



Thinking of going it alone? Gather 'round young pups

By William R. Satterberg Jr.

Law is a business for private sector attorneys. Without a doubt, “The Law” serves a distinct purpose. Conflict avoidance for scribes and advisors. Conflict resolution for litigators. And work avoidance and abstract pontification for professors. (“If you can’t do — teach!”) But, law is not an art form. Yet, sadly, too many private counsel approach law as an art form, rather taking refuge in either government enclaves, where they could live a predictable life without the risks of the private world, or they find safety in large private firms where owners assume the risks, and where associates can live essentially risk free — shielded

by the partners with spendy malpractice policies. But it is a fact, often not spoken openly about, that law is a business. Just like medicine, accounting, undertaking, or prostitution. The truth is: Lawyers are salespeople. Self glorified perhaps. But, nevertheless, salespeople.

Like many attorneys, I began my legal career as a minion for a government agency. It was in 1976. I worked for four and a half years as an assistant attorney general working in the condemnation and construction law section of the State of Alaska Fairbanks Attorney General’s office. Boring. Still, it was a steady and sedate existence.

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TRIAL PRACTICE: A Wee Treatise

Direct examination: Keep the narrative flowing

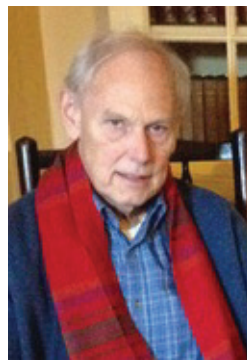
EDITOR’S NOTE: Jim Gilmore had a long-time trial practice in Alaska that began in 1967. Since his retirement he has written what he calls a “wee treatise” on trial practice. In this issue we are publishing the second of several portions of that treatise which offers Jim’s advice taken from his years at trial.

By Jim Gilmore

Second in a series

What follows are my personal thoughts regarding trial practice.

They may not work for everybody. I have tried to reduce them to a minimum. Reference is made to the personal injury case of Mrs. Commodore. Mrs. Commodore fractured her ankle when she stepped into a hole in a tree well that the City of Pasadena allegedly had a duty to keep filled with mulch.



Jim Gilmore

Direct examination

Many think direct is harder than cross. The goal is to keep the story going — to keep the narrative flow.

The problem is that the witness has to keep the narrative going. It’s OK as long as you are telling the story. You know it, you believe it, and you know how to deliver the uninterrupted narrative. Your client may not be able to deliver the story in an interesting way and may turn wooden on the stand — waiting for your question, then replying, often in a flat, monotone, voice of recitation.

The solution is to share the delivery of the story with your client. The way to do this is with leading questions — gentle, subtle, leading questions. The client delivers the meat, the main content of the story, but you keep the story going by filling in everything in between.

At some point you may draw an objection that you are leading the witness. Your response is that you are merely covering “preliminary matters,” that you are just trying to speed things up. Jurors like this, you are speeding things along. You are not wasting their time, you are

keeping the story going, you are keeping things interesting.

Your opponent, on the other hand, is a shit-bird — clogging things up, slowing things down. Most of the jurors don’t know what a leading question is anyway, they want narrative — they don’t care about legal niceties. They don’t like the Rules of Evidence, which keep

them from getting information, slow things down, and make things boring.

Like everything else, the Rule of Threes is a good way to accomplish this. If you break your story into three parts, you always have an escape hatch if the witness starts to run out of steam. Just break off and go to the next part, as in “Now I’d like to ask you about the night of the shooting,” and move into that part of the narrative.

Prompts

The important thing is to keep the story going in an interesting manner and to avoid the humdrum repetition of “What happened next?”

How to do that? “What happened next?” is not always bad, but try substituting a particular detail for “next,” as in: What happened when you entered the intersection? What happened when you took your foot off the gas pedal? What happened after you put your aunt in the car? What did you do? etc. In other words, do with the witness what you do when you are having a conversation with someone — like you do

when you are with someone who has a story to tell, and you are trying to help by offering prompts.

Use who, what, where, when, how, as in “Who was with you?” “Where were you going?” “Why?” “How did you get there?” etc. — anything to keep the narrative going, to keep it interesting for the jury.

I knew an Anchorage prosecutor, a Harvard Law School grad, who was a plodder. He often stumbled around (his footprint sometimes appeared on his blow ups, unmistakable because of his signature squeegee-soled shoes). He asked surprising, unpredictable questions (such as asking his medical expert who had just been sworn in, “Doctor, how long have you been a lawyer?”), and could always be counted on to take his witnesses through direct with “What happened next?” questions, sometimes with startling and unexpected but entertaining results. In a burglary case, after taking the witness victim through a series of “What happened next?” questions, establishing that the witness was home the night of the burglary, in the bathroom, sitting on the toilet, asked “What happened next?”

But juries loved him, and he frequently won his cases against much slicker, smoother, defense attorneys.

Witness prep

What works best is to get the witness into the office face-to-face, and take them through direct and cross. It’s kind of hokey, but start prep with “state your name,” “your address,” and then “your age, where

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Young lawyer liaison to Bar president ... in 25 years

By Rob Stone

As president of the Bar, I am charged with a number of responsibilities, one of which is to write a "President's Column" for each edition of *The Alaska Bar Rag*. This is my first. I thought perhaps the best way to dive into this process is to introduce myself to those who do not know me, and then explain how I got here, followed by what I hope to accomplish over the term of my presidency. So, here goes...

My parents drove the Alaska Highway when I was a toddler. We settled in Anchorage, by Dimond High School. Back then, it was a long drive along Jewel Lake Road and Spenard to get to Gary Kings in what we now call Midtown. My father was a furnace repairman, sheet metal worker, pilot and hunting guide. My mother ran the household and worked twice as hard as my father. I was a wrestler, hockey player and hunter. A wrestling scholarship helped me pay for my undergraduate work at the University of Oregon. I then attended Gonzaga University School of Law, where I served as editor-in-chief of the *Gonzaga Law Review*. After graduation, I clerked for Judge James K. Singleton, in the United States District Court, District of Alaska. For the first several years following my clerkship, I worked in the area of workers' compensation defense. In 2001, my practice switched to personal injury,

representing plaintiffs. This has been the focus of my practice for the past 18 years. While not practicing law, I spend my time hunting, fishing and flying airplanes with my 22-year-old son and 15-year-old daughter.

It is not difficult to remember how I became active in the Bar. Nearly 25 years ago, Judge Singleton suggested that I get involved with the Bar. He said that as a member of the Bar, I had a responsibility to be informed and involved. As any good law clerk would do, I followed the judge's advice. I marched over to the Bar to find answers to my questions: "What does the Bar do?" and "How do I get involved?" That's when I met Deborah O'Regan and Steve Van Goor. My legal career was forever changed, for the better.

Shortly after meeting Deborah and Steve, I found myself sitting in the Bar Association conference room watching the Board of Governors in action. They were conducting the business of the Bar. I was somewhat intimidated by the process, sitting in a room full of successful, well-established lawyers. It was while I sat listening to these lawyers discuss and debate an issue (I don't remember what issue it was), that Ray



As president, I plan to reach out to as many members as possible to provide education regarding what the Bar does for its members and the public

Brown looked over and asked what I thought. He wanted to know what the young lawyer in the room thought about the issue. After clearing my throat, I nervously answered. It was shortly thereafter that the Young Lawyer Liaison (later renamed New Lawyer Liaison) position was formed. I held that position for the next two years. Nearly 25 years later, I am proud, honored, and humbled to be back in the Bar Association conference room, serving as the 66th president of the Alaska Bar.

As president, I plan to reach out to as many members as possible to provide education regarding what the Bar does for its members and the public. It is my goal to have our members become more informed and more involved.

In furtherance of this goal, I plan to attend Section meetings to listen to the concerns of our members. Separately, I encourage members of the Bar to call me with any questions or concerns you have regarding what the Bar Association can do to help you with your practice of law. I will strive to keep an open-door policy and will welcome opportunities to discuss what the Bar can do for you.

I will also continue to foster the relationship between the Bar and

the judiciary. We have several new judges, not only within the Third Judicial District, but statewide, including on the Court of Appeals. I believe it is beneficial for lawyers and judges to interact outside the courtroom. The Bench/Bar Off the Record, and the Bar Convention provide opportunities for such interaction. I will do my best to further this interaction. On that subject, the 2020 Bar convention in Anchorage will overlap with the judicial conference on Wednesday, Oct. 28, 2020. Mark your calendars, as we are looking forward to an exciting convention.

Rob Stone was elected president of the Bar Association at the 2019 convention in May.

The Alaska BAR RAG

The Alaska Bar Rag is published quarterly by the Alaska Bar Association, 840 K St., Suite 100, Anchorage, Alaska 99501 (272-7469).

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Board of Governors meeting dates

September 5 & 6, 2019

October 24 & 25, 2019

(July bar exam results & budget)

January 30 & 31, 2020

May 7 & 8, 2020

(February bar exam results)

September 10 & 11, 2020

October 26 & 27, 2020

(Monday & Tuesday; July bar exam results & budget)

October 28 - 30

(Wed. - Friday: Annual Convention in Anchorage; joint day with judges, Wed., Oct. 28)

Publication Dates	Editorial Deadlines
March	Feb. 10
June	May 10
September	Aug. 10
December	Nov. 10

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EDITOR'S COLUMN

Looking to the future? Make it a good one

By Ralph R. Beistline

Just as sure as spring brings the geese and other fair-weathered friends back to Alaska, it regularly brings Erwin Chemerinsky and Laurie Levenson to the Alaska Bar Association's annual Bar Convention, which was held in Fairbanks this year. And both speakers were in great form as they educated and enlightened the packed convention hall. As much as anything else, however, the convention provided an opportunity for old friends and foes to become reacquainted and rub shoulders with one another.

Sitting on the sidelines, I was able to do some people watching and some reflecting. There were older attorneys in attendance — some great ones — like Charlie Cole, who was admitted to the Bar roughly 64 years ago and is still in good form, and there were new attorneys just starting out whose greatness and longevity remains to be tested. I knew that we were including photographs in this edition of the paper of attorneys admitted

to the Bar 25 years ago and wondered if the years since were what they had expected back then and if the time had been used as they had hoped. Each attendee held a cell phone in hand and was accessing the outside world continuously. Twenty-five years ago such devices were not even imagined, and the sight of everyone attached to one would have seemed strange. But what about the future, our future, and the future of the Alaska Bar?

Twenty-five years from now the Bar Convention will be held in Juneau, and cell phones likely will be obsolete. Those youngsters sworn into the Bar this year likely will have their photographs featured in the 2044 edition of the BAR RAG and will laugh, as we do now, at how they looked "back then." And Fairbanks will probably still be represented by Charlie Cole.

So, what will the future hold for



So, what will the future hold for us individually and for the Bar? Anyone familiar with the movie "Back to the Future" should know.

us individually and for the Bar? Anyone familiar with the movie "Back to the Future" should know. If you recall, Marty McFly and his girlfriend, Jennifer Parker, were very concerned when it became clear that Marty's good friend and collaborator, Doc was returning to the past, for good, with his wife and sons Jules and Vern.

"Doctor Brown," they cried out, "but what about our future?"

To which Doc replied, "your future hasn't been written yet, no one's has, so make it a good one!"

That advice goes for us all. With new attorneys, new board members, new challenges and new opportunities, the future is what we make it.

So, have a good summer, and make it a good one.

Ralph R. Beistline is editor of the Bar Rag and a senior U.S. District Court judge.

My Five ...

It turns out in all of Alaska we could not find three members of the legal community who would volunteer their lists of five favorite musical pieces for our popular regular feature. So if there are folks out there who would like to join and submit lists of their favorites, we would welcome them.

Send your lists to jonesatim@gmail.com and we'll fit them in at least three at a time. There are no prizes, sorry.

Alaska children have a constitutional right to an education

By Robert C. Erwin

In the early case of *Macaaley v. Hildebrand*, 491 P2d 120, 122 (Alaska 1971) the Alaska Supreme Court held that the Alaska Constitution requires the Legislature establish a system of public education and “maintain” that system.

[1-3] The outcome of the local activity test in the case at bar is dictated by Article VII, Section 1 of the Alaska Constitution:

The legislature shall by general law establish and maintain a system of public schools open to all children of the State

This constitutional mandate for pervasive state authority in the field of education could not be more clear. First, the language

is mandatory, not permissive. Second *the system not only requires the legislature “establish” a school system, but also gives to that body of the continuing obligation to “maintain” the system.* Finally, the provision is unqualified; no other unit of government shares responsibility or authority. That the legislature has seen fit to delegate certain educational functions to local school boards in order that Alaska School might be adapted to meet the carrying conditions of different localities does not diminish this constitutionally mandated state control over education. (emphasis added)

This view was again explained at some length in both the majority opinion and the Dissent by Justice

Jay Rabinowitz in *Hootch v. Alaska State Operated School System*, 536 P2d 793, 809 (Alaska 1975) and the concurring opinion by Justice Warren Matthews in *Matanuska-Susitna Borough School District v. State*, 931 P2d 191, 205 (Alaska 1997).

The entire issue of availability of a public education is also explained in a law review article entitled “The Methodological Middle Ground: An Adequate Standard in Alaska’s Education Clause” found in XXIV Alaska Law Review 73 (Duke University 2007).

The law review article is unique because it discusses a pending case before the Alaska Supreme Court: *Moore v. State*, which was ultimately settled by the state and no opinion was ever issued. The article discusses school financing across the country and suggests that Alaska may not be adequately funding education. *Id.* p. 76-82

In the more recent case of *State v. Ketchikan Gateway Borough*, 366 P.3d 86, 102-103 (Alaska 2016) Justice Daniel Winfree expressed the same view:

“We later confirmed that article VII section 1 mandate that the legislature establish and maintain a public school system has a dual nature: “It imposes a [constitutional] duty upon the State legislature, and it confers upon Alaska school age children a [constitutional] right to education.” *Id.* p. 103.

