

### THE ALASKA BAR ASSOCIATION

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Cover Art: "Southeast Daybreak," 2008 11" x 14" Watercolor By Marilyn Lee

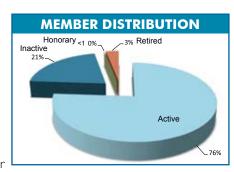
# **Introduction & Overview**

In 2009, the Alaska Bar Association had 3,962 members in the following categories: 3,015 Active (2,451 In-state and 564 Outside), 825 Inactive, 122 Retired, and 1 Honorary. Its affairs are governed by a 12-member Board of nine attorneys and three non-attorney citizens. A (non-voting) New Lawyer Liaison also advises the Board.

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 Alaska Supreme Court.

There are presently 13 standing committees, 25 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. More than 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 when it was founded in 1968, to 20 employees.

The association is primarily funded by its membership's annual dues, continuing legal education program registration fees, admissions, the annual convention, the Lawyer Referral Service, and investment income. The association received no public monies in the 2009 fiscal year:

# **Principal Activities**

## Bar Examination

The Alaska Bar Examination is conducted twice annually in Anchorage, Fairbanks and Juneau. It consists of: I) one day of essay questions on Alaska law prepared by a permanent committee of the Association known as the Alaska Law Examiners; 2) two half-days of objective, multiple choice

	2005 - 2009 Bai	r Exam Resu	ults
Date	Applicants	Passed	Pass Rate
July 2009	63	40	63%
	44 1st timers	35	80%
Feb. 2009	50	26	52%
	35 1st timers	22	63%
July 2008	59	40	68%
	51 1st timers	39	76%
Feb. 2008	37	27	73%
	20 1st timers	18	90%
July 2007	75	52	69%
	54 1st timers	47	87%
Feb. 2007	54	26	48%
	24 1st timers	17	71%
July 2006	82	52	63%
	64 1st timers	46	72%
Feb. 2006	66	40	61%
	46 1st timers	36	78%
July 2005	70	39	56%
	49 1st timers	35	71%
Feb. 2005	62	44	71%
	50 1st timers	39	78%

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# **Admissions**

All applicants are required to attend a course on ethics as prescribed by the Board prior to admission.

All applicants must also submit an affidavit that they have read and are familiar with the Alaska Rules of Professional Conduct. (Bar Rule 64)

questions (the Multistate Bar Examination or "MBE"), prepared by the National Conference of Bar Examiners (NCBE) and administered simultaneously in 48 states and D.C.; and 3) a half day of the performance test (the Multistate Performance Test or "MPT") prepared by NCBE.

In addition, a Multistate Professional Responsibility Exam (MPRE) is given separately three times a year (March, August, and November).

In 2009, 113 individuals took the Bar Exam and 66 passed the exam.

### Admission Without Examination

Bar Rule 2, Section 2 provides an admission without examination rule, with reciprocity provisions. An applicant who has taken a written bar exam in a reciprocal jurisdiction and has engaged in the active practice of law for five of the previous seven years may be eligible for reciprocal admission.

In 2009, 27 applicants were approved for admission without examination.

# Discipline of Members

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." Investigation and recommendations for professional conduct matters have been delegated by the Court to the Bar Association.

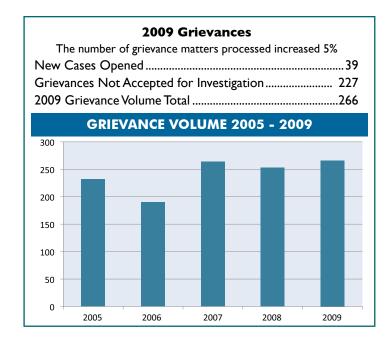
Expenditures for the Discipline Section totaled \$742,465 during 2009 or 30% of the Bar Association's budget. This represents a substantial allocation of the Bar's resources for the protection of clients, the public, and the legal system in Alaska.

### 2009 GRIEVANCES

The Discipline Section processed 266 grievances in 2009, compared to 253 in 2008, representing a 5% increase. Summary statistical data related to discipline status are contained in the charts.

