

**2026 AK Bar Convention Brings Alaska’s Legal Community Together in Juneau**



Jason DeSanto of Northwestern Pritzker School of Law speaks during “Our America, Our Rule of Law: How Attorneys Can Educate and Engage the Public” at the 2026 AK Bar Convention. Photo credit Wild Iris Studio.



Bar members listening to one of the many CLEs offered throughout the 2026 Convention in Juneau, AK. Photo by Wild Iris Studio.

*By Kara Bridge*

The 2026 AK Bar Convention brought together attorneys, judges, and legal professionals from across Alaska for education and networking in Juneau. Members gathered to participate in CLEs, engage with colleagues from around the state, and enjoy opportunities to connect outside of the courtroom and office setting.

This year’s convention featured a wide range of educational sessions, including the U.S. Supreme Court Update, AI for Attorneys, Mitigating Trauma, and Our America, Our Rule of Law. Attend-

ees also received updates on Alaska legislative developments and the federal courts, while hearing from Alaska Supreme Court justices, experienced local practitioners, and nationally recognized subject matter experts through plenary sessions, workshops, and panel discussions.

“Good convention. Makes getting CLE so easy!” shared one attendee. Another noted, “This was a great convention! Excellent programming.”

In addition to CLE programming, the convention provided valuable opportunities for members to reconnect with colleagues and build

new professional relationships. Social events created a welcoming and collaborative atmosphere for both longtime members and first-time attendees. The Juneau Bar Association’s afterparty was a convention highlight, giving attendees a chance to unwind, continue conversations, and enjoy Juneau hospitality in a more relaxed setting.

The convention also served as an opportunity to recognize outstanding contributions to the legal profession through the annual awards presentation. Congratulations to all award recipients for their dedication, leadership, and service to Alaska’s legal community.

A special thank you to the speakers, sponsors, exhibitors, volunteers, and staff whose time and effort made this year’s convention a success. We also extend our appreciation to the Juneau Bar Association and local partners for their hospitality and support throughout the event.

We hope to see you next year for the 2027 AK Bar Convention, April 28–30 in Anchorage.

*Kara Bridge is the CLE Director of the Alaska Bar Association.*

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**Nome Youth Court Hosted Statewide Conference in April**

*By Pamela Hess*

The Nome Youth Court hosted the United Youth Courts of Alaska (UYCA) annual statewide conference in April, welcoming approxi-

mately 65 students from across Alaska, including Anchorage, Kodiak, Mat-Su, Valdez, Ketchikan, Kenai, and Juneau.

The conference took place at Nome Elementary School and

Nome-Beltz High School and focused on restorative justice, highlighting Alaska Native traditional teachings and comparing Western court models with circle sentencing.

The Nome Youth Court operates under the Nome Community Center in partnership with Kawerak, the Department of Juvenile Justice, and the Alaska Court System, reflecting a shared commitment to supporting Nome’s youth through community-based programming.

Meghan Sigvanna Tapqaq with Kawerak has developed a culturally grounded approach by incorporating circle sentencing into the Nome Youth Court and traveling to regional communities to facilitate circles with students. This work has helped shape Nome’s program and will now be shared with participants from



Youth Court members, along with their mentors, participate in the Statewide Youth Court in Nome.

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# A trip down memory lane with Uncle Larry

By Nicholas P. Ostrovsky

My uncle Larry Ostrovsky sat in this chair 23 years ago. When my Bubbie, who was Larry's mother, found out he had been elected President of the Alaska Bar Association, her reaction was, "maybe now he'll get a good job and settle down." Ha! Larry already had a great job. He worked at the Alaska Attorney General's office running the oil and gas division. He did eventually settle down and marry my Aunt Sandra, and while I doubt Sandra married him because he was Bar President, who knows, maybe Bubbie was right about that part.

I owe Larry a lot. He convinced me to come back to Alaska and clerk, and he helped open doors that probably would not have opened otherwise. I want to take this chance to thank him.