Thus every Alaska school-age child has a constitutional right to a public school education no matter where they reside. The Legislature must fund that constitutional right.

The present governor has requested a 25 percent cut in public education funding and has requested funds appropriated by a previous

Legislature be returned to the state. The question thus becomes “does such a request affect the students’ constitutional right to a public education?” Such a decision must also be judged in light of the comments by the dissent of Justice Rabinowitz in *Hootch v. Alaska State Operated School System*, 536 P2d 793, 809, 814 (Alaska 1975) that a state cannot limit or abridge constitutional rights as a means of saving money.

There are a number of questions that must be answered to determine whether the State is “maintaining” the constitutional right to a public education. Some of them are:

- Are there buildings and support staff?
- Are there teachers available?
- What is the class size?
- Are there programs for special needs?
- Are there programs for sports, music, debate, etc.?
- Are the facilities maintained?
- Are the schools open five days a week or less?

In recent years both Washington and Kansas have been ordered by the courts to provide additional funding for public education under similar constitutional provisions. Alaska is apparently not confronting the problem or is simply ignoring it. A balanced budget does not repeal a constitutional right of a student to appropriately funded public education.

Robert C. Erwin was admitted in Washington in 1960 and Alaska in 1961. He has served as DA at Nome, Fairbanks and Anchorage. He was a member of the Alaska Supreme Court from 1970 – 1977. He has presented more than 220 appeals to the Alaska Appellate Courts and still practices law in Alaska to this day.

Letter to the Editor

Writer held several positions in legal community

To the editor

Even though I have resided in Grand Junction Colorado for the past 26 years, I have maintained my Alaska Bar Membership (albeit, now inactive to save money) and so I now have the joy of receiving monthly copies of the Bar Rag. I was looking in this last issue at the “In Memoriam” section. And I saw in that section, the names folks I knew first hand, and called friends in Fairbanks when I was there. It is also wonderful to see the bright new faces ascending to the benches all over the state. Of course, now it is getting so I recognize fewer and fewer of those I knew.

I actually started out with Alaska Legal Services under Dave Wolf, and soon transferred to the Public Defender Agency where I practiced criminal defense until I transferred to the Ketchikan office. Judges in Fairbanks back then were Hugh Connolly, Jerry Van Hoomissen, Judge Bill Taylor, Judge Hepp, and Mary Alice Miller. I was in Ketchikan when Judge Henry Keen was the District Court Judge, and Judge Schultz was Superior Court. I was then appointed to the District Court in Fairbanks where I served as a judge from 1978 until 1984.

I am writing this here and now because it seems that since I am now 77 years old, I must get on some other page in the Bar Rag, than in the “In Memorandum” section. I am now older than some of those who have recently made that page.

I still enjoy reading the Bill Satterberg section, and am glad that he, and some others are still up there keeping Alaska Alaska.

Steve Cline



Charlie Cole, at right, revered and long-standing member of the Bar, instructs “younger” member of the Bar, Robert John, on the fine art of snow shoveling. Unfortunately Charlie’s Tom Sawyer ploy did not work this time. Photo by Larry Zervos

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By the Alaska Bar Association
Disciplinary Board
entered May 17, 2019

KRISTA L. WHITE
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NOTICE TO THE PUBLIC

By order of the Alaska Supreme Court,
dated 2/13/2019,

DAVID E. GRASHIN
Member No. 8011082
Anchorage, AK

is reinstated
to the practice of law
effective February 20, 2019.

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Friend, colleague devoted life to protecting children — with a smile

By Dan Branch

Writing a eulogy, even for one whom you knew well, is like trying to catch the wind. I will do my best for Jan Rutherfordale, a mother, a friend, and an attorney co-worker of mine for almost 30 years. She died Feb. 23, 2019, of a heart attack while running a snowshoe race.

The photograph that illustrated Jan's obituary in the last winter's *Alaska Bar Rag*, and reprinted here, captured the fit, friendly, outdoorsy woman most of us remember. It shows hair that always looked to be tousled by exercise, the smile of a person comfortable with herself, those kind eyes as perceptive as a raven's. It's hard to find evidence of the stress she experienced balancing her life as a mother and hard-working attorney.

During an oral history interview she gave in 2015, Jan told me she grew up happy in what would have been a typical suburban home except for two things. One of her brothers suffered brain damage during his birth. Her mother developed schizophrenia when Jan was 2 years old. Her parents still managed to provide Jan and her siblings with stable, happy childhoods. She learned to trust the love of family and friends. But she also learned how to compartmentalize — how to enjoy the good while shutting out thoughts of the bad. This helped her to survive a stint at the Alaska Public Defender's Office and 26 years as a child protection attorney.

She told me that because she was the baby of her family, she just sort of floated through life, ready to take risks. She never had to present a future employer with a resume. Employers sought her out. The positions she accepted were all service oriented.

When she was a freshman in college she thought seriously about becoming a social worker. But it was the early seventies, a time when members of her generation were looking for ways to change the world. She realized that social workers couldn't advocate for global changes because they were focused on individuals. So she decided to become a lawyer so she could have a bigger impact. Through her work in the state's trial and appellate courts Jan made such an impact by helping to fine tune the legal standards for protecting children.

Lawyers who have never entered an appearance in a Child In Need of Aid hearing cannot imagine the emotional toll each such case takes on participating counsel. It's tough on the parents' attorneys who must struggle to produce a good result with bad facts. They often have to explain to clients why someone else will raise their children. It's arguably tougher on



"Through her work in the state's trial and appellate courts Jan made such an impact by helping to fine tune the legal standards for protecting children."

prosecuting attorneys, like Jan. They know that one mistake could result in an abused child being returned to care of the abuser. Jan tried hard to protect children from harm. For example, she worked for more than seven years to have the court terminate the parental rights of a man who sexually abused his 1-year-old and 3-year-old children. (*A.M. v. State*. 945 P2d 296 (1997).

Jan needed her compartmentalizing skills when working as child protection attorney and during her stint at the public defender. During the oral history interview she told me, "There is nothing worse than cross examining a 6-year-old who has been sexually abused by your client." She learned to use athletic activities to burn off emotional stress. She wasn't a jock until she came to Juneau, where she joined soccer teams and basketball teams. The *Juneau Empire* once published a picture of Jan and her second daughter Isabel cross country skiing past the capital building. She was often seen running alone, or with her daughters on Juneau streets.

After Megan, Jan's first daughter was born, she took six months of maternity leave from her public defender job. Three months into her leave she phoned the Public Defender, Dana Fabe to tell her that the agency should start looking for someone to replace her. Jan couldn't imagine leaving Megan to return to her job. Ms. Fabe convinced her to come back to work on a part-time basis.

After returning to work, Jan handled the afternoon criminal arraignments for the public defender, arriving in court after lunch with stacks of files. Each morning she spoke with the office paralegal on her home phone. The paralegal shared information gathered by interviewing Jan's clients at the jail. During one of these phone conversations, Megan grabbed Jan's leg and shouted for her to hang up the phone. That's when she realized that she couldn't balance her still heavy caseload with her maternal duties. A year later she handed her public-defender caseload to another lawyer and left to spend her immediate future as a stay-at-home mom. Then Leba Shaw offered her a half-time slot as a child protection attorney with the Attorney General's Office.

Jan took Leba's offer, thinking that it had to offer more time with her family than she had while working as an assistant public defender. While I interviewed her, I had the impression that her child protection job did allow more time with her family. But it was still stressful. It was hard for her to compartmentalize in child protection cases when the children at risk were the same age as her daughters or when the alleged abuser was young and a victim of childhood abuse.

At the end of her career, she realized the compartmentalizing approach had a big drawback — when you use it to stop feeling so you can get through an emotionally difficult case, it bleeds over into your personal life. She worried that eventually she would lose the capacity to feel or love. To avoid this she retired.

During the decades that I worked with Jan, I never saw her indulge anger, fail to treat others with kind consideration, or slip into a blue funk. We are all going to miss that lady.

Dan Branch, a member of the Alaska Bar Association since 1977, lives in Juneau. He has written a column for the Bar Rag since 1987. He can be reached at avesta@ak.net



Jan Rutherfordale

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Alaska to host Uniform Law Commission annual meeting

By Susan R. Pollard

This summer, our state will host more than 300 attorneys from the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands because for the first time in its more than 120-year history, the National Conference of Commissioners on Uniform State laws (also known as the Uniform Law Commission or ULC) will hold its annual meeting July 12 to 18 in Anchorage. The uniform law commissioners, observers and advisors, will meet in the Denaina Civic and Convention Center to study, debate and vote on whether a uniform act is ready to be adopted as a uniform law ready for consideration by state legislatures. The meeting will include speakers on Alaska Native corporations, changes in the Arctic, drafting of the Constitution of the State of Alaska, and practical tips for touring in Alaska (we expect the topic of how to avoid close encounters with a bear or moose will be of great interest).

Organized in 1892, the non-partisan ULC is committed to drafting uniform acts to provide greater uniformity among the states in areas where uniformity among states is desirable. Typically, uniform laws address commercial transactions, trust and estate law, business entity organization, organ donation, interstate child support and custody, and other areas of daily living that benefit from uniformity between states. One of the best known ULC acts is the Uniform Commercial Code, enacted in Alaska through portions of Alaska Statute, Title 45. By focusing on state law, the commission's work allows states to address issues common to the states from a state, not federal, perspective.

Each commissioner must be an attorney, qualified to practice law. Commissioners are lawyer-legislators, state and federal judges, law professors, and attorneys in public and private practice.

Alaska's commissioners are Alaska Supreme Court Justice Craig Stowers; Susan Pollard, assistant attorney general; and Andrew Hemenway, former administrative law judge. Life members are W. Grant Callow, Anchorage attorney; and Deborah Behr and Arthur H. Peterson, both retired assistant attorneys general. Megan Wallace, director of Legal Services for the Legislative Affairs Agency, serves as an associate member. Alaska's commissioners currently serve on drafting committees on acts addressing the economic rights of unmarried cohabitants, registration of Canadian judgments, and remote notarization.

The process from proposal to a final uniform act begins with a



Commissioners from around the country attend a forum during the 2018 ULC convention.

proposal on a subject that would benefit from uniformity. Proposals are reviewed by committees, and if approved by the executive committee, to a drafting committee. An act must be considered, section by section, at a minimum of two annual meetings. Once approved as a final act, a uniform law is ready for consideration by state legislatures. The ULC assists in the legislative process by providing information and subject matter experts to state legislatures considering a uniform act.

Alaska has benefited from the ULC's work and has enacted approximately 100 uniform acts; most recently the Fiduciary Access to Digital Assets Act (AS 13.16) and the Uniform Environmental Covenants Act (AS 46.04).

Acts scheduled for final reading at the July 2019 meeting address probate, electronic wills, automated vehicles, Canadian money judgments, and tort law related to drones. Draft acts to be considered concern alternatives to bail, public participation protection, management of crowd funding, relocation of non-utility easements, and unregulated transfers of adopted children. Further information on these acts is available on the Uniform Law Commission Internet site (www.uniformlaws.org) or from any Alaska ULC commissioner. Additionally, the ULC's staff can answer questions and provide information to attorneys or bar committees on any uniform act. The Alaska commissioners would be happy to help arrange for presentations to bar groups or committees on any uniform act (contact Susan Pollard at

465-3600).

Members of the public are welcome to attend the Anchorage meetings and observe the proceedings. To officially observe the entire conference, or a single act, requires registration through the Uniform Law Commission. Anyone wishing to register can contact Leang Sou, lsou@uniformlaws.org before the meeting. Alaska's commissioners thank for-

mer Commissioner Terry Thurbon, local law firms, and businesses that have assisted with the conference through donations to the Uniform Law Foundation, through tour offering, and discounts on Alaska-made products.

Susan R. Pollard is chief assistant attorney general, state Legislation and Regulations Section, Juneau.

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Samantha Slanders *Advice from the Heart*

Dear Samantha,

The only reason I am writing you is because I found a copy of the Bar Rag at a friend's house and stole it, thinking it would be full of recipes for mixed drinks. I also stole bottles of vodka and gin. Don't bother to lecture me about stealing stuff. Because of your LAME magazine, I had to come up with my own mixed drink, which almost killed our dog. NEVER USE ANTI-FREEZE TO SWEETEN A VODKA COLLINS. Dad saved my invention and said he would make me drink it if I ever swiped anything again. Anyway, I am supposed to apologize

to everyone and write a letter to a stranger. You seem strange enough so I am writing to suggest that you find some lawyer that knows how to drink and have her write a mixed-drinks column.

**Sincerely,
Name Withheld**

Dear Nameless,

Your father sounds wise and restrained. You probably didn't show your letter to him before you sent it to me. He would have told you that lawyers need little advice on how to mix or drink. Many do both at the same time, sometimes with disastrous results. My editors considering including a "Bartender Bob"

column in this fine publication. But the man selected to write it, Bob-one-too-many-Roberts couldn't be released from rehab in time.

**Sincerely,
Samantha Slanders**

Dear Samantha,

I am hopelessly in love with a raven-haired goddess. Robins sigh ever time she walks by. I die. Now I am dead to her since the time I showed up for a date at Denny's and twisted my napkin in anticipation while she waited for me at a new French restaurant called "Denise's." You or any other reasonable woman would have forgiven me, but not my angel, who is now dating a tax attorney that she met in Denise's bar. How can I win her back?

**Sincerely,
Desperate Dude**

Dear DD,

First you need to toss out all you old Carpenters albums. Next, make a conscious effort not to rhyme. You do it all the time. Finally, give up on the goddess. You can't expect her

to love a man who thinks that the home of the grand slam breakfast is a place to pitch woo.

**Sincerely,
Samantha Slanders**

Dear Samantha,

The editor of your fine publication emailed me a draft of your exchange with Desperate Dude. Shame on you for being a free-verse fascist. Also, Karen Carpenter was one of the most talented singers our great country has ever produced. You should not stomp on a benighted man's heart. Triple shame on you for being such a romance-less recluse.

