050	
Substantive Law Sections	8,535	7,005	1,530	21.8%
Ethics Opinions	4,055	1,350	2,705	200.4%
Pattern Jury Instructions	4,125	3,000	1,125	37.5%
Management Svc-Law Library	9,184	5,600	3,584	64.0%
Accounting Svc-Foundation	9,359	9,688	(329)	-3.4%
Special Projects	0	0	0	
Membership Dues	1,232,497	1,244,050	(11,553)	-0.9%
Dues Installment Fees	12,165	12,375	(210)	-1.7%
Penalties on Late Dues	10,185	9,380	805	8.6%
Discipline Fee & Cost Awards	0	0	0	
Labels & Copying	12,184	7,500	4,684	62.4%
Investment Interest	71,173	55,000	16,173	29.4%
State of Alaska	0	0	0	
Miscellaneous Income	2,206	2,000	206	10.3%
	-----	-----	-----	
TOTAL Revenue	1,908,788	1,819,368	89,420	4.9%
	-----	-----	-----	
Expenses				
Admissions	163,100	177,666	14,566	8.2%
Continuing Legal Education	267,159	254,413	(12,746)	-5.0%
Lawyer Referral Service	49,749	54,979	5,230	9.5%
The Alaska Bar Rag	39,576	34,936	(4,640)	-13.3%
Board of Governors	59,995	64,324	4,329	6.7%
Discipline	525,366	526,330	964	0.2%
Fee Arbitration	45,524	44,258	(1,266)	-2.9%
Administration	379,081	375,943	(3,138)	-0.8%
Annual Convention	69,633	40,000	(29,633)	-74.1%
100th Anniversary Projects	12,681	0	(12,681)	

Income Statement Summarized with Y-T-D Budget

Dec 31, 1996
1:32 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget

Page 2

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Substantive Law Sections	11,628	10,800	(828)	-7.7%
Ethics Opinions	1,173	500	(673)	-134.5%
Pattern Jury Instructions	1,674	1,100	(574)	-52.2%
Management Svc-Law Library	3,587	3,703	116	3.1%
Accounting Svc-Foundation	9,470	9,688	218	2.2%
Special Projects	7,974	0	(7,974)	
Committees	13,617	8,885	(4,732)	-53.3%
Duke-Alaska Law Review	35,023	33,700	(1,323)	-3.9%
Miscellaneous Litigation	0	0	0	
Remodeling/Moving Expense	0	0	0	
Loan Interest/Fees	0	0	0	
Computer System Training	225	500	275	55.0%
Lobbyist	0	0	0	
Miscellaneous Expense	0	0	0	
Clearing Accounts	0	0	0	
 TOTAL Expenses	 1,696,234	 1,641,725	 (54,509)	 -3.3%
 NET GAIN/(LOSS)	 212,554	 177,643	 34,911	 19.7%
 Other Income & Expenses				
Accounts Payable Discounts	0	0	0	
 TOTAL Other Income & Expenses	 0	 0	 0	
 NET GAIN/(LOSS)	 212,554	 177,643	 34,911	 19.7%
 NET GAIN/(LOSS)	 \$212,554	 \$177,643	 \$34,911	 19.7%

Income Statement Summarized with Y-T-D Budget

Dec 31, 1996
1:29 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 50: Admissions)

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Revenue				
Admission Fees-Bar Exam	\$85,775	\$75,200	\$10,575	14.1%
Admission Fees-Motion Admit	11,000	12,000	(1,000)	-8.3%
Admission Fees-Rule 81	86,830	84,720	2,110	2.5%
	-----	-----	-----	
TOTAL Revenue	183,605	171,920	11,685	6.8%
	-----	-----	-----	
Expenses				
Direct Expense				
Admit Exam Grading-MBE	4,323	4,240	(83)	-2.0%
Admit Exam Grading-Local	18,780	20,190	1,410	7.0%
Admit Exam Questions	6,000	6,000	0	0.0%
Admit Exam Review/Training	5,132	11,208	6,076	54.2%
Admit Exam Rent/Admin	11,652	10,500	(1,152)	-11.0%
Admit Admission Litigation	1,000	3,300	2,300	69.7%
Admit Fingerprinting	5,487	5,487	0	0.0%
Admit Certificates/Law Schools	69	200	131	65.5%
Admit Law Examiners Committee	1,985	1,550	(435)	-28.1%
Admit Booklets/Rules/Receipts	642	2,450	1,808	73.8%
Admit Conference Room Rent	2,800	2,850	50	1.8%
Admit Mandatory Ethics Course	7,391	6,994	(397)	-5.7%
	-----	-----	-----	
TOTAL Direct Expense	65,261	74,969	9,708	12.9%
	-----	-----	-----	
Administrative Expense				
Admit Staff Salaries	55,046	57,022	1,976	3.5%
Admit Staff Payroll Taxes	4,050	4,409	359	8.1%
Admit Staff Pension Plan	1,036	2,851	1,815	63.7%
Admit Staff Insurance	6,882	8,131	1,249	15.4%
Admit Postage/Freight	6,299	6,481	182	2.8%
Admit Supplies	7,046	5,973	(1,073)	-18.0%
Admit Telephone	833	1,145	312	27.3%
Admit Copying	666	822	156	19.0%
Admit Office Rent	5,217	5,218	1	0.0%
Admit Depreciation/Amortize	2,000	1,162	(838)	-72.1%