Larry wrote three President's Columns in 2003. I went and read them for the first time before I sat down to write this one (sorry, Larry). There is certainly a pattern in his articles: dues had been holding flat, costs were climbing, the surplus from the 1993 dues increase was running thin and projected to run out by late 2006, and Larry was gently trying to tell members that a dues increase was probably coming. By his last column he was writing that, absent fundamental changes to the Bar's functions, a dues increase would need to be in place before the 2006 fiscal year. Of course, he didn't flat out recommend a dues increase, but he did set up the conversation, closing with a line I have read a few times now: "We all know there is nothing like a prospective dues increase to focus the mind."

Anyway, in honor of my uncle, who is probably going to call me after this column runs and tell me that's not what he intended, I want to take a trip down memory lane. We are going to look at where the

Bar was in 2003 and where it is in 2026, and what has changed and what has not. Some of this will be familiar to anyone who pays attention to the Bar's finances. But it has been a while since anyone bothered to put it all in one place, and it's probably a good idea to review.

## What stayed the same

Pull up a copy of the 2003 budget pie charts in Larry's July-August column and compare them to the 2026 financials. Bar dues were 69% of revenue in 2003. They are 69% of revenue in 2026. The Bar still gets most of its money from the people reading this column. Yes, I know, very few of you read this column. You know what I mean.

Discipline was 29% of expenses in 2003. It is 34% today. Administration was 20%. It is 26% today. CLE was 18% and is 9% now, partly because we have moved a lot of CLE programming online and partly because dealing with Bar complaints against attorneys keeps taking up more of the pie. Larry would recognize this budget.

He would also recognize the pattern that has held for the last 20 plus years: that the Bar budgets a loss almost every year and then quietly beats the budget. In 2023 the Bar budgeted a \$183,000 loss and finished \$435,000 in the black. In 2024 the budget called for a \$128,000 loss and we finished up \$345,000. The staff in our office on K Street have been doing this for two decades, year after year, finding ways to spend less and bring in a little more than projected. Danielle Bailey, our Executive Director, Karen Schmidlkofer, our Controller, and our amazing staff deserve particular credit for that. They are the ones watching the numbers ev-



"Anyway, in honor of my uncle, who is probably going to call me after this column runs and tell me that's not what he intended, I want to take a trip down memory lane."

ery month and keeping the Bar honest, and the results speak for themselves. They never get credit for it, and I want to take a moment here to give it to them. That kind of result is not luck; it is discipline, and that discipline is the reason the Bar has been able to hold dues flat for as long as it has.

## What Larry was right about

Three things he wrote about in 2003 came to pass.

First, the reserve worked. The 1993 dues increase from \$310 to \$450 was specifically designed to build a surplus so the Bar could absorb bad years without raising dues every other year. Larry was watching that surplus deplete and worried it had two or three years left. Instead, the Bar squeezed another decade and a half out of it. Dues went to \$550 in 2005, got cut to \$410 in 2008 (yes, the Bar actually cut dues for 2008), climbed back up in stages, and landed at \$660 in 2012, where they have stayed for fourteen years. If you joined the Bar after 2012, you have never paid a different number, and you have my uncle and the boards that came before and after him to thank for that.

Second, the Bar finally got serious about pro bono. Larry's last column floated the idea of an increase in the budget for a coordinator position to help organize pro bono work in Alaska. I am sure some on the Board were nervous about adding additional staff. But the idea took flight. Krista Scully started running the Pro Bono Program in 2004 and built it into something the Bar can be proud of. Jon Katcher, a board member alongside Larry in 2003, became Bar President himself in 2005 and really championed the pro-

gram. He eventually helped launch the MLK Day Legal Clinic in January 2010, which has now run for 16 years and served thousands of Alaskans. Lea McKenna took over as Pro Bono Director in late 2024 and has kept building. Since stepping in, she has grown the Bar's clinic offerings from two a year to five. In 2025 she helped run the MLK Day Clinic, the Elizabeth Peratrovich Legal Clinic, and Alaska Free Legal Answers. She also launched a new Wills Clinic at AFN last year, and I heard directly from several Elders that they were very grateful to see it being put on. I would like to see us expand it. If you have ever wondered what \$33 of your dues actually buys, there it is, and I would argue it is the best \$33 the Bar spends.

