

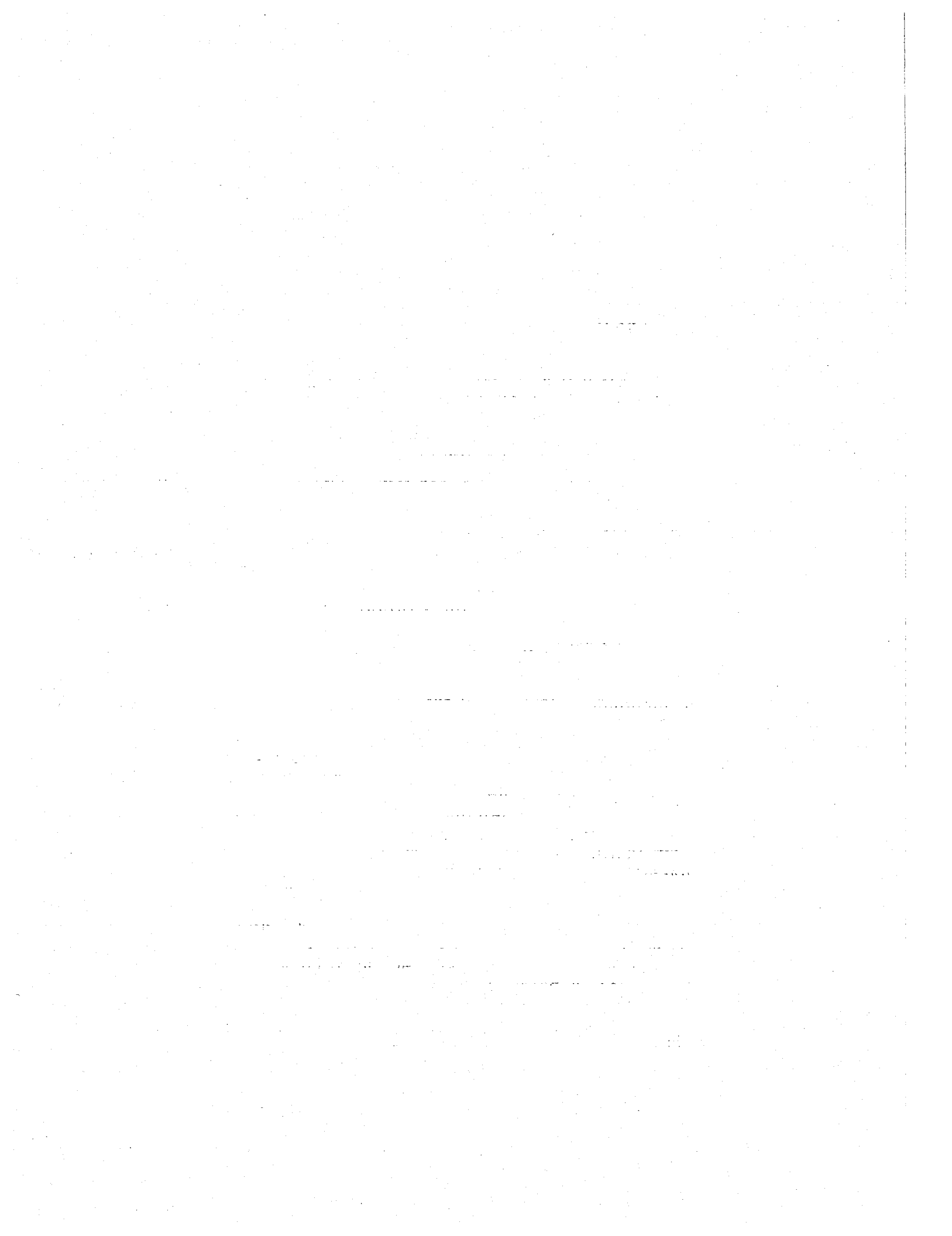


# 1999 Annual Report



## TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION .....	1
I. THE BOARD OF GOVERNORS.....	3
II. ADMISSIONS PROCEDURES .....	8
III. DISCIPLINE OF MEMBERS .....	17
IV. CONTINUING LEGAL EDUCATION .....	26
V. ALASKA PRO BONO PROGRAM .....	35
VI. STATEWIDE LAWYER REFERRAL SERVICE .....	37
VII. THE COMMITTEES OF THE ALASKA BAR .....	39
VIII. MEMBERSHIP SERVICES .....	51
IX. ADJUNCT INVOLVEMENT .....	53
X. BUDGET .....	58



# THE ALASKA BAR ASSOCIATION

Annual Report for the Year 1999

## Board of Governors

Kirsten Tinglum, President  
Bruce B. Weyhrauch, President-Elect  
Venable Vermont, Jr., Vice President  
Barbara L. Schuhmann, Secretary  
Mauri Long, Treasurer  
Lori Bodwell  
David H. Bundy  
Joseph Faulhaber  
Lisa M. Kirsch  
Barbara Miklos  
Lawrence Z. Ostrovsky  
Michael A. Moberly (New Lawyer Liaison)

## Staff

Deborah O'Regan, Executive Director  
Barbara Armstrong, Assistant Director & CLE Director  
Deb Lash, Executive Secretary  
Karen A. Schmidlkofer, Controller  
Kimie D. Barnes, Accounting Assistant  
Rachel T. Batres, CLE Coordinator  
Teresa Thacker, Admissions Secretary/Receptionist  
Veronica Huckabay, Lawyer Referral Receptionist  
Emily D. Myers, 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

April 14, 2000



## 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 3,432 members in the following categories: Active, 2,668 (2,234 in-state and 434 Outside); Inactive, 709; Honorary, 1; Retired, 54. Its affairs are governed by a twelve (12) member (attorney and non-attorney) Board currently comprised of the following persons:

Kirsten Tinglum, , President  
Bruce B. Weyhrauch, President-Elect  
Venable Vermont, Jr., Vice President  
Barbara L. Schuhmann, Secretary  
Mauri Long, Treasurer  
Lori Bodwell  
David H. Bundy  
Joseph Faulhaber  
Lisa M. Kirsch  
Barbara Miklos  
Lawrence Z. Ostrovsky  
Michael A. Moberly (New Lawyer Liaison)

Written guidelines for governance are contained in the Integrated Bar Act, the Alaska Bar Rules (promulgated by the Supreme Court of Alaska), the Rules of Professional Conduct (AS 08.08.010), the Association's Bylaws and Regulations, the Board of Governors' Policy Manual, and a Personnel Manual.

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

There are presently 8 standing committees, 22 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 full-time professionals:

Deborah O'Regan, Executive Director  
Barbara Armstrong, Assistant Director & CLE Director  
Deb Lash, Executive Secretary  
Karen A. Schmidlkofer, Controller  
Kimie Barnes, Accounting Assistant  
Rachel T. Batres, CLE Coordinator  
Teresa Thacker, Admissions Secretary/Receptionist  
Veronica Huckabay & Emily Myers, Lawyer Referral Receptionists

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 & JoAnne 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 1999 the Board held five (5) meetings (January 15-16; March 5; May 10-11; August 19-20; and October 22-23). The Bar Convention and Annual Business Meeting were held in Fairbanks, May 12-14.

### **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, with the exception of area hearing committee members in disciplinary matters who are appointed by the Chief Justice of the Alaska Supreme Court.

With the exception of disciplinary committee members, 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 requests member applications to submit to the Chief Justice of the Alaska Supreme Court for assignment to 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 Bar Rule Amendments**

Effective September 2, 1999, the Alaska Supreme Court approved a Voluntary Continuing Legal Education Rule (VCLE) which suggests minimum recommended hours of approved Continuing Legal Education (CLE) attendance by all active Alaska Bar members. Members are encouraged to attend at least 12 hours of CLE per calendar year, including one hour of ethics.

This Rule takes an innovative approach to CLE by providing incentives for completing the minimum recommended hours of CLE. Incentives include: a reduction in Bar dues (to be determined annually by the Board of Governors); inclusion in a published listing of Alaska Bar members who have completed the minimum recommended hours of approved CLE; eligibility to participate in the Bar's Lawyer Referral Service; compliance may be taken into account in any Bar disciplinary matter.

The Board also amended the Bylaws, Article VIII, Sections 1 and 5. This change allows the annual meeting to be held at the time and place selected by the Board of Governors, and deletes the requirement that it be held during the months of May or June, or in conjunction with the Annual Convention. The other change allows public members of the Board of Governors to vote at the annual business meeting.

#### **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 legislature extended the Board of Governors until June 30, 2002.

#### **G. Website**

In July 1997, the Bar set up a Website. This site includes information on the Board and staff, admissions, CLE, the Sections and Section News, committees, the Bar Rag, and the Convention. It also includes a page on frequently asked questions. The Website will continue to be an evolving work-in-progress to provide on-line information to Bar members and the public. The homepage can be found at [www.alaskabar.org](http://www.alaskabar.org).

## **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 re-applicants (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.

### **1999 Report**

Thomas S. Obermeyer filed an appeal of the Board of Governor's denial of his certification for admission to practice law in Alaska as the result of his failure of the July 1998 exam. Mr. Obermeyer's appeal was considered at the Board's January 1999 meeting and the Board concluded that Mr. Obermeyer had failed to allege facts, which if true, would justify a hearing. Mr. Obermeyer filed an appeal of the Board's action with the Alaska Supreme Court. Briefing has been completed and oral argument was held January 12, 2000. The matter is now under advisement by the Court.

Joy Green Armstrong filed an appeal of the Board of Governor's denial of her certification for admission to practice law in Alaska as the result of her failure of the February 1999 exam. Ms. Green-Armstrong's appeal was considered at the Board's May 1999 meeting and the Board concluded that Ms. Green-Armstrong had failed to allege facts, which if true, would justify a hearing. Ms. Green-Armstrong filed an appeal of the Board's action with the Alaska Supreme Court. The matter is now before the Alaska Supreme Court.

Ms. Green-Armstrong later filed an appeal with the Board regarding her failure of the July 1999 exam as well. The Board determined that a hearing should not be granted regarding that appeal. However, Ms. Green-Armstrong did not appeal the July 1999 exam to the Alaska Supreme Court.

#### **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. 8 applicants requested a tutor for the February exam, and 8 applicants requested assistance for the July exam.

#### **G. Statistical Summary**

In 1999, 126 individuals took the Bar Exam and 73 passed the exam.

1999 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-seven (27) jurisdictions provide for admission without examination.

In 1999, 13 applicants 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.

### **III. DISCIPLINE OF MEMBERS**

The activities of attorneys admitted to practice within the State of Alaska are primarily governed by the Alaska Rules of Professional Conduct and 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 attorney discipline matters, however, the Supreme Court has original jurisdiction under the Alaska Constitution and, after considering the findings, conclusions and recommendations by the Board, is the final decision maker.

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 was 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 Alaska 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. The 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 Court and the Disciplinary Board which the Court established.

Due to the size 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. Charges may be based upon a violation of the Alaska Rules of Professional Conduct, Ethics Opinions adopted by the Board of Governors, criminal convictions, the Alaska Bar Rules 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 from the Board Discipline Liaison to file a Petition for Formal Hearing in serious matters. Once the petition is filed, the proceedings are open to the public.

## **C. The Area Hearing Committee**

Investigations which result in the filing of a Petition for Formal Hearing by Bar Counsel are referred to an Area Hearing Committee in the appropriate geographical area. The attorney must file a written answer admitting or denying the charges, and stating any defenses. Hearings are then held before the Committee. At the hearing, Bar Counsel prosecutes the case on behalf of the Bar Association. The respondent attorney may be represented by counsel. Either party may call, examine, and cross-examine witnesses and otherwise request the production of evidence. Bar Counsel must prove the respondent's misconduct by clear and convincing evidence. 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 report, briefs may be filed with the Board. If requested, the matter may be orally argued to the Board. The Board must then conduct a review of the record and briefs and enter its order or recommendation to the Court.

#### **D. The Recommendation**

If the Board's decision recommends either public censure, probation, suspension, or disbarment, the recommendation is filed with the Supreme Court, which makes the final decision. The Board must submit a case record, including the hearing transcript, to the Court. The parties are required to file briefs in accordance with the Appellate Rules for regular civil and criminal appeals and 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 precedent for future cases.

The Board may issue a reprimand, publicly imposed, if it decides the hearing 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 the respondent 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.

#### **E. Interim Suspension**

The Rules of Disciplinary Enforcement anticipate situations requiring immediate action against an attorney for protection of the public pending the completion of the full disciplinary process. One such situation exists when an attorney is convicted of a serious crime, such as a felony or when the attorney 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 interim 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 the attorney's 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 or her 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.

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

When either disbarment, suspension or probation is ordered by the Court, more is involved than a simple order to that effect. There are various notification requirements to that attorney's clients, to opposing counsel, and other jurisdictions in which the attorney is admitted. Sworn proof that these notification requirements have been met must be filed with the Court. Proof of compliance with these requirements is a prerequisite to any subsequent reinstatement.

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

#### **G. Summary of Public Discipline Actions in 1999**

The Alaska Supreme Court disbarred Gerard R. LaParle, Norman E. Staton, Jr., and Donald M. Johnson.

The Court suspended Frances Purdy for five years effective July 28, 1997 (the date of interim suspension) and Joe Micheal Cox for one year effective November 16, 1998 (the date of interim suspension).

The Court intermily suspended Samuel R. Peterson, Jr. on January 12, 1999.

### 1999 DISCIPLINE CASE STATISTICS<sup>1</sup>

Open cases pending as of January 1, 1999	104
New cases opened in 1999 (+)	42
Cases closed in 1999:	
Closed after disbarment by Supreme Court	5
Closed after suspension by Supreme Court	2
Closed after probation ended	0
Closed after public censure by Supreme Court	0
Closed after reprimand publicly imposed by Disciplinary Board	0
Closed after reprimand privately imposed by Disciplinary Board	0
Closed after written private admonition by Bar Counsel.	3
Dismissed by Bar Counsel	25
TOTAL closed cases (-)	<u>35</u>
Open cases pending as of December 31, 1999	111

### STATUS OF OPEN CASES AS OF December 31, 1999

Pending First Response from Respondent Attorney	2
Pending Complainant's Reply	2
Pending Second Response from Respondent Attorney	0
Pending Bar Counsel Investigation/Decision	60
Abeyance Pending Outcome of Related Court Case	0
Pending Mediation	0
Abeyance Pending Outcome of Fee Arbitration	0
Pending Approval to Issue Written Private Admonition	1
Pending Acceptance of Written Private Admonition by Respondent Attorney	1
Pending Approval to File Petition for Formal Hearing	15
Pending Stipulation for Discipline between Bar Counsel and Respondent Attorney	4
Pending Stipulation Consideration by Disciplinary Board	0
Pending Stipulation Consideration by Supreme Court	0
Pending before Area Hearing Committee	23
Pending before Disciplinary Board	0
Pending before Supreme Court	2
Respondent Attorney on Probation	<u>1</u>
TOTAL open cases	111

<sup>1</sup> All numbers reflect individual grievances filed and not the number of attorneys involved.

### 1999 GRIEVANCE VOLUME:

New Cases Opened	42
Grievances Not Accepted for Investigation	<u>173</u>
1999 Grievance Volume	215
1998 Grievance Volume	282

## **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.<sup>2</sup> 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 Court. In order to be reinstated, a disbarred attorney or an attorney suspended for more than one year has the primary burden of establishing at a hearing that he or she possesses the moral qualifications, competency, and knowledge of law required for admission to practice and that the attorney's resumption of practice will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive of the public interest.

## **I. Disability**

The Rules of Disciplinary Enforcement also anticipate circumstances where the need for protection of the public arises from an incapacitating illness, addiction to drugs or 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.

---

<sup>2</sup> 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 in which case they must appear before an appropriate Area Hearing Committee. Similarly, attorneys who have been disbarred or suspended for more than one year must appear before a Hearing Committee.

Reinstatement of the right to practice can thereafter only be granted by the 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 Reinstatement and Disability Actions in 1999**

Jon E. Wiederholt applied for reinstatement from disbarment. Hearings were held by an area hearing committee and the Disciplinary Board. His petition is currently under review by the Alaska Supreme Court.

Joe Michael Cox applied for automatic reinstatement from a one suspension. The Court granted his reinstatement on March 13, 2000, but Mr. Cox must pay his bar dues for the current year before completing the reinstatement process.

There were no disability transfers.