### SUMMARY OF PUBLIC DISCIPLINE ACTIONS IN 2009

- The Alaska Supreme Court disbarred Willard Woodell with conditions effective August 4, 2009.
- The Court suspended Jody Brion for three years with two years stayed with conditions on August 17, 2009, and David York for three years with conditions on December 16, 2009, but effective on May 9, 2008, when he voluntarily transferred to inactive dues status.
- The Court interimly suspended Eugene B. Cyrus effective March 5.2009.



# Discipline Case Statistics<sup>1</sup> 2005-2009

	<b>'05</b>	<b>'06</b>	<b>'07</b>	<b>'08</b>	<b>'09</b>
Open cases pending as of Jan. I	63	61	58	86	. 112
New cases opened in 2008(+)	36	43	59	65	39

### TOTAL open and new cases...... 99 104 117 151 151

#### Cases closed in 2005-2009

Closed after disbarment by Supreme Court3	0	2.	3	7
Closed after suspension by Supreme Court3	7	5.	7	21
Closed after probation ended0	0	0.	0	0
Closed after public censure by Supreme Court4	0	1.	0	0
Closed after reprimand publicly imposed by Disciplinary BoardI	2	1.	0	0
Closed after reprimand privately imposed by Disciplinary Board0	2	0.	6	0
Closed after written private admonition by Bar Counsel3	4	1.	1	3
Dismissed by Bar Counsel24	31	21 .	22	22
Closed after mediation0	0	0.	0	0
TOTAL closed cases (-)38	46	31	39	53
Open cases pending as of Dec. 31, 200861	58	86	112	98

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

### Status of Open Cases as of December 31

Pending First Response from Respondent Attorney
Pending Complainant's Reply
Pending Second Response from Respondent Attorney
Pending Bar Counsel Investigation/Decision
Abeyance Pending Outcome of Related Court Case
Pending Mediation
Abeyance Pending Outcome of Fee Arbitration
Pending Approval to Issue Written Private Admonition
Pending Acceptance of Written Private Admonition by
Respondent Attorney
Pending Approval to File Petition for Formal Hearing
Pending Stipulation for Discipline between
Bar Counsel and Respondent Attorney
Pending Stipulation Consideration by Disciplinary
Board
Pending Stipulation Consideration by Supreme Court
Pending before Area Hearing Committee
Pending before Disciplinary Board
Pending before Supreme Court
Respondent Attorney on Probation

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l	1	I	I	
2	I	3	6	27
0	5	8	0	3
0	5	0	29*	9
0	0	3	6	0
6	0	0	0	(
0	0	0	0	
8	10	11	7	(
0	0	0	0	(

7......9.....11 0...........0...........2 25.......45.......28 0..........0...........0..........0

0......0....... 1 0 0 0

### **TOTAL** open cases

Disbarred or suspended lawyers may not resume practice until reinstated by order of the Alaska Supreme Court.

### SUMMARY OF REINSTATEMENT ACTIONS IN 2009

A suspended or disbarred attorney may be reinstated by the Alaska Supreme Court, but only after the appropriate review procedures are followed.

There were no reinstatements in 2009.

<sup>\*</sup>These 29 cases reflected complaints against six lawyers. Among the six, one lawyer is responsible for 14 cases, one lawyer for 7 cases, and two lawyers for 3 cases each.

Association, under the Alaska Bar Rules, maintains an Attorney Fee Dispute Review Committee to hear fee disputes between attorneys and clients.

### SUMMARY OF DISABILITY ACTIONS IN 2009

The Rules of Disciplinary Enforcement also anticipate circumstances where the need for protection of the public arises from mental or physical infirmity, illness, or addiction to controlled substances

- Bonnie J. Coghlan was reinstated to active status on May 11, 2009.
- Lanae Austin-Kelly was transferred to disability inactive status on October 1, 2009.

# • 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, 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 who serve for three years on a volunteer basis. 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 \$5,000 or less, a single panel member hears the matter.