Third, the Bar bought the building. In 2003 we were leasing space in the Atwood Building, and Larry was proud the Bar had locked in \$1.11 a square foot, saving \$595,704 over eight years. We eventually moved, and in 2020 the Board voted to buy the 840 K Street building. We paid the loan off in 2024. The building generates net rental income now, and the savings will compound for

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## 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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[Editor's Disclaimer: As with all Bar Rag articles, advertisements and letters, we do not vouch for, stand by, or support most of what we publish. Nor have we cleared any of this with either the FDA or the Department of Homeland Security (aka Interior Ministry). We sure as hell won't be responsible for your hurt feelings or misguided reliance on anything we publish or not]. TVF 2000



The Alaska Supreme Court Panel at the 2026 Annual Convention featuring left to right Justice Oravec, Justice Henderson, Justice Pate, and Senior Justice Winfree engaging in a thoughtful discussion on the law, practice, and issues impacting Alaska's legal community. Photo credit by Kara Bridge.



Left to right: Incoming President Nick Ostrovsky, Executive Director Danielle Bailey, and Outgoing President Becca Patterson congratulate the Pro Bono Champions during the Annual Meeting. Photo credit by Wild Iris Studio.

## Nome Youth Court Hosted Statewide Youth Court Conference in April

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across the state.

“Circle sentencing is about listening, accountability, and connection,” said Meghan Sigvanna Tapqaq. “It teaches our young people how to make things right in a way that reflects our values and community.”

Ongoing organization of the conference has been supported by Nome’s current law clerk, Enzo Toledo, along with the local District Attorney’s Office and Public Defender’s Office. Rhonda Schneider was also a key asset in helping bring the event together.

Youth court programs allow students to serve as prosecutors, defense attorneys, judges, and, more recently, circle facilitators working through real cases using restorative justice principles. The Nome Youth Court has been active for over 16 years and continues to encourage students to participate and explore careers in law. Magistrate Judge Pamela Hess, who now volunteers with the program, first participated in youth court as a student in Kotzebue.

The last statewide conference

hosted in Nome was in 2017. During that conference, UYCA awarded a scholarship to Nome seniors who volunteered during the time Joseph Balderas, then a law clerk and

youth court director, went missing. His absence was deeply felt across the community, and he remains missing today. The conference also honored Magistrate Judge Robert

Lewis for continuing the program in his place.

*Judge Pamela Hess is the Magistrate Judge for the Second Judicial District, Nome.*



Justice Aimee Oravec administers an oath during the Youth Court Conference in Nome.



Participants at the April Statewide Youth Court Conference.

## A trip down memory lane with Uncle Larry

*Continued from page 2*

decades. That decision was made by people who saw a long way down the road, and Bar members will benefit from it long after the rest of us have moved on.

### Where we are

Honestly, we are still facing similar budget issues today.

The 2026 budget was approved by the Board last December. It projects a \$253,000 loss, and a reasonable forecast has us losing more every year. The unappropriated capital surplus, the cushion Larry watched so carefully in 2003, sits at about \$1.25 million going into 2026 and is projected to fall to \$176,000 by the start of 2029. Our working capital reserve is well below where it should be, and dropping.

Active dues have been \$660 since 2012. According to the U.S. Bureau of Labor Statistics, inflation since 2012 has been about 44 percent. In real dollars, members are paying about 30 percent less today than they were fourteen years ago. That is not because the cost of regulating the practice of law in Alaska went down. Costs went up, like everything else. For example, cyber insurance, which did not exist as a line item in Larry’s day, will be a real cost this coming year. Travel costs to keep the Board and staff visible across the state are not getting cheaper, and they should not. The Bar serves the whole state, not just Anchorage, and that costs money.

In other words, the costs have gone up but the dues have not. Luckily, the reserve is doing what reserves are supposed to do and absorbing the gap. But at some point, that will run out too if we don’t do something about it.

We have formed a committee to take a fresh look at our investment policy. The Bar’s reserves have been managed conservatively for a long time, and that is not going to change. However conservative does

not have to mean leaving money on the table. The committee is reviewing whether we can earn a better return on the reserve while still protecting the principal that members have built up over decades. Even a modest improvement in yield, compounded over time, makes a real difference to how long the runway is. It is not a substitute for getting the dues question right, but it is a piece of the answer, and it is one of the few pieces the Board can act on without going to the membership.

