



2001 Annual Report

THE ALASKA BAR ASSOCIATION

Annual Report for the Year 2001

Board of Governors

Mauri Long, President
Lori Bodwell, President-Elect
Jonathon A. Katcher, Vice President
Anastasia Cooke Hoffman, Secretary
Lawrence Z. Ostrovsky, Treasurer
William Granger
Brian E. Hanson
Robert M. Johnson
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Kirsten Tinglum
Bruce B. Weyhrauch
Daniel E. Winfree
Jessica C. Carey (New Lawyer Liaison)

Staff

Deborah O'Regan, Executive Director
Barbara Armstrong, Assistant Director & CLE Director
Mercedes Martinez, CPS®, Executive Assistant
Karen A. Schmidtkofer, Controller
Candice Goard, Accounting Assistant
Rachel T. Batres, CLE Coordinator
Lisa Maroney, Admissions Assistant/Receptionist
Laura Nelson & Emily Garrett, Lawyer Referral Assistants

Stephen J. Van Goor, Bar Counsel
Mark Woelber, Assistant Bar Counsel
Louise R. Driscoll, Assistant Bar Counsel
Deborah C. Ricker, Discipline Investigator/Paralegal
JoAnne Baker & Ingrid Varenbrink, Arbitration/Discipline/CLE Library
Norma Gammons, CPS/CAP®, Disc. Section Administrative Supervisor
Annette Ravithis, Discipline Secretary

May 31, 2002



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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 3,564 members in the following categories: Active, 2,721 (2,266 in-state and 455 Outside); Inactive, 781; Honorary, 1; Retired, 61. Its affairs are governed by a twelve (12) member (three nonattorney citizens and nine attorneys) Board currently comprised of the following persons:

Mauri Long, President
Lori Bodwell, President-Elect
Jonathon A. Katcher, Vice President
Anastasia Cooke Hoffman, Secretary
Lawrence Z. Ostrovsky, Treasurer
William Granger
Brian E. Hanson
Robert M. Johnson
Barbara Miklos
Kirsten Tinglum
Bruce B. Weyhrauch
Daniel E. Winfree
Jessica C. Carey (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 Alaska Rules of Professional Conduct, the Association's Bylaws and Regulations, the Board of Governors' Policy Manual, and a Personnel Manual.

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

There are presently 9 standing committees, 24 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
Mercedes Martinez, CPS®, Executive Assistant
Karen A. Schmidlkofer, Controller
Candice Gourd, Accounting Assistant
Rachel T. Batres, CLE Coordinator
Lisa Maroney, Admissions Assistant/Receptionist
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JoAnne Baker & Ingrid Varenbrink, Arbitration/Discipline/CLE Library
Norma Gammons, CPS®, Disc. Section Administrative Supervisor
Annette Ravithis, Discipline Secretary

The Association is largely funded through monies received 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 citizen 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 citizen members are appointed by the governor and are subject to legislative confirmation. These 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 2001 the Board held five (5) meetings (January 19; March 30 & 31; May 8 & 9; August 9; and October 25 & 26). The Bar Convention and Annual Business Meeting were held in Ketchikan May 10 - 12. The Board also held a retreat in Girdwood on September 10.

A. Officers

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

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

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

The Vice President of the Association acts as liaison to the Bar's sections and the Secretary is in charge of all of the Association's committee operations. The Treasurer is responsible for overseeing the fiscal affairs of the Association, including budget preparation, reports to the Board at each meeting, and the annual report to the membership.

B. Purposes, Policies, and Procedures

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

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

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

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

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

4. The Board actively supports education and public relations, including programs in the schools with respect to the justice system, seminars for non-lawyers, institutional advertising, and a statewide lawyer referral service.
5. The Board oversees the administration of the Bar office and its staff, and has developed a personnel manual to guide its employees in the performance of their duties.

6. The Board recommends to the Supreme Court revisions and additions to the Alaska Bar Rules and the Alaska Rules of Professional Conduct, 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 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

The court amended Bar Rule 2(2)(a)(2) to delete the sponsor requirement for reciprocity admission.

The Board amended the Bylaws, to add section (a)(11), establishing a new Standing Committee on Judicial Independence.

F. Sunset

The Board of Governors, like other state boards and commissions, is reviewed by the Alaska Legislature every four years to determine whether it is fulfilling its responsibilities and should continue in operation. The Board of Governors had been extended until June 30, 2002. In the fall of 2001, the Division of Legislative Audit conducted its performance audit and recommended to the Legislature that the Board be continued until 2006. The bill is before the 2002 Legislature.

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.

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 day 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 Board voted to make the first substantive change to the Bar Exam since the early 1980's. Effective with the February 2001 Bar Exam, the Alaska Bar Exam will contain the Multistate Performance Test (MPT). This will replace the previously used, locally drafted Research Question. Two Multistate Performance questions will be given over a three hour period on the first afternoon of the exam

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. This session is weighted at 30% of an applicant's total essay score.

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. This session is weighted at 45% of an applicant's total essay score.

One half-day (three-hour) session will consist of two Multistate Performance Test (MPT) questions. The MPT, which is developed by the National Conference of Bar Examiners (NCBE), is not a test of substantive knowledge. Rather, it is designed to test an applicant's ability to use fundamental lawyering skills in a realistic situation. The materials for each MPT include a File and a Library. The specific task the applicant is to complete is described in a memorandum from

a supervising attorney. This session is weighted at 25% of an applicant's total essay score, (each MPT question is weighted 12½%.)

The long and short essays are to be answered in accordance with principles of law as applied in Alaska and may involve one or more issues on the following subjects:

Business Organizations
(corporations, partnerships, associations)

Civil Procedure

Constitutional Law
(State and Federal)

Contracts
(including Chapter 2 of the UCC)

Criminal Law and Procedure

Evidence

Family Law

Real Property

Torts
(including Products Liability)

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

The following procedures govern the drafting of the essay questions:

1. At least 2 members of the Law Examiners Committee form a "team" to draft a question.
2. One member of the team is a drafter; the other edits and reviews.
3. A grader's guide is prepared at the time question is drafted.
4. The team suggests the tentative weights (points) to be assigned to the components of an answer recognized by the grader's guide as pertinent to a minimally competent answer.
5. The entire Law Examiners Committee meets and reviews each question as drafted by the teams.
6. The Committee next reviews each grader's guide to judge whether the Committee agrees that the question raises the same issues identified by the team in its analysis of the question.

7. The Committee reviews and either adopts or revises the tentative weights assigned to the components of each proposed grader's guide on a 100 point scale (no points are left for assignment at the discretion of graders).
8. The questions and proposed grader's guides are finalized and provided to Bar staff seven days prior to the exam.

D. Grading of Examinations

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

1. A calibration team consisting of at least five members of the Committee is convened for each essay question given on the exam;
2. As a group, the team will read two randomly selected applicant answers to that essay question;
3. The team will compare and discuss the answers and agree on a ranking of the essay answers they have just read;
4. The team will then read a third essay answer, compare and discuss this answer with the answers previously ranked, and agree on a ranking of all the answers they have read. The team reads and ranks a total of ten answers;
5. The team will continue this process until the team is calibrated and the team selects five benchmarks;
6. The team reviews the grader's guide and the weights assigned to particular portions of the question to take into account any issues identified during the reading of the applicant answers; the 2 graders are responsible for amending the grader's guide into its final form;
7. The team selects five benchmark applicant essays; a benchmark is an answer which represents one of the 5 points on the grading scale. ("5" is high, "1" is low.) It is not a model answer, nor a minimally competent answer, but is a representative answer for this particular point on the scale;
8. From this calibration team, two people, not including any member of the original drafting team, are assigned to independently read and score each applicant's answer to the essay question they have just calibrated;
9. The two graders submit their scores to the Executive Director;

10. The Executive Director determines whether a discrepancy of more than one point exists between the rankings given by the two graders to a particular applicant on the question;
11. If a discrepancy of more than one point is found, the graders must reconcile their differences by reference to the benchmarks and grader's guide. The graders must agree on a score that is the same or no more than one point apart;
12. The two scores given to a particular applicant's answer are averaged for a final score on that essay;
13. The scores of the various sections of the essay exam (the short essay, long essay, and research/analysis question) are tabulated, weighted, and combined according to the following procedures for determining the pass/fail status of applicants.

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

The Multistate Bar Examination objective answer sheets are graded by machine by the National Conference of Bar Examiners. These scores are scaled to compensate for any difference in difficulty of the examination from one administration to another, based on a detailed national statistical analysis, a comparison of performance on repeat questions, and other factors.

In reviewing the examination results before certification, the Board of Governors receives a report on the examination, including irregularities (if any), a compilation of scores by applicant number for each portion of the examination, a sampling of "benchmark" papers, copies of the essay questions, and the grader's analysis for each question. Once the examination results are approved, the names of the passing and failing applicants are disclosed and the names of passing applicants are published. Individual scores are released to all failing applicants.

E. Appeals

An applicant will be granted a hearing in either of two circumstances: 1) denial of an examination permit, or 2) denial of certification to the Supreme Court for admission. The applicant has the burden of alleging and proving an abuse of discretion or improper conduct on the part of the Executive Director, the Law Examiners Committee or the Board of Governors. If the applicant is

not satisfied with the action taken on his appeal by the Board of Governors, he or she can appeal to the Alaska Supreme Court.

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

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

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

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

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No new admissions matters to report.

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. Approximately ½ dozen applicants requested a tutor for each of the two exams in 2001.

G. Statistical Summary

In 2001, 107 individuals took the Bar Exam and 74 passed the exam.

2001 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 Rules of Professional Conduct 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 2001, 19 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. (Bar Rule 64.)

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 Hearing Committee

Investigations which result in the filing of a Petition for Formal Hearing by Bar Counsel are referred to a Hearing Committee in the 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. If either party appeals or the Court otherwise orders, 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 disbarment and suspension 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 2001

The Alaska Supreme Court disbarred Bill Lawrence with an effective date of July 16, 1996; Mark Nunn with an effective date of June 25, 2001; Michael Wall with an effective date of December 15, 1999; and, Marcus Paine with an effective date of December 26, 2001.

The Court suspended Elliott Friedman for three years effective June 8, 2001.

The Court interimly suspended Patrick J. Blackburn effective March 7, 2001.

The Court suspended William P. Bryson for one year with the entire suspension stayed provided he successfully completes a one year probation period from February 8, 2001. Mr. Bryson was also publicly censured by the Court.

2001 DISCIPLINE CASE STATISTICS¹

Open cases pending as of January 1, 2001	110
New cases opened in 2001 (+)	47
Cases closed in 2001:	
Closed after disbarment by Supreme Court	40
Closed after suspension by Supreme Court	1
Closed after probation ended	0
Closed after public censure by Supreme Court	1
Closed after reprimand publicly imposed by Disciplinary Board	0
Closed after reprimand privately imposed by Disciplinary Board	7
Closed after written private admonition by Bar Counsel	2
Dismissed by Bar Counsel	17
TOTAL closed cases (-)	<u>68</u>
Open cases pending as of December 31, 2001	89

STATUS OF OPEN CASES AS OF December 31, 2001

Pending First Response from Respondent Attorney	13
Pending Complainant's Reply	1
Pending Second Response from Respondent Attorney	0
Pending Bar Counsel Investigation/Decision	45
Abeyance Pending Outcome of Related Court Case	2
Pending Mediation	0
Abeyance Pending Outcome of Fee Arbitration	0
Pending Approval to Issue Written Private Admonition	0
Pending Acceptance of Written Private Admonition by Respondent Attorney	0
Pending Approval to File Petition for Formal Hearing	1
Pending Stipulation for Discipline between Bar Counsel and Respondent Attorney	2
Pending Stipulation Consideration by Disciplinary Board	0
Pending Stipulation Consideration by Supreme Court	5
Pending before Area Hearing Committee	19
Pending before Disciplinary Board	0
Pending before Supreme Court	0
Respondent Attorney on Probation	<u>1</u>
TOTAL open cases	89

¹ All numbers reflect individual grievances filed and not the number of attorneys involved.

2001 GRIEVANCE VOLUME:

New Cases Opened	47
Grievances Not Accepted for Investigation	<u>197</u>
2001 Grievance Volume	244
2000 Grievance Volume	241

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.² 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 by clear and convincing evidence 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.

Summary of Reinstatement Actions in 2001

Jon E. Wiederholt applied for reinstatement from disbarment in June 1999. Hearings were held by an area hearing committee in September and October 1999 and by the Disciplinary Board in March 2000. Oral argument was presented to the Supreme Court in September 2000. The Court rejected his petition in a published opinion in June 2001.

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

² 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.

until further order of the Court during which time the attorney is prohibited from engaging in the practice of law. As with public discipline, notice of the Court's action must be published. Likewise, presiding judges of all courts and administrative agencies are also notified. However, while the Court's final order is public, the disability proceedings themselves are confidential.