**Sincerely,
A Voice of Reason**

Dear Virtual Reality,

Tough love is sometimes also the kindest. If I had encouraged DD, he might have wasted his life chasing an unsuitable mate. Besides, I know for a fact that he is now dating a woman he met that night at Denny's. He just wants to be close to her.

**Sincerely,
Samantha Slanders**



Attending the installation (from left) are: Judge Terrence Haas, Judge William Montgomery, Justice Craig Stowers and Judge Nathaniel Peters.

Superior Court judge installed in Bethel

From the Alaska Court System

Judge Terrence Haas was installed as a judge of the Superior Court in a ceremony on Jan. 25, 2019, at the Nora Guinn Justice Complex in Bethel. He was appointed to the court by Gov. Bill Walker in November 2018.

Judge Haas received his B.A. in philosophy from Purdue University and his J.D. from Roger Williams University School of Law. Before turning to his education in earnest, Judge Haas met his future wife (both parties being just old enough to drive), graduated from high school early, wandered aimlessly, started then quit college, worked by the hour in various jobs, married at age 20, lived in the woods of Northern Michigan "off the grid," tended many a campfire, and finally became a parent. In light of this lattermost event, he returned to his studies with a reformed heart and a renewed focus in 2001.

After graduating law school Judge Haas clerked for Chief Justice Frank J. Williams of the Rhode Island Supreme Court. In 2008, at the end of his clerkship, he took a job in Bethel with the Public Defender Agency, and realized over the course of a decade that Bethel is his home. For about three years prior to his appointment, he was the supervisor for the Bethel and Dillingham offices of the Public Defender Agency.

Judge Haas is married to Megan Newport and has two children, James and William. His parents are Mary and Michael Haas. He was raised in Indiana with his siblings James, Ann, Jane, Roy, and Chris. He has a large extended family spread around the country but centered in Indiana and Michigan.



Attending the presentation from left are Jolene Hotho, Anchorage Bar administrative director; Lisa Sauder; Bean's Café executive director; and Anne Helzer, Anchorage Bar president.

Bar Association makes memorial donation

The Anchorage Bar recently donated \$1,000 to Bean's Cafe in memory of the following attorneys who died in 2018: John Abbott, Jacqueline Colson, William Devries, Daniel Fay, Avrum Gross, James Hanson, George Hayes, Barry Jackson, Linda Kesterson, Jenifer Kohout, Lloyd Kurtz, John Mason, W. Bruce Munroe, Arden Page, Kimberly Schowen and Randall Weddle.

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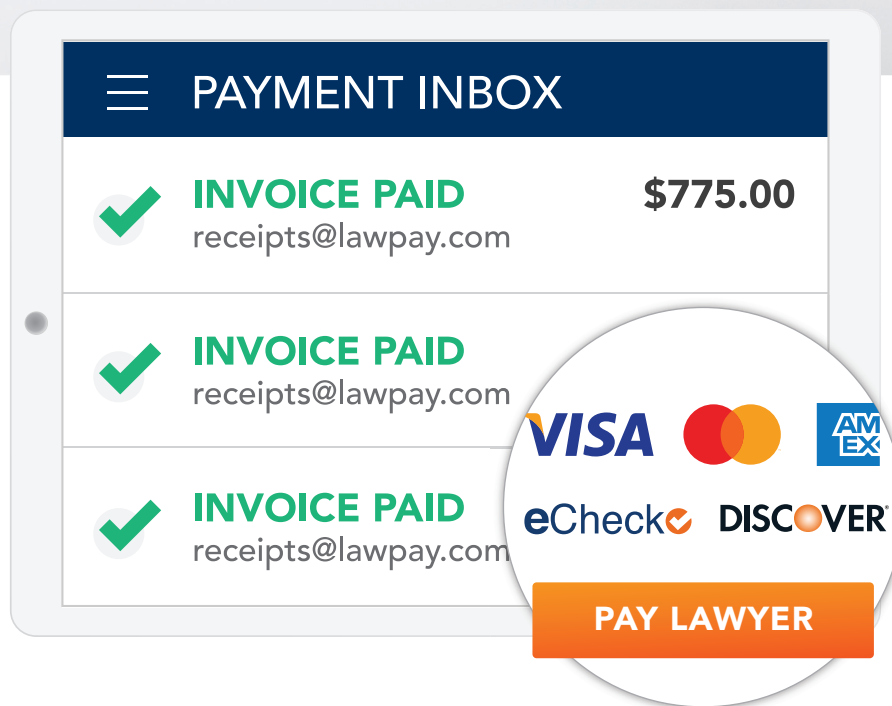
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In Memoriam

Long-time Fairbanks judge dies of Alzheimer's

Mary Elaine "Meg" Greene, was born Jan. 1, 1950, the first baby born in Wyoming in the 50s. She died April 27, 2019, at the Fairbanks Pioneer Home from Alzheimer's disease.

Meg grew up in Mountain View, Wyoming, with her parents, Orme and Zelda Greene and her brother "Butch." Her father was killed in an industrial accident when she was 3 years old. Zelda supported Meg and Butch as a small-town telephone operator, and times were tough financially for them. She taught Meg to love the great outdoors with car trips and camping and this love transferred immediately to love of Alaska.



Mary Elaine Greene

As a youngster Meg excelled in school, was the choir leader in her church and worked as a janitor and answering service operator nights and weekends. She graduated from the University of Wyoming in 1972 with honors in Mathematics. She was in the Marching Band at Wyoming and a student senator. She was then accepted at Harvard Law School on scholarship, and took her first airplane ride. She graduated with honors and was hired by a Chicago law firm doing securities and antitrust work.

When Alaska Supreme Court Justice Jay Rabinowitz offered her a law clerk position she took a leave of absence from the law firm and began a lifetime of public service to the State of Alaska. After working for Justice Rabinowitz Meg went to work as a public defender during the pipeline days. She represented individuals in criminal cases, child protection and juvenile crime cases and sanity hearings. She was the first lawyer to call an Outside expert on "battered-woman Syndrome" in an early case in 1979 representing a teenage girl who killed her abusive husband. She spent days in the courtroom and evenings and weekends visiting clients in jail and flying in small airplanes to villages. She became skilled at finding clients and witnesses in bars and motels and tried the patience of some judges. The story is that she and a prosecutor once did six jury trials in Barrow in 4 days.

In 1980 Greene went to work as an assistant attorney general advising Alaska on the proposed natural gas pipeline. She had laughed that almost 40 years later even she couldn't get it across the finish line. She returned to the public defender later and became a legal legend as a trial and appellate attorney. Her encyclopedic knowledge of Alaska law and hard work resulted in her handling 80 cases before the Alaska Supreme Court and the Alaska Court of Appeals in a little more than three years.

Gov. Bill Sheffield appointed her as a Fairbanks Superior Court judge in 1985. She was the first woman in that position in Fairbanks and later the first woman presiding judge in Alaska. Meg served as a Superior Court trial judge for 17 years in Fairbanks. Early on she was assigned the six McKay contract murder cases from Anchorage. She refereed Alaska's best prosecutors and defense lawyers in this tabloid-worthy story. Her hair turned from brown to white during those trials. She was later assigned the Mental Health Lands Case, which alleged that the executive and legislative branches had improperly given away Alaska land that had been dedicated for mental health care before Statehood. Its documents filled an entire room of file cabinets in the Fairbanks courthouse. In the end, Judge Greene, with the help of counsel, fashioned the Mental Health Lands Trust, as we know it today.

Greene was a serious and committed judge. Lawyers learned quickly that being late or being unprepared brought sharp rebuke. She did not suffer fools or slackers. Her humor often caught them off guard. Lawyers liked to be in front of her for complex and difficult cases. She could see through the details to the path the law required.

After 17 years on the bench, Greene moved to the University of Alaska legal office.

She joined the gang of Fairbanksians who worked to create Raven Landing so that seniors could retire in their home community of Fairbanks.

Meg always went to Mountain View, Wyoming, over Memorial Day to honor her family at the local cemetery. She traveled to England, Scotland, Australia and Turkey. She drove all the roads in Alaska in her little red Toyota truck and went to Dawson to gamble twice a summer if she could. She loved canoeing, animals and single malt Scotch. She was an introvert whose joy was to obtain new murder mysteries from her favorite authors. Her cremains will rest at the Fort Bridger Cemetery in Wyoming with her family. She left instructions there be no services. She leaves her Aunt Elaine Phillips; and her adult children John Phillips, Clare Tayback, Gregory Phillips, David Phillips.

Any funds in memory of Meg Greene should be donated online or sent to (1) Justice, not Politics, Civics Education Fund, P.O. Box 231473, Anchorage, AK 99503, 907-240-3802 or Breadline, Inc., P.O. Box 73715, Fairbanks, AK 99707, 907-452-1974. Memories and remembrances may be posted at www.blanchardfamilyfuneralhome.com.

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Password insecurity: You can't be too careful protecting your data

By Mark Bassingthwaighte

Sometimes married couples see things differently and the only way to resolve the tension is by finally deciding to agree to disagree. That's how things played out in our home for a number of years on the issue of passwords. My wife viewed my focus on computer security and passwords as something approaching mild paranoia. I, on the other hand, viewed her insistence on using one easily remembered password for everything in her life the equivalent of tattooing the phrase "victim here" on her forehead. The only way for us to move forward was to reach an accord. We agreed to disagree, and things were good, at least for a while.

A few years later, after receiving an email from one of our sons, our accord began to crumble. I was informed that my wife's email account had been hacked and was actively being used to send out spam email. Of course, I did what one normally does to remedy that situation and hoped all would be good. Sadly, it wasn't to be. Our accord abruptly ended a few months later after we received written notice from a credit union on the opposite side of the country telling us that they were most displeased with my wife. Apparently, credit unions don't like it when someone gets a new credit card, immediately maxes it out, and then fails to make any payments. Unfortunately, given that my wife wasn't the one who applied for and received that credit card, we had a new problem.

While this tale took a number of interesting twists and turns over the next few years, in the interest of time I will simply share that as a result of the initial identity theft a federal and an out-of-state tax return were also fraudulently filed in my wife's name. I spent over three years working to get everything cleaned up; but the one thing I can't do, and honestly no one can, is ever get her identity back. That's been taken and we'll have to deal with the ramifications of that for the rest of our lives. Hopefully, it's over; but only time will tell.

Today things are different around here. My focus on computer security is viewed in a much different light by my wife, and I no longer worry about any unsightly tattoos on her forehead. Our state of marital bliss has been restored because this time around we're both on the same page. Trust me, she gets it now. What's more important, however, is do you? Again, understand this entire saga started with someone managing to figure out a password, a password that, unfortunately for my wife and me, opened all kinds of doors that would have remained locked had she not used one password for everything.

I chose to share this story because I wanted to put a real-world spin on the problems that can arise when too little attention is given to the importance of passwords. Ev-



Bassingthwaighte

ery one of us in our personal and professional lives needs to abide by some sort of password policy, formal or informal, in order to try to avoid becoming yet another victim of identity theft. And heaven help you if an identity theft occurs and it turns out to be the identity of one or more of your clients because someone got into your office network. So not good.

With this tale of woe now told, it's time to talk about how to avoid becoming a victim. I'll start by identifying typical missteps. Here is a list of things no one should ever do.

1) Use the same password on multiple devices, apps, and websites. 2) Write down passwords

on easily found sticky notes. 3) Believe that passwords like "qwerty," "password," "1234567," or "letmein" are clever and acceptable. They aren't. 4) Allow computer browsers to remember passwords. 5) Choose passwords based upon easily remembered information such as birth dates, anniversary dates, Social Security numbers, phone numbers, names of family members, pet names, and street addresses. This kind of information just isn't as confidential as you think due to events like the Equifax breach and widespread participation in the social media space.

Knowing the common missteps, however, isn't enough. Such practices should be prohibited in a formal firmwide password policy that everyone at the firm must abide by. There can be no exceptions, period. Of course, policy provisions must also detail what to do. The most important provision of a password policy would be to mandate the use of strong passwords defined as follows. A password is strong if it is long, a minimum of 15 characters, and it should include a few numbers, special characters, and upper and lower-case letters if the device or application you wish to secure with a password will accept it. Additional provisions worth including would be requiring that every application and device in use have its own unique password, requiring that passwords in use with mission critical devices and applica-

tions (e.g. banking login credentials, firm VPN login) be changed every six months, forbidding the reuse of old passwords, and prohibiting the sharing of user IDs and passwords with anyone. Finally, make enabling two-factor authentication for any device or application that allows it compulsory.

Of course, a password policy like this creates a new problem, which is trying to keep track of all the complex passwords now mandated. I can share that between us, my wife and I have over 250 different passwords we need to keep track of in our personal and professional lives. I don't know about you, but I sure can't remember all of that information.

Fortunately, this problem can be easily managed by using a password manager such as RoboForm, LastPass, or Dashlane. My wife agreed to commit to learning how to use a password manager shortly after her kerfuffle with the credit union and it has made a world of difference. Such tools are often cloud-based software applications that allow users to conveniently store and manage all of their passwords. The data is encrypted and can only be accessed once a master password has been entered. Yes, users will still need to remember a long and difficult to guess master password; but having to remember one is going to be far easier than trying to remember 250. And again, no one should ever write down their master password. Everyone really must commit the master password to memory or find a way to store it in some other secure manner.

One side note here because

lawyers are sometimes hesitant to place passwords in the cloud. Try to avoid allowing such a concern to become an excuse for not making any changes at all. As I see it, those of us who use password managers are far more secure than those who simply write everything down on a piece of paper or on sticky notes that are always close at hand. Further, given the robust encryption in use, these applications are also going to also be more secure than keeping a list of passwords in an Excel or Word file. But here's the real value. The use of a password manager provides robust security when compared to relying on easily remembered weak passwords, using the same password on multiple devices or websites, allowing browsers to remember passwords, not changing passwords and re-using old passwords, all of which is what so many do by default.