#### 2004 - 2008 Fee Arbitration Statistics

	<b>'05</b>	<b>'06</b>	<b>'07</b>	<b>'08</b>	<b>'09</b>
Arbitrations pending January I	21.	27 .	26	34.	33
Arbitrations opened during year (+)	60.	53 .	58	70.	62
Arbitrations closed during year (-)	54.	54 .	51	71.	70
Arbitrations pending Dec. 31 year-end	27.	26 .	33	33 .	25

### The Lawyers' Fund for Client Protection Committee

The Bar Association maintains a fund for the purpose of reimbursing attorneys' clients or others who have suffered non-insured losses of money, property, or other things of value, as a result of dishonest conduct by attorneys. Dishonest conduct is defined as acts of embezzlement, wrongful taking, or conversion of money, property, or other things of value. The fund also pays the cost of trustee counsel appointed by the superior court to close the practice of a deceased sole practitioner or a lawyer who has abandoned his or her practice. The monies of the fund come from yearly assessments on active members, paid concurrently with membership dues, as well as investment income.

The Board authorized \$19,578 in trustee counsel fees and expenses in 2009.

2009 LFCP Actions							
Case Number	Reimbursement(s)* Paid by Board	Reimbursement(s) Rejected by Board	Reimbursement(s) Rejected by LFCP Committee				
2008L008	\$1,500						
2008L012	\$4,000						
2008L013	\$1,200						
2008L014	\$1,000						
2008L015**							
2009L002	\$2,405						
2009L003	\$3,000						
2009L004	\$1,500						
2009L007		\$52,260					
2009L008		\$5,000					
2009L011	\$4,300	_					
Totals	\$18,905	\$57,260	\$0.00				

<sup>\*</sup>These figures reflect reimbursements from the Fund which may be less than the amount requested by the claimant.
\*\*Claim for \$12,743 withdrawn.

At the close of 2009, seven (7) claims were pending before the LFCP Committee and four (4) claims were pending before the Board of Governors. The Committee and the Board took action on eight (8) claims during the year.

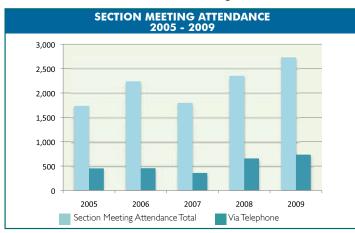
# Continuing Legal Education (CLE)

The Continuing Legal Education Committee and the Association's Director of Continuing Legal Education are responsible for presenting and administering all Bar Association CLE programs and activities, including the CLE Library.

#### SECTION ACTIVITIES

The substantive law sections of the Bar Association are responsible for sponsoring a minimum of one CLE seminar every two years. In 2009 there were 25 active substantive law sections, with a total membership of 2,314 for all sections, an increase of 671 from 2008. Two new sections were formed in 2009: Appellate Law and Public Contracts Law.

Section meeting attendance totaled 2,732 for the year, 1,997 attorneys attended in person and 735 participated by telephone in the Bar's substantive law section meetings.



### **CLE PROGRAMS**

The majority of live CLE programs are presented in Anchorage, which has the largest concentration of lawyers in the state. Most of these programs are videotaped and webcast.

To provide CLE opportunities for attorneys practicing outside of Anchorage, the Bar webcast a majority of live programs in 2009; CLE materials in DVD format also are available for purchase through the Bar's online CLE Library Catalog.

In 2006, the Bar began its partnership with the online CLE provider LegalSpan to develop online CLE seminars and live webcasting of selected programs. The Bar presented 16 live webcasts in 2009, and videotaped live seminars are available 24/7 as online CLEs through the online provider. The goal is to increase the number of programs that are webcast live and to continue adding online CLE selections.

The Alaska Bar CLE program continues to work with Seattle University School of Law CLE and Summer Law School Programs. Faculty of the Seattle University's Summer Law

2005 - 2009 CLE Programs Summary						
	<b>'05</b>	<b>'</b> 06	<b>'07</b>	<b>'08</b>	<b>'09</b>	
Topics	29	26	30	26	25	
Live Bar Programs	36	27	33	26	25	
Mandatory Ethics*	5	5	4	7	5	
Convention CLE Programs	9	14	10	11	9	
Live Webcasts	—	—	10	17	16	

"Don't Cross That Line: Practicing Ethically and Successfully In Your First Years - A Mandatory Course for New Lawyers in Alaska," a 1.5 hour DVD, is required viewing for admission to the Alaska Bar. Group video replays are scheduled in the spring and fall in Anchorage, and admittees may also view the DVD individually.

# Alaska **Bar CLE Attendance**

Attendance at live CLE programs totaled 1,707 (including 113 speakers and 145 nonattorneys).

Attendance for CLE webcasts totalled 361.