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

While the above procedures are designed to remove the disabled attorney from active status, it is essential that the interests of the clients of the disabled, deceased or unavailable attorney are also protected. Thus, the Bar Rules provide for appointment by the Superior Court of Trustee Counsel to protect the interests of this unavailable attorney and his clients. Trustee Counsel, on behalf of the unavailable attorney, exercises powers similar to those of a personal representative of a deceased person, but does so only in those matters specifically provided in the rules and allowed by State law.

Summary of Disability Actions in 2001

The following lawyers were transferred to disability inactive status: Jeffrey A. Gould effective March 23, 2001, Bonnie J. Coghlan on November 15, 2001, and Vincent Vitale (due to a physical disability) on December 3, 2001.

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 \$590,601 in 2001, 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 2001

The Court amended Bar Rule 10(c) effective October 15, 2001 to permit the executive director to appoint special bar counsel in disciplinary matters.

The Court amended Bar Rule 29 effective October 15, 2001 regarding reinstatement to specify a clear and convincing burden of proof for an attorney seeking reinstatement and to delete certain timeframes in the reinstatement process which proved unrealistic.

The Court made a housekeeping amendment to Bar Rule 30(f) effective October 15, 2001 changing the name to the National Lawyer Regulatory Data Bank.

The Court amended Bar Rule 31(g)(3) effective October 15, 2001 to increase trustee counsel compensation from \$5,000 to \$10,000 for fees and costs incurred by counsel in the performance of these duties.

The Court amended Bar Rules 31(g)(3) and 54 effective April 15, 2002 to permit payment of trustee counsel compensation to be made by the Board from the Lawyers' Fund for Client Protection.

The Court rejected a proposed amendment to Alaska Rule of Professional Conduct 1.8(e) which would have permitted a lawyer to pay the costs of litigation as a business expense for non-indigent clients. The Court rejected a proposed amendment to Alaska Rule of Professional Conduct 1.5 which would have permitted contingent fees in certain domestic relations matters. Finally, the Court rejected a proposed amendment to Bar Rule 65 which would have required a bar member to take the member's VCLE discount with the member's full dues payment or first installment.

Changes to the Bar Rules regarding admissions or CLE are reported in Section I(E) of this report.

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, 2000 - June 30, 2001 CLE Committee Members

Member	City	Term Expiration
James DeWitt, Chair	Fairbanks	6/2000
Gail Ballou	Fairbanks	6/2002
Tamara Blumberg, Young Lawyer	Anchorage	6/2002
Scott Brandt-Erichsen	Ketchikan	6/2002
Robert Briggs	Juneau	6/2001
Justice Walter Carpeneti, Judicial Representative	Juneau	6/2003
Dawn Collinsworth	Juneau	6/2002
Cynthia Cooper	Anchorage	6/2003
Paul Eaglin	Fairbanks	6/2001
Thomas Hause	Anchorage	6/2002
David Ingram	Juneau	6/2003
John Murtagh	Anchorage	6/2003
Jody Reausaw, Young Lawyer	Anchorage	6/2001
Jim Stanley	Anchorage	6/2001
Allen Todd	Fairbanks	6/2003

June 30, 2001 – June 30, 2002 CLE Committee Members

Member	City	Term Expiration
James DeWitt, Chair	Fairbanks	6/2002
Gail Ballou	Fairbanks	6/2002
Tamara Eve DeLucia, Young Lawyer	Anchorage	6/2002
Scott Brandt-Erichsen	Ketchikan	6/2002
Justice Walter Carpeneti, Judicial Representative	Juneau	6/2003
Dawn Collinsworth	Juneau	6/2002
Cynthia Cooper	Anchorage	6/2003
Paul Eaglin	Fairbanks	6/2004
Zachary P. Falcon, Young Lawyer	Juneau	6/2004
Thomas Hause	Anchorage	6/2002
David Ingram	Juneau	6/2003
John Murtagh	Anchorage	6/2003
Alicia D. Porter	Fairbanks	6/2004
Jim Stanley	Anchorage	6/2004
Allen Todd	Fairbanks	6/2003

The twenty-four 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 Paralegals, the Alaska Academy of Trial Lawyers, and the State of Alaska Real Estate Commission. In addition, we routinely present programs in cooperation with the Alaska Court System, the U. S. District Court, and ALPS (Attorneys Liability Protection Society).

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 2001 the Alaska Bar presented thirty-four live CLEs on twenty-three topics (not including the convention CLEs or Mandatory Ethics). Anchorage, Juneau and Fairbanks were the primary live CLE sites, and sixty-seven videotape replays of live programs were scheduled in eleven sites state-wide.

The Bar also presented a total of four live "Ethics Is Not a Multiple-Choice Issue: A Mandatory Program for New Lawyers in Alaska" programs: one each in Anchorage, Juneau and Fairbanks in the spring. Due to low spring enrollments, this program was offered only in Anchorage in the fall 2001. Response continues to be positive about this new format which focuses on the use of hypotheticals and involves admittees in identifying shared legal and community values that underpin the rules of professional conduct.

Eleven CLE programs were presented at the Annual Convention in May in Ketchikan in conjunction with the Alaska Judicial Conference that includes participation by the Alaska Court System and the U.S. District Court.

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.

CLE Group Videotape Replays are routinely scheduled in the eleven 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.

The 2001 video replay sites are Barrow, Dillingham, Fairbanks, Homer, Juneau, Kenai, Ketchikan, Kodiak, Kotzebue, Nome and Sitka. Bethel has requested to be added as an official site in 2002.

2001 Video Replay Sites

Barrow Courthouse 2	Dillingham Courthouse 4	Fairbanks Law Office 19	Homer City Hall 0	Juneau Law Office 17
Kenai Courthouse 8	Ketchikan Borough Attys Office 4	Kodiak Law Office 4	Kotzebue Courthouse 0	Nome Law Office 4
Sitka Law Office 5	Anchorage Ethics Year- End Video Replays 11	Total Replays all sites: 67* *Does not include Anchorage video replays		

2001 CLE Programs Summary

Topics	Live Bar Programs	Tele- seminars	Mandatory Ethics	Convention	Video Replays
23	34	0	4	11	67

Total attendance at Bar CLE programs in 2001:
(including group video replays and convention CLE) **3,407**

Number of different attorneys served: **1,060**
Number of different non-attorneys served: **431**

B. Voluntary Continuing Legal Education (VCLE)

The Voluntary CLE Rule, a 3-year pilot project, became effective September 2, 1999 and recommends a minimum of 12 hours of approved CLE credit, including one in Ethics, each calendar year. The first reporting period ran September 2, 1999 - December 31, 2000. Thereafter, each reporting period is a regular calendar year. Regulations covering administration of the rule were approved and put into effect in 2000. For the second reporting

period, the Bar revised the VCLE Reporting Form in response to feedback from Bar members.

This incentive-based VCLE rule was proposed by the Alaska Supreme Court as a response to the rule proposed by the Alaska Bar. Those members complying with the VCLE 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 minimum 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 compiles statistics of the participation by members and presents the information to the Supreme Court. At the end of the 3-year pilot project, the Supreme Court will determine 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.

Each active Bar member will file his/her VCLE Reporting Form with the Alaska Bar Association on an annual basis. Information on the VCLE Rule, regulations, reporting form, approved provider list, and FAQs are available on the Bar website.

C. 2001 Activities

1. The CLE Library Catalog went online in 2000 with dynamic links to video/materials descriptions and in 2001 added the option of ordering online with an invoice to follow.

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 re-appointed at the September 2001 CLE Committee meeting to review the 5-Year Plan. Gail Ballou is Chair.

3. The Bar's website, 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, VCLE Rule; Annual Convention, Sections including the entire text of the newsletter, "Section News"; Frequently Asked Questions; Professional Updates from the Substantive Law Sections; and Bar Rag articles.

New CLE features added in 2001 include a "click here to register" option for CLE (with invoice to follow) and a "click here to order" option for the CLE catalog (with invoice to follow). We are working on adding a secured transactions feature in 2002. With these new features, there has been an increased use of the website for ordering from the CLE catalog and for registering for CLEs.

Under Links and Resources, additions included the Proposed Civil Pre-Trial Orders for the 3rd Judicial District, Tutorials for Document Retrieval and Online Research – a joint project with the Alaska Court System Law Library and Westlaw, and Resources for the General Public.

Under Admissions, the Admission application can now be filled out online. Because a signature is required, applicants then print the completed form and fax it to the Bar office.

The CLE Credit History Look-Up continues to be a heavily used feature of the site. This feature allows Bar members to check on their Alaska Bar CLE credit record (i.e., attendance at CLEs sponsored by the Alaska Bar), and also shows any banked/carry-over credits from their VCLE Reporting Form from the prior year.

The Unreported Opinions Database is one of the most regularly used resources on the website and includes unreported trial court opinions. The Bar cooperates with the Alaska Court System Law Library in posting these opinions.

4. The Board of Governors and the CLE Committee listserves continue to be heavily used for communication with our state-wide members.

Since 1999 the Bar has been adding to its database of member e-mail addresses. We use e-mail reminders regularly about CLE programs and have had an excellent response to this marketing tool.

5. 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.

6. In 2001, the Alaska Bar assisted in presenting the “6th 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 focuses on appellate motion practice, appellate brief requirements, oral argument, and an overview of the Court’s rehearing and rehearing *en banc* process. In 2001, the panel traveled to Fairbanks for oral argument and held a luncheon CLE cosponsored with the Tanana Valley Bar Association. Chief Judge Mary Schroeder was kind enough to take a day from her vacation in Juneau to participate in an Off the Record co-sponsored by the Juneau Bar Association. The 9th Circuit CLE is always extremely well received, and 2001 was the first year in which a program was held in Anchorage, Juneau and Fairbanks.

7. Additional “Off the Record” programs, informal bench and bar exchanges, were held in 2001 in Anchorage (1), Fairbanks (1), and Juneau (1). In addition, an Anchorage 3rd Judicial District “Pre-Trial Orders Off the Record” and a Juneau “Federal Off the Record” were presented.

8. Telephonic participation at all substantive section meetings remains an important service to our Bar members. Since 1994 all section meetings are required to be held at a location that allows telephonic hook-up statewide. Law firms and government agency offices in Juneau and Fairbanks have offered to

become telephonic hook-up sites that allow members from those cities to meet as a group and participate telephonically.

9. Other programs of note in 2001 include:

Navigating for Success In Your Law Practice sponsored by the Gender Equality Section focused on the issues of office culture, leadership skills and styles, the role of public service, and the differences in public sector and private sector leadership styles. This program was offered live in Anchorage and in Juneau.

Off the Record with Members of the Federal Judicial and Law Enforcement Agencies was presented in Juneau and Ketchikan in cooperation with the U.S. District Court and coincided with the swearing in of new U.S. Magistrate in each of those cities.

Online Legal Research and Document Retrieval was offered in Anchorage, Juneau and Fairbanks in cooperation with the Alaska Court System Law Library and West Group. This program provided hands-on experience in working with the online research tools available at all state-wide law libraries. Registration requests were so high that the program was repeated in Anchorage.

Taking Depositions: Mastering Technique and Strategy Through Control with Dr. Paul Lisnek, Chicago attorney and trial consultant, was a very successful trial skills program.

The Sinfully Simple Will: An Analysis and Explanation of Will Clauses and Related Will Drafting Issues was very popular.

Estate Planning & Retirement Benefits: The Fundamentals featuring **Natalie Choate**, author of *Life and Death Planning for Retirement Benefits*, was presented in cooperation with Hartig Rhodes Hoge & Lekisch, the Anchorage Estate Planning Council, and the ERISA Forum.

Revisions to Article 9 of the UCC Code: What You Need to Know was presented live in Anchorage and in Juneau.

Ethics programs in 2002: **Representing the Corporate Client: The Saga of Albinex** presented in cooperation with ALPS in Anchorage and in Fairbanks. Due to September 11, the Juneau program scheduled for September 14 was postponed. In December, the Bar presented **Ethics at the 11th Hour: A Year-End Update** in Anchorage. A series of video replays were also presented statewide and in Anchorage to assist practitioners in completing their ethics credits under the VCLE Rule.

PowerPoint Workshop: Learn How Presentation Software Can Make You More Persuasive in Trial, Settlement, Mediation, and Arbitration with Frank Rothschild had a waiting list of attorneys wanting to take this CLE. This hands-on program using one's own laptop was very well received and will be repeated.

Discover the Internet: Using the Internet to Prepare for Discovery focused on learning about free Internet resources that can be used when preparing for discovery and pre-litigation. This program presented in Juneau and in Anchorage receive excellent evaluations.

Annual programs in 2001 included the **3rd Annual Intellectual Property CLE**, the **14th Annual Alaska Native Law Conference**, and the **8th Annual Workers Comp Update**.

The Public Interest Law Section presented **The First Ever Consumer Protection CLE in Alaska**.

D. 2001 Convention

The 2001 Convention was held in Ketchikan at the Ted Ferry Civic Center, the State Courthouse, and the West Coast Cape Fox Hotel. The Bar met in conjunction with the Alaska Court System and the U.S. District Court.

The highlight of the convention was the banquet keynote address by Justice Stephen Breyer of the U.S. Supreme Court and his participation in the "Appellate Off the Record" CLE.