Since 1998, Mark Bassingthwaighte has been a risk manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Bassingthwaighte has conducted more than 1,200 law firm risk management assessment visits, presented more than 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics and technology. He is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School. He can be reached at mbass@alpsnet.com

I chose to share this story because I wanted to put a real-world spin on the problems that can arise when too little attention is given to the importance of passwords.

One side note here because lawyers are sometimes hesitant to place passwords in the cloud. Try to avoid allowing such a concern to become an excuse for not making any changes at all.

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TRIAL PRACTICE: A Wee Treatise

Direct examination: Keep the narrative flowing

Continued from page 1

you live, where you work, how long, have children? Married?" In other words, cover the basic biographical stuff with them in as much detail as you can — not because you are going to do that in trial, but because you want to know all you can about them, relevant, or irrelevant.

Formal prep does not take too long (20 minutes?). And I find I actually spend less time getting the story this way, than just sitting around bull-shitting with the witness (don't get me wrong, bull-shitting is good when you have time). For me, formal prep is the most economical way to make sure I've covered all the bases.

At trial, cut it back to what's useful, what's interesting — even if not strictly relevant. Remember the jurors are interested in people — like all of us, they reach for People Magazine while waiting to see the doctor. And you never know what's going to be useful. You may learn some detail from the witness that is irrelevant on direct, but helpful on re-direct.

If you can't talk to your client or the witness in your office, talk to them in their home, at work, or wherever you can. Face-to-face is best, but if you can't do that, talk to them on the phone. After you explain what you're doing, start with "state your name, your address, etc."

Then take them through cross, what you anticipate the other side is going to ask. If you are in the of-

face, get someone else familiar with the case to do practice cross. If no one else is available, do it yourself. Explain to the witness that you are pretending to be the other side, and that you may be mean and rough with him or her. Always include as one of your prep questions on cross: "Have you talked to Mr. Danger about this?" Sometimes a friendly witness will think that talking to you is bad, and, if asked whether they have talked to you, they stumble on the stand, or worse, lie, saying "No," when it's obvious they have talked to you. So make sure they know it's not wrong to have talked to you and that they will be asked what you have talked about.

After you have talked to them about their background, take them through the accident, where they were standing, what they saw, etc., in as much detail as is interesting and important, but not so much as will bore the jury. To avoid falling into the "What happened next?" mantra, mix it up a little, "You've told us what you saw, did you hear any thing, did you smell anything, etc."

For example, in the Commodore case: Did you see her fall? Did you see her twist when she fell? Did she fall forward, face first, or backward? Did you hear her ankle snap? Did she scream? How long did she lie on the ground until you lifted her into the car? etc. You may draw an objection that you are leading the witness. If so, do not fight the objection.

Simply withdraw the question, and ask the witness if he or she heard any noise when Mrs. Commodore stepped into the tree well.

With damages witnesses, the before and after format works best, with the focus on "diminished enjoyment of life." How did she work on the job before? After? What did she like to do after work? Before? After? Did she like to dance, walk, exercise, ride a bike?

To elicit this information, use the David Ball "tell me about that" formula, as in: "She liked to dance? Tell me about that."

Expert witness

If your expert is agreeable, prep him like you would any other witness, take him through direct and cross. Your goal is to make him appear more reliable than the expert on the other side. You want his testimony to be clear, he needs to teach the jury about the matter. Use simple, illustrative aids. If there is a blackboard available, have him get out of the witness box, go over to the board, and use chalk to illustrate what he's talking about. This loosens him up, gets him standing in front of the jury (like a favorite old-time school teacher), and enables him to take control of the courtroom. (This is also a good thing to have your client do, for the same reasons.)

Your goal is to establish that your guy is reliable. How to do this? First, have him describe his background, his training, and his experience; why he in a position to know what he is talking about:

- (1) I went to the best school that teaches the most about fractures.
- (2) I have participated in studies about this type of fracture.
- (3) I have published articles about fractures that have been peer

reviewed and published in the medical journals.

(4) I have taught other doctors how to recognize and treat patients who have suffered this type of fracture.

(5) I have specialized in diagnosing and treating patients with this type of fracture for more than 40 years.

This information shows the jury that your guy is in a position to recognize, diagnose and treat patients with fractures.

Next, show that he has had an adequate amount of time to examine and treat your client:

- (1) I spent an hour with him.
- (2) I looked at all his x-rays and talked to the radiologist.
- (3) I reviewed all his medical records.
- (4) I reviewed the reports of, and consulted with, other docs.

(Look out for hearsay objection, which you can deal with by showing that's part of what he needs to do to diagnose or treat your guy.)

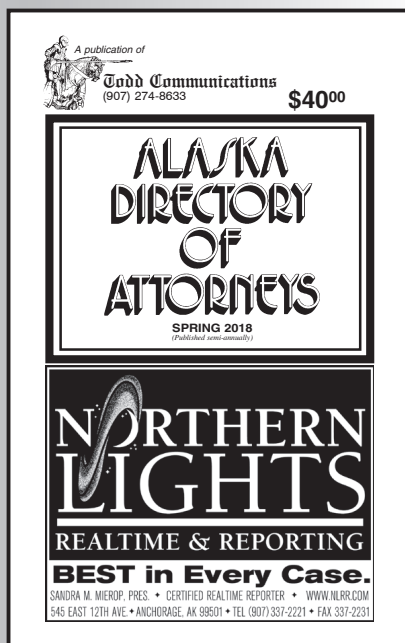
In the appropriate case, have him tell how and why he differs from the expert on the other side of the issue; how he spent more time with your guy, how he knows more about the specific type of fracture your client suffered.

The important thing is that your expert be more likable than the expert on the other side, regardless of background. If his testimony is simple, clear, and cogent, it will be compelling. That is the goal above all.

NEXT: Cross examination

Jim Gilmore was admitted to the Alaska Bar Association in 1967 and had a long time trial practice in the state. He is now retired and lives in Washington.

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Lawyers' Assistance Committee
Alaska Bar Association

1906 fire destroyed 1st of 3 US courthouses in Fairbanks

By Anna Russell

Fairbanks' Old Federal Building on Cushman Street hasn't always been there. Two federal courthouses existed prior to the current Old 1934 Federal Building. We have decent information about the first and third buildings that housed the courthouse and jail, but the middle courthouse is something of an enigma.

Remember, Fairbanks was a new but prosperous town in May 1906 as fire struck. This is just one month after the Great San Francisco earthquake of 1906. Judge James Wickersham had erected the first courthouse and jail just two years earlier on what was known as Court-house Square. Felix Pedro had discovered gold in 1902, and the region was flooded with prospectors, making E.T. Barnette's Trading Post a hub that grew into a town. Fairbanks was on the map, incorporated with Barnette as its first mayor in 1903, and soon became Alaska's largest city. By 1906 the population numbered around 7,000.



A view from across the river shows the extent of the 1906 fire. (Fire_1906: Archives, University of Alaska, Fairbanks)

From news accounts, the great fire began about 3 in the afternoon May 22, 1906. Although it is officially unknown what started the fire, one account found that a curtain brushed the open flame of a Bunsen burner in a dentist's office. Within four hours, the area from First to Third Avenues and Turner to Lacey Streets was in ashes. "The burned district covers three and a half blocks," reported the Grand Rapids Tribune in its May 30 issue. Over 70 buildings were destroyed in the fire. The Wisconsin newspaper included an unofficial estimate of a \$1 million loss. "The First National Bank, the Washington Banking Company, and the court house, located in the burned district, probably were destroyed, as were many of the retail stores and saloons and possibly one or two hotels. The most important of the financial institutions in the city, the Fairbanks Banking Company, is intact."

One day after the devastating fire, the *Fairbanks News* headlines proclaimed: "Fire Can Not Stop Fairbanks; New and Better Town Arising from Smoking Ruins." Two days after the fire, the *Fairbanks Times* reported: "A greater Fairbanks will be reared on the ruins of the old." The *Times* report lists the business losses and includes the Courthouse at a loss of \$4,000. It also reported that "All the court records were saved, thanks to the heroic efforts of the office force. But right here it is fitting to say that Miss Eversole did the work of two men in assisting in removing the books and papers to a place of safety."

Four days fire, the Congressional Record notes an Executive Communication: a letter from



The current Old Federal Building, was completed in 1934. (<https://www.fjc.gov/history/courthouse/fairbanks-alaska-1933> Source: National Archives, RG 121-BS, Box 3, Folder H, Print 2 (ca. 1933))

the secretary of the Treasury, transmitting a copy of a letter from the attorney general submitting an estimate of appropriations for erection of a courthouse at Fairbanks, Alaska — to the House Committee on Appropriations. The AG's letter, a necessary step in procurement since the Territorial Courts were under the auspices of the Department of Justice, estimated \$15,000 for the erection of a courthouse to include fire-proof vaults. By all accounts, \$15,000 is what the Fourth Division in the District of Alaska received to rebuild. Judge Wickersham, however, accounts that Congress approved \$25,000. This may have been a typo in later reprints of Wickersham's diaries; it is unclear. We know from newspaper reporting that before the winter of 1906, a second courthouse was built. News accounts found this second courthouse to be lacking in fire-retardant materials and to be of a poor quality; the reporting in 1906 also places blame on the lack of funds supplied for building the courthouse rather than any blame on work of the contractor.

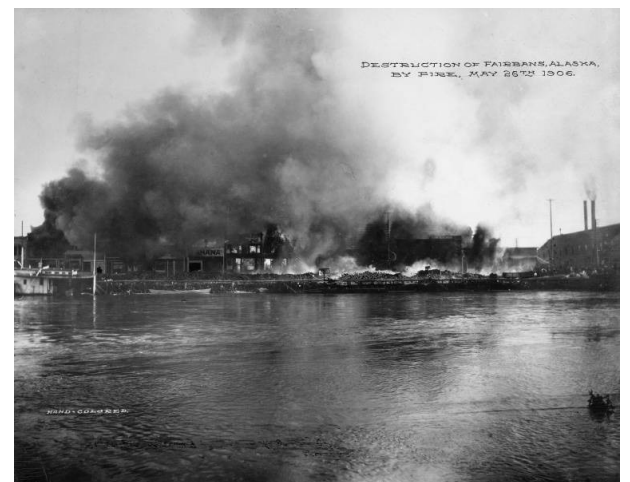
This second Fairbanks territorial courthouse lasted from 1906-1933, some 27 years. We have had no luck locating a photograph of this building. Investigation appears to indicate that where Arctic Travelers Gift Shop now sits on the corner of Second Avenue and Cushman Street, Lavory's Grocery would have sat and would have been directly across from courthouse Number 2, depending upon when the grocery was established. Unfortunately, photographs in Alaska's digital archive tend to use the courthouse as the spot to stand and capture Second Avenue or farther down Cushman but never the courthouse itself.

While the second Fairbanks courthouse may remain a lesser known or a hidden artifact of a bygone era, we know that a greater Fairbanks did grow and thrive after the devastating fire of 1906.

Anna Russell is the US Courts, Anchorage Branch librarian. She can be reached at Anchoragelibrary@lb9.uscourts.gov



First Fairbanks courthouse: People gathered on the veranda of the first Fairbanks courthouse, circa 1904. (First Fairbanks Courthouse from 1904: Archives, University of Alaska, Fairbanks)



The 1906 fire was the biggest show in town. It started at the Washington Bank. (http://www.fairbanksfirefighters.org/?zone=/unionactive/view_article.cfm&HomeID=81474&page=FFD20History)



The Canyon wren's call is one of the most beautiful sounds in canyon lands of the West. Its song echoes off canyon walls in a cascading series of whistles. (The Cornell Lab photo)

Less alone — By Cameron Leonard

*I want to hear again
The call of the canyon wren
Echo off the rock walls
Of an arroyo that once ran
In flood, rolling boulders
Across the sun dry sand.*

*Let me live long enough
To camp again at the river's edge
And listen in the evening,
After dinner, and cleanup done,
As these invisible birds
Call across the canyon
In their distinct descending tones,
Leaving us a little less alone.*

Cameron Leonard is a Fairbanks wood-burner managing cabin fever.

BAR CONVENTION HIGHLIGHTS — FAIRBANKS

BAR'S ANNUAL AWARDS PRESENTED

Bryan P. Timbers Pro Bono Awards



Bonnie Coghlan receives the 2019 pro bono award for private attorney from Justice Sue Carney.



Aisha Tinker Bray, left, accepts 2019 pro bono award for Public Sector attorney from Justice Sue Carney.



Incoming Bar President Rob Stone accepts the gavel from Brent Bennett.



Retired Alaska Supreme Court Justice Dana Fabe, left, accepts the Rabinowitz award from retired Judge Elaine Andrews.



Jennifer Hite accepts the Robert Hickerson award from, Brent Bennett.



Magistrate Judge Kim Sweet, former chief judge of the Kenaitze Tribe, displays the Nora Quinn Award she received from Mike Schwaiger on behalf of the Historians Committee.

The Judge Nora Quinn Award is presented to someone who has made an "extraordinary or sustained effort to assist Alaska's rural residents, especially its Native population, overcome barriers to obtaining justice through the legal system."

Photos by Mary DeSpain, Alaska Bar Association



In a breakout session, Speaker Michael Kahn discusses recognizing and reducing bias in the practice of law.



Sharon Barr accepts the Board of Governors' recognition award from President Brent Bennett.

The Alaska Bar Foundation gives the Rabinowitz Public Service Award to an individual whose life work has demonstrated a commitment to public service in the state of Alaska.

The Board of Governors' Robert Hickerson Public Service Award recognizes lifetime achievement for outstanding dedication and service in the state of Alaska in the provision of pro bono legal services and/or legal services to low income and/or indigent persons.



Fairbanks community member Patty Kastelic accepts the Layperson award.