### Where your \$660 goes

If you are curious where the money actually goes, here is the breakdown for 2026, per active member:

Discipline: \$273. Administration: \$208. CLE: \$43. Pro Bono: \$33. Board of Governors: \$26. Fee Arbitration: \$16. Lawyer Referral: \$12. Lawyers’ Fund for Client Protection: \$10. The Bar Rag: \$8. Mandatory CLE: \$7. Fastcase and vLex: \$7. Everything else, including succession planning, marketing, litigation, pro bono clinics, and committees, is \$4 or less per category.

Eight dollars for the Bar Rag. Probably the best deal in the bunch, depending on what you think of this column.

If anything in that list strikes you as the wrong amount, too high or too low, please tell us. I am genuinely interested in what you think, and so is the rest of the Board. My email is on the Bar website. I encourage you to use it.

### One more thought

Twenty-three years is a long time. Most of the lawyers Larry was writing for in 2003 are retired now. Some of them are gone. The Bar he was running had a smaller membership, no smartphones, no UBE, no inflationary pressures, and no idea that we would own the building we operate out of, free and clear. The world has changed several times over since then, and the Bar has adapted to it. Larry is old now.

What has not changed is that

running this place costs money, and that money comes almost entirely from members. As they do every year, the Board will spend 2026 figuring out whether the deal we have had for fourteen years is still the right deal for the next fourteen. Larry did the same thing in 2003. The conversation has not changed much. The numbers have just gotten bigger.

I will leave you with the line he closed with, because it is true and because he is going to call me anyway: there is nothing like a prospective dues increase to focus the mind. I want to assure you that our minds are focused, and we will continue to

work hard to figure out how to make it all work, just as those before us did.

*Nick Ostrovsky is the President of the Alaska Bar Association. He was born and raised in Anchorage, AK. Nick graduated from the University of Washington and received his law degree from Seattle University School of Law. After law school, Nick returned to Alaska to clerk and has stuck around ever since. He is the Vice President and General Counsel of Chugach Alaska Corporation. In his spare time, Nick enjoys skiing, hiking, running, and spending time outdoors with his wife, toddler, and lazy border collie.*



Bar members who report **at least 50 hours per year of pro bono service** for a qualified legal services provider, and law firms in which at least 70% of their attorneys meet this threshold, are recognized as Pro Bono Champions.

Pro bono service is essential to ensuring access to justice for Alaskans who cannot otherwise afford legal representation and plays a critical role in addressing unmet legal needs across the state.

### Congratulations to the 2025 Pro Bono Champion Recipients:

<b>Bruce Botelho</b>	<b>Stephanie Rhoades</b>
<b>Whitney Brown</b>	<b>Margaret Rogers</b>
<b>William Cason</b>	<b>Patsy Shaha</b>
<b>Kate Demarest</b>	<b>Jacqueline Shepherd</b>
<b>Jessica Falke</b>	<b>Connor Smith</b>
<b>Mary Geddes</b>	<b>Kevin Sullivan</b>
<b>Lily Ginsburg</b>	<b>Sue Ellen Tatter</b>
<b>Samuel Gottstein</b>	<b>Tayva Taylor</b>
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<b>Paul Morin</b>	<b>Matt Widmer</b>
<b>Kara Nyquist</b>	<b>David Wilkinson</b>
<b>Susan Orlansky</b>	

Recipients receive an engraved travel mug with a Pro Bono Champion sticker for each year they meet the 50 hour goal, an email signature and website badge, and are recognized at the Bar annual convention and on the Bar’s website.

# The Bar Stool – Build Trust with Empathy

By Howard Trickey

My partner Chris Slottee texted about getting dinner to discuss how to build trust and confidence with clients. Chris is a genuinely empathetic person and has strong client relationships, so I wondered what was on his mind. Chris wanted to discuss how to talk to younger lawyers about trust and confidence as the glue of a good attorney-client relationship. Younger lawyers can focus on the law, facts, logic and persuasion at the expense of understanding the client's needs. Since the subject is a real meat and potatoes lawyering issue, I suggested we meet for dinner at Club Paris.