CLE Topics included:

- Trial Advocacy Skills Series, Part 5: Jury Innovations with Judge Judith Chirlin
- Ethics Update with Bar Counsel
- Ethics for Public Sector Attorneys with Peter Jarvis
- U.S. Supreme Court Opinions Update
- Estate Litigation
- A Look at Recent Alaska Appellate Decisions in Employment and Insurance Law
- History of the Alaska Court
- Appellate Off the Record with Justice Stephen Breyer
- State Tribal Relations
- Computer Research on Westlaw at Alaska Court System Law Libraries

The "History of the Alaska Court" with Senior Circuit Judge Robert Boochever, 9th Circuit Court of Appeals; Senior Judge James Fitzgerald, U.S. District Court; Senior Justice Jay Rabinowitz, Alaska Supreme Court; Justice Alex Bryner, Alaska Supreme Court; and Senior Judge Tom Stewart, Superior Court, 1st Judicial District, Moderator, was well attended. Senior Justice Rabinowitz participated telephonically as a panelist from Swedish Hospital in Seattle. It was the Justice's last public participation, and we are grateful to have had the opportunity to hear his view of historic events in the Alaska Court.

The Bar Annual Business Meeting and presentation of Bar awards were also part of the convention agenda.

E. Fiscal

Direct program income exceeded this year's direct program costs. 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, there has been a slight increase in the number of live programs offered in Alaska by outside providers. This competition creates a healthy environment and offers more choice of topics for Alaska Bar members, but also presents some challenges. The Alaska Bar is committed to continuing to offer quality and affordable CLE to our members.

F. Request for CLE Program Approval and Provider Approval

Private CLE providers, both for profit and not for profit, both local and outside, continued to present offerings in Alaska in 2001. There was a slight increase in the number of in-state programs by other providers.

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.

The Bar reviews requests under the CLE Policies & Guidelines and the VCLE Rules & Regulations, and determines if a program meets the requirements for approval. The Bar also has a process for a provider to become an Approved Provider. Approved Providers' offerings are automatically eligible for credit under the VCLE rule.

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

In 2001 group video replays of live programs were regularly scheduled in Barrow, Dillingham, Fairbanks, Juneau, Kenai, Kodiak, Ketchikan, Nome, and Sitka to meet the educational needs of bar members outside Anchorage (the usual site for live programs). There were a total of 67 video replays outside of Anchorage in 2001.

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. Replays are held in law firm conference rooms, courthouse facilities, and municipal facilities.

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

Law firms and other organizations are increasingly requesting 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 of course videotapes, audiotapes, and materials is a valuable member service and resource for bar members. Items are available for rental and/or purchase.

2. The CLE Library Catalog went online in 2000 with dynamic links to video/materials descriptions and in 2001 added the option of ordering online with an invoice to follow.

2001 Program Rentals	443 programs
2001 Program Purchases	202 programs
<u>Alaska Attorney's Desk Manuals</u>	0 purchase
<u>Volunteer Manual</u> Purchases	83 manuals
Section Updates	35 purchases

In 2001, the number of CLE Library orders remained on a par with 2000.

I. 2001 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 2001 CLE programs.

V. ALASKA PRO BONO PROGRAM

The Alaska Pro Bono Program, Inc. (APBP) is a Private Attorney Involvement Program (PAI), which is able to provide many types of legal services that Alaska Legal Services Corporation (ALSC) is not able to cover due to federal regulations. This program expands the goal of assisting low-income people statewide each year utilizing volunteer attorneys.

After an eighteen-month long "Access to Civil Justice Task Force" project conducted by the Alaska Supreme Court, and extensive consideration, research and guidance from peer consultants with the American Bar Association's Pro Bono Center during a two-day workshop with ALSC Board and staff, the ALSC Board approved a motion on March 4, 2000 to take the necessary steps to establish APBP as a separate entity.

On July 1, 2000, APBP, a new non-profit 501(c)(3), was established. It consists of one Executive Director and an Operations Manager. The program is funded with IOLTA money received from the Alaska Bar Foundation through ALSC.

APBP was established as a separate organization to administer Alaska's pro bono program in such a way that it could accept cases that ALSC was forbidden to handle. The 1996 restrictions included a prohibition on collecting attorney's fees, whether under Civil Rule 82 or civil rights statutes. Clients represented by ALSC lacked the ability to recover fees, if successful while remaining liable for fees, if unsuccessful. ALSC cannot represent clients in class actions, no matter how necessary a class action might be to get relief for a similarly situated client. Also, federal law precludes ALSC from representing most clients who are victimized by state public assistance regulations, even though it would be an attorney's professional obligation to challenge such regulations in appropriate cases. As a result, ALSC abandoned whole categories of clients such as prisoners and legal immigrants. The 1996 restrictions were in addition to existing prohibitions on ALSC. APBP is doing the work these restrictions prohibited.

ALSC conveys the IOLTA money to APBP under a Memorandum of Agreement. The Memorandum specifies that APBP use the money to administer the pro bono/PAI program. As in the past, ALSC will co-counsel with the pro bono attorney on those cases referred to APBP, and will agree to accept them back from the volunteer pro bono attorney in the event the pro bono attorney becomes unable to proceed further. The APBP Board is comprised of the same persons who are on the ALSC Board of Directors. Each Board holds separate meetings and keeps the records of the two organizations separate.

Volunteer attorneys handling cases for APBP are not subjected to the LSC restrictions on clientele, types of cases handled, or relief sought.

The first annual Barristers' Ball was held on Saturday, May 19, 2001 at the Anchorage Museum of History and Art. This fundraising event raised over \$20,000 for APBP.

While ALSC and APBP are separate programs, they continue to coordinate the provision of services between themselves, as well as with other advocacy groups. Screening of individuals requesting representation determines if they

meet income eligibility guidelines, which are based on 125% of the Federal Poverty Income Guidelines.

Currently, APBP has a panel of 963 attorneys.

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 2001, 88 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 563 requests for referrals. Calls received by the Alaska Bar Association for Lawyer Referrals were as follows:

	2000	2001
Administrative	290	303
Admiralty	34	15
Adoption	52	54
Alaska Native Law	17	19
Arts	1	4
Bankruptcy	118	138
Commercial	215	299
Construction	29	42
Consumer	700	542
Criminal: Felony	243	214
Criminal: Misdemeanor	285	284
Discrimination	38	44
Divorce/Dissolution/Custody	1851	1466
Eminent Domain	6	1
Environmental	2	4
Foreign Language	1	2
Guardian/Conservator	47	37
Immigration	-	2
Insurance	115	102

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

693	642
293	296
323	261
35	27
1	-
783	1037
-	43
6	1
273	231
12	-
34	-
65	57
230	211
337	382
7,129	6,760
+7% (Change from 1999)	-5% (Change from 2000)

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 (32) 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 (22) members who do the grading of answers after the exam. R. Scott Taylor currently chairs this committee.

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 compromised 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 ensure 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 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 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.

2001 FEE ARBITRATION STATISTICS

Arbitrations pending January 1, 2001	59
Arbitrations <u>opened</u> during 2001 (+)	76
Arbitrations <u>closed</u> in 2001 (-)	103
Arbitrations pending January 1, 2001	32

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 only if both the appointed attorney and a majority of the Committee agree that the claim is not valid on its face. Otherwise, the claim goes to the Committee for a 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.

2001 LFCP Report

Case Number	Reimbursement(s)* Paid by Board (\$)	Reimbursement(s) Rejected by Board (\$)	Reimbursement(s) Rejected by LFCP Committee (\$)
1998L007			4,834
2000L001			32,500
2000L003	800		
2001L001	800		
2001L002	3,000		
2001L003	1,500		
2001L004	850		
2001L005	800		
2001L006	1,000		
2001L007	800		
2001L008	800		
2001L009	1,900		
2001L010	200		
2001L011	300		
2001L012	800		
2001L013	1,000		
2001L014	1,385		
2001L015	1,000		
2001L016	750		
2001L017	850		
2001L018	800		
2001L019	800		
2001L020	2,585		
2001L021	1,000		
2001L022	700		
2001L023	1,000		
2001L024	4,253		
2001L025	1,500		
2001L026	800		
2001L027	1,020		
2001L028	900		
2001L029	800		
2001L030	1,000		
2001L031	554		
2001L032	135		
2001L033	800		
2001L034	1,302		
2001L036	1,000		
2001L037	2,346		
2001L038	800		
2001L039	1,500		
2001L040	800		
2001L041	700		
2001L042		300	
2001L043	1,000		
2001L044	1,800		
2001L045		1,200	
2001L046	750		

2001L047	750		
2001L048	900		
2001L051	1,000		
2001L052			2,000
2001L053			50,000
Totals	51,830	1,500	89,334

*These figures reflect reimbursements from the Fund which may be less than the amount requested by the claimant.

At the close of 2001, six (6) claims were pending consideration by the LFCP Committee and one (1) claim was pending consideration by the Board.

John E. Duggan chaired the LFCP committee in 2001. Paul J. Nangle is the current chair.

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 2001 has twenty-four 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 2001-2002 follow:

Administrative Law

September 1, 2000 - August 31, 2001
Dave Ingram

September 1, 2001 - August 31, 2002
Dave Ingram

Admiralty Law

September 1, 2000 - August 31, 2001
Steve Shamburek

September 1, 2001 - August 31, 2002
Steve Shamburek

Alaska Native Law September 1, 2000 - August 31, 2001 David Voluck/Sheri Hazeltine	September 1, 2001 - August 31, 2002 Mark Andrews/Carl Johnson (Sheri Hazeltine resigned March 2002/Carl Johnson added March 2002.)
Alternate Dispute Resolution September 1, 2000 - August 31, 2001 Glenn Cravez	September 1, 2001 - August 31, 2002 Glenn Cravez
Aviation Law September 1, 2000 - August 31, 2001 Bob Doehl/Steve Shamburek (Steve Shamburek added March 2001)	September 1, 2001 - August 31, 2002 Bob Doehl/Steve Shamburek (Bob Doehl resigned March 2002)
Bankruptcy Law September 1, 2000 - August 31, 2001 Gary Sleeper	September 1, 2001 - August 31, 2002 John Siemers
Business Law September 1, 2000 - August 31, 2001 Bob Hume & Krista Stearns	September 1, 2001 - August 31, 2002 Bob Hume & Krista Stearns
Corporate Counsel September 1, 2000 - August 31, 2001 Marc Bond & Marcia Davis	September 1, 2001 - August 31, 2002 Marc Bond & Marcia Davis
Criminal Defense	<i>In process of restructuring</i>
Criminal Prosecution	<i>Inactive after June 30, 1999</i>
Education Law	<i>Inactive after June 1998</i>
Elder Law September 1, 2000 - August 31, 2001 Una Gandbhir	September 1, 2001 - August 31, 2002 Una Gandbhir
Employment Law September 1, 2000 - August 31, 2001 Barbara Jones & Tom Daniel	September 1, 2001 - August 31, 2002 Barbara Jones & Tom Daniel
Environmental/Natural Resources Law September 1, 2000 - August 31, 2001 Joe Loescher & J.P. Tangen	September 1, 2001 - August 31, 2002 J.P. Tangen
Estate Planning/Probate Law September 1, 2000 - August 31, 2001 Steve Greer	September 1, 2001 - August 31, 2002 Steve Greer
Family Law September 1, 2000 - August 31, 2001 Jacqueline Bressers, Max Gruenberg, & Vanessa White	September 1, 2001 - August 31, 2002 Jacqueline Bressers, Max Gruenberg, & Vanessa White

Gender Equality

September 1, 2000 - August 31, 2001
 Chief Justice Dana Fabe & Bob Bundy
 And Judge Patricia Collins

September 1, 2001 - August 31, 2002
 Chief Justice Dana Fabe & Bob Bundy

Immigration Law

September 1, 2000 - August 31, 2001
 Kathy Atkinson & Mara Kimmel

September 1, 2001 - August 31, 2002
 Kathy Atkinson & Mara Kimmel

Intellectual Property Law

September 1, 2000 - August 31, 2001
 Michael Jungries & John McKay

September 1, 2001 - August 31, 2002
 Michael Jungries & John McKay

International Law

Reactivated March 2001

March, 2001 - August 31, 2001
 Andy Haas

September 1, 2001 - August 31, 2002
 Andy Haas

Law & Community Health

September 1, 2000 - August 31, 2001
 Colleen Ray

Formed in March 2001

September 1, 2001 - August 31, 2002
 Colleen Ray and Barbara Malchick

Public Interest Law

September 1, 2000 - August 31, 2001
 Katherine Alteneder

September 1, 2001 - August 31, 2002
 Katherine Alteneder

Real Estate Law

September 1, 2000 - August 31, 2001
 Jim Stanley

September 1, 2001 - August 31, 2002
 Jim Stanley

Solo & Small Firms (formerly Law Practice Management)

Inactive after June 1999

Tax Law

September 1, 2000 - August 31, 2001
 Charles Schuetze

September 1, 2001 - August 31, 2002
 Charles Schuetze

Torts/Personal Injury Law (formerly Torts)

September 1, 2000 - August 31, 2001
 Michaela Kelley Canterbury,
 Acting Chair

September 1, 2001 - August 31, 2002
 Michaela Kelley Canterbury,
 Acting Chair

Workers' Comp

September 1, 2000 - August 31, 2001
 Joe Kalamarides

September 1, 2001 - August 31, 2002
 Joe Kalamarides

The twenty-four 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.