Admissions Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:29 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 50: Admissions)

Page 2

	12 Months Ended Dec/96	12 Months Ended Dec/96	Variance Fav/<Unf>	% Var
	-----	---Budget---	-----	-----
Admit Leased Equipment	1,381	1,343	(38)	-2.9%
Admit Equipment Maintenance	1,542	1,653	111	6.7%
Admit Prop/GLA/WC Insc	5,773	6,187	414	6.7%
Admit Miscellaneous	68	300	232	77.3%
	-----	-----	-----	-----
TOTAL Administrative Expense	97,839	102,697	4,858	4.7%
	-----	-----	-----	-----
TOTAL Expenses	163,100	177,666	14,566	8.2%
	-----	-----	-----	-----
NET GAIN/(LOSS)	20,505	(5,746)	26,251	456.9%
	-----	-----	-----	-----
NET GAIN/(LOSS)	20,505	(5,746)	26,251	456.9%
	-----	-----	-----	-----
NET GAIN/(LOSS)	\$20,505	(\$5,746)	\$26,251	456.9%
	-----	-----	-----	-----

Admissions Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 52: Continue Legal Education)

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Revenue				
Continuing Legal Education	\$136,525	\$124,100	\$12,425	10.0%
TOTAL Revenue	136,525	124,100	12,425	10.0%
Expenses				
Direct Expense				
CLE Seminars & Library Cost	118,784	110,750	(8,034)	-7.3%
CLE ACLEA Travel MidYear-Feb	1,921	2,361	440	18.6%
CLE ACLEA Travel Annual-Aug	1,569	2,471	902	36.5%
CLE Committee Expense	2,395	3,542	1,147	32.4%
TOTAL Direct Expense	124,669	119,124	(5,545)	-4.7%
Administrative Expense				
CLE Staff Salaries	84,514	79,080	(5,434)	-6.9%
CLE Staff Payroll Taxes	6,850	6,715	(135)	-2.0%
CLE Staff Pension Plan	4,209	3,954	(255)	-6.4%
CLE Staff Insurance	8,031	9,118	1,087	11.9%
CLE Postage/Freight	1,303	1,548	245	15.8%
CLE Supplies	1,921	1,830	(91)	-4.9%
CLE Telephone	785	1,097	312	28.5%
CLE Copying	226	366	140	38.4%
CLE Office Rent	16,696	16,698	2	0.0%
CLE Depreciation/Amortize	6,834	4,147	(2,687)	-64.8%
CLE Leased Equipment	4,421	4,030	(391)	-9.7%
CLE Equipment Maintenance	5,159	4,959	(200)	-4.0%
CLE Prop/GLA/WC Insc	1,443	1,547	104	6.7%
CLE Miscellaneous	100	200	100	50.0%
TOTAL Administrative Expense	142,490	135,289	(7,201)	-5.3%
TOTAL Expenses	267,159	254,413	(12,746)	-5.0%

CLE - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 52: Continue Legal Education)

Page 2

	12 Months Ended Dec/96	12 Months Ended Dec/96	Variance Fav/<Unf>	% Var
	-----	---Budget---	-----	-----
NET GAIN/(LOSS)	(130,634)	(130,313)	(321)	-0.2%
	-----	-----	-----	-----
NET GAIN/(LOSS)	(130,634)	(130,313)	(321)	-0.2%
	-----	-----	-----	-----
NET GAIN/(LOSS)	(\$130,634)	(\$130,313)	(\$321)	-0.2%
	-----	-----	-----	-----

CLE - Actual YTD to Budget YTD

Dec 31, 1996
1:29 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 58: Alaska Bar Rag)