After we ordered a couple of hearty steaks, Chris asked, "How do you convey to young lawyers the importance of building trust in the attorney-client relationship?"

Lawyering is a helping profession. Clients need to know that you understand and care about them. Relationship skills are as important as writing, analysis, persuasion, and problem-solving. Clients have feelings, perspectives, values and lived experience that will drive their decisions. A lawyer needs to understand the client's story. Not

the story about the case or matter or the story that supports their position. The story about themselves – the story about who they are and what makes them tick.

To make this point, I respond to Chris by saying "Let me read you something I carry in my wallet. I have carried this around for 30 years. I read it to remind myself what we do as a profession." John W. Davis was the President of the American Bar Association in 1923. He titled the piece "Foot-Soldiers of the Law." I don't know what inspired the piece. The piece captures the heart of what lawyers do. He wrote:

We build no bridges; we raise no towers;

We construct no engines; we paint no pictures;

But we smooth out difficulties, we relieve stress;

We correct mistakes, we take up other men's burdens;

and by our efforts we make possible

the peaceful life of men in a peaceful state.

You must understand the client's stresses and burdens to get results for them that solve their problem. The key is understanding what so-

lution works for the client. Not a solution we may want to impose on them because of our superior knowledge of the law.

Chris asked, "How do you uncover a client's burdens and stresses?"

I replied, "Empathy is the most important ingredient in an attorney-client relationship. With empathy you build rapport and mutual trust with the client." At the beginning of the novel *To Kill a Mockingbird* by Harper Lee, Scout tells Atticus about her first day of school with a new teacher. She does not understand the teacher and does not want to go back to school. Atticus says, "You can learn a simple trick." He explains to Scout, "You never really understand a person until you consider things from his point of view ... until you climb into his skin and walk around in it." By the end of the novel, Scout has learned this trick. Boo Radley had been mocked by Scout, Dill, and Jem earlier in the novel. Dill wants to lure Boo out of his house to see what he looks like. After Boo saves her life and Jem's, Scout walks Boo to his house. Scout says, "Atticus was right. One time he said you never really know a man until you stand in his shoes and walk around in them. Just standing on the Radley porch was enough."

What Scout learned from Atticus was you can think, feel and understand what the other person experiences. And that is a key to an effective client relationship. I think empathy can be developed with practice like any skill.

Chris followed up with "How can someone improve their empathy skills?"

I think you can get good at active listening. You need to listen patiently to a client and not interrupt. You want to make sure the client knows you understand. You need to summarize back to a client what they have told you to make sure you understand. Ask the client if you have it right. When you actively listen, you suspend judgment. Just sit back

and listen. You can judge, evaluate, analyze and problem solve later. You can empathize by asking better questions or questions designed to learn more than the facts. If you ask someone what they think about a situation, you will get a factual, logical response that supports their position. If you ask the same person how they feel about the same situation, you will get an entirely different answer. When you ask a question that seeks to unearth someone's feelings, you find out what they want, desire, or need. Or what they don't need, want, or desire. You find out what motivates them. Other questions you could ask might be "What aspect of the case or transaction feels confusing or unclear?" "What about this case worries you enough to wake you up at night?" "What can I do or do differently to make you feel more informed and comfortable?" I end client meetings by reminding them that it is my job to worry about their case. If the case wakes them up in the middle of the night, I tell them to call me so we can address whatever worries them. I've only received a couple of calls in the middle of the night in over forty years.

Chris shifted the conversation, "In addition to empathy, what else is important to building trust with a client?"

In your communications and actions, you must demonstrate honesty and integrity. You must tell the client the truth, even when the message is not what the client wants to hear. You need to communicate in a straightforward way, so the client understands. You need to keep the

commitments you make to a client regarding communications, delivering opinions, contracts, or the steps you promise to take

to move litigation along to a conclusion. You need to be careful with the commitments you make to a client. You should understand the client's expectations and work to adjust the expectations to what can realistically be achieved. When you meet your commitments, you demonstrate competence because you show the ability to do what you say you're going to do. Make sure you don't over promise and underdeliver. When you deliver results, you prove your competence. You gain credibility. You build the client's trust and confidence in you. Of course, it goes without saying that you must diligently comply with the Rules of Professional Conduct on confidentiality, undivided loyalty and keeping a client informed.