In addition, 396 individuals attended one or more CLEs at the annual convention. for a total of 1.853 convention-event registrations.

# **MCLE Compliance**

A total of 2.812 active members of the Bar reported compliance with the MCLE Rule for calendar year 2009.

Legal education hours reported by attorneys were as follows:\*

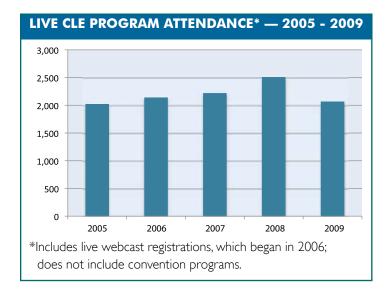
CLE # of **Credits Attorneys** 

Required 3 hours of ethics CLE only ......433

Voluntary additional hours I ......30 2 .....60 3: ......121 8 24 9 or more ......1928

\*Reported as of March 25, 2010

Program at UAA meet with the Bar's substantive law sections, and section members make presentations to the law students enrolled in the program.



# Mandatory CLE

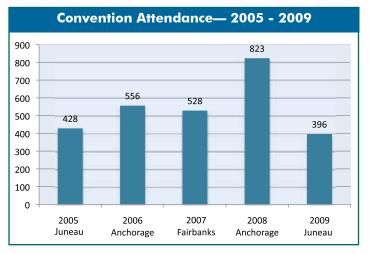
In January of 2008, the Alaska Supreme Court amended Alaska Bar Rule 65, to require all Active members of the Bar to participate in continuing legal education (CLE).

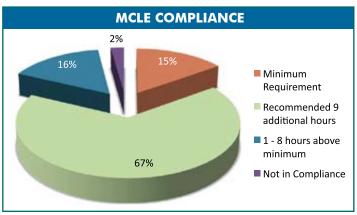
In 2009, 98% of Active members reported MCLE compliance.

Rule 65 provides that each year, all Active members:

- are required to earn a minimum of 3 CLE ethics credits
- are encouraged to earn at least 9 additional CLE credits
- report that they completed the 3 mandatory credits in ethics
- report whether they earned the 9 additional voluntary credits
- report an estimate of how many credits were earned if less than 9

Bar members can earn CLE credits in various ways; including attendance at live CLE programs sponsored by the Alaska Bar Association and other legal organizations, watching webcasts of CLE programs, downloading and viewing CLE programs from the Bar CLE library, attendance at substantive section meetings, attendance at Bar convention programs, teaching CLE programs, attendance at accredited CLE programs in the lower 48, and participation in certain Alaska Bar Association committees and Alaska Supreme Court committees.





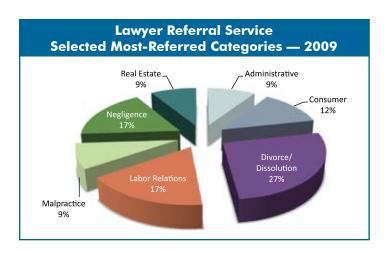
# Lawyer Referral Service

The Bar Association operates a statewide Lawyer Referral Service for the purpose of providing the general public with names of enrolled 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.

Each caller requesting services is given the names of three lawyers in his/her geographic area who are listed in the category requested. Each lawyer pays a \$4 surcharge to the Bar Association on each referral made, regardless of whether the caller actually contacts the lawyer as a result of the referral. The first half-hour conference may be charged at a maximum of \$125. Thereafter the fee is agreed upon by the attorney and the client.

At the end of 2009, 86 attorneys were enrolled in 34 practice categories in the Lawyer Referral Service. One new practice category was added during the year: Alternative Dispute Resolution (ADR).

Referrals over the year totalled 3,261, a 5 % decrease from the 3.415 referrals in 2008.