Page 1

	12 Months Ended Dec/96 =====	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> =====	% Var =====
Revenue				
The Alaska Bar Rag	\$30,808	\$13,600	\$17,208	126.5%
	-----	-----	-----	
TOTAL Revenue	30,808	13,600	17,208	126.5%
	-----	-----	-----	
Expenses				
Direct Expense				
BR Typesetting/Layout	19,349	18,821	(528)	-2.8%
BR Printing	7,210	6,229	(981)	-15.8%
BR Distribution	4,116	3,941	(175)	-4.5%
BR Ad Commissions	8,787	4,305	(4,482)	-104.1%
BR Promotion/Consulting	0	0	0	
BR Miscellaneous	114	1,640	1,526	93.0%
	-----	-----	-----	
TOTAL Direct Expense	39,576	34,936	(4,640)	-13.3%
	-----	-----	-----	
TOTAL Expenses	39,576	34,936	(4,640)	-13.3%
	-----	-----	-----	
NET GAIN/(LOSS)	(8,768)	(21,336)	12,568	58.9%
	-----	-----	-----	
NET GAIN/(LOSS)	(8,768)	(21,336)	12,568	58.9%
	-----	-----	-----	
NET GAIN/(LOSS)	(\$8,768)	(\$21,336)	\$12,568	58.9%
	=====	=====	=====	

The Alaska Bar Rag Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 55: Lawyer Referral)

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Revenue				
Lawyer Referral Fees	\$113,798	\$112,800	\$998	0.9%
	-----	-----	-----	
TOTAL Revenue	113,798	112,800	998	0.9%
	-----	-----	-----	
Expenses				
Direct Expense				
LR Advertising-Anchorage	2,916	2,964	48	1.6%
LR Advertising-Other	6,496	11,334	4,838	42.7%
LR Telephone-LD,800	2,629	3,003	374	12.5%
	-----	-----	-----	
TOTAL Direct Expense	12,040	17,301	5,261	30.4%
	-----	-----	-----	
Administrative Expense				
LR Staff Salaries	22,234	22,412	178	0.8%
LR Staff Payroll Taxes	1,921	1,966	45	2.3%
LR Staff Pension Plan	536	584	48	8.1%
LR Staff Insurance	2,468	2,727	259	9.5%
LR Postage/Freight	1,251	1,325	74	5.6%
LR Supplies	1,752	1,466	(286)	-19.5%
LR Copying	13	25	12	49.7%
LR Office Rent	3,130	3,131	1	0.0%
LR Depreciation/Amortize	1,200	697	(503)	-72.2%
LR Leased Equipment	829	806	(23)	-2.8%
LR Equipment Maintenance	931	992	61	6.2%
LR Prop/GLA/WC Insc	1,443	1,547	104	6.7%
LR Miscellaneous	0	0	0	
	-----	-----	-----	
TOTAL Administrative Expense	37,709	37,678	(31)	-0.1%
	-----	-----	-----	
TOTAL Expenses	49,749	54,979	5,230	9.5%
	-----	-----	-----	
NET GAIN/(LOSS)	64,049	57,821	6,228	10.8%
	-----	-----	-----	

Lawyer Referral Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 55: Lawyer Referral)

Page 2

	12 Months Ended Dec/96	12 Months Ended Dec/96	Variance Fav/<Unf>	% Var
	=====	===Budget===	=====	=====
NET GAIN/(LOSS)	64,049	57,821	6,228	10.8%
	-----	-----	-----	
NET GAIN/(LOSS)	\$64,049	\$57,821	\$6,228	10.8%
	=====	=====	=====	

Lawyer Referral Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 70: Board of Governors)