Chris had one last question, "Can you over empathize with a client?"

You still need to step back and provide stone sober objectivity in advising a client. Never lose sight of whose problem you are trying to solve. Empathy is understanding someone else's emotional experience without adopting it as your own.

Howard Trickey is a partner with the Schwabe law firm. For the past forty-nine years, he has represented public and private clients in trials, appeals, arbitrations, administrative hearings, and mediations. His cases involved employment and labor matters, commercial disputes, professional negligence, and injury cases.

**When you actively listen, you suspend judgment. Just sit back and listen. You can judge, evaluate, analyze and problem solve later.**



## 3rd Annual Legal Career Fair & Reception

Thursday, July 30, 2026  
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# A Case for Lunch Breaks

By Y. Elly Sanchez,  
MSCP, LPC-S

“If you’re not ahead, you’re behind”—many have heard this refrain. Some of us believe and even live by that mantra. Many think working through lunch will make us more productive and keep us ahead. But what if this belief is not just misleading but actually harmful? Research has been warning us about this for a long time, from the 1940s to the current day: continuous work, such as working through lunch, comes with high cognitive and performance costs. Working through lunch doesn’t make us more productive; it just makes us more fatigued. Fatigue in turn, hurts performance.

The main point is simple: skipping lunch can undermine an attorney’s performance. Decades of research show that people experience “cognitive fatigue,” a decline in focus and mental sharpness that occurs when we try to sustain attention for too long without a break. Fields like psychology and neuroscience consistently find that we can’t maintain continuous concentration without consequences. Although much of this research comes from outside the legal profession, it clearly applies to legal work, which depends on sustained focus and sound judgment. Tasks like contract review, cite-checking, and issue spotting require prolonged attention, making attorneys just as vulnerable to fatigue-related performance declines.

For attorneys, the real issue is clear: cognitive demand and sustained attention cause cognitive fatigue and a decline in performance. By working through lunch, we trade short-term gains for worse attention, more errors, and down the line, lower-quality thinking. Research shows mental fatigue causes performance decline. This is why managing fatigue matters.

- Mental fatigue is associated with reduced working memory, weaker decision-making, and slower reaction times.

- Fatigue leads to mistakes and unstable focus, not just slower work.

- Habits of sustained attention such as working through lunch breaks cause us to miss contract details, overlook bad cites, miss discovery exceptions, draft poor briefs, or skip key review elements.

Let’s make sure we’ve captured the two main points of the problem. First, the continuous mental load from skipping lunch breaks causes

fatigue and impairs attention and judgment. We are not, I repeat — ARE NOT an exception to human-kind. While some of us are outliers, it is unwise to assume we’re in the batch—statistically, it’s improbable. For the vast majority of us this is simply how our cognitive processes function. Put simply, the longer we work the more cognitive fatigue increases.

Second, longer work hours don’t yield equally more output, no matter what we tell ourselves. What is more likely is that productivity and quality drop as sustained attention continues; as previously noted there’s an instability of focus, a reduction in working memory which ultimately means errors increase; and depending on the task, biases are also more likely to expose themselves. More hours may mean more pages, but not necessarily better or more strategic work.

A seemingly trivial habit, like working through lunch, can have far-reaching consequences. For attorneys, cognitive fatigue affects not only performance but also judgment and professional responsibility by raising the risk of burnout. Skipping lunch may help one project, but it weakens focus later in the day and can create backlogs in other areas of life.

Lunch breaks can appeal to our fears or ideals. If we strive for excellence, anchor on this: lunch breaks help us reset and produce better work. They lead to excellence in client service. If fear is the motivator, then ask: could a 30-minute reset avoid an error? Chronic fatigue and burnout can increase ethical risks. Lunch breaks aren’t indulgent—they are smart practice management and taking breaks means fewer mistakes and lower malpractice risk.