The Alaska Bar Layperson Service Award honors a public committee or Board member for distinguished service to the membership.



Peter Partnow displays the Distinguished Service award he received from Brent Bennett.

The Distinguished Service Award honors an attorney for outstanding service to the membership of the Alaska Bar Association.



Bob Groseclose displays the Professionalism award he received from Brent Bennett.

The Alaska Bar's Professionalism Award recognizes an attorney who exemplifies the attributes of the true professional, whose conduct is always consistent with the highest standards of practice, and who displays appropriate courtesy and respect for clients and fellow attorneys.



Justin Racette and Nikole Schick appearing to be enjoying themselves at the opening reception.



Jo Kuchle, Michael Kahn and Kristina Miller enjoy the opening reception.



Justice Sue Carney picked up the Human Rights award from Julie Webb on behalf of recipient Brant McGee



Members attending the 2019 convention in Fairbanks gather for a photo. (Panographic image using a drone by Russell G. Smith, Hunter UAS, LLC Commercial Drone Services.)



Amy Bennett, Bill Gordon, Susanne DiPietro, Jessica Winn, Sharon Barr and Diana Wildland enjoy the reception at the Aurora Pointe Activity Center.

ALASKA BAR ASSOCIATION 1988 - 2019

25 Years of Bar Membership



Daniel Aaronson



Eric Aarseth



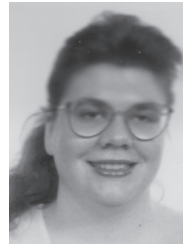
Paul Adelman



Leonard Anderson



Christine Baglin



Candice Marie Bales



Rajpreet Basi



Cynthia Berger



Frank Bettine



Paul Bierly



Michelle Bittner



Lori Bodwell



Gayle Brown



Ann Bruner



Randal Buckendorf



Frank Butto



Christopher Canterbury



Michaela Canterbury



Shane Carew



Lori Colbert



William Colburn



Bret Cook



Eric Chancy Croft



William Cummings



Steven Daugherty



Mary Deaver



K. Eric Dickman



Thomas Donahue



Kevin Donley



Elizabeth Dronkert



William Earnhart



Shelley Ebenal



David Edgren



Roberta Erwin



Susan Evans



Thomas Evans



Jay Farrell



Jill Farrell



Una Sonia Gandhir



Douglas Gardner



Peter Gintner



Michael Grisham



Tina Grovier



Charles Gunther



Terrance Hall



William Halstead



Gregory Heath



Ruth Hamilton Heese



Laura Heston



Robert Himschoot



Blaine Hollis



Chad Wynn Holt



Patricia Huna



Daniel Inouye



Barbara Ann Jones



Margaret Sullivan Jones



Paul Jones



Mary Anne Kenworthy



Kevin Koch



Stephen Koteff



Stacie Kraly



Patrick Lavin



Joyce Liska



Daniel Lowery

ALASKA BAR ASSOCIATION 1988 - 2019

25 Years of Bar Membership



Rob Lowrey



John Lukjanowicz



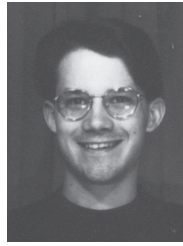
Kristen Miller



Thomas Mitchell



Julia Moudy



Vennie Nemecek



Mark Nunn



Heather O'Brien



Thomas O'Connor



Lance Palmer



Christine Pate



Michael Pate



Albert Peacock



Rodney Pederson



Willa Perlmutter



Billie Jo Pohl-Holycross



Theodore Popely



John Poulos



Dawn Reed-Slaten



Teresa Sexton Ridle



Kari A Robinson



Cris Rogers



Nancy Bainbridge Rogers



Randall Ruaro



James Schliessmann



Robin Schmid



Philip Shanahan



Helen Sharratt



Eugenia Sleeper



David Smith



Elizabeth-Ann Smith



Krista Stearns



Lynn Stimler



Andrena Stone



Robert Stone



Brenda Taylor



G. Ken Truitt



Marlyn Twitchell



Alma Upicksoun



Patricia Anne Vecera



Wendy Jo Wallace



Jayne Wallingford



Pamela Washington



Steven Weaver



Julie Webb



Georges Yates



Min Young

NOT PICTURED

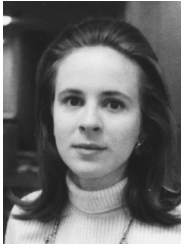
James Davis
Tracy Lowrey
Daniel Seckers



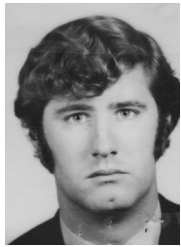
Marking 25 years as Bar members are (from left): Rob Stone, Roberta Irwin, Julie Webb, Kevin Donley and Eric Croft.

ALASKA BAR ASSOCIATION 1988 - 2019

50 Years of Bar Membership



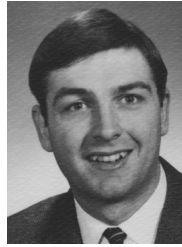
Meredith Ahearn



John Bigelow



Keith Brown



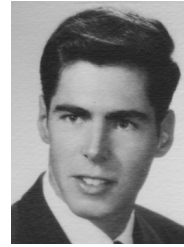
James Clark



Stephen Cooper



Stephen Cowper



H. John Denault



B. Richard Edwards



Barry Fisher



Charles Flynn



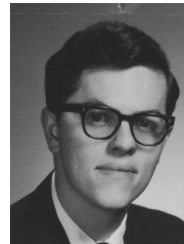
Walter Garretson



Robert Goldberg



John Hedland



Kenneth Jacobus



L. Ames Luce



Dick Madson



Outgoing President Brett Bennett, center, recognizes John Reese, left, and Ken Jacobus for 50 years of Bar membership.



Timothy Middleton



Mary Nordale



John Norman



Raymond Plummer



John Reese



Wayne Ross



Alan Sherry



Catherine Ann Stevens



Robin Taylor



William Timme



Gerald Van Hoomissen



J. Douglas Williams

60 Years of Bar Membership NOT PICTURED — Jane Asher

Employees of the Alaska Public Defenders Agency gathered to celebrate the agency's 50th anniversary



Thinking of going it alone? Gather 'round young pups

Continued from page 1

I had a predictable paycheck, generous medical benefits, a defined benefit retirement program, lots of holidays, and paid time off and little responsibility. Plus the work day usually started around 9 a.m. and quit no later than 4:30 p.m. I usually worked just a little bit later in the day to avoid the 4:30 stampede and the people jammed elevators. In retrospect, I was fortunate. I was in Tier I. Tier I was later destined to be a most coveted retirement program.

My first trial as a young assistant attorney general was a \$750,000 condemnation case. I know that because that was the final judgment, well over the state's firm offer which was \$112,000. I vainly held the state's position throughout trial, resulting in a large loss. Moreover, when I objected to Judge Blair's award of full attorney's fees, his memorable response from the bench was "You lose, Satterberg!" In retrospect, it seemed more like a sporting event. Surprisingly, no one was upset. "Did you learn anything, Satterberg?" was all that my boss, Richard Kerns, asked me. I was forgiven on the spot. I had already found retirement Nirvana as a young 25-year-old. I could have stayed forever. It was tempting. No accountability. In fact, many of my co-hires from 1976 still languish as state employees. I was not to be one of them.

This was because Billy Satterberg has never really played well with others. So, in 1980, I left state government after my having made some rather politically embarrassing disclosures about certain high level, improperly acting state officials to a legislator who had questioned me during budget time. In short order, I was no longer welcome in the Department of Law bureaucratic hierarchy. Ironically, I received a great recommendation from my boss, even though he definitely wanted me gone.

In short order, I found a job in a distant tropical paradise — Saipan. A famous, but very remote, World War II battleground. I was again an assistant attorney general. This time I worked (if the word "work" applied) for the Trust Territory of the Pacific Islands. I soon found that existence boring, as well. I was genuinely disturbed by the lack of work ethic I saw with most American expats. Hobie-Cat sailing, scuba diving and fishing were the norm, but not my style. Fiscal responsibility was only a theoretical concept. And, once again, Billy Satterberg did not play well with others.

After my one year contract expired which was not renewed by my boss, I returned to Alaska. Again I had an unexpected great recommendation. I became an associate in Fairbanks with the then prestigious law firm of Birch, Horton, Bittner, Monroe, Pestinger and Anderson (and a whole bunch of other names long since forgotten). As an enticement to join the firm, I had been told I should be a partner in one year. That also did not happen. Rather, I

was destined to be a FAR-Ber (Former Associate of Ron Birch). Again, I did not fit the mold, having aggressively taken a valued client to task before his board of directors in a practice session over an untenable trial position. I was quickly summoned to Anchorage where my designated mentor explained to me that I was being removed as the client's assigned attorney and that I was not "partnership material."

I was crestfallen. By then, I was getting used to rejection. No Rolex. No BMW. No designated parking space. The conclusion? Birch/Horton had also learned that Billy Satterberg did not play well with others. Apparently, pointing out that the Emperor was bare was verboten, especially if it involved a high-paying client with a fragile ego. Three strikes. The batter was out. So, I gave a generous tentative six months notice and scheduled my likely exit for December of 1982. I would join the private world of solo practitioners. To my dismay, when I announced my tentative plans, the firm did not beg me to reconsider.

Furthermore, no goodbye party was scheduled. I took the hint: it was time to leave. Still, I decided to test the water first in case I needed to seek absolution.

Was I scared? Absolutely. No clients. No private sector management time. And, worst of all, no money. Money was critical. Everyone said I would need lots of money. So, for financing, I cashed out my Tier I State of Alaska retirement account of \$10,000. Years later, when I reentered the Tier I program, it cost over \$60,000 to buy back in.

I sought another mentor. I needed an Obi-Wan Kenobi. I did an ad hoc market survey. I fortunately found a willing advisor in Bill Brattain, a successful solo practitioner. One day, when I was having second thoughts about my decision, Bill read me a list of names of local attorneys. Bill asked what I thought of the group. I said I could beat any one of them in court. Bill replied "Willy, they are all doing quite well. Why can't you?" The question made sense, and formed a major impetus for my transition.

There was the time during my informal survey when I spoke with attorney Dick Savell, who would later become a judge. Figuratively speaking, Dick stood head and shoulders among many of the others. At least as I saw him at the time. When Dick asked what I planned to "specialize in," I said I would take virtually anything. Dick wryly complimented me on my attitude, stating "Well then, maybe you'll stand a chance of making it." Other attorneys weren't so encouraging, however.

When I spoke with some of the Brattain list of local "can you beat 'em" counsel, almost all tried to persuade me to stay out of solo practice. "Business is terrible," I often would be told. "You'll never succeed." It soon became obvious that they



"Attorneys have big egos. The egos have to be big to endure all of the lawyer jokes."

were jealously guarding their turf. However, their discouragement made my decision final. I ordered a business license, bought insurance and sought a location. The word was out — a new gun was in town.

Soon began the endless progression of salespersons. Copier salespeople. Dictaphone salespeople. Insurance salespeople. Furniture salespeople. Book salespeople. Girl Scout cookie salespeople. In time, I learned how to say no. Especially to the Girl Scouts — a most persistent bunch. Saying no is important. In fact, part of my advice to the young practitioner is to learn that lesson early on.

Three types of folks aggressively seek out the young practitioner. The first are the camp followers. These are the vendors who will hawk all sorts of unnecessary stuff. The next group are the clients who no other attorney will have because they are simply unpleasant or have worthless cases. The third group are lawyers desperately trying to bail out of the business who are looking for some unsuspecting gringo to take over.

I was fortunate that I did not have money to spend on fancy toys or impressive law libraries, having long since spent my limited funds on cases of Thin Mints. Besides, I had received good advice from then local attorney Andy Kleinfeld who counseled me to buy disposable voice recorders, clean my own office, and rent modest space and to consider Radio Shack computers. At the time, Andy's office was upstairs in the local newspaper building. His office always smelled of printer's ink, but certainly the price was right. Unable to tolerate the

smell, myself, I chose the Nerland Building — an old starter's standby. For furnishings, I assembled my required impressive law library by scrounging volumes of books discarded from the local law library. I did not have a desk or chair for a month. Rather, I laid on the carpeted floor to work. I met my clients at the coffee shop next door after brushing off carpet fuzz. I saved a lot of money and was eventually able to buy a desk.

Screening clients was another matter. I had to learn the hard way.

First, I learned that, when a prospective client told me that I was the best attorney in town — consider the source. After all, as dear old Dad used to say, "I'd hate to go out with someone who would go out with a guy like me."

Secondly, I learned that, if a client told me about all of the other attorneys who they had consulted before picking me as the best choice, it was again time to run. If the other attorneys were well respected, it meant that the case was no good. Moreover, if the attorneys were known bottom feeders, it meant that the client regarded me in the same genre. Either way — no good.

And thirdly, I learned that, if the client talked about "the principle" of the case — another warning sign. Or if I could have all of the recovery — same issue. If money was no object to the client, then the opposite was likely true. I learned to separate clients by their ability to fund the case.

One attorney once wisely counseled me to establish the client's expectations early on and to write them down in a confirming letter to show the client later. I second that advice.

With all due respect to the younger members of the bar, times have changed. Sadly, I am not envious of their future. Generation offended. #MeToo for just about everything. It has become a very competitive, hungry world in the legal business. It seems that just about everything is now fair game.

For example, rather than being the exception, lawyer advertising is now the rule. Glossy websites and flashy trade names abound. Yet, when I started in 1976, only modest phone listings were permitted. Lawyers had to practice under their own names and could not hide behind catchy trademarks. In contrast, in today's world there are garish billboards, radio blurbs, fast talking television advertisements, blogs, bragging websites, and even the ability to solicit clients by mail. The advertising and social media daily beat a persistent path to the young practitioner's electronic door where the book salespeople, now replaced by the computer age, once trod. But the rule is the same. Don't succumb to the quick buck. And, above all, don't overestimate yourselves.