At year end 2001, 1,182 bar members and 42 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 September 1 of each year. 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," section meeting dates and topics, and the recent issues of Section News are available on the Alaska Bar Association website. The sections also have individual webpages on the Bar's website,

www.alaskabar.org. These pages include copies of material distributed at meetings and/or links to other information.

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. In addition to the Section News and the website Event Calendar, Bar members are also reminded of meetings by e-mail.

Since 1994, 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; we now have regular telephone contact locations in both Fairbanks and Juneau.

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.

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.

During 2001, the Gender Equality Section re-printed a pamphlet "Gender-Neutral Language in the Courts" with permission of the New York State Judicial Committee on Women in the Courts. With help from the Alaska Court System and Preston Gates & Ellis, the pamphlet was mailed to all members of the Alaska Bar. It is also available for downloading on the section's webpage. The section also participated in the reproduction of the Women in Law exhibit in cooperation with the University of Alaska Fairbanks and the Alaska State Court Law Library.

C. The Standing Committees

1. Bar Polls and Elections Committee

The function of this nine member 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, 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 James D. DeWitt. (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 Alaska 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 standalone volume entitled "Alaska Legal Ethics Opinions and Rules Governing the Legal Profession." Finally, all Alaska Bar Ethics Opinions are available on line at the Bar's website, <http://www.alaskabar.org> under "Links and Resources."

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. The Committee held an oral history workshop, presented by Dr. Brad Williams, Executive Director of the 9th Circuit Historical Society. A reception was also held at the Anchorage courthouse presenting four historical displays: "The Honorable Buell Nesbett"; "Pioneering Women Lawyers of Alaska"; Honoring Judges Fitzgerald and von der Heydt, from Alaska's 1st court"; and "The Alaska Court System: Then and Now." The 4th Annual

gathering of lawyers who practiced law in Alaska in Territorial times was held 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.

6. Pro Bono Service Committee

This 9 member committee, chaired by Judge 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.

7. Lawyers' Assistance Committee

Superior Court Judge John Reese 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 administrative 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 Alaska Rules of Professional Conduct 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 Unum/Providence Insurance Co.

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 Thomas V. Van Flein.

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 103 subscribers for Ethics Opinions. However, all Alaska Bar Ethics Opinions are also available on line at the Bar's website, <http://www.alaskabar.org> under "Links and Resources."

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 40%; Anchorage Bar Association 48%; Alaska Bar Association 12%.

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 \$225,671 from interest in 2001.

In 2001, the Foundation made the following grants: \$250,000 to the Alaska Pro Bono Program; \$30,000 to Catholic Social Services; \$10,000 to the Alaska Native Justice Center; \$10,000 to Courtwatch Program; \$5,500 to the Alaska Women's Resource Center; \$5,000 to the Center for Families & Parenting; \$5,000 to the HRC Adult Education & Literacy Program; \$25,000 to the United Youth Courts of Alaska; \$3,500 to the state Mock Trial Team.

B. The Alaska Law Review

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

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

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

C. Alaska Legal Services Corporation

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

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

D. Alaska Code Revision Commission

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

E. Alaska Commission on Judicial Conduct

Three attorney members who have practiced law in the State for at least ten years are appointed to the Alaska Commission on Judicial Conduct by the Governor from a list of recommendations submitted by the Board of Governors. These appointments are subject to legislative confirmation. The attorney members in 2001 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 elected in 2000 for a two year term is Peter Gruenstein.

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

G. Alaska Judicial Council

Three attorneys serve staggered six year terms on the Alaska 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 2001, Robert B. Groseclose, 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. The current Ninth Circuit representatives in 2001 were Walter H. Garretson, Joanne Grace, 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 3 contains the year end monthly report on the 2001 income and expense budget for the Association. The 2001 report reflects a total revenue of \$2,023,606 with total expenses of \$2,005,463 for a net gain of \$18,143.

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Appendix 1

ALASKA BAR ASSOCIATION

R. Scott Taylor
211 H Street
Anchorage, AK 99501
May 7, 2001

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

Dear Mr. Weyhrauch:

This letter is written pursuant to Section 3 of Rule 4 of the Alaska Bar Rules and constitutes certification of the results of the Alaska Bar Examination given February 27, 28, and March 1, 2001. 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 eleven 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 50 applicants participated in the February 2001 Bar Examination. The performance of each examinee is also attached.

The examination was comprised of the following: the first day of the examination consisted of three "long" essay questions given in the morning and two MPT questions given in the afternoon; the MBE, a multiple-choice examination, was given on the second day of the examination; six "short" essay questions were given on the third morning of the exam.

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 two MPT questions, 25%. A combined score of 140 or above was passing.

Bruce B. Weyhrauch
May 7, 2001
Page 2

The Committee read the essay and research answers during the months of March through April, 2001. The results of the February 2001 examination were certified by the Committee on May 7, 2001, after the evaluation was completed and the statistics were compiled.

Of the 50 applicants, 38 (76%) received a combined score of 140 or greater. Of the 33 first time applicants, 28 received a passing score for a first time applicant pass rate of 85%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 38 applicants achieving passing scores on the February 2001 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,

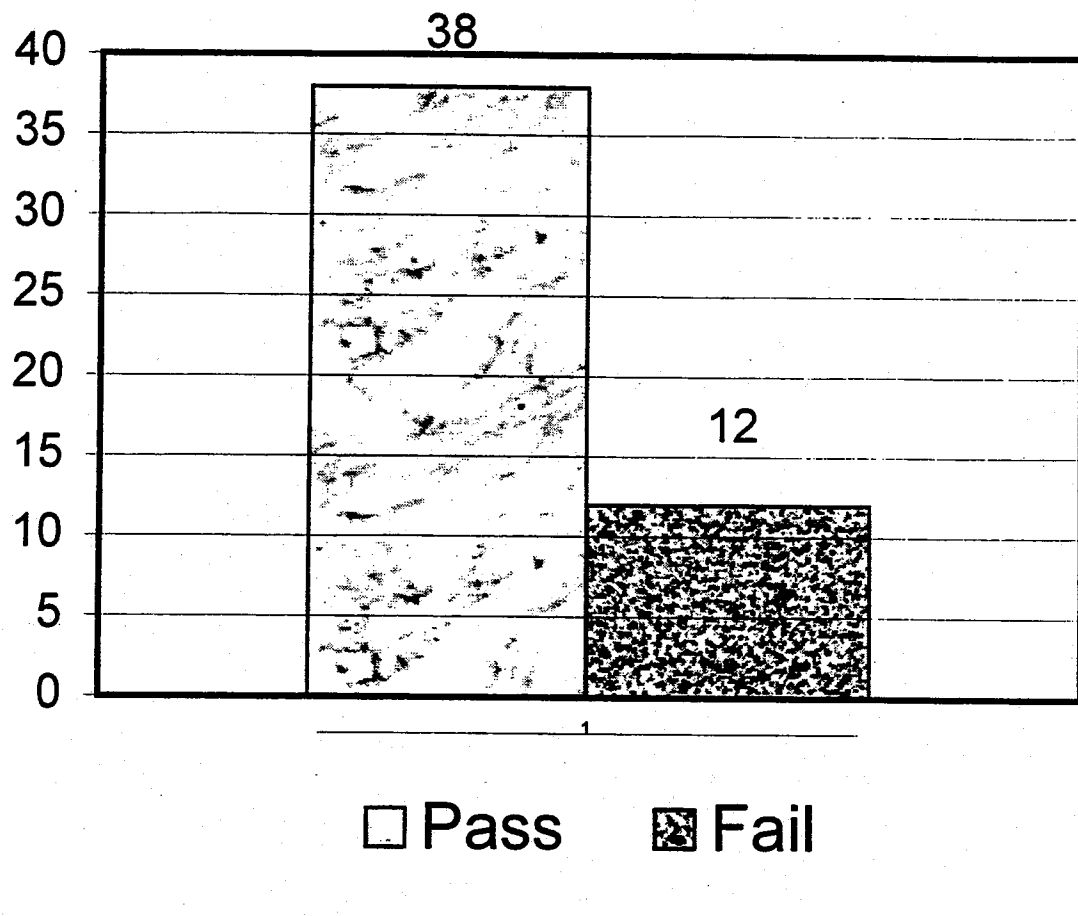
COMMITTEE OF LAW EXAMINERS

A handwritten signature in black ink, appearing to read 'R. Scott Taylor', with a stylized flourish at the end.