### **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. Further, under guidelines adopted by the Board, Bar Counsel may refer a matter to voluntary mediation conducted by a mediator between the complainant and the respondent attorney. 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 (position currently job-shared), 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 \$586,576.49 in 1999, 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 Rules Proposed, Added, Modified, or Repealed in 1999**

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

The following Supreme Court amendments took effect January 15, 1999:

Bar Rule 43.1 was amended to permit military lawyers to handle pro bono cases under the auspices of the Alaska Pro Bono Program.

Alaska Rule of Professional Conduct 1.7 was amended back to the original language on conflict of interest proposed by the American Bar Association in the Model Rules of Professional Conduct.

The following Supreme Court amendment took effect September 2, 1999:

Bar Rule 65 was added to provide for a program of voluntary continuing legal education. See discussion under Section I(E).

The following Supreme Court amendments took effect October 15, 1999:

Alaska Rule of Professional Conduct 2.1 was amended to encourage lawyers to advise their clients concerning alternative dispute resolution in litigation matters.

Alaska Rule of Professional Conduct 8.5 was amended to clarify that Alaska has disciplinary jurisdiction over Alaska lawyers even though their conduct may occur elsewhere and disciplinary jurisdiction over lawyers appearing in Alaska courts by special rules.

The following Supreme Court amendments will take effect April 15, 2000:

The attorney's oath in Bar Rule 5 was made more readable.

A housekeeping amendment was made to Bar Rule 9 to change the reference from the former Code of Professional Responsibility to the current Rules of Professional Conduct.

Bar Rule 34 in the fee arbitration rules was amended to permit a matter to be declared complex only prior to hearing unless the parties otherwise consent.

Bar Rules 40(t) and (u) in the fee arbitration rules were modified to change the reference to the reviewing court in fee arbitration appeals and to conform the rule to the Uniform Arbitration Act.

Bar Rule 61 was amended to comply with federal and state law providing for the administrative suspension of a member of the Alaska Bar Association for failure to pay court-ordered child support.

Alaska Rule of Professional Conduct 1.4 regarding malpractice insurance disclosure was amended to substitute the words "claim" and "aggregate amount" for "claimant" and "total" to correspond to insurance industry usage.

Alaska Rule of Professional Conduct 5.4 received a housekeeping amendment to conform it to the provisions of Rule 1.17 on the Sale of a Law Practice.

Alaska Rule of Professional Conduct 7.4 was amended to permit the use of specialty designations or certifications given by organizations accredited by the American Bar Association without disclaimer.

The Supreme Court rejected a proposed amendment to Bar Rule 29 which would have permitted conditional reinstatement to the practice of law following suspension or disbarment.

#### **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 fifteen Bar Association members: 12 attorney members representing the various geographic areas of the state, 2 new lawyer representatives, and 1 judicial representative. Members serve staggered 3-year terms, with the exception of new lawyer members who serve staggered 2-year terms.

##### **June 30, 1998 - June 30, 1999 CLE Committee Members**

<b>Member</b>	<b>City</b>	<b>Term Expiration</b>
Dave Ingram, Chair	Juneau	6/2000
Gail Ballou	Fairbanks	6/1999
Robert Briggs	Juneau	6/2001
Ray Brown	Anchorage	6/1999
James DeWitt	Fairbanks	6/1999
Jeanne Dickey	Anchorage	6/2000
Paul Eaglin	Fairbanks	6/2001
Dennis Efta, New Lawyer	Kenai	6/2000 (sub for Paul Niewiadomski)
Justice Dana Fabe, Judicial Representative	Anchorage	6/6/2000
Brian Hanson	Sitka	6/2000
Tina Kobayashi	Juneau	6/2000
Lawrence Ostrovsky	Anchorage	6/1999
Jim Stanley	Anchorage	6/2001
Trevor Stephens	Ketchikan	6/1999
Saphronia Young, New Lawyer	Anchorage	6/1999

**June 30, 1999 - June 30, 2000 CLE Committee Members**

<b>Member</b>	<b>City</b>	<b>Term Expiration</b>
Dave Ingram, Chair	Juneau	6/2000
Gail Ballou	Fairbanks	6/2002
Robert Briggs	Juneau	6/2001
Dawn Collinsworth	Juneau	6/2002
James DeWitt	Fairbanks	6/2002
Jeanne Dickey	Anchorage	6/2000
Paul Eaglin	Fairbanks	6/2001
Dennis Efta, New Lawyer	Kenai	6/2000
Justice Dana Fabe, Judicial Representative	Anchorage	6/2000
Brian Hanson	Sitka	6/2000
Thomas Hause	Anchorage	6/2002
Tina Kobayashi	Juneau	6/2000
Jody Reausaw, New Lawyer	Anchorage	6/2001
Jim Stanley	Anchorage	6/2001
Trevor Stephens	Ketchikan	6/2002

The twenty-one active 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.

CLE seminars of value and interest to attorneys and other related professions are sometimes presented in cooperation with those groups, including the Alaska Association of Legal Assistants, the Anchorage Legal Secretaries Association, the Alaska Academy of Trial Lawyers, the State of Alaska Real Estate Commission, ALPS (Attorneys Liability Protection Society), and the Alaska Society of Certified Public Accountants.

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

In 1999 the Alaska Bar presented twenty-eight live CLEs on twenty-five topics (not including the convention CLEs or Mandatory Ethics). Two in-house CLEs were presented by Anchorage law firms using Alaska Bar videos and materials. Anchorage, Juneau and Fairbanks were the primary live CLE sites, and videotape replays of live programs were scheduled in the twelve sites state-wide.

The Bar also presented a total of five live "Mandatory Ethics: Professionalism in Alaska for New Admittees" programs: two in Juneau, one in Fairbanks, and two in Anchorage. A total of 179 registrants attended these ethics programs.

Twelve CLE programs were presented at the Annual Convention in May in Fairbanks in conjunction with the Alaska Judicial Conference.

Although none of the "Mandatory Ethics" or Convention programs has fiscal impact on the CLE budget (those programs have separate budgets), staff time is required to develop and implement these events.

Seventy-seven programs were also approved for CLE credit and administered by other CLE providers. This is over double the number of programs approved in 1998. A \$35 non-refundable application fee was charged per request for CLE accreditation until September 1999 when the Voluntary Continuing Legal Education Rule (VCLE) went into effect. (See below)

CLE Videotape Replays are routinely scheduled in the 12 sites noted below. Local bar members act as volunteer video replay coordinators in these cities. Without the donation of their time and facilities for these replays, it would be very difficult to meet the CLE needs of members outside Anchorage.

#### **1999 Video Replay Sites - 12**

Barrow 0	Bethel 0	Dillingham 4	Fairbanks 15
Juneau 12	Kenai 9	Ketchikan 2	Kodiak 2
<b>Total replays all sites:</b>	<b>51 replays</b>		

#### **1999 CLE Programs Summary**

Topics	Live Bar Programs	Tele- seminars	Mandatory Ethics	Convention	Accredited Programs	VTRs
25	28	0	5	12	77	51

Total attendance at Bar CLE programs in 1999: **3,992**

(including group video replays and convention CLE)

This is an increase of 573 registrations over 1998.

Number of different attorneys served: **1,087**

Number of different non-attorneys served: **693**

#### **B. Voluntary Continuing Legal Education (VCLE)**

In October 1998, the Board of Governors forwarded a Mandatory Continuing Legal Education Rule (MCLE) to the Alaska Supreme Court for review.

The proposed Rule required each active member to complete 24 hours of approved CLE, including two hours of ethics CLE, in a two-year reporting period.

The Supreme Court reviewed the rule and made a number of innovative revisions. The Supreme Court recommended a 3-year pilot project of a rule to

be called the "Voluntary Continuing Legal Education (VCLE) Rule." To comply with this rule, each active Bar member is to complete 12 hours of CLE credit from an approved provider in a calendar year, one hour of which must be in Ethics.

This rule is incentive based. Those members complying with the rule receive a discount on Bar dues, may participate in the Lawyer Referral Service, and members in compliance with the rule will have their names published in a list indicating they have voluntarily met the recommended guidelines for continuing legal education recommended by the Alaska Supreme Court. The compliance or non-compliance with this rule may be taken into account in a disciplinary matter concerning competency.

The Alaska Bar will keep statistics of the participation by members and present the information to the Supreme Court at the end of the 3-year pilot project. The Supreme Court will then decide whether or not to recommend a sanction-based mandatory continuing legal education rule.

The Supreme Court recognizes the importance and value of continuing legal education and chose this method of evaluating the level of participation of Bar members in continuing legal education programs.

CLE providers continue to request accreditation for their programs. Under the VCLE regulations a number of entities have been designated as approved providers, including state and federal agencies, the American Bar Association, and American Inns of Court. Providers who are not yet on the approved list submit documentation concerning their programs and this information is reviewed by the CLE Director.

Each active Bar member will file his/her VCLE Reporting Form with the Alaska Bar Association on an annual basis.

### **C. 1999 Activities**

1. The CLE Library Catalog update was completed at year-end using in-house desktop publishing, and distribution scheduled for January 2000.

2. The 5-Year Plan for CLE originally approved in 1996 continues to be a strategic tool for CLE. This plan covers five main areas listed in order of priority: Course Materials, Marketing of CLE Programs to Members, Information Dissemination, Enhancing Technological Efficiency of CLE Department, and Mandatory Continuing Legal Education.

A subcommittee was appointed at the September 1999 CLE Committee meeting to review the 5-Year Plan:

3. The Bar's website, [www.alaskabar.org](http://www.alaskabar.org), launched in July 1997, continues to grow. The information posted covers the Board of Governors, Bar Staff, Admissions and Fees, Committees, CLE Information including the CLE Calendar, Annual Convention schedule, Sections including the entire text of the newsletter "Section News," Professional Updates from the Substantive Law Sections, MCLE/VCLE Rule status and information, Bar Rag articles, and Frequently Asked Questions (FAQ's). Additional links were added to the site in 1999.

The most ambitious project to date scheduled for the website, a searchable database of Alaska Trial Court Opinions, was launched in 1999. The Bar continues to work with the Alaska Court System, the Alaska State Law Library, and members to add cases to the database.

The Board of Governors and the CLE Committee listserves continue to be heavily used for communication with these bodies.

We also began in 1999 to use e-mail reminders re CLE and to encourage CLE registration over our website. We began to compile a database of e-mail addresses for section members and use e-mail to remind members of section meetings and CLEs.

The Bar is also collecting e-mail addresses of all members with the goal of creating a member-wide database.

4. Video replay sites continue to provide a valuable service to far-flung members in Alaska allowing them to remain in their communities while attending CLE, and providing an opportunity for local attorneys to gather and discuss issues of common concern.

5. The Alaska Bar and the Alaska Superior Court in Kotzebue continue to work together on what was initially a pilot project developed in Fall 1997. Judge Richard Erlich suggested the idea of a Public Education Program (PEP) that would bring community members into the court for a positive interaction with the judicial system via educational programs.

Judge Erlich selects videotaped CLE programs that will be of interest to Kotzebue community members and presents the programs free of charge at the court. These programs have been very well received, and the Alaska Bar is pleased to be of assistance to the Court in providing information to rural Alaska.

6. In 1999, the Alaska Bar assisted in presenting the "4th Annual Off the Record with the U.S. Court of Appeals for the Ninth Circuit Panel" in cooperation with the U.S. District Court. This annual CLE with three members of the Ninth Circuit Panel focused on appellate motion practice, appellate brief requirements, oral argument, and an overview of the Court's rehearing and rehearing *en banc* process.

7. Three additional "Off the Record" programs, informal bench and bar exchanges were held in 1999: "Off the Record with the Supreme Court" in Juneau, and "Off the Record" in Anchorage and in Kenai.

8. Telephonic participation at all substantive section meetings remains an important service to our Bar members. All section meetings are required to be held at a location which allows telephonic hook-up statewide. Law firms in Juneau and Fairbanks have offered to become telephonic hook-up sites which allows members from those cities to meet as a group and participate telephonically.

9. Other programs of particular note in 1999 include:

**An Open House in the Courtroom of the Future** presented in January live in Anchorage in cooperation with the U.S. District Court and the Alaska Court System, and a follow-up program live in Anchorage in November 1999.

**Appellate Excerpts of Record: A Practical Guide to Rule 210(c)** presented in cooperation with the Alaska Court System.

**Business Valuations: What Is It Worth?** presented live in Anchorage in cooperation with the Alaska Society of CPAs.

**Representing Aliens Affected by the Nicaraguan Adjustment & Central American Relief Act (NACARA)** presented live in Anchorage and sponsored by the Immigration Law Section. This program was presented at no charge to attorneys who registered and agreed to take a pro bono NACARA case through Catholic Social Services Immigration & Refugee Services. The Board of Governors approved the budget for this CLE and noted the urgency and importance of this type of pro bono work.

**Community Courts, Nygren Alcohol Drug Seminar, Nygren & Treatment Provider Series, Naltrexone: The Anti-Alcohol Drug Series, Mental Health Courts, Wisdom in Sentencing Series, Weed & Seed, Self-Habilitating Defendants, Pre-Trial Diversion Probation Compliance, and Electronic Monitoring - House Arrest**, presented live in Anchorage in cooperation with the Anchorage Bar Association and the Partners for Downtown Progress. These programs were aimed at education of legal and lay persons on issues of community-wide importance. The majority of these programs were presented as free CLEs. In addition, **Multi-disciplinary Practice** was presented as a free noon CLE topic in cooperation with the Anchorage Bar.

**The Case of the Silent Alarm**, an interactive session on ethical issues featuring video vignettes, presented in cooperation with ALPS in Anchorage, Juneau, and Fairbanks.

**Commercial Leases: The Search for Just Clause** presented live in Anchorage with accreditation by the Alaska Real Estate Commission.

**Legal Issues in Guardianship** presented by the Elder Law Section in cooperation with the Alaska State Association for Guardianship and Advocacy (ASAGA) as a part of the ASAGA 1999 conference in Anchorage.

**Do's and Don'ts of Complex Deposition Practice** presented in Juneau in cooperation with the Alaska Shorthand Reporters Association.

**Representing Military Members** presented in cooperation with the Elmendorf Air Force Base 3<sup>rd</sup> Wing Legal Office.

As part of a continuing series of topics, the Bar also presented live in Anchorage the **2<sup>nd</sup> Annual Intellectual Property CLE: The Legal Side of Doing Business on the Internet**, the **6<sup>th</sup> Annual Workers Comp Update** and the **12<sup>th</sup> Annual Alaska Native Law Conference**.

#### **D. 1999 Convention**

The 1999 Convention was held in Fairbanks at the Fairbanks Princess Hotel, the Westmark Fairbanks Hotel, and the University of Alaska, Fairbanks. The Bar met in conjunction with the Alaska Court System and the U.S. District Court.

#### **CLE Topics included:**

- Trial Advocacy Skills Series, Part 3 - Facilitating Cross-Cultural Client Representation: Interviewing Native Clients & Witnesses

- Science & Technology in the Courtroom: The Judge's Role as "Gatekeeper"
- 9<sup>th</sup> Circuit, U.S. District Court, and Alaska State Court Appellate Practice Issues – An Informal Bench and Bar Exchange
- U.S. Supreme Court Opinions Update
- Alaska Domestic Relations Appellate Update
- Legal Research – in cooperation with West Group
- New Issues in Legal Ethics
- Citizens Suits: Private Right of Action – Initial Response through Litigation
- Advanced Legal Writing and Editing, Parts 1 and 2
- Alaska – First in Trusts: An Update on the Alaska Trust Act, Alaska Community Property Act, and Other Trust Legislation

The Bar Annual Business Meeting, presentation of Bar Awards, and presentation of 25-Year Membership Certificates were also part of the convention agenda. The Alaska Bar presented the following awards:

Alaska Bar Lay Person Service Award – Richard Greene, Fairbanks  
 Alaska Bar Professionalism Award – Roger Brunner, Fairbanks  
 Alaska Bar Distinguished Service Award – Jim DeWitt, Fairbanks

#### **E. Fiscal**

Direct program income exceeded this year's direct program costs. Actual income fell short of our revenue target due primarily to the number of programs presented at a reduced registration fee or no charge: the NACARA Pro Bono CLE, Part 1 of Open House in the Courtroom of the Future with the U.S. District Court and Alaska Court System, and the community-wide programs presented in cooperation with the Anchorage Bar and the Partners for Downtown Progress.

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 50% registration fee discount 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), a 50% discount for full-time students, one "Free CLE" certificate to new admittees, a number of free CLE passes to Alaska Legal Services Staff, and discounts to organizations for multiple registrations.