Page 1

	12 Months Ended Dec/96 =====	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> =====	% Var =====
Expenses				
Direct Expense				
BOG Travel-Anchorage	\$7,693	\$6,733	(\$960)	-14.3%
BOG Travel-Convention	5,147	5,445	298	5.5%
BOG Travel-Miscellaneous	0	0	0	
BOG NCBP Midyear-Feb	1,017	3,706	2,689	72.6%
BOG Bar Leadership-Mar	1,815	2,054	239	11.6%
BOG NCBP Annual-Aug	560	3,860	3,300	85.5%
BOG Western States	6,625	6,672	47	0.7%
BOG N/Atny Travel-Anchorage	4,867	3,703	(1,164)	-31.4%
BOG N/Atny Travel-Convention	1,958	2,355	397	16.8%
BOG Special Board Committees	0	300	300	100.0%
BOG Public Relations	13,812	10,000	(3,812)	-38.1%
BOG Conference Room Rent	500	500	0	0.0%
BOG Meeting Notices	1,845	1,377	(468)	-34.0%
BOG Printing	1,010	775	(235)	-30.3%
BOG Meeting Expense-Other	1,727	1,260	(467)	-37.1%
TOTAL Direct Expense	48,578	48,740	162	0.3%
Administrative Expense				
BOG Postage/Freight	2,956	8,623	5,667	65.7%
BOG Supplies	2,077	2,015	(62)	-3.1%
BOG Telephone	540	383	(157)	-41.0%
BOG Copying	723	869	146	16.8%
BOG Prop/GLA/WC Insc	2,887	3,094	207	6.7%
BOG Miscellaneous	2,234	600	(1,634)	-272.4%
TOTAL Administrative Expense	11,417	15,584	4,167	26.7%
TOTAL Expenses	59,995	64,324	4,329	6.7%
NET GAIN/(LOSS)	(59,995)	(64,324)	4,329	6.7%

Board of Governors Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:30 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 70: Board of Governors)

Page 2

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
NET GAIN/(LOSS)	(59,995)	(64,324)	4,329	6.7%
	-----	-----	-----	
NET GAIN/(LOSS)	(\$59,995)	(\$64,324)	\$4,329	6.7%
	-----	-----	-----	

Board of Governors Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:31 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 72: Discipline)

Page 1

	12 Months Ended Dec/96 =====	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> =====	% Var =====
Expenses				
Direct Expense				
DISC Travel NOBC Midyear-Feb	\$1,990	\$4,598	\$2,608	56.7%
DISC Travel NOBC Annual-Aug	2,869	4,702	1,833	39.0%
DISC Travel-Convention	0	0	0	
DISC Travel-Inv/Area Hearings	259	1,000	741	74.1%
DISC Litigation Support Svcs	1,231	1,137	(94)	-8.3%
DISC Conflict Cases	0	0	0	
DISC Area Hearing Committees	0	1,000	1,000	100.0%
DISC Bar Rule 31 Trustee Atny	0	10,000	10,000	100.0%
DISC Public Notice/Information	8,646	6,973	(1,673)	-24.0%
DISC Law Books/Manuals	3,066	2,562	(504)	-19.7%
TOTAL Direct Expense	18,061	31,972	13,911	43.5%
Administrative Expense				
DISC Staff Salaries	324,466	316,352	(8,114)	-2.6%
DISC Staff Payroll Taxes	25,402	24,769	(633)	-2.6%
DISC Staff Pension Plan	16,755	15,818	(937)	-5.9%
DISC Staff Insurance	27,656	30,511	2,855	9.4%
DISC Postage/Freight	6,465	8,286	1,821	22.0%
DISC Supplies	8,759	7,332	(1,427)	-19.5%
DISC Telephone	2,465	3,263	798	24.5%
DISC Copying	2,748	1,790	(958)	-53.5%
DISC Office Rent	47,317	45,766	(1,551)	-3.4%
DISC Depreciation/Amortization	15,405	9,067	(6,338)	-69.9%
DISC Leased Equipment	10,498	10,477	(21)	-0.2%
DISC Equipment Maintenance	12,086	12,893	807	6.3%
DISC Prop/GLA/WC Insc	7,283	7,734	451	5.8%
DISC Miscellaneous	0	300	300	100.0%
TOTAL Administrative Expense	507,305	494,358	(12,947)	-2.6%

Discipline Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:31 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 72: Discipline)

Page 2

	12 Months Ended Dec/96 =====	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> =====	% Var =====
TOTAL Expenses	525,366	526,330	964	0.2%
NET GAIN/ (LOSS)	(525,366)	(526,330)	964	0.2%
NET GAIN/ (LOSS)	(525,366)	(526,330)	964	0.2%
NET GAIN/ (LOSS)	(\$525,366)	(\$526,330)	\$964	0.2%

Discipline Detail - Actual YTD to Budget YTD

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ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 75: Fee Arbitration)