Total Lawyer Referrals 2005 - 2009							
	<b>'05</b>	<b>'</b> 06	<b>'07</b>	<b>'08</b>	'09		
Administrative	357	194	219	246	197		
Admiralty	17	18	12	- 11	14		
Adoption	37	16	35	22	17		
Alaska Native Law	2	_	_	0	15		
Arts	_	2	3	7	- 1		
Bankruptcy	142	52	79	93	127		
Commercial	212	112	149	123	107		
Construction	40	29	63	28	25		
Consumer	419	315	275	275	266		
Criminal: Felony	228	92	166	95	81		
Criminal: Misdemeanor	175	114	170	133	107		
Discrimination	_	_	_	0			
Divorce/Dissolution/Custody	962	78 <del>4</del>	809	703	57 <del>4</del>		
Eminent Domain	5	4	_	7	1		
Environmental	6	6	_	0	0		
Foreign Language	_	_	2	3	0		
Guardian/Conservator	52	64	11	39	30		
Immigration	_	28	52	33	35		
Insurance	89	51	61	38	41		
Labor Relations	563	355	392	340	367		
Landlord/Tenant	250	63	30	150	159		
Malpractice	275	197	244	172	185		
Military	_	_	_	0	8		
Mining	_	_	_	0	I		
Negligence	812	380	556	343	373		
Patent/Copyright/IP	_	5	41	26	26		
Public Interest	3	3	- 1	- 1	0		
Real Estate	290	175	257	171	187		
SSI Cases	51	22	48	10	П		
Tax	_	_	_	0	11		
Traffic	21	49	8	5	14		
Trusts/Wills/Estates	227	144	222	175	138		
Workers' Compensation	76	192	229	166	143		
	5,5 I I	3,468	4,134	3,415	3,26 I		
Change from previous year	+11%	-37%	+16%	-17%	-5%		

66 At the end of 2009, 86 attorneys were enrolled in 34 practice categories in the Lawyer Referral Service with total referrals of 3.261—a 5% decrease from 2008.

66 In 2009, the Board of Governors distributed grants to seven organizations delivering Law Related Education (LRE).

### Pro Bono Services

The Bar's Pro Bono Program was initiated in 2004 to educate. recognize and recruit attorneys and other professional services to assist nearly 80,000 low-income Alaskans with civil legal needs. The program serves as an information clearinghouse for the membership for volunteer opportunities, resources, training, and other volunteer support services, as well as a point of contact for legal service providers.

The Pro Bono Director coordinates the program in partnership with Alaska's legal service agencies, the Bar's legal community, the Pro Bono Services Committee, and other justice organizations in Alaska.

The New Lawyer Section initiated a public service project in 2009 called "Breaking The Cycle: Raising Community Voices Against Domestic Violence." The Bar pro bono project was one of 20 funded throughout the nation by the American Bar Association's call to action of providing pro bono legal assistance to victims—specifically teens—of domestic violence. A project kick-off event held in October 2009 was attended by more than 80 guests including speakers Gov. Sean Parnell and Supreme Court Chief Justice Walter Carpeneti. In addition, 100 awareness kits were distributed statewide to provide information and resources about volunteering for legal services agencies.

A large part of 2009 was also spent planning a free legal clinic in 2010, for a Board initiative to encourage bar members' volunteer service on Martin Luther King Jr. Day.

To increase the level of volunteerism by Bar members, outreach in 2009 included:

- Travel to five communities with the Bar President or a member of the Board of Governors (Kenai, Soldotna, Barrow, luneau, and Fairbanks).
- Presentations to 10 of the 23 substantive law sections and

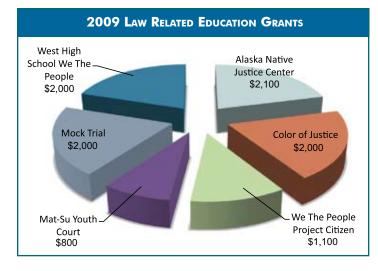
- eight community groups.
- Two community service projects in the areas of legal services for homeless citizens with Project Homeless Connect.
- Presentations at two swearing-in ceremonies of new attorneys to further educate them about the need for civil justice representation for low-income citizens.

Selected as an internship site by Seattle University School of Law since 2006, the program is assigned a first-year law student each summer to support pro bono service in Alaska.

### 2009 LRE Grants

To promote public understanding of the law and its role in society, the Bar also supports selected community projects through its Law Related Education Committee.

In 2009, the Board of Governors distributed \$10,000 for grants to seven organizations delivering Law Related Education (LRE) programs and materials. These annual grants are targeted to



programs that offer practical or direct LRE programs in urban and Bush areas:

### Committees of the Alaska Bar

Alaska Bar Association governance is structured around the Board of Governors and its committees and sections, with administrative and day-to-day activity as the responsibility of the Executive Director and staff.