R. Scott Taylor
Chair

FEBRUARY 2001

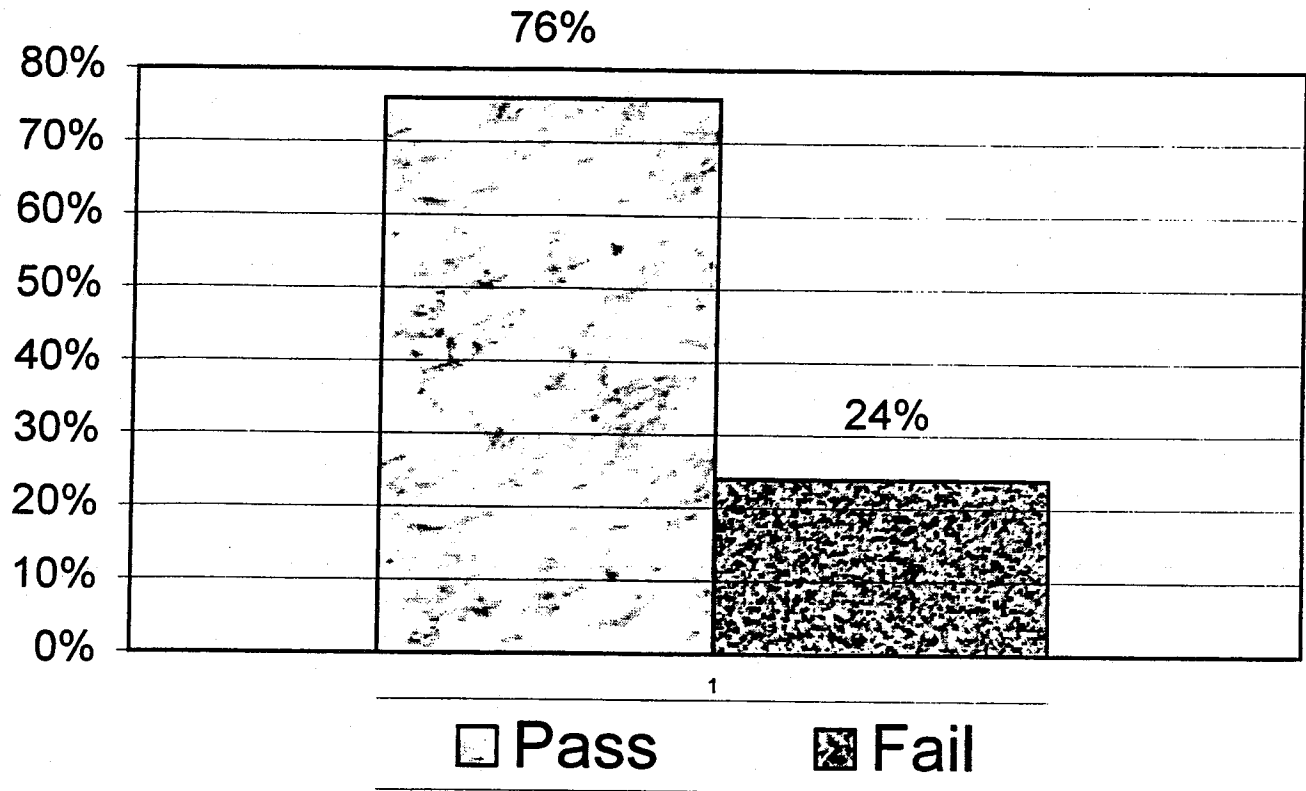
PASS / FAIL RESULTS



50 TOTAL APPLICANTS

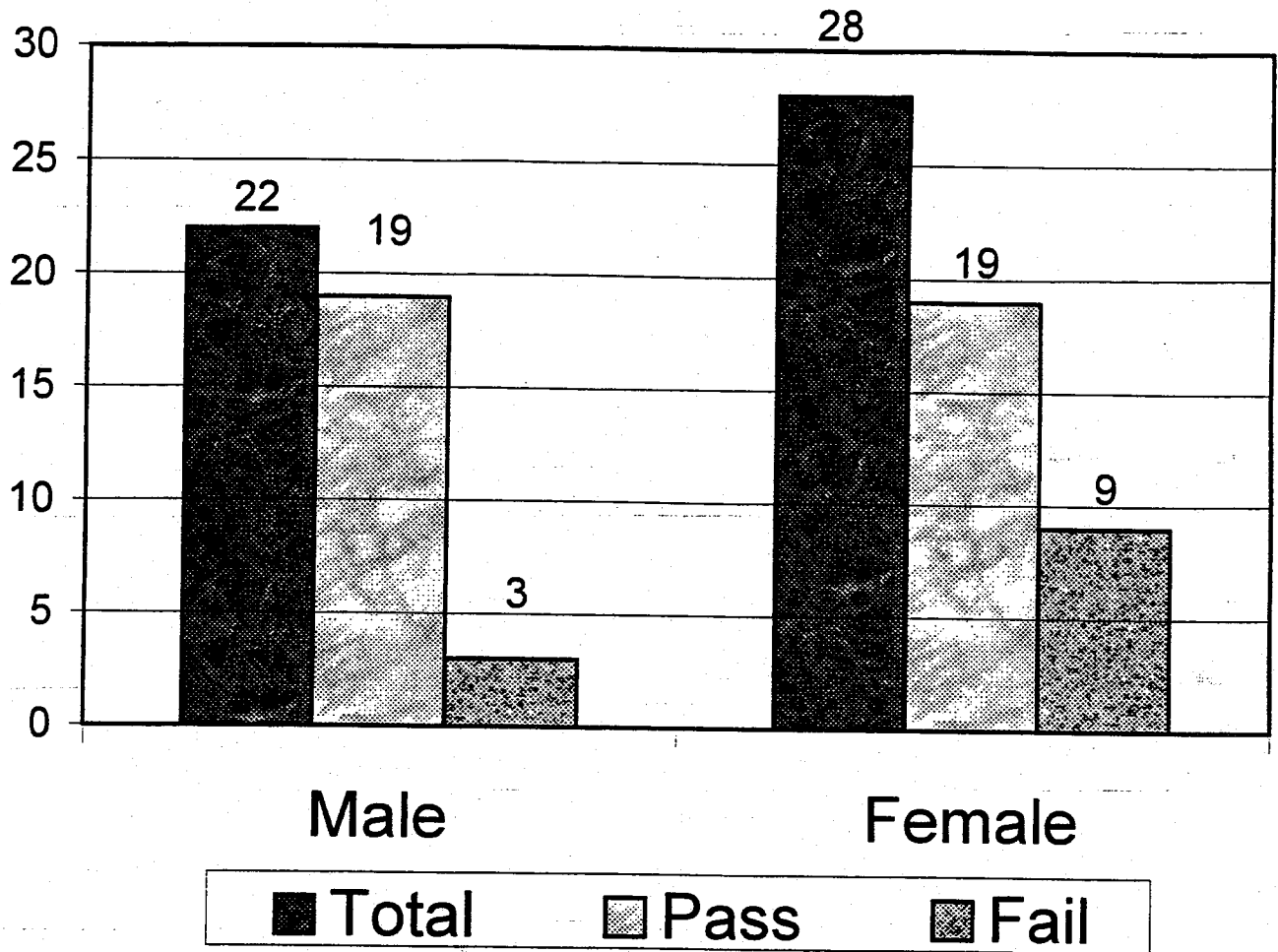
FEBRUARY 2001

PASS / FAIL %



FEBRUARY 2001 GENDER

PASS / FAIL RESULTS

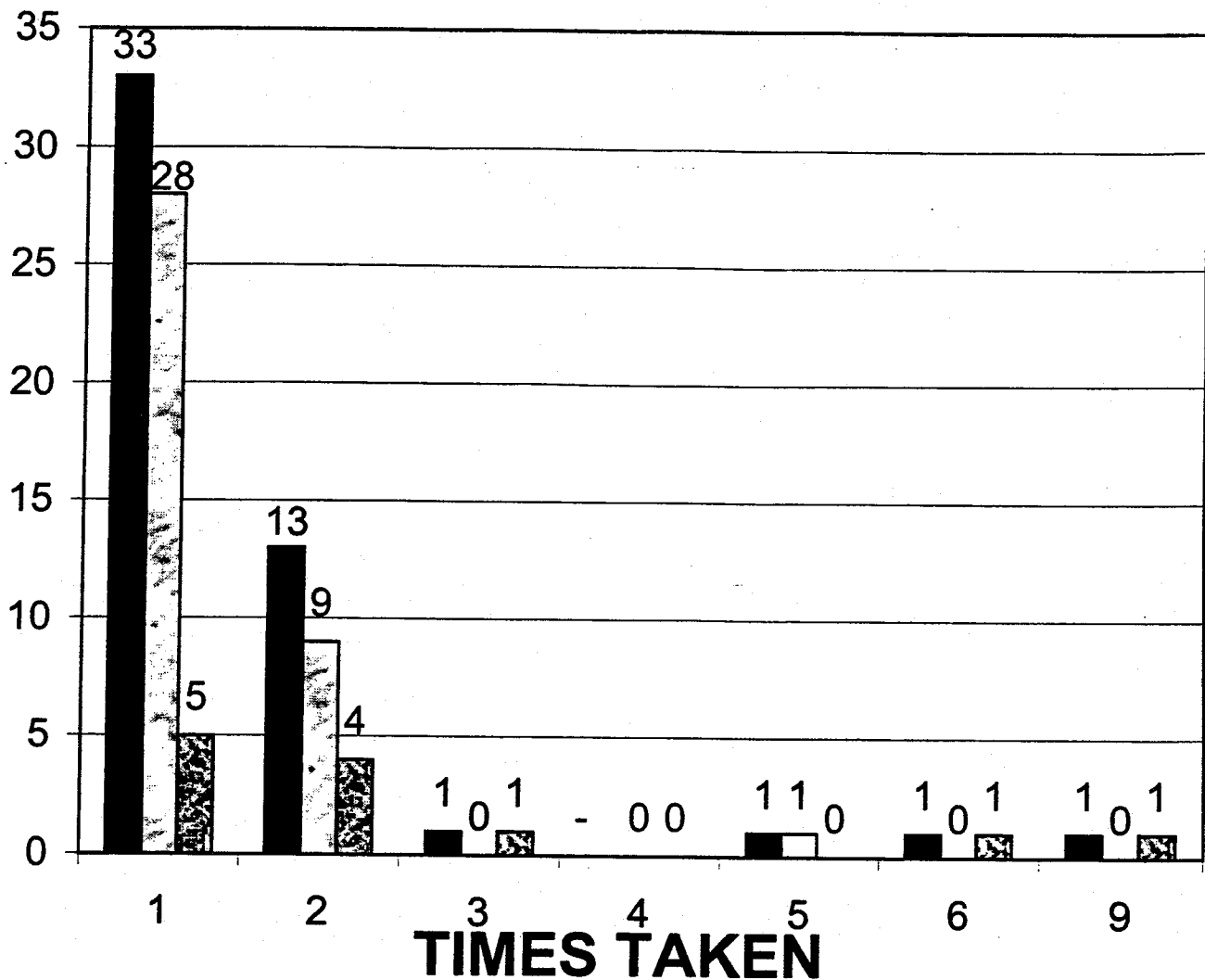


MALE - 86% PASS RATE

FEMALE - 68% PASS RATE

FEBRUARY 2001 - TIMES TAKEN

PASS / FAIL RESULTS



1ST TIME TAKERS PASS RATE: 85%

REAPPLICANT PASS RATE: 59%

Total
 Pass
 Fail

FEBRUARY 2001 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
Albany Law School of Union University	1	1	0
California Western School of Law	1	1	0
Catholic University of America	1	1	0
Cleveland Marshall College of Law	1	1	0
Cumberland School of Law of Samford Univ	1	1	0
Duquesne University School of Law	1	0	1
Franklin Pierce Law Center	1	0	1
Gonzaga University School of Law	4	2	2
Illinois Institute of Tech.-Chicago Kent	1	1	0
Lewis & Clark College NW School of Law	4	4	0
Loyola Law School	1	1	0
Mercer University, Walter School of Law	1	1	0
Seattle University School of Law	1	0	1
St. Louis University	1	1	0
Stanford University School of Law	2	2	0
The John Marshall Law School	1	0	1
Thomas M. Cooley Law School	1	1	0
Tulane Law School	1	1	0
U of C Berkeley School of Law Boalt Hall	2	2	0
U of C Davis School of Law	1	1	0
UCLA School of Law	1	1	0
Univer. of San Francisco School of Law	1	1	0
University of Akron	1	0	1
University of Colorado	1	1	0
University of Florida College of Law	1	1	0
University of Idaho	2	1	1
University of Iowa College of Law	1	0	1
University of Michigan Law School	2	1	1
University of Montana School of Law	1	1	0
University of Nebraska	1	1	0
University of Oregon School of Law	3	2	1
University of San Diego School of Law	1	1	0
University of South Carolina School of L	1	1	0
University of Tx at Austin School of Law	1	1	0
University of Washington School of Law	1	1	0
University of the Pacific, McGeorge	1	1	0
Widener University School of Law	1	1	0
Willamette University College of Law	1	0	1

TOTAL SCHOOLS 38

FEBRUARY 2001 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
004 Lewis & Clark College NW School of Law	4	4	0
004 Gonzaga University School of Law	4	2	2
003 University of Oregon School of Law	3	2	1
002 University of Michigan Law School	2	1	1
002 University of Idaho	2	1	1
002 U of C Berkeley School of Law Boalt Hall	2	2	0
002 Stanford University School of Law	2	2	0
001 Willamette University College of Law	1	0	1
001 Widener University School of Law	1	1	0
001 University of the Pacific, McGeorge	1	1	0
001 University of Washington School of Law	1	1	0
001 University of Tx at Austin School of Law	1	1	0
001 University of South Carolina School of L	1	1	0
001 University of San Diego School of Law	1	1	0
001 University of Nebraska	1	1	0
001 University of Montana School of Law	1	1	0
001 University of Iowa College of Law	1	0	1
001 University of Florida College of Law	1	1	0
001 University of Colorado	1	1	0
001 University of Akron	1	0	1
001 Univer. of San Francisco School of Law	1	1	0
001 UCLA School of Law	1	1	0
001 U of C Davis School of Law	1	1	0
001 Tulane Law School	1	1	0
001 Thomas M. Cooley Law School	1	1	0
001 The John Marshall Law School	1	0	1
001 St. Louis University	1	1	0
001 Seattle University School of Law	1	0	1
001 Mercer University, Walter School of Law	1	1	0
001 Loyola Law School	1	1	0
001 Illinois Institute of Tech.-Chicago Kent	1	1	0
001 Franklin Pierce Law Center	1	0	1
001 Duquesne University School of Law	1	0	1
001 Cumberland School of Law of Samford Univ	1	1	0
001 Cleveland Marshall College of Law	1	1	0
001 Catholic University of America	1	1	0
001 California Western School of Law	1	1	0
001 Albany Law School of Union University	1	1	0

Total Schools: 38

ALASKA BAR ASSOCIATION

R. Scott Taylor
211 H Street
Anchorage, AK 99501
October 11, 2001

Mauri Long
President, Board of Governors
Alaska Bar Association
Post Office Box 100279
Anchorage, AK 99510

Dear Ms. Long:

This letter is written pursuant to Section 3 of Rule 4 of the Alaska Bar Rules and constitutes certification of the results of the Alaska Bar Examination given July 24, 25, and 26, 2001. 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 **eleven** 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 57 applicants participated in the July 2001 Bar Examination. The performance of each examinee is also attached.

The examination was comprised of the following: the first day of the examination consisted of three "long" essay questions given in the morning and two MPT questions given in the afternoon; the MBE, a multiple-choice examination, was given on the second day of the examination; six "short" essay questions were given on the third morning of the exam.

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 two MPT questions, 25%. A combined score of 140 or above was passing.

Kirsten Tinglum
May 12, 2000
Page 2

The Committee read the essay and research answers during the months of August through September, 2001. The results of the July 2001 examination were certified by the Committee on October 12, 2001, after the evaluation was completed and the statistics were compiled.