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Expenses				
Direct Expense				
FA Fee Arbitration Committee	\$165	\$900	\$735	81.6%
FA Conference Room Rent	4,300	3,075	(1,225)	-39.8%
FA Support Services	58	0	(58)	
	-----	-----	-----	
TOTAL Direct Expense	4,523	3,975	(548)	-13.8%
	-----	-----	-----	
Administrative Expense				
FA Staff Salaries	24,276	22,198	(2,078)	-9.4%
FA Staff Payroll Taxes	1,778	1,844	66	3.6%
FA Staff Pension Plan	975	1,110	135	12.1%
FA Staff Insurance	3,518	4,069	551	13.5%
FA Postage/Freight	1,444	1,446	2	0.2%
FA Supplies	1,770	1,466	(304)	-20.7%
FA Telephone	1,080	1,250	170	13.6%
FA Copying	608	771	163	21.2%
FA Office Rent	2,087	2,087	0	0.0%
FA Depreciation/Amortization	800	697	(103)	-14.8%
FA Leased Equipment	602	806	204	25.3%
FA Equipment Maintenance	621	992	371	37.4%
FA Property/GLA/WC Insc	1,443	1,547	104	6.7%
FA Miscellaneous	0	0	0	
	-----	-----	-----	
TOTAL Administrative Expense	41,001	40,283	(718)	-1.8%
	-----	-----	-----	
TOTAL Expenses	45,524	44,258	(1,266)	-2.9%
	-----	-----	-----	
NET GAIN/ (LOSS)	(45,524)	(44,258)	(1,266)	-2.9%
	-----	-----	-----	
NET GAIN/ (LOSS)	(45,524)	(44,258)	(1,266)	-2.9%
	-----	-----	-----	
NET GAIN/ (LOSS)	(\$45,524)	(\$44,258)	(\$1,266)	-2.9%
	-----	-----	-----	

Fee Arbitration Detail - Actual YTD to Budget YTD

Dec 31, 1996
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ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 80: Administration)

Page 1

	12 Months Ended Dec/96 -----	12 Months Ended Dec/96 ---Budget---	Variance Fav/<Unf> -----	% Var -----
Expenses				
Direct Expense				
AD Travel NABE MidYear-Feb	\$1,527	\$2,269	\$742	32.7%
AD Travel NABE Annual-Aug	0	0	0	
AD Travel-Convention	0	0	0	
AD Travel-Conference	0	2,237	2,237	100.0%
AD Travel Finance/Computer	2,429	2,419	(10)	-0.4%
AD Annual Audit	8,572	8,762	190	2.2%
AD Printing Cards/Notices/Rpts	9,705	10,219	514	5.0%
AD Dues/Subscriptions/Seminars	2,670	2,027	(643)	-31.7%
AD Polls/Surveys/Delegates	4,219	4,874	655	13.4%
AD Pension Fund Administration	6,634	5,300	(1,334)	-25.2%
	-----	-----	-----	
TOTAL Direct Expense	35,755	38,107	2,352	6.2%
	-----	-----	-----	
Administrative Expense				
AD Staff Salaries	187,697	184,252	(3,445)	-1.9%
AD Staff Payroll Taxes	13,730	14,662	932	6.4%
AD Staff Pension Plan	7,141	8,983	1,842	20.5%
AD Staff Insurance	22,421	24,347	1,926	7.9%
AD Postage/Freight	12,834	14,966	2,132	14.2%
AD Supplies	12,262	10,750	(1,512)	-14.1%
AD Telephone	2,083	3,041	958	31.5%
AD Copying	11,601	12,782	1,181	9.2%
AD Office Rent	21,448	25,361	3,913	15.4%
AD Depreciation/Amortization	15,102	8,137	(6,965)	-85.6%
AD Equipment Leases	9,946	9,403	(543)	-5.8%
AD Equipment Maintenance	15,213	11,571	(3,642)	-31.5%
AD Prop/GLA/WC Insurance	8,816	9,281	465	5.0%
AD Miscellaneous	3,031	300	(2,731)	-910.3%
	-----	-----	-----	
TOTAL Administrative	343,326	337,836	(5,490)	-1.6%
	-----	-----	-----	
TOTAL Expenses	379,081	375,943	(3,138)	-0.8%
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Administration Detail - Actual YTD to Budget YTD

Dec 31, 1996
1:31 pm

ALASKA BAR ASSOCIATION
Income Statement-Actual to Budget
(Department # 80: Administration)

Page 2

	12 Months Ended Dec/96	12 Months Ended Dec/96	Variance Fav/<Unf>	% Var
	-----	---Budget---	-----	-----
NET GAIN/(LOSS)	(379,081)	(375,943)	(3,138)	-0.8%
	-----	-----	-----	
NET GAIN/(LOSS)	(379,081)	(375,943)	(3,138)	-0.8%
	-----	-----	-----	
NET GAIN/(LOSS)	(\$379,081)	(\$375,943)	(\$3,138)	-0.8%
	-----	-----	-----	

Administration Detail - Actual YTD to Budget YTD