Committees of the Bar include:

- The Bar Rules Committees, which include the Committee of Law Examiners, Area Disciplinary Hearing Committees, the Mediation Panel, the Attorney Fee Dispute Review Committees, and the Lawyers' Fund for Client Protection Committee.
- The Standing Committees, including Bar Polls and Elections, Continuing Legal Education, Ethics, Bar Historians, Alaska Bar Rag, Law Related Education, Pro Bono Services, Lawyers' Assistance, Fair & Impartial Courts, Alaska Rules of Professional Conduct, Practice of Law, and Diversity.
- The Substantive Law Sections, comprised of 25 peer groups practicing in specific areas of the law.

Members and chairs of these committees and sections are found in the appendices.

# **Membership Services**

In addition to services associated with CLE and other activity areas, the Bar Association provides other programs that assist members of the Bar in their practices. Complete information about these as well as other Bar programs and services can be found on the Bar's website at www.alaskabar.org.

Programs include:

- ALPS (Attorney Liability Protection Society).
  - The Alaska Bar Association is a member of a multi-state, lawyer-owned insurance company. Membership in ALPS increases the availability of coverage to Alaska lawyers at rates that are predictable and which avoid dramatic fluctuations caused by policies and practices over which the lawyers have no control.
- Casemaker. This online legal research tool is available to all Alaska Bar members at no cost to members. It is included in bar dues. The Alaska Unreported Court Opinions Database will now be hosted by Casemaker. Alaska joined nearly 30 other states offering this web-based research library and search engine to their Bar members
- Free Downloading of Alaska Bar CLE Materials. All Alaska Bar CLE materials one calendar year old or older are available on the Bar website for free downloading. These materials are not searchable or linked.
- **Group Insurance.** The Bar Association sponsors a life insurance program for Bar members with LifeWise Assuance 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 those with more than 100 employees. The plan is underwritten by Premera Blue Cross Blue Shield of Alaska. The Bar Association also sponsors a disability insurance program offered by Unimerica Insurance Co.
- The Alaska Bar Rag. This quarterly periodical is the official publication of the Bar Association, with content provided by the Bar, attorneys, and organizations in the legal and justice communities. The editor is Thomas V. Van Flein.

66 Substantial work is accomplished through the extensive committee structure of the Alaska Bar Association. 99 to services associated with CLE, the Bar Association provides other programs to assist members of the Bar in their practices.

- E-News. This weekly e-mail newsletter is sent to all members for whom the Bar has e-mail addresses, and contains announcements about Bar Association activities, court news, upcoming CLE programs, and other timely items of interest.
- Unreported Court Opinions Database. This database, formerly hosted on the Alaska Bar website, is now available through Casemaker.
- Section News. This newsletter, containing notices of section meetings, CLE seminars, and information on new case law, is e-mailed monthly to 86% of substantive law section members. Members without e-mail are mailed a hard copy. Section meeting dates are posted on the website calendar, and the full newsletter is posted on the Bar website at www. alaskabar.org.
- **Ethics Opinions.** All Alaska Bar Ethics Opinions are published in the Alaska Bar Rag and are available online at the Bar's website and on Casemaker.
- Public Copying Machines. 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 50%; Alaska Bar Association 10%.

## ADJUNCT INVOLVEMENT

The Alaska Bar Association cooperates, partners and supports with its membership a number of programs related to the Alaska legal and justice system:

- The Alaska Bar Foundation was established in 1972 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.
- IOLTA is an opt-out Interest on Lawyers Trust Accounts program for the placement of client trust money into interest-bearing accounts. The interest earned on each account is paid periodically to the Alaska Bar Foundation for its charitable and public service work.

In 2009, the IOLTA program earned \$22,932 from interest, and awarded grants totaling \$60,000.

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 Alaska Law Review, edited by law students at Duke University School of Law in Durham, NC, includes articles by practicing attorneys, law professors, and notes and comments by Duke law students. The Bar publishes the law review semi-annually for the education of the legal community. Bar members receive the publication as part of their Bar dues benefits.