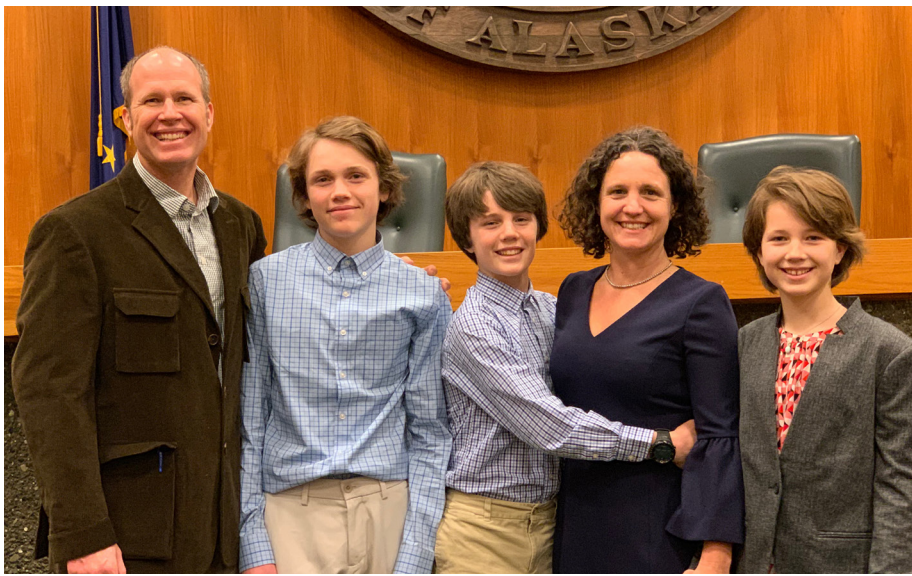
Attorneys have big egos. The egos have to be big to endure all of the lawyer jokes. Yet, in my opinion, big egos and narcissism are probably our worst enemies. As such, if I have any final gems of distilled advice at all, advice which I, too, need to remember, it is to not become overly impressed with oneself, move cautiously into new ground, select clients carefully, and be humble. No Rolex

watches, BMWs, or monogrammed silk shirts. Rather, identify personally with your clients, jurors, and the people in the checkout line at Walmart. Find a respected mentor. Or two. Or three. Listen to them closely. And, although lawyers may have a Juris Doctor degree, refrain from referring to yourself as "Doctor," even though it certainly is a well earned title. The general public does not understand the distinction and those medical folks seem to take offense at having their territory invaded. Moreover, personal experience has shown that some jurists prefer the term "Esquire," instead. Hopefully, if you follow even some of these rules, paraphrasing what Dick Savell said as he looked up at me, "Maybe you'll do okay."

Admitted to the Alaska Bar in 1976, William R. Satterberg Jr. has a private, mixed civil/criminal litigation practice in Fairbanks. He has been contributing to the Bar Rag for so long he can't remember.

Was I scared? Absolutely. No clients. No private sector management time. And, worst of all, no money. Money was critical. Everyone said I would need lots of money.

With all due respect to the younger members of the bar, times have changed. Sadly, I am not envious of their future.



Attending the ceremony from left are Paul Barendregt, Joshua, Eliot, Judge Josie Garton and Penelope.

Judge joins Superior Court in Anchorage ceremony

From the Alaska Court System

Josie Garton was installed as a judge of the Anchorage Superior Court in a ceremony March 15, 2019, at the Boney Memorial Courthouse. She was appointed to the court by Gov. Bill Walker July 20, 2018.

Garton was raised in Wisconsin by her parents, Joseph and Deidre Garton, with siblings Caitlin, Elenore and Nicholas. Her passion for the law stems in part from her mother, who served as an assistant district attorney in Dane County, WI. Josie attended Reed College in Portland, OR, where she graduated with a bachelor's degree in Political Science. During college she spent a summer in Alaska and was captivated by the state. She spent a year after college leading experiential education courses in southern Utah for adjudicated youth and working with the Multnomah County Auditor's Office on an evaluation of community corrections programs.

She attended Lewis and Clark Law School, where she graduated with honors in 2000. During law school, Garton spent summers in Alaska as a legal intern at the U.S. Attorney's Office and Trustees for Alaska and volunteering for the National Park Service. After graduation, she moved to Alaska to clerk for Warren Matthews, chief justice of the Alaska Supreme Court.

Following her clerkship Garton worked at Alaska Legal Services Corporation, representing rural victims of domestic violence. She later worked on a contract basis for Jermaine, Dunnagan and Owens, where she gained experience in civil litigation, and for a variety of solo practitioners in diverse areas of practice including family law, insurance defense and criminal defense. She joined the Alaska Public Defender Agency in 2007, working there until her appointment in July 2018.

Garton lives in Anchorage with her husband, retired Chief Master Sergeant Paul Barendregt, and their three children.



Justice Susan Carney swears in Judge Bethany Harbison who is flanked by family to her right.

Court of Appeals gains new member in Fairbanks

From the Alaska Court System

Bethany Harbison was installed as a judge on the Alaska Court of Appeals in a ceremony March 14, 2019, at the Rabinowitz Courthouse in Fairbanks.

Judge Harbison was born in New York City and raised in the Hudson River Valley. She graduated from Williams College in 1989, and a few months later, she moved to Guangzhou, China. In China, she taught western culture and an English language course at Sun Yat-Sen University of Medical Sciences. After living in China for a year, she then moved to Cambridge, MA to attend Harvard Law School.

During the summer after her first year of law school, Harbison worked as an intern for the Public Defender Agency in Fairbanks. After graduating from law school, she returned to Fairbanks to clerk for the Superior Court. When her clerkship ended, she took a position as an assistant public defender in Fairbanks. After 10 years of service with the Public Defender Agency, Harbison returned to the court system. She worked as a magistrate judge for seven years, as an acting District Court judge for six months, and as a Superior Court judge for six years. She was appointed to the Court of Appeals by Gov. Bill Walker Nov. 21, 2018.

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Judge Daniel Schally is joined at the installation ceremony by his cousin Catherine O'Connor.

Judge moves from District Court to Superior Court

From the Alaska Court System

Daniel Schally was installed as a Superior Court judge in a ceremony March 29, 2019, at the Dimond Courthouse in Juneau. Judge Schally grew up in Minnesota and first came to Alaska as an intern for the City and Borough of Juneau Law Department while attending the University of Minnesota Law School. After graduation he moved to Kodiak to clerk for Judge Donald D. Hopwood. Thereafter, Schally served as an assistant district attorney in Ketchikan and Prince of Wales Island. In January 2005, Gov. Frank Murkowski appointed him to the Valdez District Court where he served for almost 14 years until Gov. Bill Walker appointed him to the Juneau Superior Court in November 2018.

Discrimination rule proposed for Alaska Bar members

By Nelson Page

In 2016 the American Bar Association adopted an amendment to its model rules of professional conduct that prohibited certain types of discrimination in the practice of law. The proposed changes were driven by a strongly perceived need to make clear that the practice of law does not allow for discrimination and harassment of others. The rule makes such discrimination or harassment professional misconduct. More than 25 states have adopted some type of disciplinary rule on the subject. Your Committee on the Rules of Professional Conduct proposed that Alaska join this list. We are seeking input and comment from you.

The proposed rule follows the language of the ABA model rule with one exception. The members of the committee felt that it was appropriate to include language that more clearly defines the boundaries of the rule's application. The proposed Alaska rule specifically states that the prohibition applies to conduct while "representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law." The intent is to leave no ambiguity that the rule does not apply to personal activities or conduct outside the practice of law setting. The terms "knows" and "reasonably should know" are already defined in ARPC 9.1.

The proposed comments to the rule provide additional context by referencing substantive general laws against discrimination and harassment that have been on the books for years. The comments also make clear that the rule does not serve to prohibit lawyers from limiting the scope and subject matter of their practice.

Proposed ARPC 8.4(f)

It is professional misconduct for a lawyer to:

(f) engage in conduct that the lawyer knows or reasonably should

know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status while:

- (1) representing clients,
- (2) interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law,
- (3) operating or managing a law firm or law practice, or
- (4) participating in bar association, business or social activities in connection with the practice of law.

This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Comment

Discrimination and harassment by lawyers in violation of paragraph (f) undermines confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice to others based on perceived membership in one or more of the groups listed in paragraph (f). The substantive laws of anti-discrimination and anti-harassment statutes and case law provide guidance to the application of paragraph (f).

Lawyers may engage in conduct undertaken to promote diversity and inclusion without violating this Rule by, for example, implementing initiatives aimed at recruiting, hiring, retaining and advancing diverse employees or sponsoring diverse law student organizations. A lawyer does not violate paragraph

(f) by limiting the scope or subject matter of the lawyer's practice to members of underserved populations in accordance with these Rules and other law. A lawyer's representation of a client does not constitute an endorsement of the client's views or activities. See Rule 1.2(b).

We ask that you provide us with your thoughts regarding the proposed new rule. You can submit comments to the Bar by email to Bar Counsel at page@alaskabar.org, by mail to the Alaska Bar Association at 840 K Street, #100, Anchorage, AK 99501, or by calling Bar Counsel at (907) 272-7469. Comments should be received no later than Aug. 15, 2019.

Nelson Page is the Bar counsel at the Alaska Bar Association, formerly of Burr, Pease and Kurtz and former Alaska Bar president.



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Volunteers carry on the effort to protect victims from abuse



On behalf of the organization and survivors, the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) thanks our volunteers for the widespread, positive impact they have on domestic violence and sexual assault in Alaska. ANDVSA volunteer attorneys are donating their time and skills to help survivors end the cycle of violence in their lives and working to ensure a safer and healthier future for all Alaskans. You could too.

Hours invested in a typical pro bono case: 25-50.

Hours donated by ANDVSA volunteer attorneys in 2018: Over 2800.

A survivor empowered to leave an abusive relationship: Priceless.



Corrie Bosman

Cases taken with ANDVSA:..... 10
Year started volunteering2003
Reason for volunteering: "I feel really strongly that lawyers have a responsibility to give back and help protect those that don't have the resources or knowledge, or who may not be able to advocate for themselves."
Favorite activities outside of work: Yoga, kayaking, hiking, backpacking, biking in Alaska and the Pacific Northwest and traveling internationally.



Rosie Simko Wall

Year started volunteering: 2016
Favorite aspect of volunteering: "Through the course of representation you see the client grow in confidence as the case is resolved. I enjoy showing clients that they deserve a better life for themselves and their family."
Favorite activities outside of work: Watching her children's school performances, downhill and cross-country skiing, jumping rope and playing and coaching tennis.



Jon Marc Peterson

Cases taken with ANDVSA:..... 3
Memorable case: A mother visited his office with a domestic-violence-related custody case in tears. Jon Marc consulted the woman and undertook the entire case pro bono, gaining custody and overall, changing the life of his client for the better. She repaid his generosity with a handmade kuspuk, which he still treasures.
Favorite activities outside of work: Spending time sledding and ice-skating in the winter, and dip-netting in the summer all with his family.

Invest in your state – volunteer

If you are an attorney interested in volunteering with ANDVSA, please visit www.andvsa.org/volunteer-now/ or contact ANDVSA Legal Director Christine Pate at cpate@andvsa.org or Senior Staff Attorney Katy Soden at ksoden@andvsa.org or 907-747-2673.

ALASKA COURT SYSTEM'S EFILE PILOT PROJECT TRUEFILING ANNOUNCEMENT

The Alaska Court System is in the process of deploying TrueFiling, the new system for filing and serving documents electronically. TrueFiling is designed for parties and attorneys who need to file documents in a case.

Efiling began May 8, 2019 in criminal and minor offense cases (including traffic) at five pilot courts, Kenai, Homer, Seward, Sand Point, and St. Paul Island.

More information about the pilot project and TrueFiling training is available on the Efiling Project page on the Alaska Court System's website.

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Seven persons were sworn in to the Bar and licensed recently. They are from left: Connor Smith, Michael Budelmann, Lindsay Ingaldson, Katherine Hojnacki, Darren Hojnacki, Jenna Krohnand Gracie Holden. Those officiating are from left: Judge Josie Garton, Judge Timothy Burgess, Justice Craig Stowers, Judge Tracey Wollenberg and Judge Kari McCrea

DO YOU KNOW SOMEONE WHO NEEDS HELP?



If you are aware of anyone within the Alaska legal community (lawyers, law office personnel, judges or courthouse employees) who suffers a sudden catastrophic loss due to an unexpected event, illness or injury, the Alaska Bar Association's SOLACE Program can likely assist that person in some meaningful way.

Contact the Alaska Bar Association or one of the following coordinators when you learn of a tragedy occurring to someone in your local legal community:

- Fairbanks: Aimee Oravec, aimee@akwater.com
- Mat-Su: Greg Parvin, gparvin@gparvinlaw.com
- Anchorage: open (seeking volunteer)

Through working with you and close friends of the family, the coordinator will help determine what would be the most appropriate expression of support. We do not solicit cash, but can assist with contributions of clothing, transportation, medical community contacts and referrals, and other possible solutions through the contacts of the Alaska Bar Association and its membership.

30 for 30: Highlights of the Internal Revenue Code

By Steven T. O'Hara

Top 30 Tax Code Sections

An important part of tax law is the Internal Revenue Code of 1986, as amended. Below are my top 30 code sections. I list my top 30 in light of this year, 2019, being the 30th year of this column. These code sections generally reflect the subjects touched upon in my articles over these three decades.

First consider that it can be helpful to think outside the code. For example, the 16th Amendment to the U.S. Constitution empowers Congress to tax income without apportionment among the states. For its part the tax code has Section 61 which on its face captures all incoming money or money's worth as taxable unless there is an exclusion in the tax code. Suppose Congress repealed IRC Section 102. That section excludes gifts and inheritances from income. Then suppose a parent, after the repeal, gifts an adult child \$10,000 to help with a home purchase. The child would have \$10,000 of income under IRC Section 61. But would that result be constitutional? Would the gift be income within the meaning of the 16th Amendment? O'Hara, *Thinking Outside The Code*, 116 (No. 8) *Tax Notes* 679 (August 20, 2007).