Alaska Bar CLE continues to exist in a moderately competitive state marketplace with outside for profit and not for profit providers. With the advent of the VCLE Rule, however, we anticipate more outside providers coming into the marketplace. 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.

## **F. Request for CLE Credits**

Private CLE providers, both for profit and not for profit, both local and outside, continued to present offerings in Alaska in 1999. It is anticipated with the VCLE Rule that more providers will market programs in Alaska.

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.

With the passage of the VCLE Rule, some providers are requesting to be evaluated for approved provider status. After appropriate review under CLE Policies and Guidelines, an entity can be listed as an approved provider.

In 1998 the number of programs approved for credit doubled. In 1999, the number of programs doubled again to seventy-seven.

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

## **G. Group Replays**

Group video replays of live programs are scheduled in Barrow, Bethel, Dillingham, Fairbanks, Juneau, Kenai, Kodiak, Ketchikan, Kotzebue, Nome, Sitka, and Valdez to meet the educational needs of bar members outside Anchorage (the usual site for live programs).

There is an average attendance of five 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.

## **H. CLE Library**

1. The CLE Library is a valuable member service and resource for bar members. Videotapes, audiotapes and course materials from Alaska Bar CLE programs are available for review, purchase and/or rental to all Bar members.

2. The updated CLE Library Catalog project was begun in 1996 as an in-house desktop publishing goal. This publication with a new format was issued in January 1997. We are preparing for an updated edition to be distributed in January 2000.

1999 Program Rentals	234 programs
1999 Program Purchases	144 programs
<u>Alaska Attorney's Desk Manuals</u>	0 purchases
<u>Volunteer Manual</u> Purchases	15 manuals
Section Updates	4 purchases

## **I. 1999 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. See Appendix 2 for a listing of 1999 CLE programs.

## 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 968 volunteer attorneys throughout Alaska, or 59% of the State's available Bar Association membership, with an open case load of 500-600 cases. These cases can range from the most complex litigation to emergency death-bed wills to issues facing Alaskan Natives. Appendix 3 shows the Alaska communities in which the APBP operates, the number of panel members in each community, and the numbers of cases closed from 1991 to December, 1999.

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 (including one in Spanish); 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 1,500 people in 1999. More than 300 elderly received assistance through the Elderlaw Projects last year.

In addition, the APBP attempts to assist the U.S. District Court to find counsel for pro se parties in U.S. District Court. To date, 100 cases have been referred to volunteer attorneys through this appointment project.

The APBP is also proud to boast that more than 270 other professionals (doctors, court reporters, certified public accountants, translators, private investigators) are members of the program. In 1999, the total number of hours donated to the APBP was more than 5,025.

Certain aspects of the Alaska Pro Bono Program have been 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 funding from a grant from the Alaska Bar Foundation from the Interest on Lawyers' Trust Accounts (IOLTA) program.

In November 1997, the Alaska Supreme Court created the Access to Civil Justice Task Force with a mission to "investigate, plan, and recommend methods to increase the delivery of civil legal assistance and improve access to justice for the people of Alaska." The Task Force, chaired by Justice Dana Fabe, consists of a steering committee, six subcommittees, and an at-large membership.

The Steering Committee reviewed recommendations and findings from the subcommittees, which covered such issues as: identifying and increasing sources of revenue; improving the structure of Alaska Legal Services Corp.; improving the Alaska Pro Bono Program and pro bono volunteerism by members of the Bar; improving access to the courts for pro se litigants; exploring alternative means of dispute resolution; increasing access to justice for people of moderate means, as well as those deemed not eligible for ALSC assistance; and increasing community awareness and involvement.

Over 60 attorneys, judges, and community representatives from across the state have been involved with the Task Force. The work of the six subcommittees has been compiled into more than 50 separate recommendations. The Alaska Bar Association has donated staff time, copying, mailing, and conference call costs, and the Alaska Court System has donated the printing of the report.

On February 26 & 27, 1999, the entire Task Force met to examine, discuss and prioritize the recommendations. At the end of the year, a draft report was being circulated for comment.

## 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 1999, 132 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 555 requests for referrals. Calls received by the Alaska Bar Association for Lawyer Referrals were as follows:

	1998	1999
Administrative	244	267
Admiralty	46	35
Adoption	45	48
Alaska Native Law	15	20
Arts	5	5
Bankruptcy	203	143
Commercial	207	266
Construction	34	32
Consumer	568	532
Criminal: Felony	205	275
Criminal: Misdemeanor	452	334
Discrimination	62	64
Divorce/Dissolution/Custody	1877	1570
Eminent Domain	6	-
Environmental	3	11
Foreign Language	2	6
Guardian/Conservator	27	43
Immigration	-	-

Insurance  
 Labor Relations  
 Landlord/Tenant  
 Malpractice  
 Military  
 Mining  
 Negligence  
 Patent/Copyright  
 Public Interest  
 Real Estate  
 SSI Cases  
 Tax  
 Traffic  
 Trusts/Wills/Estates  
 Workers' Compensation

117	73
726	636
289	250
365	334
39	29
6	5
976	843
31	-
-	-
272	234
154	3
31	31
122	84
204	187
263	294
7,596	6,654
- 22% (Change from 1997)	-12% (Change from 1998)

At the request of Judge Wanamaker of the Alaska Court System, the Board of Governors agreed to a pilot project adding a page to the Bar's website, listing lawyers who take landlord-tenant cases. This will be a simple listing, with members of the public able to contact any lawyer on the list. There is no referral fee charged to the lawyer, beyond the initial \$20 to sign up. The Board agreed to do this as a public service, since the court system gets over 2,000 landlord-tenant cases a year.

## **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. Judge David C. Stewart chaired the committee in 1999.

#### **2. The Disciplinary Hearing Committees**

There are three area discipline divisions, one in the First Judicial District, one in the Third 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 Chief Justice of the Alaska Supreme Court 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 Chief Justice 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 or herself 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 Mediation Panel**

Bar counsel may, with the consent of the attorney and the client or other person involved in a dispute, refer a matter to a mediation panel consisting of individuals qualified under guidelines set by the Board. Matters likely to result in disbarment, suspension or probation or which involve dishonesty or material misrepresentation may not be referred to mediation.

A mediator will have the power to mediate disputes and to end a mediation if he or she determines that further efforts would be unwarranted or the matter is inappropriate for mediation. The mediator may refer the attorney to a lawyer's assistance program. Proceedings are informal and confidential and the mediator does not have the authority to subpoena or to impose a resolution upon the parties. If a resolution is reached, the mediator will prepare a written agreement for signature by the parties which will be enforceable as any other civil contract.

The mediator will prepare a written report to bar counsel containing a summary of the dispute, the contentions of the parties, any agreements which may have been reached and any matters in which agreement was not reached. An attorney has a duty to confer expeditiously with the mediator and the other parties to the mediation and to cooperate in good faith with the mediator to resolve the dispute. However, failure to participate in good faith has been dropped as a basis for discipline.

### **4. The Attorney Fee Dispute Review Committee**

The Bar Association, under the Alaska Bar Rules, maintains an Attorney Fee Dispute Review Committee to hear 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 \$5000 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. The parties may agree to mediation as an alternative. If mediation is successful, the fee arbitration is closed; if not successful, fee arbitration will proceed. In general, the attorney must file an answer to the petition within 20 days of the notice of the accepted petition unless the matter is settled.

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 on limited grounds 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 Bar 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 Executive 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 or other rules to Bar Counsel for disciplinary investigation, including instances in which attorneys have substantial numbers of fee arbitrations filed against them. They also determine whether a matter should be considered "complex" arbitration (*e.g.*, more than \$50,000 in dispute, complex legal or factual issues or a hearing likely to last more than 8 hours). This finding generally requires the parties to pay the reasonable fees and costs of the proceeding.

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

### **1999 FEE ARBITRATION STATISTICS**

Arbitrations pending January 1, 1999	65
Arbitrations <u>opened</u> during 1999 (+)	87
Arbitrations <u>closed</u> in 1999 (-)	103
Arbitrations pending January 1, 2000	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 yearly assessments on active members paid at the same time as membership dues as well as interest earned on the Fund balance.

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 at least 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 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 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 subrogate the amount of the claim to the Bar Association so that the Bar may, in its discretion, bring suit against 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.

## 1999 LFCP Report

Case Number	Claim(s) Paid by Board	Claim(s) Rejected by Board	Claim(s) Rejected by LFCP Committee
1999L001		\$1000	
1999L002	\$250.00		
1999L004	\$525.50		
1999L003			\$20,000 (Lawyer had repaid claimant \$21,353.20)
<b>Totals</b>	<b>\$775.50</b>	<b>\$1000</b>	<b>\$20,000</b>

At the close of 1999, four (4) claims were pending consideration by the LFCP Committee.

John E. Duggan 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 Alaska Legal Services Corporation may receive permission to practice law in Alaska, indefinitely, as long as the attorney is working for ALSC and is admitted to or eligible to practice law in another state, and has not failed the Alaska Bar Examination. The permission to practice will 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. Waiver to Practice Law for Staff Judge Advocates

An amendment to Rule 43.1 changed the title of this rule to "Waiver to Practice Law for Staff Judge Advocates." The rule allowed military lawyers to represent military clients in state courts. As amended, it also now allows military lawyers to handle cases under the Alaska Pro Bono Program. This amendment assists the Pro Bono Program by enabling it to assign pro bono cases to volunteer lawyers in the armed services. The amendment also eliminated the provision concerning the advisory council which was essentially unnecessary with the proposed revision. The lawyer must be an active duty member of the United States Armed Forces assigned to the Judge Advocate General Program, or the United States Coast Guard and admitted to practice, or eligible to be admitted to practice law, in another state, territory or the District of Columbia. The waiver is for a period of two years.

**B. The Substantive Law Sections**

The Alaska Bar Association in 1999 has twenty-one active Substantive Law Sections of member attorneys and non-bar members with similar interests in a particular area of law.

The Sections and Chairs and Co-Chairs for 1999 follow:

**Administrative Law**

June 30-1998 - June 30, 1999

Teresa Williams

June 30, 1999 - June 30, 2000

Elizabeth Hickerson

**Admiralty Law**

June 30, 1998 - June 30, 1999

Steve Shamburek

June 30, 1999 - June 30, 2000

Steve Shamburek

<b>Alaska Native Law</b> June 30, 1998 - June 30, 1999 Jacqueline Luke	June 30, 1999 - June 30, 2000 Through November 30 - Dennis Eamick Remainder of Term - Dennis Voluck
<b>Alternate Dispute Resolution</b> June 30, 1998 - June 30, 1999 Glenn Cravez (Susanne DiPietro served as Acting Chair Nov/Dec 1998)	June 30, 1999 - June 30, 2000 Glenn Cravez
<b>Bankruptcy Law</b> June 30, 1998 - June 30, 1999 Dianne Vallentine & Gary Sleeper	June 30, 1999 - June 30, 2000 Dianne Vallentine & Gary Sleeper
<b>Aviation Law</b>	<b>Formed in April 1999</b> June 30, 1999- June 30, 2000 Rick DeYoung
<b>Business Law</b> June 30, 1998 - June 30, 1999 John Tindall	June 30, 1999 - June 30, 2000 Bob Hume & Krista Stearns
<b>Corporate Counsel</b> June 30, 1998 - June 30, 1999 Peter Giannini & John Hoffer	June 30, 1999 - June 30, 2000 Marc Bond & Marcia Davis
<b>Criminal Defense</b> June 30, 1998 - June 30, 1999 Mike Smith	June 30, 1999 - June 30, 2000 <i>In process of restructuring</i>
<b>Criminal Prosecution</b> June 30, 1998 - June 30, 1999 Karen Loeffler & Bob Linton	<i>Inactive after June 1999</i>
<b>Education Law</b>	<i>Inactive after June 1998</i>
<b>Elder Law</b> June 30, 1998- June 30, 1999 Una Gandbhir & Katherine Altenedor	June 30, 1999- June 30, 2000 Una Gandbhir & Katherine Altenedor
<b>Employment Law</b> June 30, 1998 - June 30, 1999 Barbara Jones & Tom Daniel	June 30, 1999 - June 30, 2000 Barbara Jones & Tom Daniel
<b>Environmental/ Natural Resources Law</b> June 30, 1998 - June 30, 1999 Randal Buckendorf	June 30, 1999 - June 30, 2000 Joe Loescher & J.P. Tangen
<b>Estate Planning/Probate Law</b> June 30, 1998 - June 30, 1999 Tonja Woelber	June 30, 1999 - June 30, 2000 Brian Durrell
<b>Family Law</b> June 30, 1998 - June 30, 1999 Dan Callahan, Lynda Limon & Janet Platt	June 30, 1999 - June 30, 2000 Dan Callahan, Lynda Limon & Janet Platt
<b>Gender Equality</b>	<b>Formed in April 1999</b> June 30, 1999 - June 30, 2000 Justice Dana Fabe, Judge Patricia Collins & Bob Bundy
<b>Immigration Law</b> June 30, 1998 - June 30, 1999 Kathy Atkinson & Mara Kimmel	June 30, 1999 - June 30, 2000 Kathy Atkinson & Mara Kimmel

<b>Intellectual Property Law</b>	
June 30, 1998 - June 30, 1999	June 30, 1999 - June 30, 2000
Valli Goss Fisher	Valli Goss Fisher
<b>International Law</b>	<i>Inactive after June 1998</i>
<b>Public Interest Law</b>	<b>Formed in December 1999</b>
	June 30, 1999 - June 30, 2000
	Katherine Altenedor
<b>Real Estate Law</b>	
June 30, 1998 - June 30, 1999	June 30, 1999 - June 30, 2000
Jim Stanley	Jim Stanley
<b>Solo &amp; Small Firms</b> (formerly Law Practice Management)	
June 30, 1998 - June 30, 1999	<i>Inactive after June 1999</i>
Art Robson	
<b>Tax Law</b>	
June 30, 1998 - June 30, 1999	June 30, 1999 - June 30, 2000
Charles Schuetze	Charles Schuetze
<b>Torts/Personal Injury Law</b> (formerly Torts)	
June 30, 1998 - June 30, 1999	June 30, 1999 - June 30, 2000
Ward Merdes	Michaela Kelly Canterbury, Acting Chair
<b>Workers' Comp</b>	<b>Formed December 1999</b>
	June 30, 1999 - June 30, 2000
	Joe Kalamarides

The twenty-one active 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. This is mailed to members and is also on our website.
- 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, 1999, 1,523 bar members and 66 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. These "Updates" are submitted to the Bar each spring prior to the Annual Convention, are distributed to section members, published on the Bar website, and 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 section "Annual Update," 3) sponsor a CLE seminar at least once every two 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. The listing of section chairs, the "Annual Updates," and the current issue of Section News are available on the Alaska Bar Association website.

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. Other sections meet on an "as needed" basis depending on developments within their area of interest.

All substantive law sections are required to meet in a location that will allow teleconferencing for members outside of Anchorage or the city of meeting origin. The Alaska Bar covers the cost of such teleconferencing.

Following a campaign to alert Bar members about this expanded service, telephonic participation in section meetings has increased dramatically.

Section News is produced monthly in-house through desktop publishing, and we routinely remind members via the News that teleconference capability for meetings is available at no charge to all section members.

In 1999, we began to compile a database of e-mail addresses for section members, and use e-mail to remind members of meetings and upcoming CLEs.

Section chairs routinely distribute information and case citations to members to help keep them keep current in their area of practice. Section meetings with formal presentations and course materials are eligible for CLE accreditation by the Alaska Bar.

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. This Committee of fifteen Bar members is responsible for working with the CLE Director in overseeing the presentation of substantive legal education programs. The goal of these programs is 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 or purchase. In addition, Lexis Law Publishing publishes a separate volume entitled "Alaska Legal Ethics Opinions and Rules Governing the Legal Profession." Finally, the Bar Association is completing plans to place all Ethics Opinions on line at the Bar's website, <http://www.alaskabar.org>. Opinions from 1990 forward are available on the Alaska Court System's website, <http://www.alaska.net/~akctlib/ethop.htm>.

Additionally, Bar Counsel may give informal ethics advice to practitioners who request assistance. The Bar Counsel and Assistant Bar Counsel field over 800 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. A subcommittee focused on selecting materials to be displayed in the display cases in the Jury Assembly room and courthouse. The committee worked with UAA to set up a graduate level history course with a goal of an exhibition in the display cases in the courthouse, using archive materials. The 2<sup>nd</sup> Annual gathering of lawyers who practiced law in Alaska in Territorial times was in June. Leroy J. Barker chairs this committee.

