



DATE DOWNLOADED: Tue Oct 19 16:45:20 2021

SOURCE: Content Downloaded from [HeinOnline](#)

Citations:

Bluebook 21st ed.  
4 Alaska B. RAG 1 (1981).

ALWD 6th ed.  
, , 4 Alaska B. Rag 1 (1981).

APA 7th ed.  
(1981). Alaska Bar Rag, 4, 1-12.

Chicago 17th ed.  
," Alaska Bar Rag 4 (1981): 1-12

AGLC 4th ed.  
" (1981) 4 Alaska Bar Rag 1.

OSCOLA 4th ed.  
" (1981) 4 Alaska B Rag 1

Provided by:

Available Through: Alaska State Court Law Library

-- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at

<https://heinonline.org/HOL/License>

-- The search text of this PDF is generated from uncorrected OCR text.

-- To obtain permission to use this article beyond the scope of your license, please use:

[Copyright Information](#)

## All My Trials

by Gail Roy Fraties

Spring has come to Alaska, and with it various annual migrations — including lawyers to our Bar convention. Typically, these gatherings take on some of the atmosphere of the sponsoring city — and it can be anticipated that the convention at Juneau will be a success, well organized and interesting, with plenty of educational opportunities for all. This is not to invidiously compare the efforts of the freer spirits in Ketchikan, for example, or Fairbanks — who present equally interesting, if crazier agendas. However, nobody goes to Nome anymore — and some of my readers have asked me to comment.

I think that most of the applicable statutes of limitations have run, and as a participant in the 1969 Bar convention at Nome, I do remember vividly what went on there, as does everybody else who attended. However, no one has chosen to talk about it until this moment — presumably because of the general "twilight zone" atmosphere that pervaded the whole strange affair.

### The Departure of Fred

The Bar was much smaller then, and Fred Crane — District Attorney for Nome and the Second Judicial District — had prevailed upon the rest of us to honor his city with a convention. He promised a totally organized program, with many delights available only in the Far North. Unfortunately, he died during the winter — and according to Nome custom at that time — was stored in a warehouse awaiting, with the other residents who passed away during the cold months, the softening of the ground in the summer for burial. That didn't prevent him from attending the convention, however, as I will explain.

As I recall, Alaska Airlines had chartered a special flight that picked up many of the participants — originating in Southeast and proceeding north. It was a long trip, and most of the membership had seen the bottom of the glass long before we arrived. After we settled in, Tom Wardell (then Deputy Attorney General, and presently a District Attorney himself, at Kenai) invited me to accompany him to the Board of Trade, a bar on Main Street which was, and is, Nome's major attraction. Tom is a gregarious soul, who generally manages to conceal beneath an engaging exterior the fact that he — together with such other immortals as Bill Garrison and Stan Ditus — is one of the true bad actors of our legal community, and times.

### The Return of Fred

Most of the other lawyers had already preceded us to the "Trade," and it was a headstrong and spirited group that responded to the then Probate Judge J. Gerald Williams' stentorian cry (his normal speaking voice), "Let's bring out old Fred." A delegation was dispatched, and soon returned with the guest of honor — who although he did not leave his box, certainly contributed to the gaiety and spontaneity of the gathering. Many toasts were made to him, and it was decided that he be given an eternal (as opposed to "lifetime") position on the Board of Bar Governors. Things became a bit confused after that, but I seem to remember that Ditus offered to become the blood brother of one or more Eskimo gentlemen who were also in the bar, and inasmuch as they spoke no English, his picking up a knife for that purpose was misinterpreted and resulted in a certain amount of breakage.

It was a subdued group that met (in a quonset hut at the edge of town) for the business meeting the following morning. Anchorage trial lawyer Bob Erwin, seconded by his brother (later Justice) Bill Erwin, proposed as a first order of business that the Bar convention be shortened from four to three days, which was given unanimous con-

sent. The following seventy-two hours passed as in a dream, mostly in the Board of Trade, and I don't really recall going to any classes. I do remember seeing the King Island dancers, who performed "The Salmon Dance," "The Reindeer Dance," "The Sheefish Dance," and "The Walrus Dance" (in which they were accompanied by J. Gerald Williams, a comfortably fleshed gentleman who not only danced with vigor but turned an interesting shade of magenta in the process). I asked Attorney General G. Kent Edwards, who had accompanied me, if he could see any difference in the dances — and he replied that he couldn't. "They just do the same one over and over again, and give them different names for the tourists," he said.