As another example, the Internal Revenue Service at one time wanted Congress to add a new Section 2047 to the code, providing that if an individual has a power to remove and replace a trustee, the individual will be deemed to possess the powers of the trustee and taxed accordingly. See *U.S. Trust - Practical Drafting* 3474 (January 1994). Would such a code section be constitutional? Cf. Blase, "Is the Kiddie Tax Unconstitutional?" 127 *Trusts & Estates* 46 (June 1988) (arguing tax on one person's property cannot be based on the property of another).

Here are my top 30 code sections:

No. 1. IRC Sec. 2503(b) and (e), which under the federal gift tax system excludes certain gifts up to \$15,000 per donor per donee per year and certain gifts for educational and medical purposes. Never underestimate the ability of IRC Sec. 2503 to save a family a fortune in wealth transfer taxes.

No. 2. IRC Sec. 1014, which under the federal income tax system provides rules whereby heirs pay no income tax on the sale of certain inherited assets by reason of a step-up in tax basis at death.

No. 3. IRC Sec. 101, which under the federal income tax system excludes proceeds of certain life insurance contracts.

Nos. 4 & 5. IRC Sec. 2031 and IRC Sec. 2512, which under the federal estate and gift tax systems allow certain valuation discounts. Beware of the 20% penalty for underpayment of tax where the value of property reported is 65% or less of actual value of the property (as determined at audit or in Court). IRC Section 6662(a) and (g). Also beware of the 40% penalty for underpayment of tax where the value of property reported is 40% or less of actual value of the property (as determined at audit or in Court). IRC Section 6662(h)(1) and (h)(2)(C).

Nos. 6 & 7. IRC Sec. 2041(b)(1) and IRC Sec. 2514(c)(1), which under the federal estate and gift tax systems recognize that a trustee's power to make distributions from a trust can be limited by an ascertainable standard, meaning the power will not be taxed as a general power of appointment.

Nos. 8 & 9. IRC Sec. 2041(b)(2) and IRC Sec. 2514(e), which under the federal estate and gift tax systems provide that certain trust withdrawal rights can lapse without the lapse constituting the release of a general power of appointment.

No. 10. IRC Sec. 2632(c)(5)(A)(ii), which under the federal generation-skipping transfer tax system allows a GST Trust election which can provide certainty that an irrevocable trust has and will continue to have an inclusion ratio that is closest – or if possible equal – to zero.

No. 11. IRC Sec. 2611(b)(1), which under the federal generation-skipping transfer tax system allows a trustee to make, on behalf of trust beneficiaries, certain payments for educational and medical purposes without triggering the generation-skipping transfer tax.

No. 12. IRC Sec. 1041, which under the federal income tax system provides that certain transactions between spouses who are U.S. citizens can generally be designed to be tax-free transactions.

Nos. 13 & 14. IRC Sec. 2056(b)(7) and IRC Sec. 2523(f), which under the federal estate and gift tax systems provide, through the so-called QTIP election, opportunities for flexibility in transfers between spouses who are U.S. citizens.

No. 15. IRC Sec. 675(4)(C), which under the federal income tax system provides a grantor-trust opportunity, meaning the settlor of an irrevocable trust can design the trust to be taxed on the settlor's federal income tax return and thus the trust might grow tax-free during the settlor's lifetime while sidestepping the federal gift tax system on payment of income tax.

No. 16. IRC Sec. 677(a)(3), which under the federal income tax system provides a grantor-trust opportunity for the settlor of an irrevocable life insurance.

No. 17. IRC Sec. 643(e), which under the federal income tax system provides that certain distributions from trusts and estates can generally be designed to be tax-free transactions.

No. 18. IRC Sec. 731, which under the federal income tax system provides a level of flexibility whereby certain distributions from entities taxed as partnerships can generally be designed to be tax-free transactions.

No. 19. IRC Sec. 721, which under the federal income tax system provides that certain contributions to entities taxed as partnerships can generally be designed to be tax-free transactions.

No. 20. IRC Sec. 351, which under the federal income tax system provides that certain contributions to corporations can generally be de-



I list my top 30 in light of this year, 2019, being the 30th year of this column. These code sections generally reflect the subjects touched upon in my articles over these three decades.

signed to be tax-free transactions.

No. 21. IRC Sec. 1362, which under the federal income tax system provides that the owners of certain entities taxed as corporations can elect to make the so-called S election whereby the owners will generally be the direct taxpayers of the entity's income.

No. 22. IRC Sec. 1368, which under the federal income tax system provides a level of flexibility whereby certain distributions from entities taxed as S corporations can generally be designed to be tax-free transactions.

Nos. 23 & 24. IRC Sec. 2041(a)(3) and 2514(d), which under the federal estate and gift tax systems contain the so-called Delaware Tax Trap, which can be used affirmatively by taxpayers to sidestep federal generation-skipping transfer tax.

No. 25. IRC Sec. 2518, which under the federal gift tax system allows a beneficiary to disclaim certain transfers without the disclaimer being considered a gift.

No. 26. IRC Sec. 2642(b), which under the federal generation-skipping transfer tax provides rules on valuation dates.

No. 27. IRC Sec. 2642(a), which under the federal generation-skipping transfer ("GST") tax system provides rules whereby taxpayers

can create and maintain GST Exempt and non-Exempt principal in separate, but related, trusts.

No. 28. IRC Sec. 2502(c), which under the federal gift tax system allocates the gift tax to the donor without treating the payment of gift tax as an additional gift. Beware of IRC Sec. 2035(b), which under the federal estate tax system includes in the gross estate gift tax paid with respect to the three-year period ending on the donor's death.

No. 29. IRC Sec. 2623, which under the federal generation-skipping transfer tax system provides a tax-exclusive computation only in the case of direct skips. Beware of IRC Sec. 2515, which under the federal gift tax system treats a direct-skip donor's payment of federal generation-skipping transfer tax as a gift.

No. 30. IRC Sec. 1377(a)(2), which under the federal income tax system allows an entity taxed as an S corporation to elect to have two taxable years when an owner terminates his or her interest in the entity in a year.

Nothing in this article is legal or tax advice. Non-lawyers must seek the counsel of a licensed attorney in all legal matters, including tax matters. Lawyers must research the law touched upon in this article.

And here's to another 30 years!

In private practice in Anchorage, Steven T. O'Hara has written a column for every issue of The Alaska Bar Rag since August 1989.

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Revised Alaska Securities Act — learning some new ropes

By: Julius J. Brecht

Now you see it...now you don't! After a run of almost 60 years, the Alaska Securities Act (formerly AS 45.55, "ASA"), is no more.¹ It has been replaced by the revised Alaska Securities Act (AS 45.56, "RASA"). RASA became effective on Jan. 1, 2019.

So, like the new recruits of mariners of olden times in boarding a sailing vessel for the first time thus requiring learning a new set of procedures to work the sails (including tying knots in ropes that controlled their use in movement of the vessel), the legal practitioner in advising a client on state securities law in Alaska ought to become familiar with the provisions of RASA.

Alaska, in becoming the 49th state in 1959, chose to establish its regulation of securities through adoption of the then recent publication of the National Conference of Commissioners on Uniform State Laws ("National Conference"). That publication was the Uniform Securities Act of 1956 ("USA 1956"). In so doing, Alaska became one of the first states to adopt USA 1956.

ASA served as a useful basis for securities regulation way up north until Congress flexed its muscles, principally through enactment of the National Securities Market Improvement Act of 1996 ("NSMIA"). That is, NSMIA preempted several aspects of state securities regulation, including several provisions of ASA.

Through the years, ASA was amended from time to time to accommodate federal preemption and to address other matters. However, as time went on, ASA began to look more and more like a patch quilt of multiple changes to the state's securities law.

At the same time, Alaska found itself becoming out of step with newer approaches of the National Conference and other states in their securities regulation. That is, through those years, the National Confer-

ence subsequently published a number of succeeding model securities acts. Several other states gravitated to those succeeding models.

These versions, in part, adjusted state securities law to accommodate the encroachment of federal preemption. The most recent version published by the commission was the Uniform Securities Act of 2002 ("USA 2002"). RASA is based upon USA 2002.

USA 2002 took into consideration the federal inroads established through NSMIA. At one time, approximately 40 states subscribed to USA 1956. However, within a relatively short period of time, many states chose to adopt USA 2002.

At present, the National Conference's website shows there are 20 states and one territory that have changed their securities laws to follow USA 2002. In 2003, Oklahoma and Missouri were the first two states to adopt USA 2002. Alaska is the most recent state to adopt that uniform act.

Jurisdictions adopting USA 2002 come from all over the country and are as follows:

- Western states — Alaska, Idaho, New Mexico, Wyoming and Hawaii.
- Midwestern states — South Dakota, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Michigan and Indiana.
- Southern states — Mississippi, Georgia and South Carolina.
- Northeastern states — New Hampshire, Vermont and Maine.
- Virgin Islands.

A careful read of RASA indicates that many of the areas addressed in ASA have counterparts in RASA, although the wording of the provisions is not always identical. For example, both acts similarly provide that a person may not offer or sell a security in Alaska, with limited exceptions. The exceptions are that the security is registered under RASA (and previously, under ASA), is exempted from registration under the act or is a federal covered security.

In short, a federal covered security is one for which NSMIA preempts state security registration law.

In addition, RASA sets forth a new provision that a broker dealer, investment adviser or qualified individual, reasonably believing that a covered adult has been, or may be, subject to financial exploitation, must report the matter to adult protective services. RASA specifically identifies a covered adult as a natural person who is 60 years of age or older or a "vulnerable adult."²

As a further caution necessitating a careful read of RASA, the number of subsections of securities exemptions from registration is shorter in RASA as compared to ASA. However, the number of subsections of securities transactional exemptions from registration is greater in RASA as compared to ASA. Of course, a registration exemption does not exempt a person from the anti-fraud provisions of RASA (or when it was effective, ASA).

RASA (like ASA before it) is administered through the Alaska Department of Commerce, Community and Economic Development, Division of Banking and Securities ("Department").

Under RASA, civil penalties have been strengthened in proceedings administered by the department. For example, under the previous ASA provisions, civil penalties for multiple violations in a single proceeding were limited to not more than a total of \$25,000. However, under RASA, the department may impose a civil penalty of not more than \$100,000 for a single violation, with limited exception.

That exception is where a person or entity engages in conduct prohibited by RASA against an "older person" or a vulnerable adult. The term "older person" is not defined in RASA. However, in such instance, the person engaging in the prohibited conduct may be liable for an additional civil penalty of treble damages.

With a new securities statute, Alaska's judicial interpretation must now change course to focus on RASA. There may be scant judicial precedent in RASA for a time. However, because RASA is based upon USA 2002, there is the possibility of referring for guidance to court interpretation of similar statutory provisions of other jurisdictions that have also adopted USA 2002.

As of this writing, the department had not publicized proposed

regulations for interpreting and otherwise administering RASA. That is, no proposed regulations had been noticed to the public (it was anticipated that the department would give such public notice in the then near future). So, there is an additional challenge in working with RASA in not knowing how the department intends to administer the new statute going forward from the time of its effectiveness.

Presumably, previous regulations in place to administer ASA were never intended to be authority outside of ASA and occurring after the repeal of ASA. For example, they were not intended to provide guidance in interpreting RASA.

The issue of correctly placed authority ought to be resolved with the department's adoption of new regulations pursuant to authority in RASA. Of course, that adoption would be after appropriate public notice of, and after opportunity for public comment on, those regulations.

The regulations interpreting ASA were lengthy. There are a number of areas of RASA that may need further clarification through regulation or interpretive opinion by the department. It is then likely that the regulations interpreting RASA are to be equally detailed. In the meantime, and in anticipation of those proposed regulations, best wishes on your read of RASA!

This article was prepared solely to provide general information about the topic. The content of this article was not prepared as, and must not be construed as, legal, tax or investment advice to anyone. Nothing in this article is intended in any way to form an attorney-client relationship or any other contract.

Footnotes

¹Codification of the Alaska Statutes continues to use AS 45.55 but with a new title of "Alaska Native Claims Settlement Act Corporations Proxy Solicitations and Stock" and corresponding content.

²The term "vulnerable adult" is defined in RASA as meaning the term as defined in AS 47.24.900.

Julius J. Brecht is an attorney in private practice and Of Counsel with the law firm of Bankston Gronning Brecht, P.C. with offices in Anchorage. His concentration of practice is in state and federal securities law and corporate and finance law. He may be reached at jbrecht@bgbalaska.com.

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... as time went on, ASA began to look more and more like a patch quilt of multiple changes to the state's securities law.



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EARTHQUAKE! Notes from ground zero in Eagle River

EDITOR'S NOTE: At about 8:29 a.m. last Nov. 30 an earthquake with a magnitude of 7.1 shook Southcentral Alaska, heavily damaging some parts of the region. The author lives within about 30 miles of the epicenter, probably where the shaking was most severe. What follows is her journal of the experience during the quake and in the days afterward.

By Vivian Munson, Esq.

Friday, Nov. 30, 2018, 8:29 a.m. — I am lying in bed, awake, in my apartment in Eagle River. I moved into the building four years ago, when it was new. It is a beautiful apartment, spacious, with huge windows, views of the mountains all around, designed to provide top quality housing for people older than 55, with all races and income levels represented.

The shaking comes out of nowhere. It's a fast, hard shaking, maybe the way salt feels in a salt shaker. It's terrifying. And it gets wilder and wilder. We have minor quakes all the time in Alaska but this is THE BIG ONE. The building is creaking, swaying, grinding. There is no way to describe the shock and fear a person feels when the earth shakes and keeps shaking. It is a very intense brush with death.