#### **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.

The Anchorage subcommittee worked with Stellar High School and the Anchorage Police Department on a mock criminal case and trial through which students earned high school credit. The course involved the creation and exploration of a mock homicide case over an entire school quarter.

#### **6. Pro Bono Service Committee**

This 9 member committee, chaired by Mark Rindner, 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. The committee functioned as one of the six subcommittees to the Access to Civil Justice Task Force, involving issues relating to the delivery of pro bono services.

#### **7. Lawyers' Assistance Committee**

John Abbott chairs this committee (formerly known as 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 counseling 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.

Finally, on referral from the Board of Governors, the Committee will interview applicants for admission who may have substance abuse problems and report back to the Board.

#### **8. 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, Maine, Montana, Nevada, New Hampshire, North Dakota, South Carolina, South Dakota, Vermont, West Virginia, Wyoming, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. 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.

Previously, in order to be eligible for coverage by the company, Alaskan lawyers were required to contribute \$2,200 as their capital share. In 1997, ALPS dropped the requirement for attorneys to make a capital contribution before they are eligible for coverage. 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 States West.

#### **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 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 134 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 48%; Alaska Bar Association 12%. The revenue to the Alaska Bar Association in 1998 was \$7,024.

#### **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 1999, the Board of Trustees consisted of five active members of the Bar: President Leroy J. Barker, Winston S. Burbank, William T. Council, Kenneth P. Eggers and Eric T. Sanders. Two new non-attorney positions were created on the Board of Trustees, one position being a member of the Alaska business community and one being a member of the Alaska public citizenry at large. Bill Granger, Senior Vice President of NBA, and Susan Beeler Queary, CPA, filled these positions.

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 former 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, non-interest-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.

When the Code of Professional Responsibility was replaced by the Alaska Rules of Professional Conduct in 1993, the language of the IOLTA requirements was updated and incorporated into Alaska Rule of Professional Conduct 1.15.

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 \$285,403 from interest in 1999.

In 1999 the Foundation made the following grants: \$180,000 to the Alaska Pro Bono Program; \$7,500 to Catholic Social Services; \$7,500 to the North Star Youth Court; \$5,250 to the Alaska Women's Resource Center; \$4,000 to the Kodiak Youth Services Center; \$3,750 to the Court Watch Program; \$3,500 to the Anchorage Bar Young Lawyers Section; \$2,500 to Kenai Youth Court; \$2,000 to Court Appointed Special Advocates (CASA); \$1,500 to the Mock Trial Team; and \$250 to Alaska School Activities.

## **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.

In the spring, the Board sent out RFPs for law schools to publish the Alaska Law Review. The Board received three proposals, from Duke Law School, Northwestern School of Law at Lewis & Clark College, and Seattle University School of Law. The Board met with representatives of the three schools at their August meeting. The Board decided to renew its contract with Duke for another term.

## **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 1999 were Michael P. McConahy, 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 1999 was Douglas B. Bailly.

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 1998, Paul J. Ewers, Geoffrey G. Currall 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 1998 Ninth Circuit Conference, the representatives were Mary K. Hughes, Brian Doherty, Morgan Christen and Carl J.D. Bauman.

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. James D. Linxwiler is the current representative. He 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 4 contains the year end monthly report on the 1999 income and expense budget for the Association. The 1999 report reflects a total revenue of \$1,909,478 with total expenses of \$1,820,487 for a net gain of \$89,000.

This was the first full year in which the Bar accepted credit cards for Bar transactions. For the first year of operation, total credit card payments were \$76,000, or 17% of total transactions.

The new dues statement included a line to make a contribution to ALSC. Contributions in 1999 to ALSC through the dues notice were \$6,376.

G:\ADMIN\MANUL\Annual Report.DOC

# **Appendix 1**



# ALASKA BAR ASSOCIATION

David C. Stewart  
303 "K" Street, Room 426  
Anchorage, AK 99501  
May 10, 1999

William B. Schendel  
President, Board of Governors  
Alaska Bar Association  
Post Office Box 100279  
Anchorage, AK 99510

Dear Mr. Schendel:

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 23, 24, and 25, 1999. Copies 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) are available for review. A copy of the Multistate Bar Examination (MBE) is also available for 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 February 1999 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.

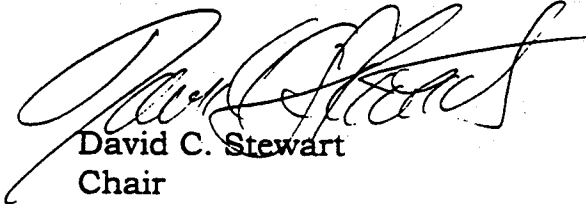
William B. Schendel  
October 16, 1998  
Page 2

The Committee read the essay and research answers during the months of March through April, 1999. The results of the February 1999 examination were certified by the Committee on May 7, 1999, after the evaluation was completed and the statistics were compiled.

Of the 66 applicants, 37 (56%) received a combined score of 140 or greater. Of the 43 first time applicants, 28 received a passing score for a first time applicant pass rate of 65%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 37 applicants achieving passing scores on the February 1999 Alaska Bar Examination be certified to the Alaska Supreme Court for membership in the Bar and admission to the practice of law in Alaska.