### The Stranger

During all of our activities and breakfast and lunch gatherings, I had noticed the presence of a friendly but rather quiet stranger, who was identified to me as a presiding judge of the Ninth Circuit Court. He was to be the keynote speaker at our banquet, and all of the lawyers were courteous to him — soliciting his opinion of various legal decisions of the day. He was nice, but noncommittal — and seemed to prefer to listen to everyone else rather than expressing an opinion himself. This was put down to judicial reserve, and we respected his professional reticence to give an opinion on matters which might well be before his court at some future time.

The evening of the banquet, the president of the Bar, Warren Christianson, presented the speaker by name. He rose, and with a shy smile, stated the following: "I had always heard that lawyers were clannish, but I want to say that I have never been treated with such gracious and courteous attention as I have received from the members of this group. Two days ago, when I arrived at the airport, I was greeted by a delegation of your members who — although they were drunk — were as hospitable a group of fellows as I've ever met. You've paid for my room, fed me three meals a day, and invited me to all of your lectures and discussions. I've been asked my opinion about the *Miranda* decision, whatever that may be, and I've answered as well as I could — and now you've invited me to be your keynote speaker. Why you should pay such tribute to a dried milk salesman, I am at a loss to say."

### The Speech

By this time, various members of the Bar, particularly the welcoming delegation, were looking at one another with wild surmise ("silent upon a peak in Darien," as it were) and most of us are still wondering what became of the Ninth Circuit Judge that our colleagues passed over in favor of our new keynote speaker. However, our fears were quickly forgotten, because this gentleman proceeded to talk about the only thing that he really knew — selling dried milk in rural Alaska, and he gave the best speech that most of us have heard in a lifetime of going to Bar conventions. He got a standing ovation, as well. We determined on the spot to bring him back for next year's convention — where, I suppose, he was passed over at the airport under similar circumstances. Anyway, I never saw him again.

With that high point, any really clear recollection of the Nome Bar convention is at an end. I do remember everybody running out to cheer when the water truck came by, but I don't know why.

### A Pilot's Tale

Recollections of the midnight visit with Mr. Crane bring to mind a problem described to me recently by my friend, Anchorage investigator Bob Mitchell. As I've tried to point out in this column before, we lawyers — although our lives are frequently lived on the razor's edge of disaster — are not the only professionals who have their little problems. Bob, a licensed

commercial pilot, is still concerned about an incident that occurred to him and his friend Dan Ludahl in the spring of 1969.

According to Bob, Mr. Ludahl was operating a small charter service called Glacier View Skyways, out of Flathead County Airport near Kalispel, Montana. Bob occasionally flew as co-pilot. One day a grieving widow appeared — prevailing upon both of them to scatter her husband's ashes over Glacier National Park. They agreed to do so, and accepted \$350 for the service. Over several drinks, Bob described the subsequent events as follows:

### — Ashes Away —

"Jesus, Gail — I've always felt bad about it, but this is what happened. We took this Cessna 172, and while Dan was flying I sat in the front seat with this little urn and fed the ashes through the window vent. We really did try to find all the prettiest spots — and Dan flew over all these lakes and rivers while I continued to shove the gentleman's ashes through this little hole.

"However, when we got back down on the ground — I noticed that a back window had been partly open on the same side of the plane, and for some reason all of the ashes had blown right back in and were about a half an inch thick in the back seat. We were going to go back up, but the weather closed in — and Dan was leaving that night for a three week vacation. To make matters worse, we had to get the plane cleaned up in order that he could

lease it to another company."

"What did you do, Bob?" I asked. "Ah shit — it was really tacky. I just took a whisk broom and swept the dude out on the ramp. It had oil all over it and everything," he continued, staring moodily into his glass.