Of the 57 applicants, 36 (63%) received a combined score of 140 or greater. Of the 49 first time applicants, 35 received a passing score for a first time applicant pass rate of 71%. Subject to other eligibility requirements contained in the Alaska Bar Rules, the Committee recommends to the Board of Governors that the 38 applicants achieving passing scores on the July 2001 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

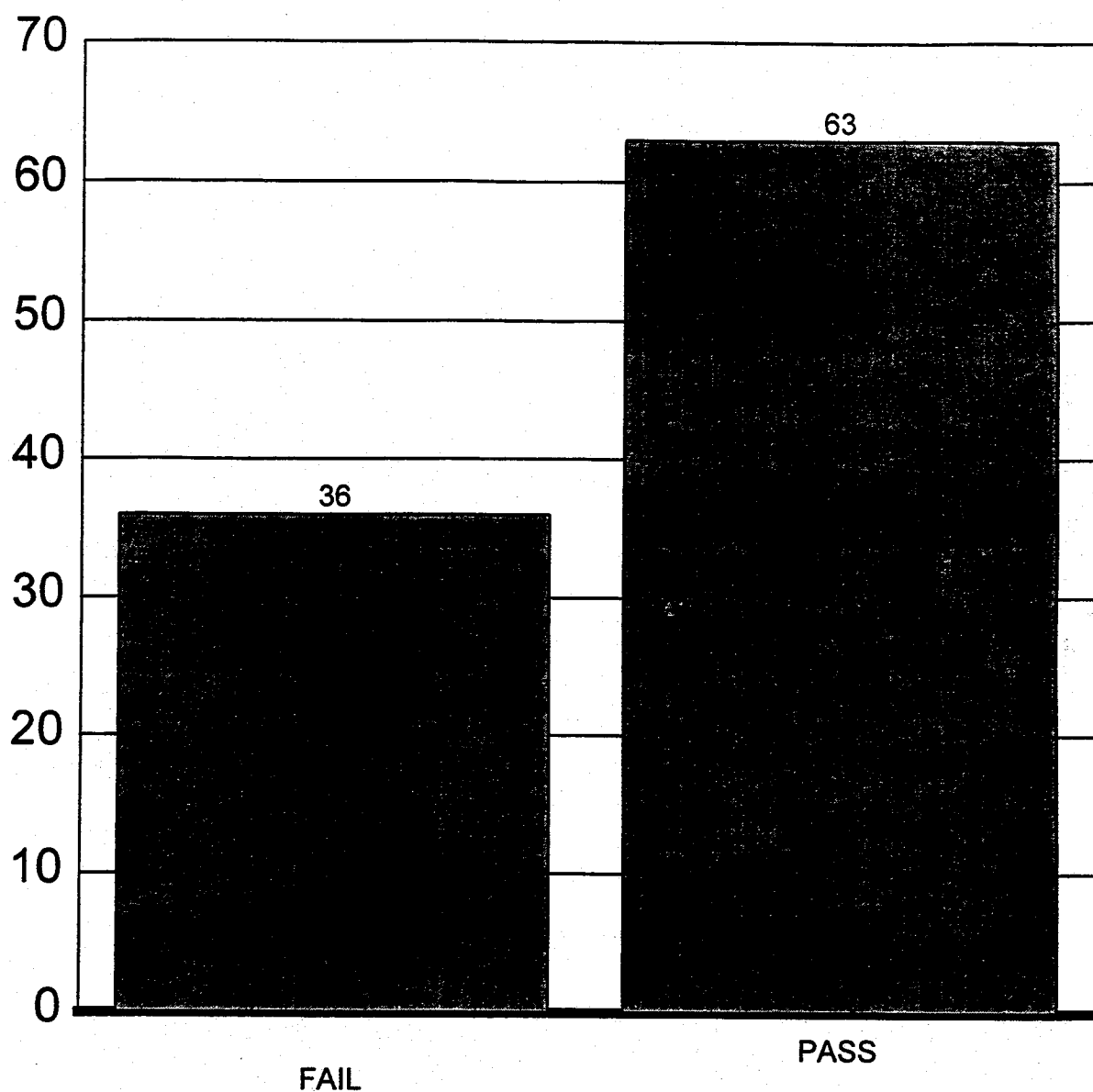
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R. Scott Taylor
Chair

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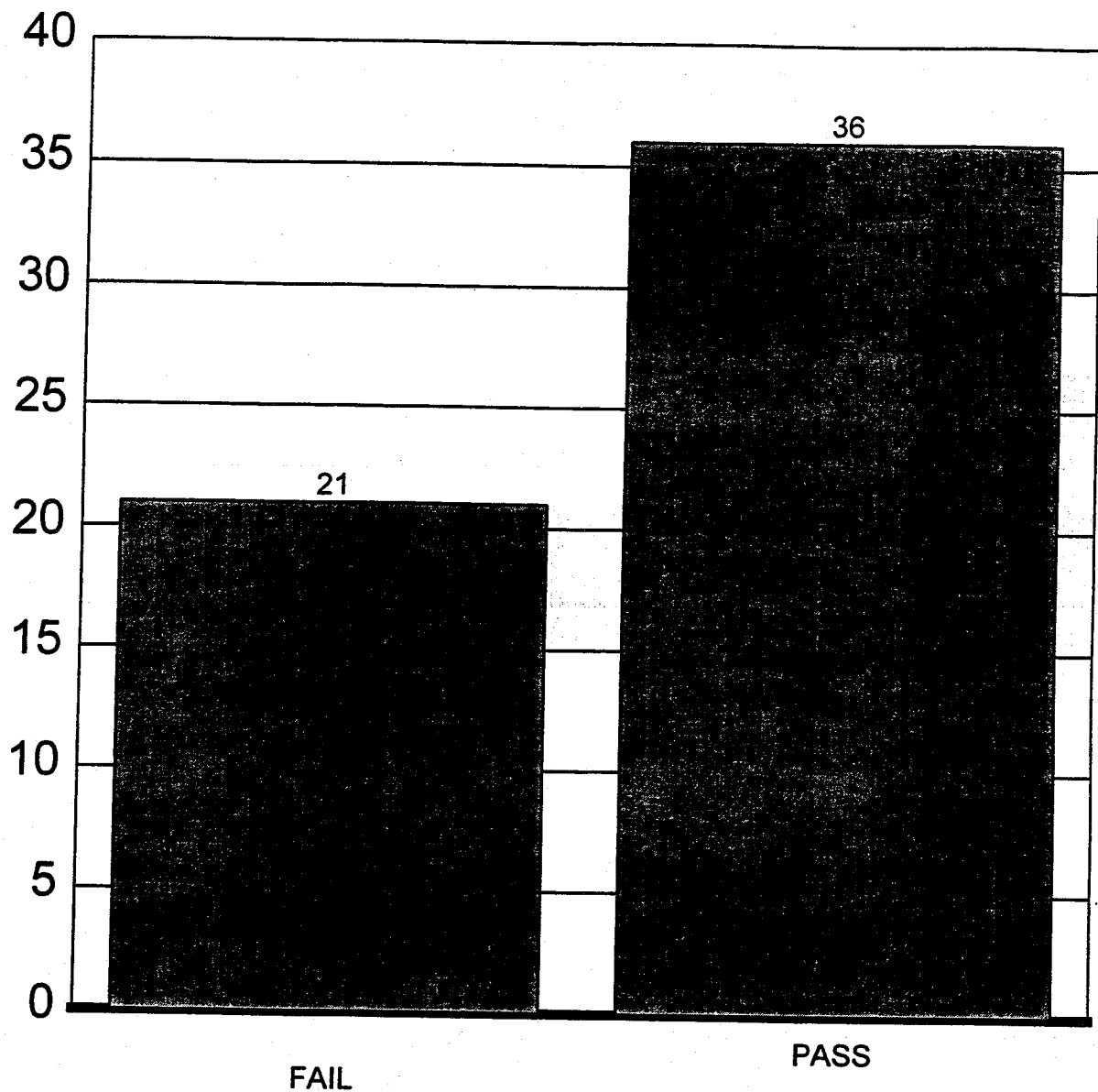
JULY 2001 PASS/FAIL RESULTS