Respectfully submitted,

COMMITTEE OF LAW EXAMINERS

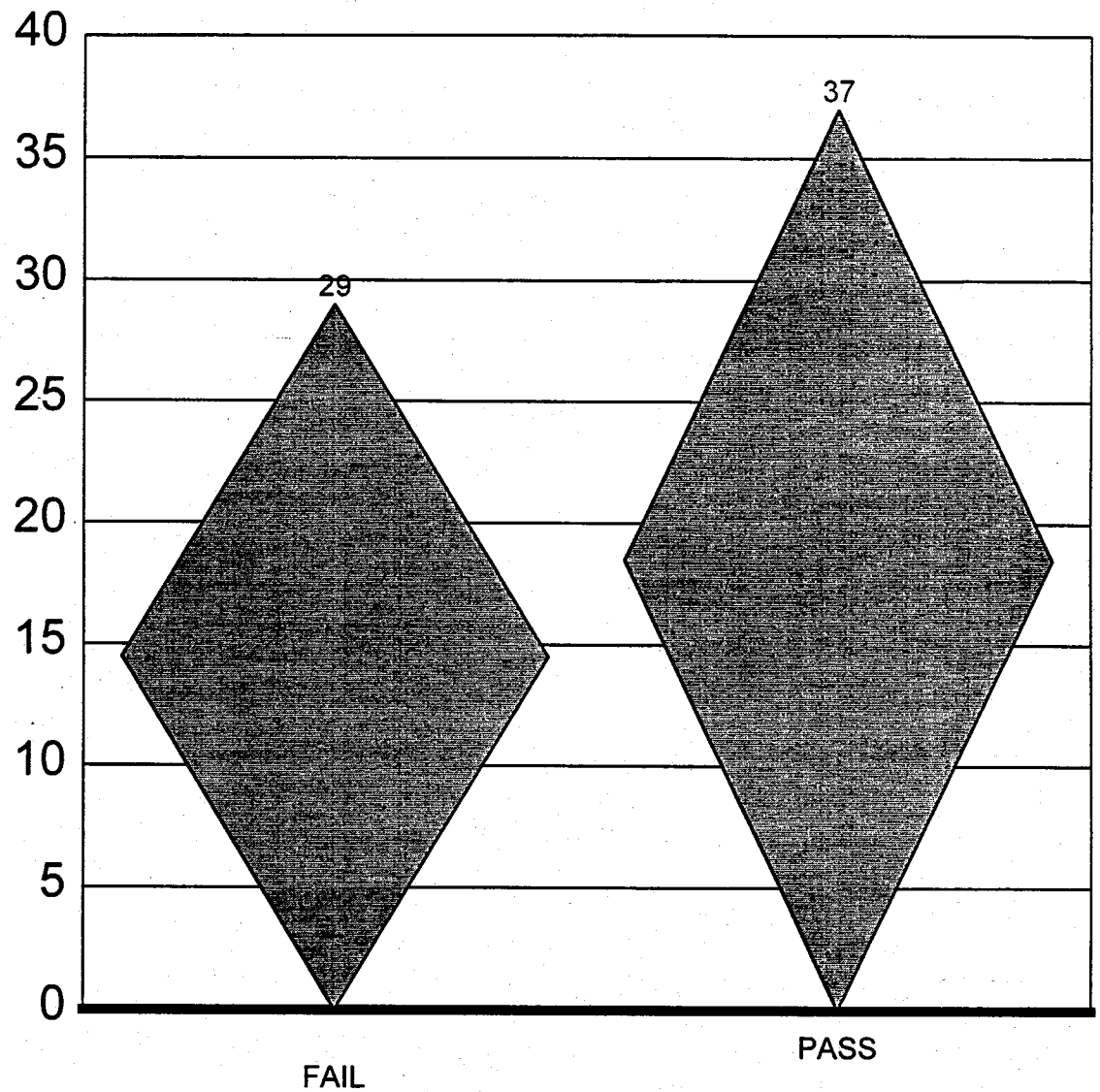


David C. Stewart  
Chair

G:\ADMIN\EXSEC\BE\FOLLOWUP\CERTMTG\CHAIR.DOC

# FEBRUARY 1999 PASS/FAIL RESULTS

COUNT

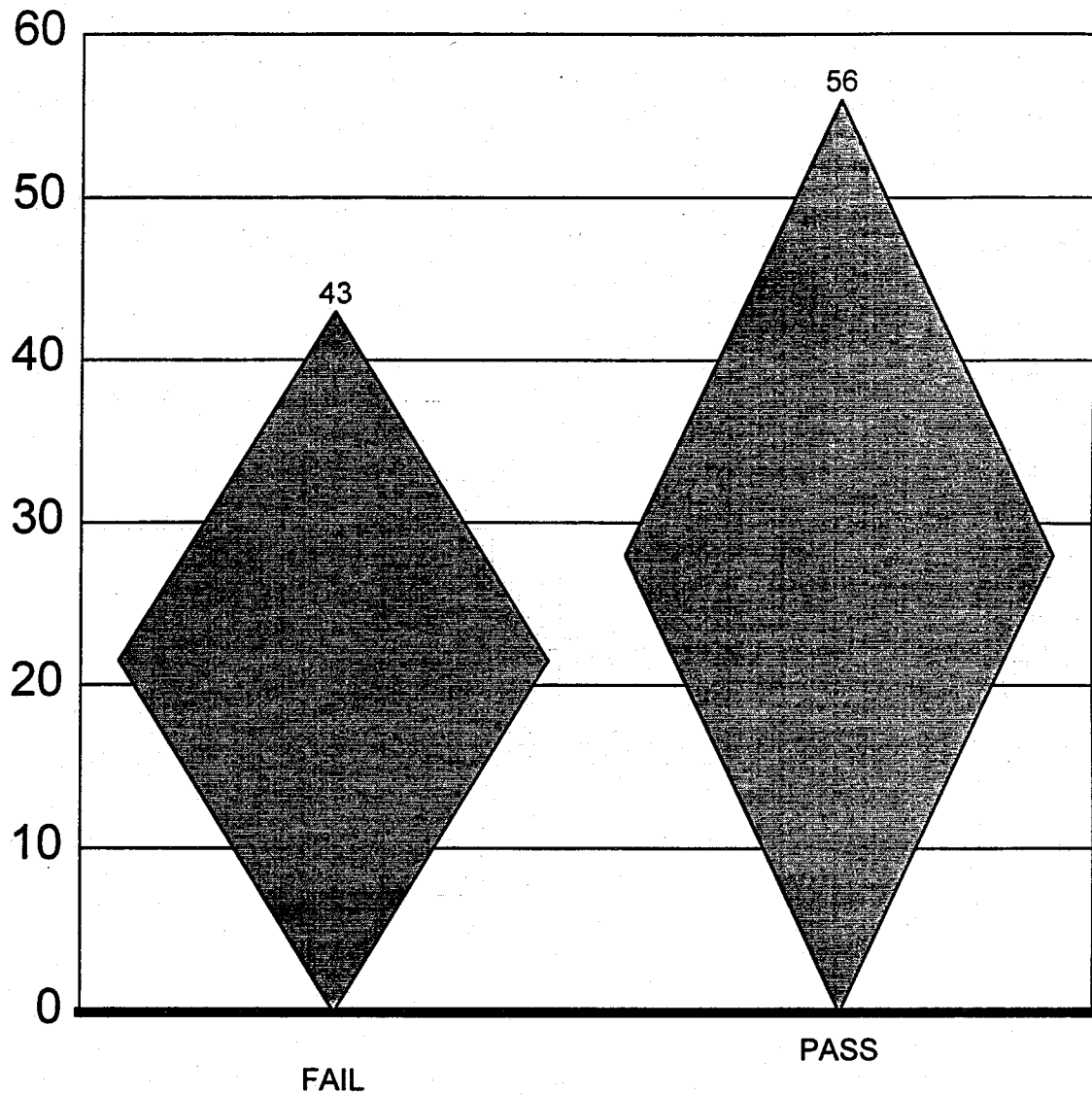


66 total applicants



# FEBRUARY 1999 PASS/FAIL RESULTS

PERCENT



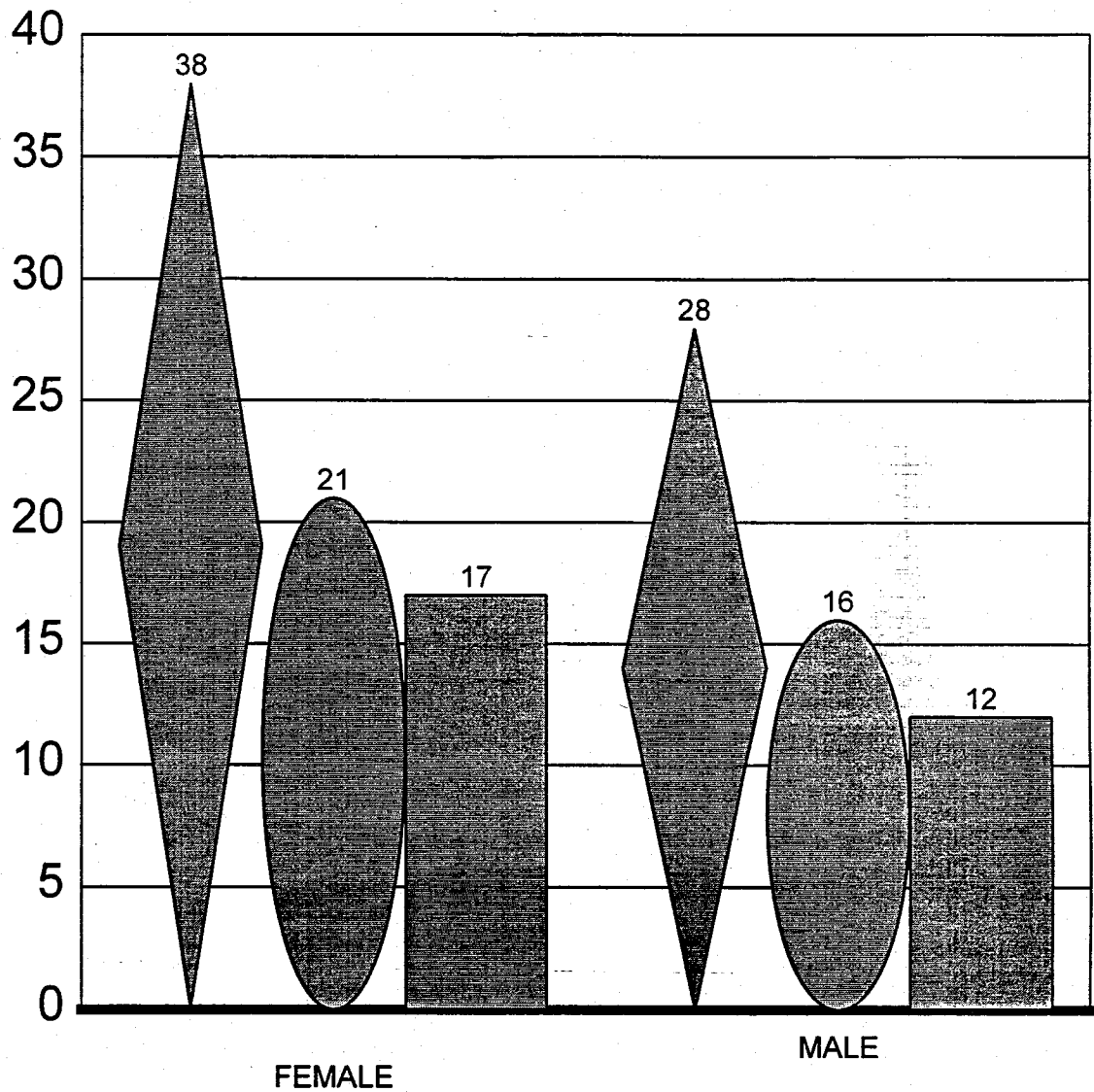
56% pass rate



Percents do not total 100 due to rounding

# FEBRUARY 1999 GENDER VS. PASS/FAIL RESULTS

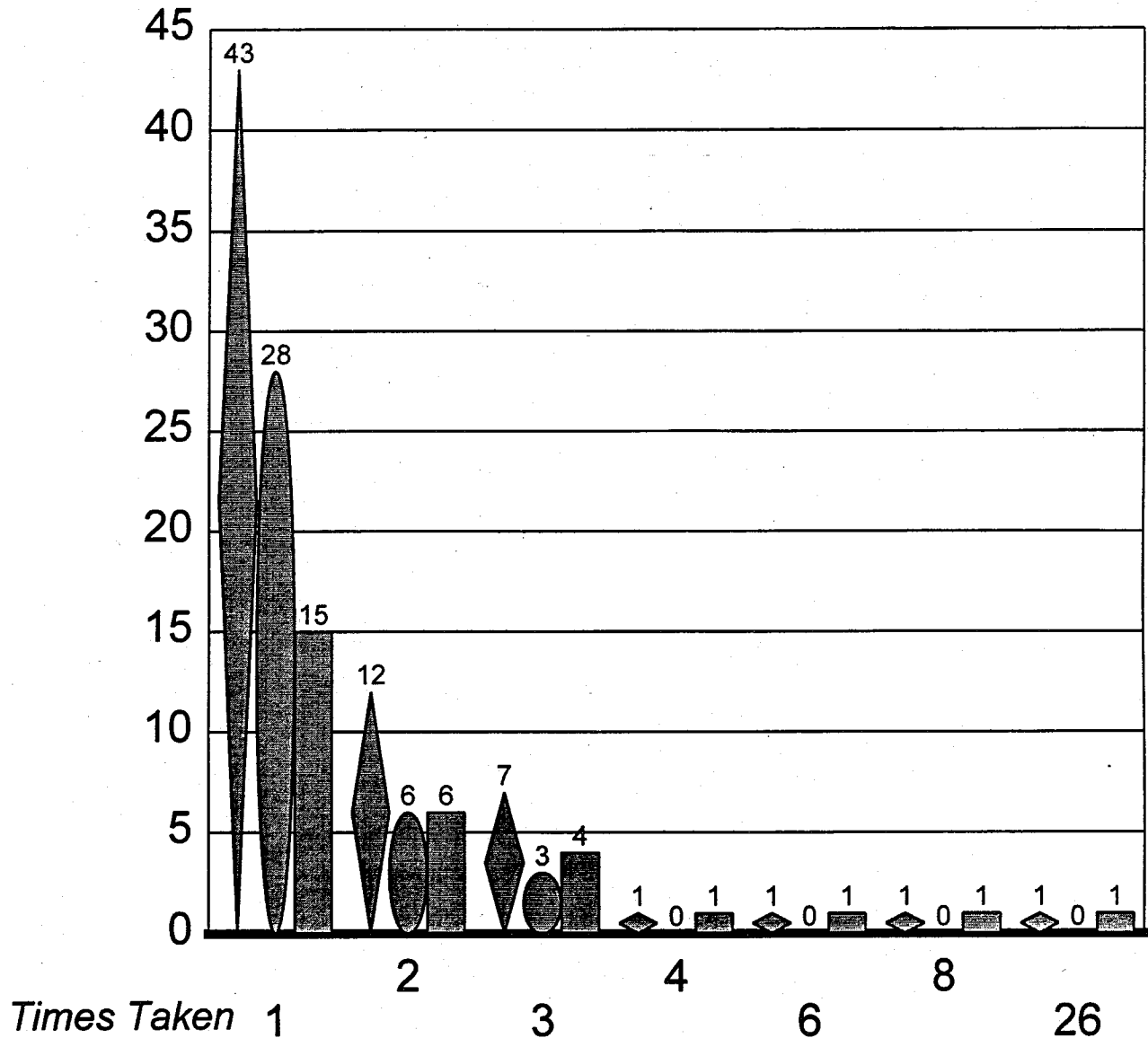
COUNT



◆ TOTAL ● PASSED ■ FAILED

# FEBRUARY 1999 NO. OF TIMES TAKEN VS. PASS/FAIL

*Applicants*



◆ Total    ● PASSED    ■ FAILED

43 1st time takers

1st time takers pass rate: 65%

# of reapplicants = 23: pass rate: 39%

## FEBRUARY 1999 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
Albany Law School	1	0	1
Arizona State University College of Law	1	0	1
California Western School of Law	1	0	1
Cleveland Marshall College of Law	1	0	1
Cornell Law School	1	1	0
Duquesne University School of Law	1	0	1
Golden Gate University School of Law	1	1	0
Gonzaga University School of Law	6	4	2
Harvard Law School	1	1	0
Hastings College of Law	1	1	0
Indiana University School of Law	1	0	1
John Marshall Law School	1	0	1
Lincoln Law School	1	0	1
Loyola University Law School	2	2	0
McGeorge School of Law	1	1	0
Northwestern School of Law	3	3	0
Oaklahoma City University School of Law	1	1	0
Rutgers University School of Law	1	0	1
Santa Clara University School of Law	2	2	0
Seattle University School of Law	5	2	3
Southern Illinois University Law School	1	0	1
Stanford Law School	2	2	0
Stetson University College of Law	1	1	0
Suffolk University Law School	1	0	1
Thomas M. Cooley Law School	1	0	1
University of Arizona College of Law	1	1	0
University of California Davis	1	1	0
University of California Los Angeles	1	1	0
University of Cincinnati College of Law	1	1	0
University of Idaho School of Law	1	0	1
University of Iowa College of Law	1	1	0
University of Kentucky	1	0	1
University of Montana	1	0	1
University of New Mexico School of Law	4	2	2
University of North Dakota Law School	2	1	1
University of Oregon School of Law	3	2	1
University of Toledo College of Law	1	1	0
University of Washington School of Law	2	2	0
University of Wyoming College of Law	3	1	2
Walter F. George School of Law	1	0	1
Willamette University College of Law	3	1	2

TOTAL SCHOOLS 41

## FEBRUARY 1999 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
006 Gonzaga University School of Law	6	4	2
005 Seattle University School of Law	5	2	3
004 University of New Mexico School of Law	4	2	2
003 Willamette University College of Law	3	1	2
003 University of Wyoming College of Law	3	1	2
003 University of Oregon School of Law	3	2	1
003 Northwestern School of Law	3	3	0
002 University of Washington School of Law	2	2	0
002 University of North Dakota Law School	2	1	1
002 Stanford Law School	2	2	0
002 Santa Clara University School of Law	2	2	0
002 Loyola University Law School	2	2	0
001 Walter F. George School of Law	1	0	1
001 University of Toledo College of Law	1	1	0
001 University of Montana	1	0	1
001 University of Kentucky	1	0	1
001 University of Iowa College of Law	1	1	0
001 University of Idaho School of Law	1	0	1
001 University of Cincinnati College of Law	1	1	0
001 University of California Los Angeles	1	1	0
001 University of California Davis	1	1	0
001 University of Arizona College of Law	1	1	0
001 Thomas M. Cooley Law School	1	0	1
001 Suffolk University Law School	1	0	1
001 Stetson University College of Law	1	1	0
001 Southern Illinois University Law School	1	0	1
001 Rutgers University School of Law	1	0	1
001 Oklahoma City University School of Law	1	1	0
001 McGeorge School of Law	1	1	0
001 Lincoln Law School	1	0	1
001 John Marshall Law School	1	0	1
001 Indiana University School of Law	1	0	1
001 Hastings College of Law	1	1	0
001 Harvard Law School	1	1	0
001 Golden Gate University School of Law	1	1	0
001 Duquesne University School of Law	1	0	1
001 Cornell Law School	1	1	0
001 Cleveland Marshall College of Law	1	0	1
001 California Western School of Law	1	0	1
001 Arizona State University College of Law	1	0	1
001 Albany Law School	1	0	1

Total Schools: 41

---

# ALASKA BAR

---

## A S S O C I A T I O N

David C. Stewart  
303 "K" Street, Room 426  
Anchorage, AK 99501  
October 21, 1999

Kirsten Tinglum  
President, Board of Governors  
Alaska Bar Association  
Post Office Box 100279  
Anchorage, AK 99510

Dear Ms. Tinglum:

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 27, 28, and 29, 1999. Copies 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) are available for review. A copy of the Multistate Bar Examination (MBE) is also available for review. This letter shall constitute the written report of the Committee of Law Examiners pursuant to Rule 4.

A total of 60 applicants participated in the July 1999 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.

Kirsten Tinglum  
October 21, 1999  
Page 2

The Committee read the essay and research answers during the months of August through September, 1999. The results of the July 1999 examination were certified by the Committee on October 21, 1999, after the evaluation was completed and the statistics were compiled.

Of the 60 applicants, 36 (60%) received a combined score of 140 or greater. Of the 46 first time applicants, 32 received a passing score for a first time applicant pass rate of 70%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 36 applicants achieving passing scores on the July 1999 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

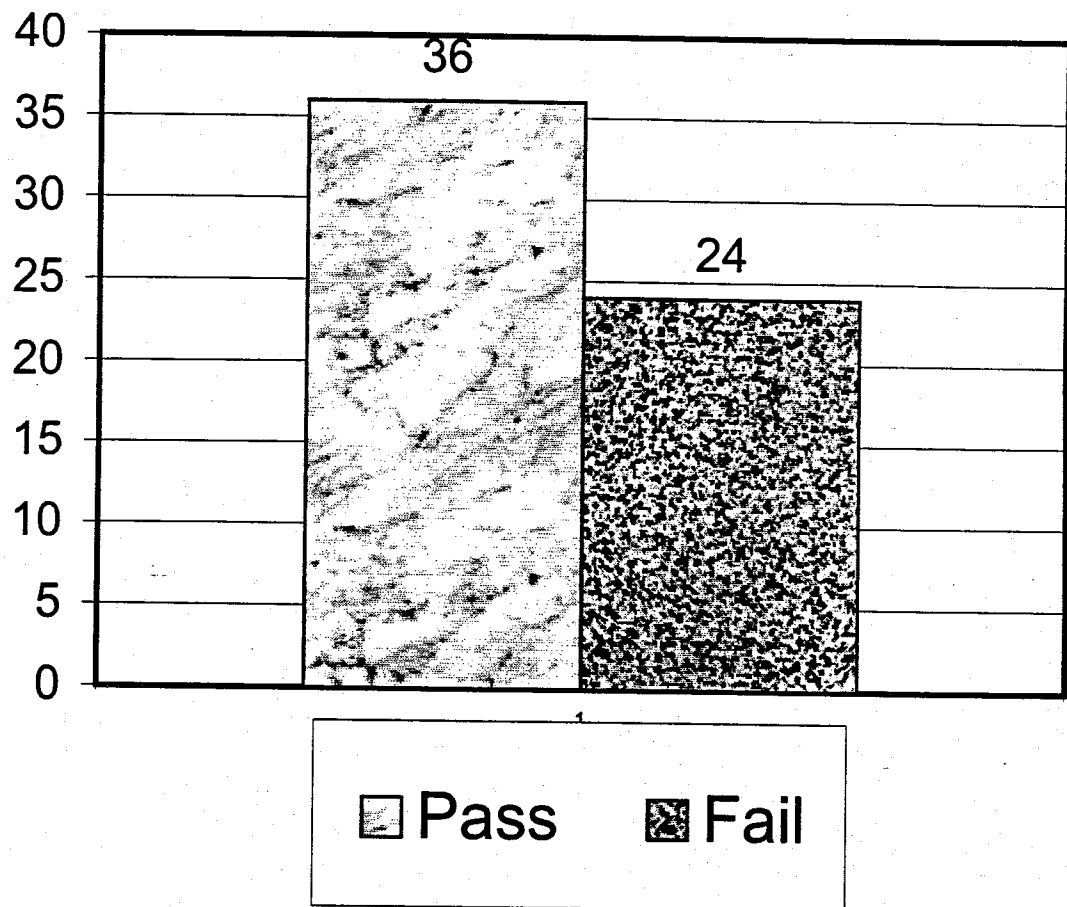
A handwritten signature in dark ink, appearing to read "David C. Stewart", written over a horizontal line.