I tried to comfort him. "Probably some of him got on the park anyway — and besides the wheels of the other planes must have spread him around some."

"I know, Gail — but he wanted to be part of Glacier National Park, not half the runways in the Rocky Mountain states."

I persisted. "Never mind, Bob, no one will care about it in a thousand years anyway."

"I will," he said.

## POTSHOTS...

[continued from page 4]

not make the rich pay more for education. Is access to justice a lesser right that we may condition on wealth?

We have successful models in the legal service programs of several Alaska unions, granted that these examples demonstrate the need for refinements. A commodity that has no price nor limit tends to be abused. Accordingly, some part of that hourly rate should be provided by the consumer. But a society that has \$10 million to throw at a publicity campaign to tell America how wonderfully well we use our money might first appropriate the same sum as a sign that we love justice.

## BAR RAG RIPPED... [continued from page 3]

all of the fee paid by referral clients for the initial consultation be returned to the Bar. In order to advertise this service to the public he suggested the preparation and public sale of a director listing lawyers who agree to serve in the program.

### CLE

The report named CLE as one of two areas offering greatest potential to the Bar Association. Describing the present CLE program as "modest," Habermann recognized the desirability of expansion including the recent addition of a new staff member skilled in communications and publications to concentrate on CLE programs. He notes "no other activity of a Bar association will involve so many members and produce so much member satisfaction" as CLE. He described CLE as the answer to the Bar members who ask "what does the ABA do for me?" The report recommends more video programs where live presentations are impractical and costly. Habermann suggests cost accounting and close monitoring of all CLE income and costs as well as realistic pricing for programs. Habermann states "it is not unrealistic to project an eventual gross income for your CLE programs of \$100 per member or more." He recommends that surplus money be expended on the following:

- (1) Developing special CLE materials;
- (2) Additional CLE activities;
- (3) Working capital;
- (4) The purchase of video playback equipment; and
- (5) Better materials.

### Sectioning

The report recommends restructuring the bylaws to provide for changing committees to sections under the "bar tent." Habermann recommends that the sections be semi-independent so far as the members elect their own Boards and officers. This move, according to Habermann "will pay big dividends." He sees section activity as an important and effective means by which a Bar Association can involve large numbers of its members in bar activities.

### Board Activity

The report finds that the burden of travel and meeting time on the officers has been excessive until recently. Habermann attributes this to a lack of

confidence in the ability of past executives and a belief by the Board that it needed to exert particularly close managerial supervision. Noting that frequent and lengthy Board sessions discourage regular attendance and qualified lawyers refuse to seek election or appointment or only serve one term because they cannot afford the time required for this kind of activity, he recommends that more power be given to the Bar Executive to act on almost all matters as they come up. He suggests that a Board committee be formed for fact findings, study and recommendations before any matter is put on the Board agenda and that all agenda items be submitted two weeks in advance after being broken down into an "action" agenda and "information" agenda. Habermann suggests that a fiscal note be appended to each proposal submitted to the Board which would require any expenditure of bar funds. Although he recognizes that financial responsibility would not be assured by the use of a fiscal note, Habermann states that the Board would at least be fully advised as to what any proposal would cost in terms of both money and staff involvement.

Habermann suggests the creation of a Budget and Finance Subcommittee of the Board to assist the Treasurer and Executive Director inasmuch as he projects annual income and expenses soon to exceed the \$1 million mark.

### Conclusion

Habermann was impressed by the "simplicity and effectiveness" of the Bar Association's system of governing. He noted that the Alaska Bar Association is not overburdened by too many layers of authority. He found no crisis situation financial or otherwise with the exception of impending sunset legislation. He described Anchorage staff as capable and referred to them as a fine office. He described the officers that he met as able and dedicated.

Although Habermann did not find any evidence of true long-range planning or any formal priority list and projects for this year, he attributed this to the disproportionate amount of time that the officers had to spend on Sunset problems. Although Habermann declined to offer any suggestions as to how the Board should handle Sunset he noted that the Bar Associations that have gone through this legislative process have emerged from it in better condition than they went in.