PERCENT



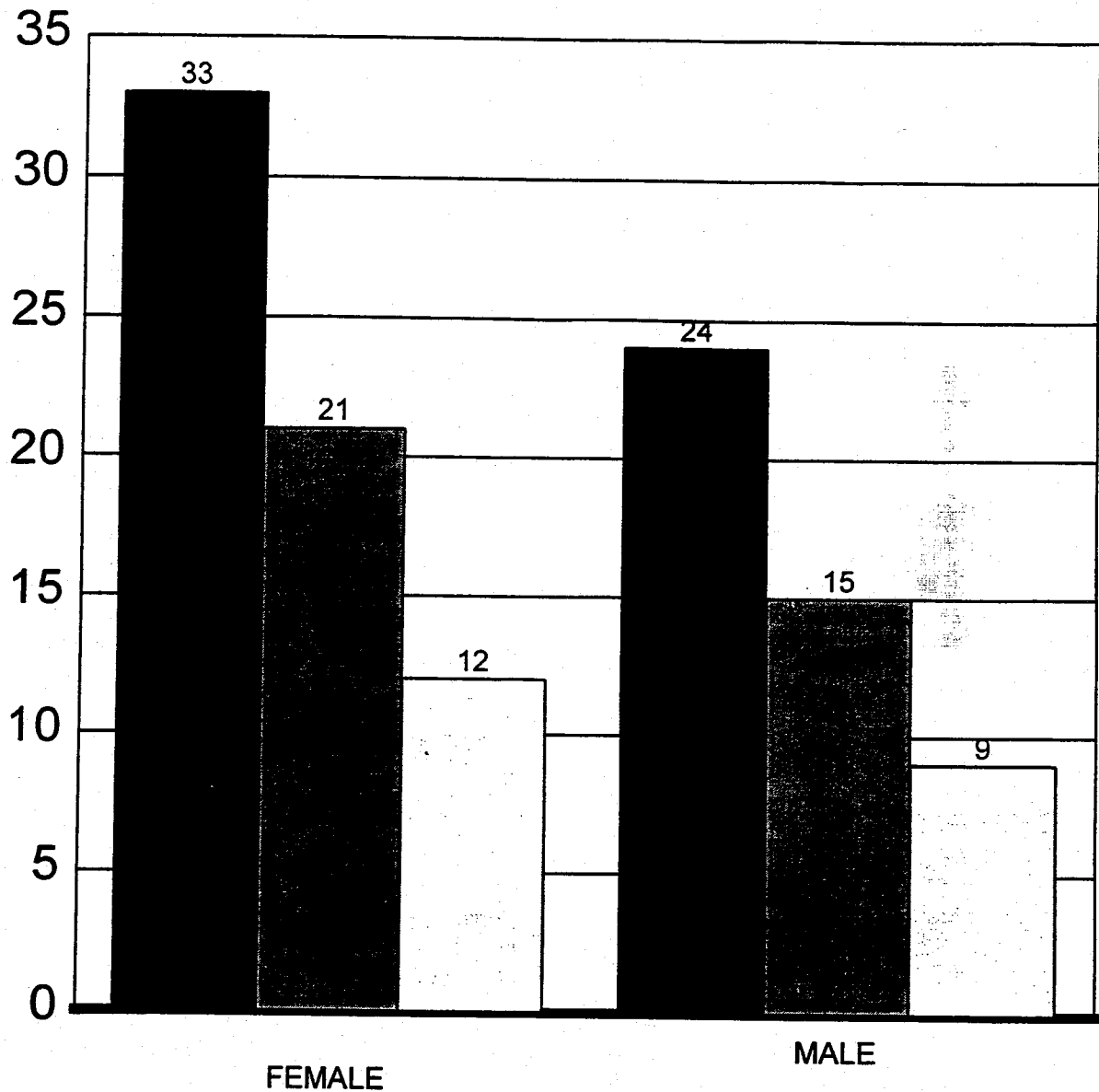
JULY 2001 PASS/FAIL RESULTS

COUNT



JULY 2001 GENDER VS. PASS/FAIL RESULTS

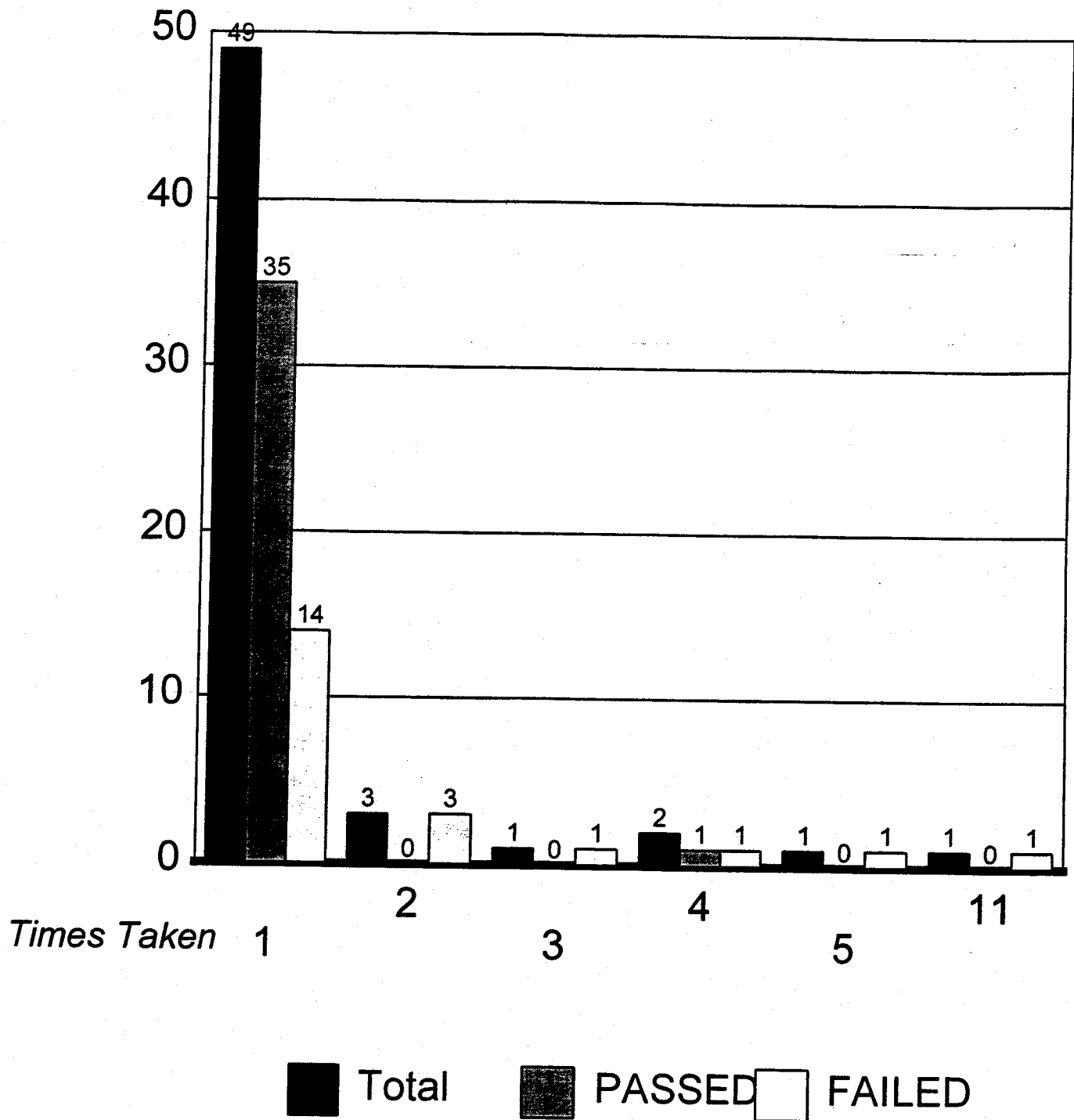
COUNT



■ TOTAL ■ PASSED □ FAILED

JULY 2001 NO. OF TIMES TAKEN VS. PASS/FAIL

Applicants



JULY 2001 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
Boston College Law School	1	1	0
California Western School of Law	2	2	0
Cornell Law School	1	1	0
Duquesne University School of Law	1	0	1
Franklin Pierce Law Center	2	0	2
George Mason University School of Law	1	1	0
Georgetown University Law Center	1	1	0
Gonzaga University School of Law	2	0	2
Hamline University School of Law	1	1	0
Harvard University Law School	1	1	0
LA State Univ. Paul Hebert Law Center	1	1	0
Lewis and Clark Northwestern Law School	3	3	0
Loyola Marymount University Los Angeles	3	2	1
Northeastern University School of Law	1	1	0
Regent University School of Law	1	0	1
Santa Clara University School of Law	1	1	0
Seattle University School of Law	1	0	1
Texas Tech University School of Law	1	0	1
The John Marshall Law School	1	0	1
Tulane University Law School	1	1	0
University of Akron School of Law	1	1	0
University of Chicago Law School	1	1	0
University of Colorado School of Law	1	1	0
University of Denver College of Law	1	1	0
University of FL. Levin College of Law	1	1	0
University of Houston Law Center	2	1	1
University of Idaho College of Law	1	0	1
University of Maine School of Law	1	0	1
University of Minnesota School of Law	1	1	0
University of Notre Dame School of Law	1	1	0
University of Oregon School of Law	4	2	2
University of Tulsa College of Law	1	0	1
University of Wisconsin Law School	1	0	1
University of Wyoming College of Law	1	1	0
Vermont Law School	3	2	1
Washburn University School of Law	1	1	0
Widener University School of Law	1	0	1
Willamette University	5	4	1
William Mitchell College of Law	1	0	1
Yale Law School	1	1	0

TOTAL SCHOOLS 40

JULY 2001 LAW SCHOOLS VS. PASS/FAIL RESULTS

	<u>TOTAL</u>	<u>PASSED</u>	<u>FAILED</u>
005 Willamette University	5	4	1
004 University of Oregon School of Law	4	2	2
003 Vermont Law School	3	2	1
003 Loyola Marymount University Los Angeles	3	2	1
003 Lewis and Clark Northwestern Law School	3	3	0
002 University of Houston Law Center	2	1	1
002 Gonzaga University School of Law	2	0	2
002 Franklin Pierce Law Center	2	0	2
002 California Western School of Law	2	2	0
001 Yale Law School	1	1	0
001 William Mitchell College of Law	1	0	1
001 Widener University School of Law	1	0	1
001 Washburn University School of Law	1	1	0
001 University of Wyoming College of Law	1	1	0
001 University of Wisconsin Law School	1	0	1
001 University of Tulsa College of Law	1	0	1
001 University of Notre Dame School of Law	1	1	0
001 University of Minnesota School of Law	1	1	0
001 University of Maine School of Law	1	0	1
001 University of Idaho College of Law	1	0	1
001 University of FL. Levin College of Law	1	1	0
001 University of Denver College of Law	1	1	0
001 University of Colorado School of Law	1	1	0
001 University of Chicago Law School	1	1	0
001 University of Akron School of Law	1	1	0
001 Tulane University Law School	1	1	0
001 The John Marshall Law School	1	0	1
001 Texas Tech University School of Law	1	0	1
001 Seattle University School of Law	1	0	1
001 Santa Clara University School of Law	1	1	0
001 Regent University School of Law	1	0	1
001 Northeastern University School of Law	1	1	0
001 LA State Univ. Paul Hebert Law Center	1	1	0
001 Harvard University Law School	1	1	0
001 Hamline University School of Law	1	1	0
001 Georgetown University Law Center	1	1	0
001 George Mason University School of Law	1	1	0
001 Duquesne University School of Law	1	0	1
001 Cornell Law School	1	1	0
001 Boston College Law School	1	1	0

Total Schools: 40

Appendix 2

FINAL VERSION Alaska Bar Association 2001 CLE Calendar

1/11/02 5:14 PM

Date	Time	Title	Location
January 18 NV	9:00 a.m.	Nonprofits in the New Millennium - Video Replay with Live Facilitation for United Way members CLE #2001-010 6.75 General CLE Credits	Fairbanks Westmark Hotel
January 25	8:30 - 10:30 a.m.	Ethics for the 21 st Century: Highlights of the American Bar Ethics 2000 Commission Recommendations CLE #2001-011 2.0 Ethics CLE Credits	Anchorage Hotel Captain Cook
January 31 NV	7:30 - 9:30 a.m.	Off the Record - 3 rd Judicial District - in cooperation with the Anchorage Bar Assn. CLE #2001-012 2.0 General CLE Credits	Anchorage Hotel Captain Cook
February 15	8:30 a.m. - 11:00 a.m.	Navigating for Success in Your Law Practice CLE #2001-002 2.25 General CLE Credits	Anchorage Hotel Captain Cook
March 12 NV	1:00 - 3:00 p.m.	Federal Off the Record - Juneau CLE #2001-015 2.0 General CLE Credits	Juneau Federal Court
March 13 NV	1:00 - 3:00 p.m.	Federal Off the Record - Ketchikan CLE #2001-015 2.0 General CLE Credits	Ketchikan Federal Court
March 14	9:00 a.m. - 12:15 p.m.	Ethics Is Not A Multiple-Choice Question: A Mandatory Program For New Lawyers In Alaska CLE #2001-888 3.0 Ethics CLE Credits	Anchorage Downtown Marriott
March 14 NV	9:00 a.m. - 4:30 p.m.	Basic Document Retrieval, Key Cite, Key Number Searches (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-013 2.75 General CLE Credits	Anchorage Snowden Bldg.
March 15 NV	9:00 a.m. - 4:30 p.m.	Advanced Caselaw Research (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-014 2.75 General CLE Credits	Anchorage Snowden Bldg.

March 22 NV	1:30 p.m.- 4:45 p.m.	Ethics Is Not A Multiple-Choice Question: A Mandatory Program For New Lawyers In Alaska CLE #2001-888 3.0 Ethics CLE Credits	Juneau - Centennial Hall
March 23 NV	1:30 p.m.- 4:45 p.m.	Ethics Is Not A Multiple-Choice Question: A Mandatory Program For New Lawyers In Alaska CLE #2001-888 3.0 Ethics CLE Credits	Fairbanks - Westmark Hotel
March 27 NV	9:00 a.m. - 4:30 p.m.	Basic Document Retrieval, Key Cite, Key Number Searches (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-022 2.75 General CLE Credits	Anchorage Snowden Bldg.
March 28 NV	9:00 a.m. - 4:30 p.m.	Advanced Caselaw Research (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-023 2.75 General CLE Credits	Anchorage Snowden Bldg.
April 6	9:00 a.m. - 4:30 p.m.	Depositions: Mastering Technique & Strategy through Control - with Paul Lisnek CLE #2001-003 6.00 General CLE Credits	Anchorage -Hotel Captain Cook
April 9 & 10 NV	9:00 a.m. - 4:30 p.m.	Basic Document Retrieval, Key Cite, Key Number Searches (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-022 2.75 General CLE Credits	Fairbanks Courthouse
April 11	8:00 a.m. - 12:00 noon	The Sinfully Simple Will CLE #2001-004 3.25 General CLE Credits	Anchorage Hotel Captain Cook
April 20 NV	1:00 - 3:00 p.m.	Off the Record - 4 th Judicial District CLE #2001-021 2.0 General CLE Credits	Fairbanks - Westmark Hotel
April 26 & 27 NV	9:00 a.m. - 4:30 p.m.	Basic Document Retrieval, Key Cite, Key Number Searches (2 sessions: 9-12 or 1:30 - 4:30) CLE #2001-022 2.75 General CLE Credits	Juneau Dept. of Law
May 31	9:00 a.m. - 12:00 noon	Estate Planning & Retirement Benefits: The Fundamentals - with Natalie Choate CLE #2001-005 2.75 General CLE Credits	Anchorage Hotel Captain Cook

June 19	8:30 a.m. - 12:30 p.m.	Revisions to Article 9 of the UCC: The Essential Update CLE #2001-018 4.0 General CLE Credits	Anchorage Hotel Captain Cook
July 13 (NV)	12:30 - 5:00 p.m. Half Day	Revisions to Article 9 of the UCC: The Essential Update CLE #2001-018 4.0 General CLE Credits	Juneau Centennial Hall
August 9	4:30 - 6:30 p.m.	An Informal Discussion with the 9th Circuit Court of Appeals CLE #2001-019 2.0 General CLE Credits	Anchorage Downtown Marriott
August 10 (NV)	1:30 - 2:30 p.m.	An Informal Discussion with the 9th Circuit Court of Appeals CLE #2001-019 1.0 General CLE Credits	Fairbanks Westmark Hotel
August 13 (NV)	1:15 - 2:15 p.m.	An Informal Discussion with the 9th Circuit Court of Appeals CLE #2001-019 1.0 General CLE Credits	Juneau Baranof Hotel
September 6	9:00 a.m. - 12:00 noon	Ethics Is Not A Multiple-Choice Question: A Mandatory Program for New Lawyers in Alaska CLE #2001-888 3.0 Ethics CLE Credits	Anchorage Hotel Captain Cook
September 6	1:30 - 4:45 p.m.	ALPS Professional Responsibility: Representing the Corporate Client CLE #2001-027 3.0 Ethics CLE Credits	Anchorage Hotel Captain Cook
September 7 (NV)	1:15 - 4:30 p.m.	ALPS Professional Responsibility: Representing the Corporate Client CLE #2001-034 3.0 Ethics CLE Credits	Fairbanks Westmark Hotel
September 12 (NV)	8:30 a.m. - 4:15 p.m.	PowerPoint for Lawyers CLE #2001-025 6.25 General CLE Credits	Anchorage Snowden Training Center
September 14 (NV) POSTPONED	1:30 - 4:45 p.m.	ALPS Professional Responsibility: Representing the Corporate Client CLE #2001-035 3.0 Ethics CLE Credits	Juneau Centennial Hall
September 19	8:30 - 11:45 a.m.	Using the Internet for Discovery CLE #2001-026 3.0 General CLE Credits	Juneau Centennial Hall
September 20	9:00 a.m. - 12:15 p.m.	Using the Internet for Discovery CLE #2001-026 3.0 General CLE Credits	Anchorage Downtown Marriott