David C. Stewart  
Chair

G:\ADMIN\EXSEC\BEFOLLOWUP\CERTMTG\CHAIR.DOC

**JULY 1999**

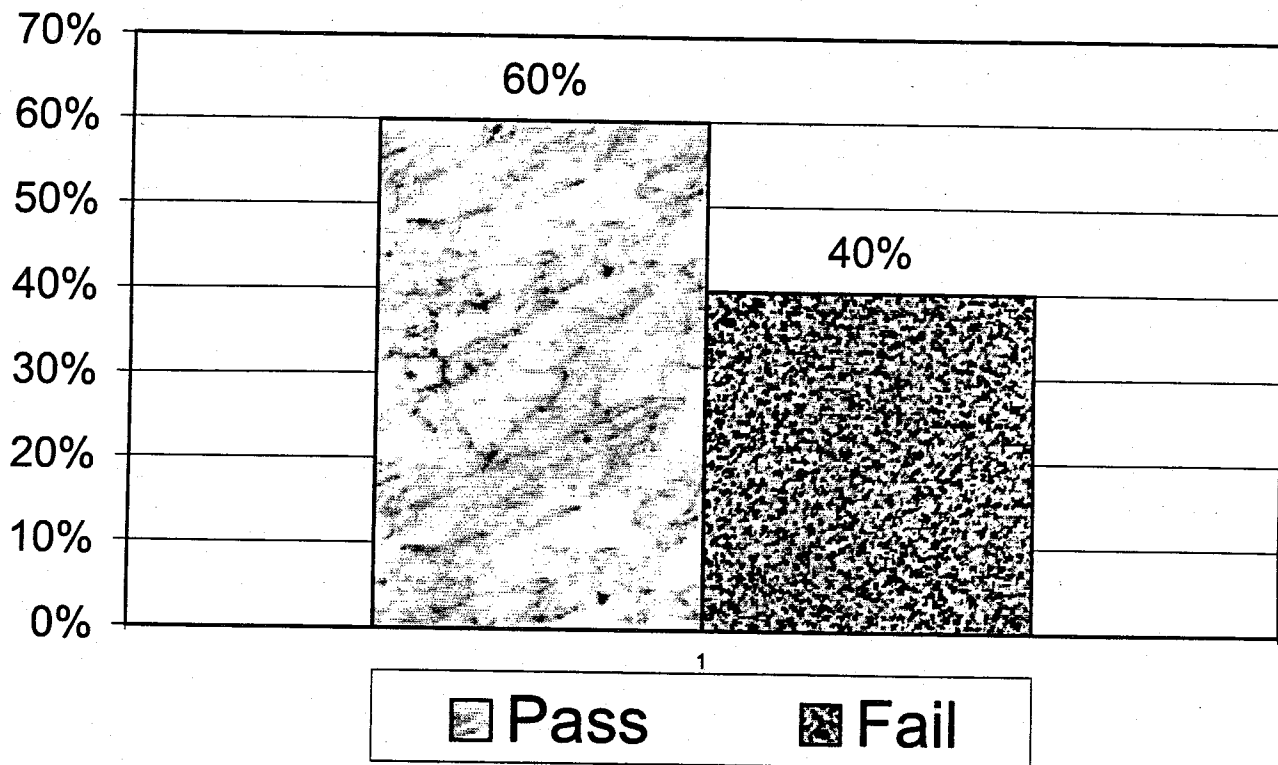
**PASS / FAIL RESULTS**



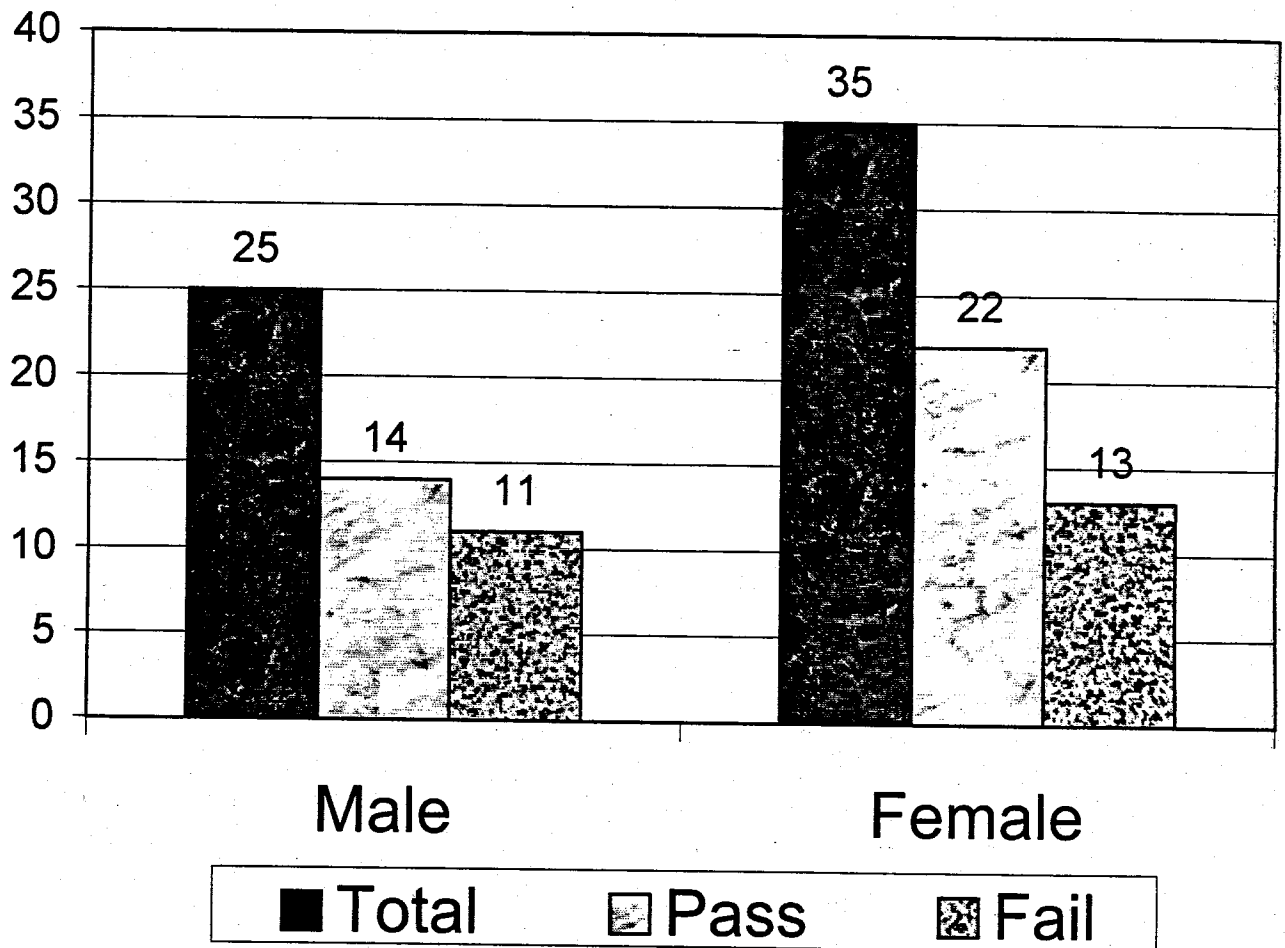
**60 TOTAL APPLICANTS**

**JULY 1999**

**PASS / FAIL %**



# **JULY 1999 GENDER PASS / FAIL RESULTS**

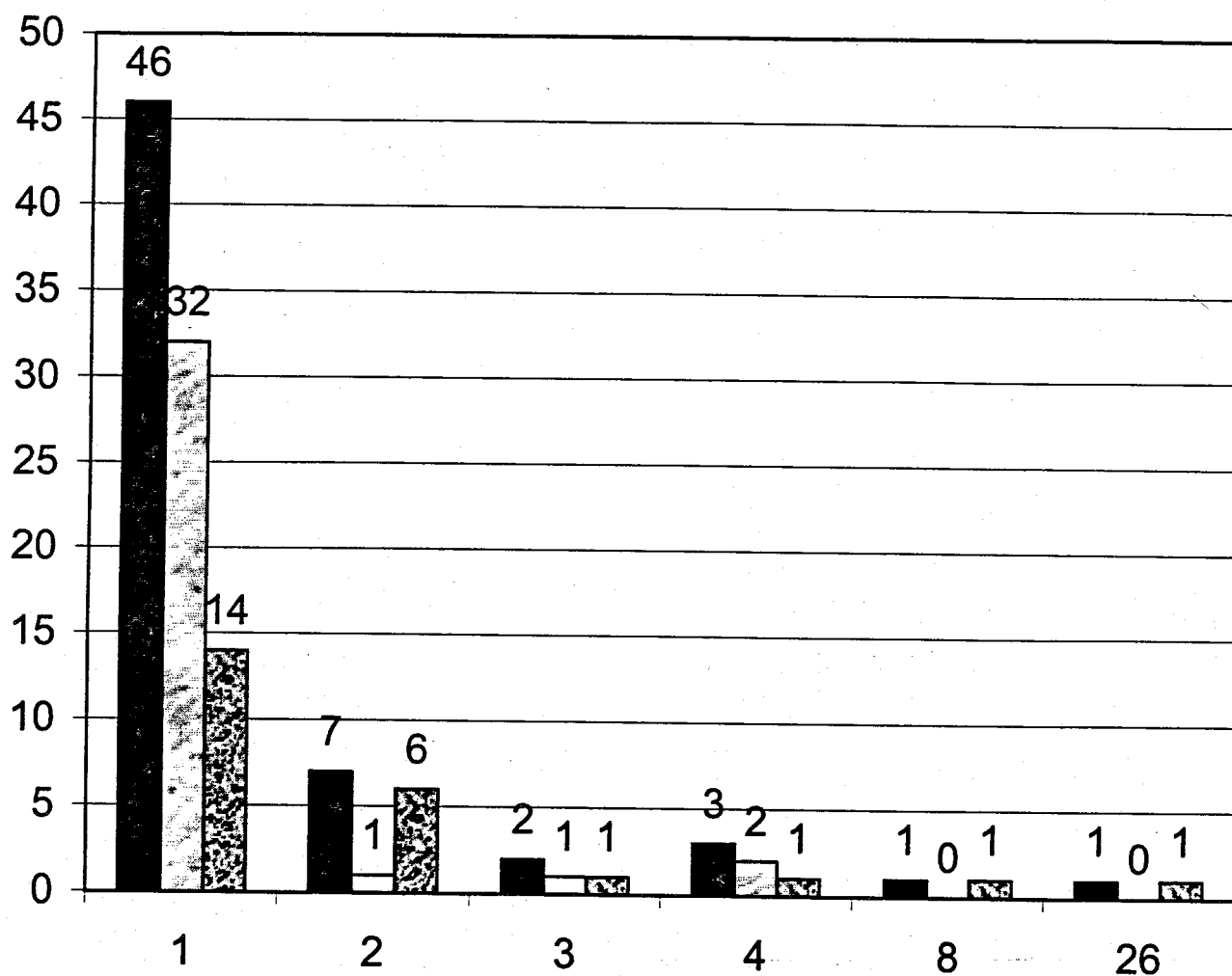


**MALE - 56% PASS RATE**

**FEMALE - 63% PASS RATE**

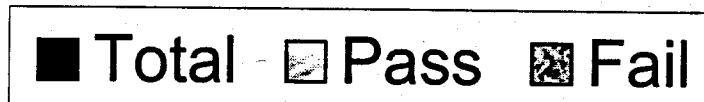
# JULY 1999 - TIMES TAKEN

## PASS / FAIL RESULTS



### TIMES TAKEN

1ST TIME TAKERS PASS RATE: 70%



## JULY 1999 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
Albany Law School	1	1	0
Boston University School of Law	1	0	1
Cleveland Marshall College of Law	2	0	2
Cornell Law School	2	2	0
Duke University School of Law	1	1	0
Fordham University School of Law	1	1	0
Gonzaga University School of Law	4	1	3
Hamline University School of Law	1	0	1
Harvard Law School	1	1	0
John Marshall Law School	1	0	1
McGeorge School of Law	1	1	0
Northwestern School of Law	2	2	0
Regent University School of Law	1	0	1
Rutgers University School of Law	1	0	1
Seattle University School of Law	5	2	3
Southern Illinois University	1	1	0
Southwestern University School of Law	1	0	1
St. Louis School of Law	1	1	0
Stanford University Law School	1	1	0
Suffolk University Law School	1	0	1
Temple University School of Law	1	0	1
University of California Berkeley	1	1	0
University of Michigan Law School	3	3	0
University of Minnesota School of Law	1	1	0
University of Missouri School of Law	1	0	1
University of Montana School of Law	1	0	1
University of New Mexico School of Law	3	1	2
University of North Dakota School of Law	1	0	1
University of Oregon School of Law	1	1	0
University of Pennsylvania Law School	1	1	0
University of Washington School of Law	3	3	0
University of Wyoming College of Law	1	1	0
Vermont Law School	2	1	1
Walter F. George School of Law	1	1	0
Washington College of Law	1	1	0
Willamette University College of Law	8	6	2

TOTAL SCHOOLS 36

## JULY 1999 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
008 Willamette University College of Law	8	6	2
005 Seattle University School of Law	5	2	3
004 Gonzaga University School of Law	4	1	3
003 University of Washington School of Law	3	3	0
003 University of New Mexico School of Law	3	1	2
003 University of Michigan Law School	3	3	0
002 Vermont Law School	2	1	1
002 Northwestern School of Law	2	2	0
002 Cornell Law School	2	2	0
002 Cleveland Marshall College of Law	2	0	2
001 Washington College of Law	1	1	0
001 Walter F. George School of Law	1	1	0
001 University of Wyoming College of Law	1	1	0
001 University of Pennsylvania Law School	1	1	0
001 University of Oregon School of Law	1	1	0
001 University of North Dakota School of Law	1	0	1
001 University of Montana School of Law	1	0	1
001 University of Missouri School of Law	1	0	1
001 University of Minnesota School of Law	1	1	0
001 University of California Berkeley	1	1	0
001 Temple University School of Law	1	0	1
001 Suffolk University Law School	1	0	1
001 Stanford University Law School	1	1	0
001 St. Louis School of Law	1	1	0
001 Southwestern University School of Law	1	0	1
001 Southern Illinois University	1	1	0
001 Rutgers University School of Law	1	0	1
001 Regent University School of Law	1	0	1
001 McGeorge School of Law	1	1	0
001 John Marshall Law School	1	0	1
001 Harvard Law School	1	1	0
001 Hamline University School of Law	1	0	1
001 Fordham University School of Law	1	1	0
001 Duke University School of Law	1	1	0
001 Boston University School of Law	1	0	1
001 Albany Law School	1	1	0

Total Schools: 36

# **Appendix 2**



**Alaska Bar Association  
1999 CLE Calendar**

(NV) denotes No Video

<b>Program #, Date &amp; CLE Credits</b>	<b>Program Title</b>	<b>Program Location</b>	<b>In Cooperation With</b>	<b>Section</b>
#35 Various Dates 18.75 CLE Credits	Utility Finance & Accounting	Various Locations Lower 48	Financial Accounting Institute	
#12 January 13 1.5 CLE Credits Lunch Hour	Off the Record -- Anchorage (NV)	Hotel Captain Cook Anchorage	Anchorage Bar Association	
#23 January 22-23 8.5 CLE Credits Two Days	Motions That Work (NV)	Alyeska Prince Hotel Girdwood	Federal Public Defender	
#13 January 25 1.0 CLE Credits Evening	Anchorage Inn of Court - The Fine Art of Woodshedding -- Witness Preparation (NV)	Boney Courthouse Third Floor Anchorage	Anchorage Inns of Court	
#06 January 29 2.0 CLE Credits Afternoon	An Open House in the Courtroom of the Future (NV)	US Courthouse Courtroom One Anchorage	US District Court and Alaska Court System	

#28 January 29 .5 CLE Credits Lunch Meeting	Family Law Update (NV)	Kenai	Kenai Bar Association	
#26 February 12 1.0 CLE Credits Morning	Off the Record with the Supreme Court in Juneau (NV)	Centennial Hall Juneau	Juneau Bar Association	
#07 February 17 3.0 CLE Credits Morning	Business Valuations: What is it Worth?	Hotel Captain Cook Anchorage	Alaska Society of CPAs	Estate Planning & Probate, Bankruptcy, Family & Tax
#31 February 19 6.25 CLE Credits Full Day	Legal Writing (NV)	Hotel Captain Cook Anchorage	AATL	
#14 February 22 1.0 CLE Credits Evening	Anchorage Inn of Court - Guardians & Conservators (NV)	Boney Courthouse Third Floor Anchorage	Anchorage Inns of Court	
#52 February 19-20 13.0 CLE Credits Two Full Days	Coming Together of the People's Conference: Seeding Charred Ground	Wisconsin		
#30 February 22-3 12.0 CLE Credits 2 Full Days	Negotiate to Win (NV)	Campbell Creek Science Center Anchorage	Trustees for Alaska	

#27 February 23-4 6.5 CLE Credits 2 Half Days	Video Replay for Nonprofit Law (NV)	Westmark Hotel Fairbanks	United Way of the Tanana Valley	
#29 February 25-6 12.75 CLE Credits 2 Full Days	33rd Annual Air Law Symposium (NV)	Inter-Continental Hotel Dallas, Texas	SMU School of Law	
#02 February 27 21.5 CLE Credits 4 Days	Probate & Trusts (NV)	University at Sea In Brazil	University at Sea	
#05 March 2 3.5 CLE Credits Morning	Representing Aliens Affected by the Nicaraguan Adjustment & Central American Relief Act (NACARA)	Hotel Captain Cook Anchorage		Immigration Law
#18 March 4-5 11.5 CLE Credits Two Days	35th Annual Washington Nonprofit Legal and Tax Conference (NV)	Marriott Hotel Washington, D.C.	OMI	
#40 March 4-7 30.5 CLE Credits Three Days	Fierce Green Fire (NV)	Law Center Eugene, Oregon	University of Oregon School of Law	
#88 March 9 3.0 CLE Credits Afternoon	Mandatory Ethics: Professionalism in Alaska	Anchorage Hotel Captain Cook		
#24 March 10 1.0 CLE Credit Lunch Hour	Community Courts (NV)	Jury Assembly Room Nesbett Courthouse	Anchorage Bar Association	

#09 March 12 5.5 CLE Credits Full Day	The Do's & Don'ts of Complex Deposition Practice (NV)	Juneau Centennial Hall		
#15 March 15 1.0 CLE Credits Evening	Anchorage Inn of Court Advice to Clients on Litigation Strategies (NV)	Boney Courthouse Third Floor Anchorage	Anchorage Inns of Court	
#36 March 19-20 7.5 CLE Credits Two Days	Spring Education Seminar (NV)	Columbia South Carolina	NABT	
#01 March 23 7.0 CLE Credits Full Day	Tax Law/Financial Planning (NV)	University at Sea In Brazil	University at Sea	
#08 March 25-26 9.75 CLE Credits	The Impact of Domestic Violence on Your Practice (NV)	Anchorage Hilton Hotel	ANDVSA Legal Advocacy Project	
#88 March 26 3.0 CLE Credits Morning	Mandatory Ethics: Professionalism in Alaska (NV)	Fairbanks Westmark Hotel		
#03 March 26 3.25 CLE Credits	Commercial Leases: Search for Just Clauses	Anchorage Hotel Captain Cook	Real Estate Commission	Real Estate Law
#42 March 26 7.0 CLE Credits	Labor Law & Labor Arbitration (NV)	Seattle, WA	Labor Arbitration Institute	