Initially I would have said the first quake shook for about five minutes. I learned later that earthquake actually lasted one minute, not five. I headed for the bathroom. Had to walk over hundreds of shards of glass and chunks of china. My feet left bloody footprints in the bathroom, but were unhurt. Then the second quake hit. It knocked me off my feet. That shock knocked over refrigerators in several apartments.

Friday, Nov. 30 — Within 20-30 minutes, residents were checking on the safety of others. One woman trapped under a dresser was calling for help. Nobody had a passkey. Residents got the trapped woman out. Her granddaughter drove in and took her to the hospital. Later she called to ask if she could stay with me for a while. I made up the bed.

Everyone in the building was asking everyone else, are you okay? There was no hysteria, some crying. A woman who survived the '64 earthquake went into shock. Office manager and others checked every apartment. Some residents took off in their own cars or were picked up by relatives. Some people began the four-hour job of cleaning up a trashed kitchen floor: broken glass, unbelievable amounts, a million shards, and broken china, spoiled food all over.

Basically, everything on shelves and counters in every room was slammed to the floor. Most furniture was okay. There were no serious injuries to anyone.

No power, water or heat for 9 hours but mobile phones worked fine after the earthquake. Calls and texts to and from. Happy to be alive. Power restored for supper. Water, elevator and heat repaired ASAP.

Saturday, Dec. 1 — Volunteers began knocking on doors. One of the residents put out a call on Facebook,

and by 10 a.m., local men, women and children began appearing in the building, offering to help. First volunteers at my door: a beautiful family, husband, wife and two cute little girls. I took them upstairs to the trashed apartment of my new houseguest. The father's reaction: Holy S---! They cleaned for hours.

Second volunteers: Mother and daughter Girl Scouts, complete with cleaning supplies and garbage bags. I took them upstairs as well. Third volunteer: a young woman from Americorp who listened to me and my house guest vent.

Sunday, Dec. 2 — Pastor sends email. One short service, family friendly, no Sunday School. I will stay home

Monday, Dec. 3 — Dealing with shock, anxiety, fear. Residents talking in the hallways and the community room. Several women slept on the floor in the community room on Friday night — afraid to go back into their apartments. Is the building safe? Reports of problems. Cars are ordered out of the underground garage because of a water leak.

Everybody is cleaning up glass and smashed china, broken pictures

and family treasures, and spoiled food. We put heavy black garbage bags full of debris out in the hallways. Rows of bags line the hallways. Very

distressing to see. And suddenly the garbage bags are gone. Was it volunteers again?

Tuesday, Dec. 4 — Noticing poor response from building management.

No one has seen any kind of inspection. Maintenance men looking at hardest hit apartments. Two are home for residents over age 80, both of whom can walk a little but use wheelchairs most of the time. There are residents on oxygen, in wheelchairs, and using walkers, on every floor. Management seems unconcerned.

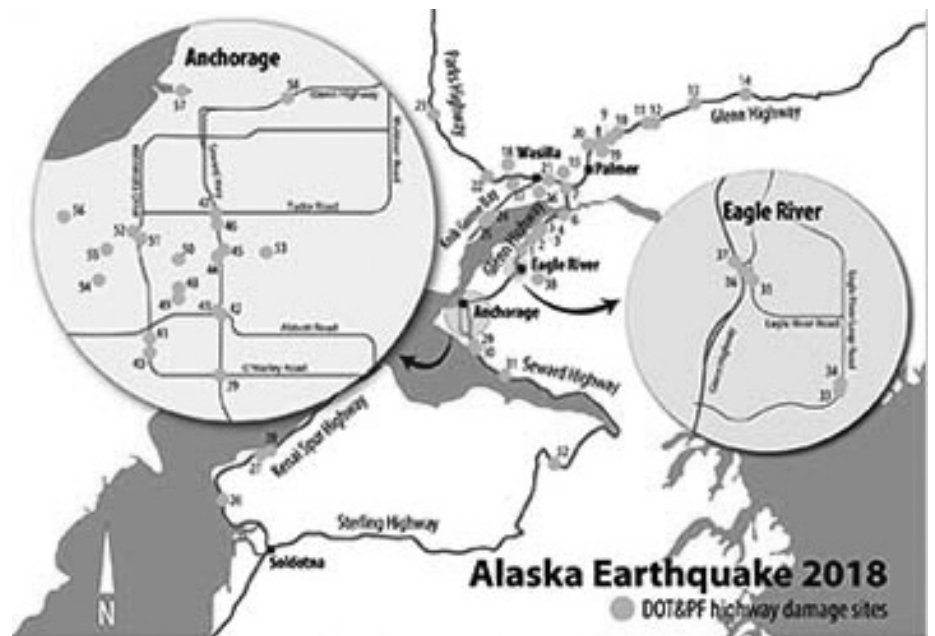
Wednesday, Dec. 5 — The aftershocks, or tremors, or new earthquakes happen every day, making everyone anxious. This is the worst earthquake since 1964. Schools are closed for the week, a few for the rest of the year. There could be another big quake. Meanwhile, the

Geological Institute in Fairbanks counts hundreds of "tremors" every day and says they could go on for a year or so.

National news is reporting that roads are repaired already. Exaggeration. A road that fell into a sinkhole was rebuilt, only to sink again. Most of the damage is to the interiors of buildings. Stores are hit hard. No one has earthquake insurance because it is insanely expensive.

People are considering options. I'm thinking about just driving down to the airport and flying out of here. I could do it. Some other residents have places to go and the money to fly out. Others could be relocated if necessary.

So what should I do? What should anyone do after the earth shakes under your feet and you face



Small shaded circles mark areas where authorities identified damage in the first hours after the earthquake.

imminent death? Run away? Seek protection? File a claim with FEMA?

My answer is that I should do whatever I do best. I have been a lawyer for 33 years and that is what I do best. People in the building are scared and I should do what I can to get answers for them. Is the building safe? Who says so? Why hasn't management sent out engineers to inspect the structure and the interior? There are cracks in the sheet-rock everywhere. We're talking 56 apartments of old people here.

I call the lawyer for the organization. She says that a team of inspectors went out and inspected all their buildings on Friday afternoon. This is an obvious misrepresentation/lie as she states that they have 60 buildings. I realize that this lawyer cannot be expected to know how to proceed — nobody knows. I've had time to think about it regarding this one building. I tell her that she needs to have a report of the inspection by an independent professional engineer. Not just a "professional," but an engineer with the credential P.E. She wants to know the residents' specific concerns. The office manager sends my list.

Thursday, Dec. 6 — More volunteers coming in from schools: one group of boys led by their ROTC teacher; Boy Scouts. Totally heartwarming. Children being taught how to help in a disaster.

Friday, Dec. 7 — Open mike at Writer's Block Bookstore and Café. This event was announced on the news, inviting everyone to come by and tell their earthquake

stories. Wouldn't have missed it. Most in the audience were teachers in Anchorage. Their students were in school when the earthquake hit. Everyone had been trained to duck, cover and hold, and students did duck under desks and tables. Teachers had to duck under tables too, as some younger students screamed and wailed, and ceiling tiles fell on desks and tables. After the quakes stopped shaking the building, teachers were responsible for their students until parents picked them up. Classes gathered around their teachers out in the parking lots. One

junior high teacher said that this was the first time all her students actually showed up where they were supposed to be.

I spoke about what happened in Eagle River, and handed out lots of cards to promote my new book, *DON'T LEAVE TOWN*.

Meanwhile a memo appeared on all the apartment doors, responding to residents' concerns about inspection and repairs to the building. It was not what I'd asked for, but good enough.

Sunday, Dec. 9 — Teach 3-4 year olds at church. Eight children and not one seems at all traumatized. [The following Sunday all of the children had stories.]

Monday, Dec. 10 — Appointment with client set for 10:30. Heading out, walked into a total PTSD breakdown. My neighbor down the hall has gone psycho; he is shouting, threatening, out of control, scary, calling for the police, melting down, all at once, with several residents trying to talk/listen to him. It was awful to see a man so overwhelmed with horrifying emotions that he could not control himself at all. I was able to help a little. Eventually he was somewhat calmed down, assisted by Red Cross staff. Later, the whole panoply: police officers, EMTs, Red Cross staff and Salvation Army people appeared and began doing what they do.

The Red Cross brought dishes and food to the community room. All the residents lost their dishes. I dug through a box of mugs, looking for one that I could keep as a souvenir of the earthquake. Found one.

The Food Bank delivered canned goods, bananas, donuts, guavas and potatoes. Some of the potatoes were just about frozen but most were okay.

Tuesday, Dec. 11 — Flat on my back, wiped out. No desire to do anything. Finally, late, I finish writing EARTHQUAKE.

Vivian Munson graduated from Boston University School of Law in 1984 and was fortunate to work for retired justice Bob Erwin before opening a trial practice in Anchorage. She is the author of two source books about Paul Tiulana and the King Island people, and other biographies "in their own words." Her first novel, a murder mystery, has just been published.

Initially I would have said the first quake shook for about five minutes. I learned later that earthquake actually lasted one minute, not five.

Basically, everything on shelves and counters in every room was slammed to the floor. Most furniture was okay. There were no serious injuries to anyone.

Bar Association scholarships announced

In the 1980s, the Alaska Bar Association offered a scholarship program for Alaskans who were first- and second-year law students and intended to return to Alaska after law school graduation. Alaska has no law schools, so the cost of a legal education for Alaskans is even more expensive because of travel, housing and out-of-state tuition costs. Law students today face a much larger financial burden than most seasoned practitioners did when they were in law school 30 years ago. Unfortunately, the Bar's scholarship program was discontinued long ago. Last year, however, the Board of Governors voted to implement a new scholarship program.

The scholarship program works as follows: The Bar Association created a special fund managed by the Alaska Bar Foundation, a 501(c)(3) organization. Donations to the fund are therefore tax-deductible. Interested first- and second-year law students are required to submit an application and a one-page essay about why they want to come back to Alaska and practice law here. The Bar's Scholarship Committee may request proof of residency and law school enrollment to verify applicant eligibility requirements.

The application deadline for the first year of scholarship awards has passed. The Scholarship Committee met April 26 to review applications and announce the scholarship recipients. The Bar received a total of \$4,400 in generous donations. All

funds received before April 26 were applied to this year's scholarship program, and the following scholarships were awarded:

2019 Scholarship recipients:

Summer Rife
Eric Ringstad
Nancy Braman
Noah Roetman
Jamie Schwantes
Jason Ringstad

Scholarship donors:

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The bar would like to thank all of the donors.

The Bar is now accepting donations for the next round of scholarships. Any contribution will be greatly appreciated, and you or your organization will receive public recognition at the 2020 Alaska



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Bar Convention being held in Anchorage, as well as acknowledgment in the Bar Rag. This is a great opportunity to help struggling Alaska law students make the most of their legal education. These students will return to Alaska to become our next generation of lawyers and judges.

Please send your tax-deductible check, payable to the Alaska Bar Scholarship Fund, to the Bar office, or log on to the Bar's website at www.alaskaba.org and pay online. Please contact Bar staff if you have any question. Thank you for your consideration and support.

Bar People

Juneau attorney becomes a firm shareholder

Gabriel Sassoon has become a shareholder of **Baxter Bruce & Sullivan P.C.** **Baxter Bruce & Sullivan P.C.** is a three-attorney firm located in Juneau. Sassoon's practice emphasizes real property, intellectual property, business transactions, contracts, probate and family law. He has been with the firm since October 2014. He graduated from the UCLA Law School in California. Sassoon may be contacted at (907) 789-3166 or gsassoon@bbslawyer.com.

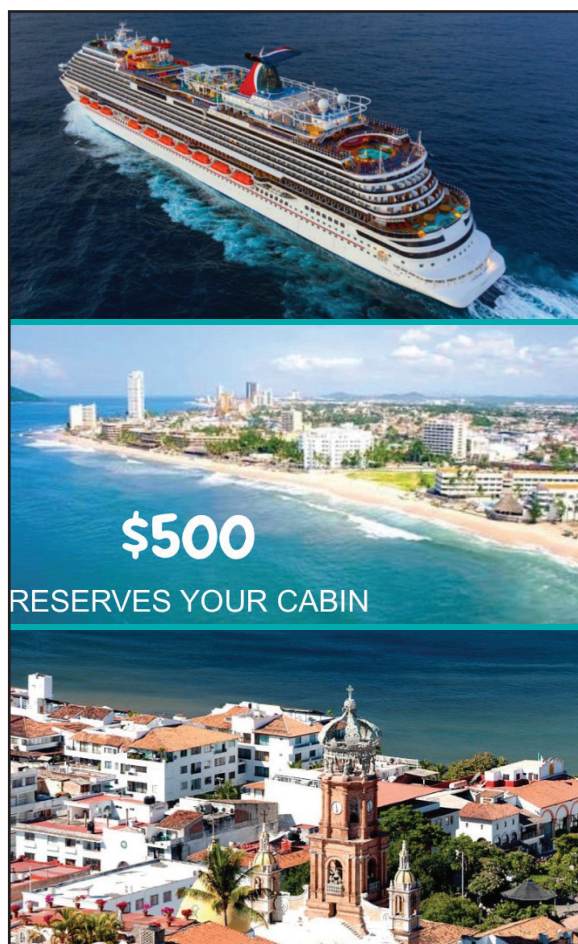
Landye Bennett Blumstein welcomes new lawyer



Karl A. Kaufman

Karl A. Kaufman joined Landye Bennett Blumstein May 1, 2019. Kaufman focuses his practice on federal and state taxation, estate planning and probate administration, tax-exempt organizations and Alaska Native law. He received an LLM in Taxation from New York University School of Law where he was a Wilf Tax Scholar, and a Juris Doctor from the University of Oregon School of Law (Order of the Coif).

Kaufman is a member of the Alaska and Oregon Bar Associations, and is the current president of the Anchorage Estate Planning Council. He also serves on the Board of Trustees for the Anchorage Library Foundation.



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