October 9 (NV)	9:00 a.m. – 12:00 p.m.	Online Legal Research with Westlaw CLE #2001-036 2.75 General CLE Credits	Fairbanks UA Statewide Training Lab
October 9 (NV)	1:30 – 4:30 p.m.	Online Legal Research with Westlaw CLE #2001-036 2.75 General CLE Credits	Fairbanks UA Statewide Training Lab
October 11	8:30 a.m. – 4:30 p.m.	Recent Developments in Intellectual Property & E- Commerce on the Internet CLE #2001-007 5.75 General CLE Credits	Anchorage Hotel Captain Cook
October 17	8:00 – 11:30 a.m.	Pre-Trial Orders: Civil & Domestic Relations CLE #2001-032 3.25 General CLE Credits	Anchorage Hotel Captain Cook
October 24	Full Day 8:30 a.m. – 5:15 p.m.	14th Annual Alaska Native Law Conference CLE #2001-006 6.5 General CLE Credits	Anchorage Hilton
November 2	8:30 a.m. – 12:30 p.m.	8 th Annual Workers' Comp Update CLE #2001-029 3.5 General CLE Credits	Anchorage Hotel Captain Cook
November 7	8:30 a.m. – 12:30 p.m.	Consumer Law & Your Practice CLE #2001-009 3.75 General CLE Credits	Anchorage Hotel Captain Cook
November 8	5:00 – 7:00 p.m.	Juneau Off the Record CLE #2001-33 2.0 General CLE Credits	Juneau Centennial Hall
December 4	8:30 - 10:00 a.m.	Ethics at the 11 th Hour CLE #2001-024 1.5 Ethics CLE Credits	Anchorage Downtown Marriott
December 19	9:00 a.m. – 1:00 p.m.	Easements Replay for Prudential Realtors CLE #2001-043 3.25 General CLE Credits	Prudential Real Estate
December 17, 18, 19, 20, 27 and 28	Twice each day – video replays in Bar office	Ethics at the 11 th Hour CLE #2001-024 1.5 Ethics CLE Credits	Anchorage Bar Office

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Appendix 3

ALASKA BAR ASSOCIATION
FINANCIAL STATEMENTS
AND INDEPENDENT AUDITOR'S
REPORT

DECEMBER 31, 2001

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INDEPENDENT AUDITOR'S REPORT

Board of Governors
Alaska Bar Association

We have audited the accompanying statements of financial position of the General Fund, Lawyers' Fund for Client Protection and the Court System Library Fund of the Alaska Bar Association as of December 31, 2001, and the related statements of activities, functional expenses, and cash flows for the year then ended. These financial statements are the responsibility of the Association's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the General Fund, Lawyers' Fund for Client Protection and the Court System Library Fund of the Alaska Bar Association as of December 31, 2001, and the changes in net assets and cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Daniel, Hewko & Tharp

Anchorage, Alaska
February 19, 2002

ALASKA BAR ASSOCIATION

STATEMENT OF FINANCIAL POSITION

December 31, 2001

ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
CURRENT ASSETS				
Cash	\$ 327,687	\$ 209,142	\$ 25,445	\$ 562,274
Investments	1,665,916	761,859		2,427,775
Accounts receivable	1,038,059	-	-	1,038,059
Accrued interest receivable	30,639	10,618	-	41,257
Due from general fund	-	30,180	-	30,180
Prepaid expenses	30,637	-	-	30,637
Total current assets	3,092,938	1,011,799	25,445	4,130,182
PROPERTY AND EQUIPMENT, at cost				
Video tape library and and equipment	5,485	-	-	5,485
Office furniture, equipment and leasehold improvements	445,335	-	-	445,335
Historical artifacts	3,750	-	-	3,750
	454,570	-	-	454,570
Less accumulated depreciation and amortization	(390,040)	-	-	(390,040)
	64,530	-	-	64,530
	\$ 3,157,468	\$ 1,011,799	\$ 25,445	\$ 4,194,712

LIABILITIES AND NET ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
CURRENT LIABILITIES				
Accounts payable and accrued expenses	\$ 78,570	\$ -	\$ -	\$ 78,570
Due to Bar Foundation	675	-	-	675
Due to other funds	27,350	-	-	27,350
Deferred dues and fees	<u>1,322,615</u>	<u>27,500</u>	<u>-</u>	<u>1,350,115</u>
 Total current liabilities	 <u>1,429,210</u>	 <u>27,500</u>	 <u>-</u>	 <u>1,456,710</u>
 NET ASSETS				
Unrestricted				
Designated by the Board of Governors for:				
Working Capital	200,000	-	-	200,000
Asset acquisition	118,871	-	-	118,871
Undesignated	<u>1,405,637</u>	<u>984,299</u>	<u>25,445</u>	<u>2,415,381</u>
	1,724,508	984,299	25,445	2,734,252
Permanently restricted	<u>3,750</u>	<u>-</u>	<u>-</u>	<u>3,750</u>
	<u>1,728,258</u>	<u>984,299</u>	<u>25,445</u>	<u>2,738,002</u>
	<u>\$ 3,157,468</u>	<u>\$ 1,011,799</u>	<u>\$ 25,445</u>	<u>\$ 4,194,712</u>

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

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ALASKA BAR ASSOCIATION

STATEMENT OF ACTIVITIES For the Year Ended December 31, 2001

UNRESTRICTED NET ASSETS	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
Revenue and Other Income				
Dues	\$ 1,328,628	\$ 29,951	\$ -	\$ 1,358,579
Admission fees	173,570	-	-	173,570
Share from copier	-	-	11,604	11,604
Continuing legal education	143,853	-	-	143,853
Lawyer referral fees	72,956	-	-	72,956
Annual meeting	78,705	-	-	78,705
Earnings on investments	119,013	51,020	713	170,746
Other	68,771	208	-	68,979
Unrealized gains on investments	37,587	15,188	-	52,775
Total unrestricted revenue	2,023,083	96,367	12,317	2,131,767
Expenses				
Admissions	167,577	-	-	167,577
Board of Governors	71,732	-	-	71,732
Discipline	590,601	-	-	590,601
Fee arbitration	51,940	-	-	51,940
Lawyer referral	43,608	-	-	43,608
Continuing legal education	345,421	-	-	345,421
Administration	405,638	-	-	405,638
Voluntary CLE	62,922	-	-	62,922
Annual meeting	118,578	-	-	118,578
Claims awarded	-	43,318	-	43,318
Research resources	-	-	30,464	30,464
Other	147,447	405	12	147,864
Total expenses	2,005,464	43,723	30,476	2,079,663
Increase (decrease) in net unrestricted assets	17,619	52,644	(18,159)	52,104
Net assets, beginning of year	1,706,888	931,655	43,604	2,682,147
Net assets, end of year	\$ 1,724,507	\$ 984,299	\$ 25,445	\$ 2,734,251

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, 2001

	<u>Admissions</u>	<u>Board of Governors</u>	<u>Discipline</u>	<u>Fee Arbitration</u>
Salaries and related expenses	\$ 77,603	\$ -	\$ 439,322	\$ 40,495
Rent	15,667	429	50,001	4,993
Exam questions	7,040	-	-	-
Grading and review	26,743	-	-	-
Litigation support	-	-	3,528	-
Printing	-	1,759	-	-
Office supplies and expense	6,596	1,649	8,245	1,649
Telephone	426	278	1,189	347
Travel	-	30,984	9,991	-
Meeting Expenses	-	7,729	-	-
Retreat	-	21,710	-	-
Equipment lease	1,392	-	10,580	557
Postage	4,078	3,211	4,894	909
Copying	731	602	2,744	556
Accounting fees	-	-	-	-
Pension administration	-	-	-	-
Insurance	3,838	1,919	4,798	960
Repairs and maintenance	454	-	3,448	181
Depreciation and amortization	2,884	-	21,915	1,153
Advertising	-	-	-	-
Miscellaneous	16,326	1,462	4,414	-
Programming	1,370	-	2,287	80
Public interest grants	-	-	-	-
Seminar costs	-	-	-	-
Newsletter	-	-	-	-
Public notices	-	-	14,705	-
Committee expenses	2,429	-	-	60
Trustee counsel	-	-	8,540	-
Duke/Alaska Law Review	-	-	-	-
Annual meeting expense	-	-	-	-
Substantive law sections	-	-	-	-
Internet web page design	-	-	-	-
VCLE discount on dues	-	-	-	-
Management services - law library copier fund	-	-	-	-
Foundation accounting services	-	-	-	-
	<u>\$ 167,577</u>	<u>\$ 71,732</u>	<u>\$ 590,601</u>	<u>\$ 51,940</u>

<u>Lawyer Referral</u>	<u>Continuing Education</u>	<u>Administration</u>	<u>Voluntary CLE</u>	<u>Annual Meeting & Other</u>	<u>Total</u>
\$ 23,427	\$ 165,482	\$ 239,813	\$ 2,131	\$ -	\$ 988,273
3,440	18,346	31,703	-	-	124,579
-	-	-	-	-	7,040
-	-	-	-	-	26,743
-	-	-	-	-	3,528
-	-	6,116	-	-	7,875
1,649	1,681	12,228	-	-	33,697
2,892	494	1,015	-	-	6,641
-	4,669	13,644	-	-	59,288
-	-	-	-	-	7,729
-	-	-	-	-	21,710
835	4,455	9,983	-	-	27,802
900	1,015	14,129	2,248	-	31,384
21	940	12,907	1,941	-	20,442
-	-	8,978	-	-	8,978
-	-	11,573	-	-	11,573
960	960	5,758	-	-	19,193
272	1,452	3,559	-	-	9,366
1,730	9,227	20,761	2,630	-	60,300
6,855	-	-	-	-	6,855
507	588	12,029	2,492	13,481	51,299
120	3,566	1,442	2,925	-	11,790
-	-	-	-	13,765	13,765
-	129,210	-	-	-	129,210
-	-	-	-	41,367	41,367
-	-	-	-	-	14,705
-	3,336	-	-	7,872	13,697
-	-	-	-	-	8,540
-	-	-	-	32,500	32,500
-	-	-	-	118,578	118,578
-	-	-	-	15,572	15,572
-	-	-	-	9,994	9,994
-	-	-	48,555	-	48,555
-	-	-	-	3,746	3,746
-	-	-	-	9,149	9,149
<u>\$ 43,608</u>	<u>\$ 345,421</u>	<u>\$ 405,638</u>	<u>\$ 62,922</u>	<u>\$ 266,024</u>	<u>\$ 2,005,463</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, 2001

	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
CASH FLOWS FROM				
OPERATING ACTIVITIES				
Increase (decrease) in unrestricted net assets	\$ 17,619	\$ 52,644	\$ (18,159)	\$ 52,104
Adjustments to reconcile change in net assets to net cash:				
Depreciation and amortization	60,300	-	-	60,300
Amortization of premiums on investments	851	1,711	-	2,562
Unrealized gains on investments	(37,587)	(15,188)	-	(52,775)
(Increase) decrease in operating assets:				
Accounts receivable	12,196	-	-	12,196
Accrued interest	(6,317)	(2,639)	-	(8,956)
Due from other funds	-	(3,000)	-	(3,000)
Prepaid expenses	15,606	-	-	15,606
Increase (decrease) in operating liabilities:				
Accounts payable and accrued expenses	6,068	-	-	6,068
Due to Bar Foundation	(1,296)	-	-	(1,296)
Due to other funds	170	-	-	170
Unearned dues and fees	7,681	370	-	8,051
Net cash provided (used) by operating activities	75,291	33,898	(18,159)	91,030
CASH FLOWS FROM				
INVESTING ACTIVITIES				
(Increase) decrease in short-term investments, net	(205,908)	9,004	-	(196,904)
Purchase of property and equipment	(24,095)	-	-	(24,095)
Net cash provided (used) by investing activities	(230,003)	9,004	-	(220,999)
Net increase (decrease) in cash and cash equivalents	(154,712)	42,902	(18,159)	(129,969)
Cash, beginning of period	482,398	166,240	43,604	692,242
Cash, end of period	\$ 327,686	\$ 209,142	\$ 25,445	\$ 562,273

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 stated at fair value, which is based on quoted market prices at December 31, 2001. All investments are certificates of deposit.

	<u>Amortized Cost</u>	<u>Market Value</u>
General Fund	\$ 1,641,100	\$ 1,655,916
Lawyers' Fund for Client Protection	<u>75,078</u>	<u>761,859</u>
Total	<u>\$ 1,716,178</u>	<u>\$ 2,417,775</u>

The Association's investment activities for the year ended December 31, 2001 resulted in income of \$170,033, and a net unrealized gain on investments of \$52,775 and an increase in net assets of \$222,808.

(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 year 2001 totaled \$35,072.

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 current office lease terminates July 2002. The minimum future lease payments under these operating leases are as follows:

2002	\$ 105,905
2003	40,632
2004	<u>3,386</u>

Total future minimum lease payments	<u>\$ 149,923</u>
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In October 2001, the Association signed a Memorandum of Agreement with the State of Alaska for a new office lease with a rental rate of \$1.072 per square foot for approximately 5,401 square feet. The Association plans to move in August 2002.

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 November 2001 with the recommendation that the legislature extend the existence of the Board of Governors of the Alaska Bar Association until June 30, 2006.

(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, 2001, the Association's uninsured cash balances totaled \$205,923.

Note 7. Lawyers' Fund for Client Protection Contingencies

As of the date of the financial statements, the Lawyers' Fund for Client Protection had six cases pending before the committee totaling \$23,083, and one case pending before the Board of Governors for \$800. 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 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.

Note 9. Subsequent Events

Subsequent to year end, the Association's Board of Governors approved the reimbursement of \$52,622 to two trustee counsels. These payments were made in February 2002 and charged to expense in the year 2002.