# 88 April 13 3.0 CLE Credits Afternoon	Mandatory Ethics: Professionalism in Alaska (NV)	Juneau Centennial Hall		
#16 April 19 1.0 CLE Credits Evening	Anchorage Inn of Court (NV)	Boney Courthouse Third Floor Anchorage	Anchorage Inns of Court	
#71 April 22 - 23 11.5 CLE Credits Two Days	The Secrets of Defending Employment Lawsuits (NV)	Las Vegas, NV	The Labor Letters	
#44 April 26 1.0 CLE Credits	Nygren Alcohol Drug Seminar (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#50 April 30 7.5 CLE Credits	CINA Law Seminar (NV)	Anchorage	Alaska Public Defender Agency	
#47 May 5-6 13.5 CLE Credits	Pacific Coast Labor & Employment Law Conference (NV)	Seattle, WA	King County Bar Association	
#38 May 12 2.25 CLE Credits Half Day	Restorative Justice (NV)	Princess Hotel Fairbanks	Alaska Court System	
#701 May 12 3.75 CLE Credits Half Day	Interviewing Alaska Native Clients & Witnesses	Westmark Hotel Fairbanks	CONVENTION	

#702 May 12 2.75 CLE Credits Half Day	Science & Technology in the Courtroom (NV)	Princess Hotel Fairbanks	CONVENTION	
#703 May 13 1.0 CLE Credits Breakfast	Appellate Practice Issues (NV)	Princess Hotel Fairbanks	CONVENTION	
#704 May 13 2.75 CLE Credits Half Day	US Supreme Court Opinions (NV)	Princess Hotel Fairbanks	CONVENTION	
#705 May 13 2.25 CLE Credits Half Day	Alaska Domestic Relations Update (NV)	Princess Hotel Fairbanks	CONVENTION	
#706 May 13 2.25 CLE Credits Half Day	Legal Research (NV)	UAF Campus Fairbanks	CONVENTION	
#707 May 13 2.0 CLE Credits Half Day	New Issues in Legal Ethics (NV)	Westmark Hotel Fairbanks	CONVENTION	
#708 May 14 2.75 CLE Credits Half Day	Citizen Suits: Private Right of Action (NV)	Princess Hotel Fairbanks	CONVENTION	
#709 May 14 3.25 CLE Credits Half Day	Advanced Legal Writing Part I (NV)	Westmark Hotel Fairbanks	CONVENTION	

#710 May 14 2.5 CLE Credits Half Day	Advanced Legal Writing Part II (NV)	Westmark Hotel Fairbanks	CONVENTION	
#711 May 14 2.5 CLE Credits Half Day	Alaska: First in Trusts (NV)	Princess Hotel Fairbanks	CONVENTION	
#712 May 14 2.5 CLE Credits Half Day	Legal Research (NV)	UAF Campus Fairbanks	CONVENTION	
#17 May 17 1.0 CLE Credits Evening	Anchorage Inn of Court - Topic TBA (NV)	Boney Courthouse Third Floor Anchorage	Anchorage Inns of Court	
#43 May 19-22 27.5 CLE Credits 4 Days	All Star Litigators (NV)	Regal Alaskan Anchorage	ATLA	
#46 May 20-21 11.25 CLE Credits 2 Days	Pacific NW Health Care Compliance Institute (NV)	Seattle, WA	Health Care Compliance Association	
#37 June 1-4 25 CLE Credits 3 Full Days	25th Anniversary Conference (NV)	Boston Massachusetts	International Bar Association	
#53 June 7 1.0 CLE Credits 12 - 1 p.m.	Nygren and Treatment Provider Series (NV)	LaCasa Anchorage	Anchorage Bar Association	

#11 June 10 - 11 13.0 CLE Credits 2 Days	Estate Planning Seminar (NV)	Regal Alaska Hotel Anchorage	ALI-ABA	
#51 June 11 1.0 CLE Credits	Multi-Disciplinary Practice: The Most Important Issues to Face the Legal Profession This Century (NV)	Boney Courthouse Anchorage	Anchorage Bar Association	
#45 June 11 5.5 CLE Credits Full Day	Making Sense of the New IDEA Regulations (NV)	Hotel Captain Cook Anchorage	LRP Publications	
#55 June 14 1.0 CLE Credits 12 - 1 p.m.	Nygren Summary (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#33 June 15 2.0 CLE Credits Half Day	The Thoroughly Modern Landlord Workshop (NV)	Law Offices Fairbanks	Aschenbrenner Law Offices	
#41 June 17 2.0 CLE Credits Half Day	The Alaska Wills & Trusts Guidebook Workshop (NV)	Law Offices Fairbanks	Aschenbrenner Law Offices	
#56 June 21 1.0 CLE Credits 12 - 1 p.m	Nygren ASAP (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#40 June 22 2.0 CLE Credits Half Day	The Alaska Commercial Landlord Seminar (NV)	Law Offices Fairbanks	Aschenbrenner Law Offices	

#57 June 28 1.0 CLE Credits 12 - 1 p.m	Nygren Volunteers (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#48 July 12 1.5 CLE Credits Half Day	Navigating the Web: An Internet Workshop (NV)	San Francisco, CA	NBTA	
#34 July 13 2.0 CLE Credits Half Day	The Alaska Nonprofit Corporation Manual Workshop (NV)	Law Offices Fairbanks	Aschenbrenner Law Offices	
#20 July 14 3.5 CLE Credits Half Day	Naltrexone—The Anti-Alcohol Drug: Is This A Magic Bullet in Treating Alcohol Addiction?	Anchorage Hotel Captain Cook	Anchorage Bar Association and Alaska Bar Lawyers Assistance Committee	
#49 July 17 3.0 CLE Credits Half Day	Moderated Panel Ethics Seminar (NV)	San Francisco, CA	NBTA	
#64 July 19 1.0 CLE Credits 12:15 - 1:15 p.m.	Follow Up to the 7/14 Naltrexone CLE (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#63 July 26 1.0 CLE Credits 12:15 - 1:15 p.m.	Follow Up to the 7/14 Naltrexone CLE (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	

#65 August 1 – 3 5.25 CLE Credits Three Days	NW Regional Meeting (NV)	Coeur D'Alene Idaho	American College of Trial Lawyers	
#61 August 1 - 13 58.5 CLE Credits Two Weeks	41st NARUC Annual Regulatory Studies Program (NV)	Kellogg, MI Michigan State University	NARUC	
#85 August 2 1.5 CLE Credits	OIG Issues Advisory Bulletin on Gainsharing Arrangements (NV)	Washington, D.C.	American Health Lawyers Association	
#64 August 2 1.0 CLE Credits 12:15 - 1:15 p.m.	A Sentencing Model Ordering Naltrexone (ReVia) and Treatment Programs as a Condition of Probation (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#32 August 4 2 CLE Credits 4:30 - 6:30 p.m.	Off the Record with the 9th Circuit Court of Appeals	Museum of History & Art Anchorage	US District Court	
#78 August 7-11 15.25 CLE Credits 4 Days	Conference of Western Attorneys General (CWAG) Annual Meeting (NV)	Centennial Hall Juneau	CWAG	
#69 August 16 6.5 CLE Credits 8:30 a.m. - 5 p.m.	Federal Defender Training Group CJA Seminar (NV)	Pioneer Schoolhouse Anchorage	Federal Defender's Office	
#58 August 17 3 CLE Credits Afternoon	ALPS Ethics at Guess & Rudd (NV)	Guess & Rudd Anchorage		

#75 8/29 - 9/1 12.5 CLE Credits 3 Days	National Association of Bankruptcy Trustees (NABT) Annual Conference (NV)	North Carolina	NABT	
#68 September 10 6.5 CLE Credits 8:30 a.m. - 4:30 p.m.	Effective Appellate Advocacy in Federal Court (NV)	Federal Office Building Seattle, WA	Lane Powell Spears Lubersky	
#80 September 13 1.0 CLE Credits Evening	Inn of Court: Attorney Roger Cremo Discusses the Permanent Fund (NV)	Boney Courthouse Anchorage	Inn of Court	
#84 Sept. 13-16 19.0 CLE Credits 4 Days	Magistrates Conference (NV)	Courthouse Ketchikan	Alaska Court System	
#79 September 15 2.75 CLE Credits Half Day	What You Should Know About Administrative Law -- For Attorneys Representing Agencies and Attorneys Advocating Before An Agency (NV)	Snowden Building Anchorage	AG's Office	
#88 September 16 3.0 CLE Credits 1:30 - 4:45 p.m.	Mandatory Ethics: A Basic Program for New Lawyers in Alaska	Hotel Captain Cook Anchorage		
#67 September 16 3.0 CLE Credits 8:30 - 11:45 a.m.	The Case of the Silent Alarm: An Interactive Program Featuring Video Vignettes and Group Discussion	Hotel Captain Cook Anchorage	ALPS	

#88 September 17 3.0 CLE Credits 9 a.m. - 12:15 p.m.	Mandatory Ethics: A Basic Program for New Lawyers in Alaska (NV)	Westmark Hotel Fairbanks		
#67 September 17 3.0 CLE Credits 1:45 - 4:45 p.m.	The Case of the Silent Alarm: An Interactive Program Featuring Video Vignettes and Group Discussion (NV)	Westmark Hotel Fairbanks	ALPS	
#70 September 20 1.0 CLE Credits 12:15 - 1:15 p.m.	Alternatives to Jail for Mentally Disabled Misdemeanant (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#088 Sept. 22-24 13.5 CLE Credits 3 Days	Bond Attorneys' Workshop (NV)	Chicago, IL	National Association of Bond Attorneys	
#888 Sept. 24 3.0 CLE Credits 9 a.m. - 12:15 p.m.	Mandatory Ethics: A Basic Program for New Lawyers in Alaska (NV)	Centennial Hall Juneau		
#67 September 24 3.0 CLE Credits 1:45 - 4:45 p.m.	The Case of the Silent Alarm: An Interactive Program Featuring Video Vignettes and Group Discussion (NV)	Centennial Hall Juneau	ALPS	
#59 September 27 3.5 CLE Credits 8 a.m. - 12 noon	Wisdom in Sentencing	Hotel Captain Cook	Anch. Bar Assn. & Anch. Downtown Partnership	

#66 September 27-29 11.0 CLE Credits + 6.0 Optional CLEs 3 Days	16th Annual Pacific NW Institute on Special Education and the Law (NV)	Yakima Convention Center Washington	University of Washington School Law Division	
#76 9/29 - 10/1 5.75 CLE Credits 2 Days	National Bond Claim Association (NBCA) Annual Seminar (NV)	Kiawah Island South Carolina	NBCA	
#91 October 1-2 12.0 CLE Credits 2 Days	1999 Public Defender Agency Conference (NV)	Lake Lucille Inn Wasilla	Alaska Public Defender Agency	
#89 October 4 1.0 CLE Credits Lunch Hour	Follow Up to Wisdom in Sentencing: A Local Response to the Ideas of Judge Challeen (NV)	Nesbitt Courthouse Anchorage	Anchorage Bar Association	
#54 October 4-5 14.25 CLE Credits 2 Full Days	Estate Planning (NV)	Seattle Washington	WSBA	
#110 October 4-7 26.5 CLE Credits 3 Full Days	Magistrate's Conference (Third Judicial District) (NV)	Snowden Building Anchorage	AK Court System	
#73 October 5 2.75 CLE Credits	Civil Rule 90.3 Changes	Hotel Captain Cook Anchorage		Family Law
#25 October 8 3.75 CLE Credits Half Day	6th Annual Workers' Comp Update	Hotel Captain Cook Anchorage		Employment Law

#60 October 8 6.25 CLE Credits Full Day	Defense Counsel Seminar (NV)	Las Vegas, NV	NCMIC	
#90 October 11 1.0 CLE Credits Lunch Hour	Weed and Seed, a 1-Hour Discussion about an initiative for Northeast Muldoon	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#19 October 14 6.5 CLE Credits 8:30 a.m. - 5 p.m.	2nd Annual Intellectual Property CLE The Legal Side of Doing Business on the Internet	Hotel Captain Cook Anchorage		Intellectual Property Section
#81 October 18 1.0 CLE Credits Evening	Inn of Court: Mayor Rick Mystrom (NV)	Boney Courthouse Anchorage	Inn of Court	
#04 October 20 6.0 CLE Credits 8:30 a.m. - 5 p.m.	12th Annual Alaska Native Law Conference	Hotel Captain Cook Anchorage		Alaska Native Law Section
#101 October 21 2.75 CLE Credits Half Day	Child Protection Topics for Superior Court Masters (NV)	Boney Courthouse Anchorage	AK Court System	
#98 October 22-23 8.25 CLE Credits 1.5 Days	Reducing the Fear in Jury Selection -- Finding a Comfort Zone (NV)	Anchorage	ATLA	
#39 October 25 5.25 CLE Credits Half Day	Legal Issues in Guardianship	Providence Hospital Anchorage	ASAGA	Elder Law Section

#102 October 25-26 12.25 CLE Credits 2 Days	CINA Conference (NV)	Anchorage	Attorney General's Office	
#99 October 27-29 18.0 CLE Credits 3 Days	Persuasive Techniques for Winning Cases and Protecting Victims (NV)	Alyeska Prince Hotel Girdwood	Attorney General's Office	
#93 November 1 1.0 CLE Credits Lunchtime	Self-Habilitating Defendants ... An Oxymoron? (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#109 November 1-4 20 CLE Credits	ICWA Conference in Nome (NV)	Nome	Alaska Court System	
#107 November 2 2.5 CLE Credits	Kenai Off the Record with the Bench and Bar (NV)	Soldotna Inn Soldotna	Kenai Bar Association	
#73 November 4 2:30 - 5:30 - p.m. 2.75 CLE Credits	Update on Revisions to Child Support Guidelines (NV)	Centennial Hall Juneau		Family Law Section
#10 November 4 3.25 CLE Credits 8:30 a.m. - 12 noon	Technology in the Courtroom Part 2	Anchorage Museum Anchorage	US District Court	
#108 November 5-6 10.25 CLE Credits 2 Full Days	Annual Municipal Attorney's Conference (NV)	Soldotna Inn Kenai	AK Municipal Attorney's Association	

#104 November 8 1.0 CLE Credits Lunchtime	Pre-Trial Diversion and Probation Compliance (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#74 November 9 3.25 CLE Credits Morning	Review of the Alaska Securities Act Amendments and Alaska Regulations Update	Hotel Captain Cook Anchorage		
#97 November 10 3.25 CLE Credits Morning	Charitable Planned Giving Including the Use of Conservation Easements	Hotel Captain Cook Anchorage		Estate Planning and Probate
#100 November 10 2.5 CLE Credits Morning	SEC Town Meeting (NV)			

#105 November 15 1.0 CLE Credits Lunchtime	What Is Jail Today? (NV)	Nesbett Courthouse Anchorage	Anchorage Bar Association	
#87 November 16 3.75 CLE Credits Morning	Covenants Not to Compete in Alaska (NV)	Best Western Barratt Inn Anchorage	Lorman Business Center	
#82 November 16 1.0 CLE Credits Evening	Inn of Court: Senior US District Court Judge James Fitzgerald on the history of the Alaska Bar Association (NV)	Boney Courthouse Anchorage	Inn of Court	
#72 November 18 3.25 CLE Credits 8:30 a.m. - 12 noon	Representing Military Members	Hotel Captain Cook Anchorage		Family Law Section
#103 November 30 1.5 CLE Credits Morning	Appellate Excerpts of Record: A Practical Guide to Rule 210(c): What Do "They" Want?	Hotel Captain Cook Anchorage		
#77 December 2 - 4 12.25 CLE Credits 3 Days	American Bankruptcy Institute Winter Leadership Conference (NV)	California	ABI	
#106 December 9 3.0 CLE Credits Morning	In House Replay of ALPS' Case of the Silent Alarm (NV)	Delisio, Moran, Geraughty and Zobel Anchorage		

#83 December 13 1.0 CLE Credits Evening	Inn of Court: US Senator Ted Stevens (NV)	Boney Courthouse Anchorage	Inn of Court	
#86 December 16 6.25 CLE Credits Full Day	Collection Law in Alaska (NV)	Best Western Barratt Inn Anchorage	Lorman Business Center	