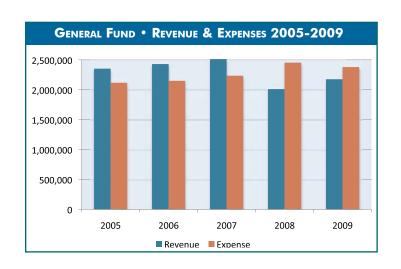
- Alaska Legal Services Corporation provides legal assistance to persons lacking the financial resources to obtain private counsel.
- Alaska Code Revision Commission, established in 1976, reviews and recommends revisions to the laws of Alaska.
- Alaska Commission on Judicial Conduct includes three attorney members who have practiced law in Alaska for at least 10 years. They are appointed to the commission by the Governor from recommendations submitted by the Board of Governors.
- Alaska Judicial Council includes three attorneys who serve staggered, six-year terms. The council's purpose is to recommend candidates who are seeking judicial office and to conduct studies for the improvement of the administration of justice in Alaska.
- Other Relationships. The Bar Association maintains relationships with other, non-Alaskan organizations, usually with representation by a member of the Board of Governors or Bar executive staff. These include the American Bar Association, National Conference of Bar Presidents, Ninth Circuit Judicial Conference, National Association of Bar Executives, Association for Continuing Legal Education, CLEreg (MCLE Regulators), National Organization of Bar Counsel, National Conference of Bar Examiners, and Western States Bar Conference

# Financial Statements & Budget

In 2008, the Board of Governors voted to change the Bar's 25-year-old budget practice that carried a large capital reserve to accommodate economic fluctuations and unanticipated expenses.

Currently, instead of building up a capital reserve and drawing down the reserve to meet operating expenses over the course of the fiscal year, the Board has adopted a "balanced budget, pay as you go" practice, pegged on the historical contribution of member dues to overall revenue. The approved draw-down set 2009 active bar dues at \$460 and inactive dues at \$150 (compared to \$410 and \$135 in 2008).

The 2009 statement of activities reflects total general fund revenue of \$2,175,033 with total expenses of \$2,379,318. The "net loss" was \$204,285. In 2008, the financial reports reflected a "net loss" of \$439,069.



# 66 Adjunct **Involvement**

The Alaska Bar Association cooperates, partners and supports with its membership a number of programs related to the Alaska legal and justice system. 99

#### ALASKA BAR ASSOCIATION STATEMENTS OF ACTIVITIES For the Year ended December 31, 2009

	General Fund	Lawyers' Fund for Client Protection	Court System Library Fund	Total All Funds
UNRESTRICTED NET ASSETS				
Revenue and other income				
Dues	\$ 1,444,814	\$ 29,955	\$ -	\$ 1,474,769
Admission fees	136,100	-	-	136,100
Continuing legal education	98,919	-	-	98,919
Lawyer referral fees	35,154	-	-	35,154
Annual meeting	113,371	-	-	113,371
Share from copiers	-	-	593	593
Rule 81 fees	126,320	2,850	-	129,170
Other	69,826	-	-	69,826
Earnings on investments	83,942	47,911	12	131,865
Unrealized gain on investments	66,587	19,059		85,646
Total unrestricted revenue	2,175,033	99,775	605	2,275,413
Expenses				
Admissions	212,557	-	-	212,557
Board of Governors	50,892	-	-	50,892
Discipline	742,465	-	-	742,465
Fee arbitration	76,066	-	-	76,066
Lawyer referral	52,195	-	-	52,195
Continuing legal education	318,759	-	-	318,759
Administration	441,307	-	-	441,307
Pro Bono	97,284	-	-	97,284
Voluntary CLE	47,747	-	-	47,747
Annual meeting	141,680	-	-	141,680
Claims awarded	-	18,905	-	18,905
Other	198,366	19,878	12	218,256
Total expenses	2,379,318	38,783	12	2,418,113
Increase (decrease) in				
unrestricted net assets	(204,285)	60,992	593	(142,700)
Net assets, beginning of year	1,951,673	1,115,649	25,498	3,092,820
Net assets, end of year	<u>\$ 1,747,388</u>	<u>\$ 1,176,641</u>	\$ 26,091	\$ 2,950,120

The Independent Auditor's Report and accompanying financial statements and notes are available for inspection at the Bar Association office.

# **APPENDIX A**

### Bar Bylaws and Regulations Added, Modified, or Repealed in 2009

### Article II, Section 4(a)(I) and Article III, Section 3(c)

May 2009: The Board amended this Bylaw to correct a reference to Bar Rule 2, Section 1(d).

#### **Article IV, Section 8**

May 2009: The Board amended this Bylaw to define emergency meetings.

#### Article IV. Section 10

May 2009: The Board deleted this Bylaw because it was inconsistent with AS 44.62.310, Government Meetings Public.

### Article VII, Section I(a)(9)-(12)

May 2009: The Board amended this Bylaw to correct punctuation.

### Article VIII, Section 2 and Article XII, Section 1-2

October 2009: The Board amended these Bylaws to change the references from "special" to "emergency" meetings of the Board and the Association.

### **Bar Rules Proposed to the Supreme Court in 2009**

No new Bar Rules or amendments were proposed to the Supreme Court in 2009

### **Bar Rules Adopted by the Supreme Court in 2009**

Effective October 15, 2009: The Court amended Bar Rule 2, Section 3(b) to correct a drafting error.

Effective October 15, 2009: The Court amended Bar Rule 5, Section 3 to provide that any state or federal judicial officer may sign an order of admission to the Bar if the applicant's eligibility is certified.

Effective October 15, 2009: The Court amended Bar Rule 13 to provide for a challenge procedure to mediators and referral back to grievance investigation or fee arbitration if there is no response to scheduling requests.

Effective October 15, 2009: The Court amended Bar Rule 38 to provide for the appointment of a mediator to the Executive Committee of the Fee Dispute Resolution Program and making the president-elect of the Board a non-voting member.

Effective October 15, 2009: The Court amended Bar Rule 40 to change the start of the time period for requesting modification of a fee arbitration decision from "delivery" to "service" of the decision and to change the start of the time period for objection from "receipt" of notice to "service" of notice.

### **APPENDIX B**

# **Bar Sections & Committees**

### **Substantive Sections and Chairs, 2009**

At the end of 2009 there were 25 active sections. The Sections. Chairs and Co-Chairs at the end of 2009 follow:

**Administrative Law** 

Kimberly Allen & Steve Weaver

**Admiralty Law** 

Steve Shamburek & Mark Manning

Alaska Native Law

Brennan Cain, Sam Fortier & Melanie Osborne

**Alternate Dispute Resolution** 

Glenn Cravez & Linda O'Bannon

**Appellate Law** (New in 2009)

To be elected in Jan. 2010

**Bankruptcy Law** 

Gary Spraker

**Business Law** 

Vacant

**Corporate Counsel** 

Marcia Davis

**Elder Law** 

Ilona Bessenyey & Una Gandbhir

**Employment Law** 

Tom Daniel & Rob Schmidt

**Environmental/Natural Resources Law** 

Larry Albert, Larry Hartig & Russ Winner

**Estate Planning/Probate Law** 

BethAnn Chapman, Maribeth Conway & Stephen Greer

**Family Law** 

Lori Ann Colbert & SI Lee

**Health Law** 

Dawn Carman

**Immigration Law** 

Kathy Atkinson

**Intellectual Property Law** 

Ion Dawson & Elizabeth Hodes

International Law

Andy Haas, Nevhiz Calik & Julie Webb

**Law & Community Health Forum** 

Anita Alves

Municipal Law

John Hartle & Rhonda Fehlen Westover

**New Lawyers** 

Elizabeth Apostola & Angela Houston

**Public Contracts** (New in 2009)

S. Lane Tucker

**Real Estate Law** 

Ioan Travostino

Tax Law

Charles Schuetze & Christy Lee

Torts/Personal Injury Law

Rebecca Hozubin

**Workers' Comp** 

loe Kalamarides

**Bar Committee Chairs** 

Bar Committee Chairs

Alaska Bar Rag

Tom Van Flein

Alaska Rules of Professional Conduct

Jerome Juday

**Bar Polls & Elections** 

Tim Middleton

**Continuing Legal Education** 

lames DeWitt

**Diversity** 

Vacant

**Ethics** 

Nelson Page

Fair & Impartial Courts

Susie Dosik

Historians

Leroy Barker

**Law Examiners** 

Mary Gilson

**Law Related Education** 

Barbara Iones

Lawyers Assistance

Vacant

**Lawyers Fund for Client Protection** 

Paul Nangle

**Practice of Law** (New in 2008)

Vacant

**Pro Bono Services** 

Robert Stewart



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