G:\CLESTANDARD\CALENDAR\clecal99.doc

# **Appendix 3**



# Alaska Pro Bono Program Profile

	Available Attorneys	Registered in 1998	Registered in 1999	Increase/Decrease	Cases Closed by APBP				1997	1998	1999	Cases Pending	
					1993	1994	1995	1996					
<b>First Judicial District</b>													
Haines	1	1	1	0		1		2		1		6	
Juneau	158	88	90	2	124	44	92	82	69	57	51	57	
Ketchikan	24	19	18	-1	10	7	8	12	7	3	5	15	
Petersburg	3	2	2	0								2	
Sitka	12	10	10	0	5	3	4	2	3	1	6	9	
Wrangell	3	2	2	0			1				1	1	
<b>Second Judicial District</b>													
Barrow	5	4	4	0		1	2		2	6	2	8	
Kotzebue	0	0	0	0	3	1	3	5	3		1	9	
Nome	6	5	5	0	13	5	11	10	6	5	11	8	
<b>Third Judicial District</b>													
Anchorage	1,161	620	623	3	804	802	814	895	888	1076	417	201	
Eagle River	6	6	6	0	1		3	3	1	2		10	
Girdwood	3	3	2	-1					5			2	
Dillingham	2	1	1	0	3		1	1	2		2	7	
Homer	11	9	9	0	24	49	39	41	38	43	15	11	
Kenai/Soldotna	24	20	21	1	27	10	5	7	15	6	35	18	
King Salmon	1	1	1	0								1	
Kodiak	17	13	13	0	57	42	51	34	41	39	25	6	
Palmer	13	10	11	1	16	7	26	32	32	7	2	6	
Seward	2	1	1	0		1	6	1			1	2	
Valdez	2	2	2	0	2		3	3				2	
Wasilla	15	12	12	0	28	10	26	52	42	9	5	15	
<b>Fourth Judicial District</b>													
Bethel	11	9	9	0	10	6	11	11	8	1	6	6	
Fairbanks	147	88	88	0	164	125	78	68	93	76	47	92	
<b>Out of State</b>		30	30	0	5	5	9	8	10	9	8	8	
<b>Totals</b>	<b>1,625</b>	<b>956</b>	<b>961</b>	<b>5</b>	<b>1,296</b>	<b>1,119</b>	<b>1,193</b>	<b>1,269</b>	<b>1,265</b>	<b>1,341</b>	<b>640</b>	<b>502</b>	

## Other Volunteers

Doctors	124
Court Reporters	81
CPA's	11
Private Investigators	11
Paralegals	23
Other	29



# **Appendix 4**

# ALASKA BAR ASSOCIATION

## STATEMENT OF FINANCIAL POSITION

December 31, 1999

ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
<b>CURRENT ASSETS</b>				
Cash	\$ 314,427	\$ 107,886	\$ 46,044	\$ 468,357
Investments	1,520,863	728,797	-	2,249,660
Accounts receivable	927,413	-	-	927,413
Accrued interest receivable	28,317	7,024	-	35,341
Due from general fund	-	26,820	-	26,820
Prepaid expenses	<u>45,534</u>	<u>-</u>	<u>-</u>	<u>45,534</u>
Total current assets	<u>2,836,554</u>	<u>870,527</u>	<u>46,044</u>	<u>3,753,125</u>
<b>PROPERTY AND EQUIPMENT, at cost</b>				
Video tape library and equipment	5,485	-	-	5,485
Office furniture, equipment and lease- hold improvements	387,466	-	-	387,466
Historical artifacts	<u>3,750</u>	<u>-</u>	<u>-</u>	<u>3,750</u>
	396,701	-	-	396,701
Less accumulated depreciation and amortization	<u>(270,510)</u>	<u>-</u>	<u>-</u>	<u>(270,510)</u>
	<u>126,191</u>	<u>-</u>	<u>-</u>	<u>126,191</u>
	<u>\$2,962,745</u>	<u>\$ 870,527</u>	<u>\$ 46,044</u>	<u>\$3,879,316</u>

LIABILITIES AND NET ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
<b>CURRENT LIABILITIES</b>				
Accounts payable and accrued expenses	\$ 59,853	\$ -	\$ -	\$ 59,853
Due to Bar Foundation	2,651	-	-	2,651
Due to other funds	26,820	-	-	26,820
Unearned dues and fees	<u>1,307,120</u>	<u>26,870</u>	<u>-</u>	<u>1,333,990</u>
Total current liabilities	<u>1,396,444</u>	<u>26,870</u>	<u>-</u>	<u>1,423,314</u>
<b>COMMITMENTS</b>				
<b>CONTINGENCIES</b>				
<b>NET ASSETS</b>				
Unrestricted				
Designated by the Board of Governors for:				
Working capital	200,000	-	-	200,000
Asset acquisition	98,865	-	-	98,865
Undesignated	<u>1,263,686</u>	<u>843,657</u>	<u>46,044</u>	<u>2,153,387</u>
	1,562,551	843,657	46,044	2,452,252
Permanently restricted	<u>3,750</u>	<u>-</u>	<u>-</u>	<u>3,750</u>
	<u>1,566,301</u>	<u>843,657</u>	<u>46,044</u>	<u>2,456,002</u>
	<u>\$2,962,745</u>	<u>\$ 870,527</u>	<u>\$ 46,044</u>	<u>\$3,879,316</u>

The accompanying notes are an integral part of these financial statements.



# ALASKA BAR ASSOCIATION

## STATEMENT OF ACTIVITIES For the Year Ended December 31, 1999

UNRESTRICTED NET ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
Revenue				
Dues	\$1,288,791	\$ 29,838	\$ -	\$1,318,629
Admission fees	189,520	-	-	189,520
Share from copier	-	-	23,435	23,435
Continuing legal education	125,540	-	-	125,540
Lawyer referral fees	76,225	-	-	76,225
Annual meeting	49,919	-	-	49,919
Earnings on investments	64,479	27,195	1,264	92,938
Other	<u>77,326</u>	<u>-</u>	<u>-</u>	<u>77,326</u>
Total unrestricted revenue	<u>1,871,800</u>	<u>57,033</u>	<u>24,699</u>	<u>1,953,532</u>
Expenses				
Admissions	169,401	-	-	169,401
Board of Governors	33,936	-	-	33,936
Discipline	586,576	-	-	586,576
Fee arbitration	54,435	-	-	54,435
Lawyer referral	52,326	-	-	52,326
Continuing legal education	290,962	-	-	290,962
Claims awarded	-	775	-	775
Administration	419,461	-	-	419,461
Annual meeting	80,051	-	-	80,051
Other	<u>133,339</u>	<u>150</u>	<u>29,488</u>	<u>162,977</u>
Total expenses	<u>1,820,487</u>	<u>925</u>	<u>29,488</u>	<u>1,850,900</u>
Increase (decrease) in unrestricted net assets	51,313	56,108	(4,789)	102,632
Net assets, beginning of year	<u>1,511,238</u>	<u>787,549</u>	<u>50,833</u>	<u>2,349,620</u>
Net assets, end of year	<u>\$1,562,551</u>	<u>\$ 843,657</u>	<u>\$ 46,044</u>	<u>\$2,452,252</u>

The accompanying notes are an integral part of these financial statements.

# ALASKA BAR ASSOCIATION

## STATEMENT OF FUNCTIONAL EXPENSES GENERAL FUND EXPENSES Year Ended December 31, 1999

	<u>Admissions</u>	<u>Board of Governors</u>	<u>Discipline</u>	<u>Fee Arbi- tration</u>
Salaries and related expenses	\$ 74,117	\$ -	\$ 431,751	\$ 39,476
Rent	19,147	250	46,123	6,202
Exam questions	6,000	-	-	-
Grading and review	24,833	-	-	-
Litigation support	450	-	3,587	-
Printing	-	248	-	-
Office supplies and expense	8,394	2,337	10,472	2,100
Telephone	522	432	1,447	371
Travel	-	16,245	6,209	-
Meeting expenses	-	5,889	-	-
Equipment lease	1,604	-	12,127	638
Postage	5,827	2,108	6,965	1,367
Copying	1,030	680	2,952	801
Accounting fees	-	-	-	-
Insurance	4,429	2,215	5,658	1,107
Repairs and maintenance	1,328	-	10,241	539
Depreciation and amortization	3,780	-	28,729	1,512
Advertising	-	-	-	-
Miscellaneous	17,940	3,532	20,315	-
Seminar costs	-	-	-	-
Newsletter	-	-	-	-
Committee expenses	-	-	-	322
Duke/Alaska Law review	-	-	-	-
Annual meeting expense	-	-	-	-
Substantive law sections	-	-	-	-
Internet web page design	-	-	-	-
Management services-Law Library copier fund	-	-	-	-
Foundation accounting services	-	-	-	-
	<u>\$ 169,401</u>	<u>\$ 33,936</u>	<u>\$ 586,576</u>	<u>\$ 54,435</u>

<u>Lawyer Referral</u>	<u>Continuing Education</u>	<u>Adminis- tration</u>	<u>Annual Meeting &amp; Other</u>	<u>Total</u>
\$ 26,866	\$ 130,617	\$ 254,903	\$ -	\$ 957,730
3,153	16,817	27,689	-	119,381
-	-	-	-	6,000
-	-	-	-	24,833
-	-	-	-	4,037
-	-	4,450	-	4,698
2,094	2,162	15,076	-	42,635
2,880	507	1,249	-	7,408
-	4,600	7,057	-	34,111
-	3,131	-	-	9,020
958	5,104	11,476	-	31,907
1,330	2,315	12,064	-	31,976
113	1,177	11,646	-	18,399
-	-	8,875	-	8,875
1,107	1,107	6,765	-	22,388
809	4,461	10,176	-	27,554
2,268	12,096	27,403	-	75,788
9,917	-	-	-	9,917
831	50	20,632	11,309	74,609
-	106,818	-	-	106,818
-	-	-	43,855	43,855
-	-	-	6,589	6,911
-	-	-	32,500	32,500
-	-	-	80,051	80,051
-	-	-	19,527	19,527
-	-	-	6,434	6,434
-	-	-	3,414	3,414
-	-	-	9,711	9,711
<u>\$ 52,326</u>	<u>\$ 290,962</u>	<u>\$ 419,461</u>	<u>\$ 213,390</u>	<u>\$1,820,487</u>

The accompanying notes are an integral part of these financial statements.

# ALASKA BAR ASSOCIATION

## STATEMENT OF CASH FLOWS For the Year Ended December 31, 1999

	<u>General Fund</u>	<u>Lawyers' Fund for Client Protection</u>	<u>Court System Library Fund</u>	<u>Total All Funds</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Increase in unrestricted net assets	\$ 51,313	\$ 56,108	\$ (4,789)	\$ 102,632
Adjustments to reconcile change in net assets to net cash:				
Depreciation and amortization	75,789	-	-	75,789
Amortization of premiums on investments	776	4,747	-	5,523
Adjustment to fair market value on investments	37,678	16,507	-	54,185
Increase in operating assets:				
Accounts receivable	(10,577)	-	-	(10,577)
Accrued interest	(9,035)	(302)	-	(9,337)
Due from other funds	-	(120)	-	(120)
Prepaid expenses	(4,003)	-	-	(4,003)
Increase in operating liabilities:				
Accounts payable and accrued expenses	8,451	-	-	8,451
Due to Bar Foundation	2,227	-	-	2,227
Due to other funds	190	-	-	190
Unearned dues and fees	<u>9,395</u>	<u>170</u>	<u>-</u>	<u>9,565</u>
Net cash provided by operating activities	<u>162,204</u>	<u>77,110</u>	<u>(4,789)</u>	<u>234,525</u>

(Continued)

The accompanying notes are an integral part of these financial statements.

# ALASKA BAR ASSOCIATION

## STATEMENT OF CASH FLOWS, Continued For the Year Ended December 31, 1999

	<u>General Fund</u>	<u>Lawyers' Fund for Client Protection</u>	<u>Court System Library Fund</u>	<u>Total All Funds</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Increase in short-term investments, net	(433,188)	(55,005)	-	(488,193)
Purchase of property and equipment	<u>(31,568)</u>	<u>-</u>	<u>-</u>	<u>(31,568)</u>
Net cash used by investing activities	<u>(464,756)</u>	<u>(55,005)</u>	<u>-</u>	<u>(519,761)</u>
Net increase (decrease) in cash and cash equivalents	(302,552)	22,105	(4,789)	(285,236)
Cash, beginning of period	<u>616,979</u>	<u>85,781</u>	<u>50,833</u>	<u>753,593</u>
Cash, end of period	<u>\$ 314,427</u>	<u>\$ 107,886</u>	<u>\$ 46,044</u>	<u>\$ 468,357</u>

The accompanying notes are an integral part of these financial statements.

## NOTES TO FINANCIAL STATEMENTS

### Note 1. Nature of Activities and Significant Accounting Policies

#### Nature of Activities:

The Alaska Bar Association's Board of Governors regulates the practice of law in the State of Alaska. The powers and duties of the Board are conferred by the Alaska Integrated Bar Act, the Alaska Bar Rules, and the Rules of Professional Conduct which are promulgated by the Alaska Supreme Court. The two primary functions of the Bar Association are the admission and discipline of its members. In addition, the Bar Association performs other functions including continuing legal education, lawyer referral service, and fee arbitration. The Association is supported primarily through member dues, admission fees, continuing legal education programs, lawyer referral service fees, and interest income. The Association receives no public support.

The Alaska Bar Association maintains the Lawyers' Fund for Client Protection for the purpose of making reimbursements to clients who have incurred non-insured losses of money or property as a result of dishonest conduct by attorneys.

The Alaska Bar Association also maintains the Court System Library Fund under a cooperative agreement with the Alaska Court System and the Anchorage Bar Association to provide copying services in the Anchorage Law Library. The Court System's share of the copier revenues are utilized to purchase research materials and provide security services.

#### Investments:

The Association has invested funds in certificates of deposit in accordance with the investment policies established by the Board of Governors. It has been the Association's policy to hold these investments to maturity.

#### Property and Equipment:

Property and equipment are recorded at cost. Minor additions less than \$300 are expensed in the year incurred. Major additions are depreciated using the straight-line method which amortizes the cost of the assets evenly over their estimated useful lives.

(Continued)

NOTES TO FINANCIAL STATEMENTS, Continued

Note 1. Nature of Activities and Significant Accounting Policies, Continued

Estimates:

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Income Taxes:

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

Cash and cash equivalents:

For purposes of the statement of cash flows, the Association considers all unrestricted highly liquid investment with an initial maturity of three months or less to be cash equivalents.

Note 2. Investments

Investments are carried at fair value, which is based on quoted market prices at December 31, 1999. All investments are certificates of deposit.

	<u>Amortized Cost</u>	<u>Market Value</u>
General Fund	\$1,558,541	\$1,520,863
Lawyers' Fund for Client Protection	<u>745,304</u>	<u>728,797</u>
Total	<u>\$2,303,845</u>	<u>\$2,249,660</u>

The Association's investment activities for the year ended December 31, 1999 resulted in income of \$147,122; and a net unrealized loss on investments of \$54,185 and an increase in net assets of \$92,937.

(Continued)

## NOTES TO FINANCIAL STATEMENTS, Continued

### Note 3. Employee Pension Plan

The Association established an Employee Pension Plan in April 1983. The plan is a defined contribution plan and covers all employees who have completed one year of service and who are twenty-one years of age. The Association's contributions are 5 percent of the compensation of each participant; contributions for 1999 totaled \$35,080.

### Note 4. Lease Commitments

The Association leases its office facilities and copier under long-term leases. The copier lease is cancellable only if the State of Alaska terminates the Association's existence. The minimum future lease payments under these operating leases are as follows:

2000	\$ 148,596
2001	148,596
2002	94,613
2003	40,632
2004	<u>3,386</u>

Total future minimum lease payments	<u>\$ 435,823</u>
--	-------------------

The copier lease qualifies as a capital lease under Financial Accounting Standards No. 13. However, management has chosen to classify it as an operating lease because the effect on the financial statements is immaterial.

### Note 5. Legislative Audit

The Alaska Bar Association is subject to periodic "sunset reviews" by the State of Alaska Division of Legislative Audit. The most recent legislative audit was completed in January 1998 with the recommendation that the legislature extend the existence of the Board of Governors of the Alaska Bar Association until June 30, 2004.

(Continued)

NOTES TO FINANCIAL STATEMENTS, Continued

**Note 6. Concentrations of Credit Risk Arising from Cash Deposits in Excess of Insured Limits**

The Association maintains cash balances at several financial institutions located in Anchorage. Accounts at each bank are insured by the Federal Deposit Insurance Corporation up to \$100,000. At December 31, 1999, the Association's uninsured cash balances totaled \$157,562.

**Note 7. Lawyers' Fund for Client Protection Contingencies**

As of the date of the financial statements, the Lawyers' Fund for Client Protection had three cases pending before the committee totaling \$70,234. In addition, the organization had received one application for reimbursement in the amount of \$15,000 that had not yet been presented to the committee or Board of Governors for consideration of the claim.

**Note 8. Permanently Restricted Net Assets**

During 1997, the Association received a donation of historical artifacts which are to be displayed in the Alaska State Courthouse. These items are permanently restricted net assets and were determined to have a fair market value of \$3,750.