But let’s not raise problems without solutions. Research shows heavy mental demand impairs performance, yes, but it also shows short breaks restore energy and attention.

Alaska’s challenges can make lunch breaks harder, but they are important. The following are some ideas and Alaska-specific situations to consider. For attorneys, lunch is a reset. Some days eating at our desk may be fine. But don’t assume it is always best. We know what works best for us, but here’s a start if there’s uncertainty. Try one or more of the following suggestions for one week, and note any changes in the afternoon activities. For the skept-

tics, try three days a week and track afternoon productivity and overall well-being.

If you’re in a solo or small firm, block lunch on the calendar. Make it non-negotiable and step away from the screen.

- **Nutrition matters.** Eating lunch can support cognitive benefits from fuel and help regulate blood sugar, leading to steadier attention and better thinking in the afternoon.

- **Lunch with colleagues matters.** Peer consultation in the lunchroom can reduce isolation, sharpen perspective, and help us return to a problem with better judgment.

- **Transitions matter.** Lunch can serve as a punctuation mark between cases or assignments, giving the mind a cleaner break before returning to focused legal work.

- **Summer considerations:** In summer the sun can blur boundaries, but lunch helps structure the day. Resist 12-hour workdays just because it’s light; our brains still need rest.

- **Winter considerations:** In the winter, lunch with other attorneys fights isolation in smaller Alaskan communities and for many, lunch is the only social time of the day. In winter, it may be the only chance to see sunlight. Use lunch to go outside between 11am-2pm when there is light.

And as a bonus for the over-achievers:

- **Walking matters.** A short walk provides bilateral stimulation and movement, which can help clear our heads and reset our attention between demanding tasks. Even walking in -20°F is better for our brains than scrolling or reading news at the desk.

In closing: When we skip lunch, attention falls, and errors rise. The benefits of “pushing through” fade exponentially compared to the ex-

tra time we put in. This goes beyond work-life balance; it’s about maintaining high-quality work and using rest for consistent results. Skipping lunch won’t always harm outcomes, but it rarely helps.

Lastly, I’ll make a statement that any of you would advise:

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*Elly is a Licensed Professional Counselor and the founder of Confluence, LLC a group practice offering professional counseling services to individuals, couples and families. [www.akconfluence.com](http://www.akconfluence.com)*

## References

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# The Federal Gift Tax Annual Exclusion

By Steven T. O'Hara

The federal gift tax annual exclusion is "The Little Engine That Could" as in the children's story of the same name.

In 2026, the federal gift tax annual exclusion allows an individual to make annual gifts of present interests totaling up to \$19,000 to each of any number of persons, without any gift tax payable on the transfers. Rev. Proc. 2025-32. Gifts of future interests do not qualify for the exclusion. IRC Sec. 2503(b)(1). Fundamental to "The Little Engine That Could" is that gifts that qualify for the exclusion are ignored at a Taxable Individual's death when the federal estate tax is computed. They are not what I call "countable gifts." See IRC Sec. 2001(b) and 2503.

By "countable gifts," I mean transfers made after 1976 that are required to be reported on a federal gift tax return and for which there is no offsetting reduction. These are called "adjusted taxable gifts" in the Internal Revenue Code. IRC Sec. 2001(b).

By "Taxable Individual," I mean an individual whose "countable gifts" plus current assets equals the fact that federal estate tax (plus GST tax, depending on the individual's beneficiaries) will be payable at the individual's death. Cf. my blog post at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "How Lifetime Gifts Figure Into The Estate Tax."

As the name implies, a future interest is generally one in which the enjoyment of the property is postponed and not currently available to the donee. Treas. Reg. Sec. 25.2503-3(a). With a future interest, the donee does not have an immediate and unrestricted right to the use and enjoyment of the property or its income. See Treas. Reg. Sec. 25.2503-3(b).

The federal government's position is that gifts in trust are often future interests, such as where trustees have discretion to retain trust funds for possible distributions down the road. Federal gift tax regulations include the following examples:

*Example (1). Under the terms of a trust created by A the trustee is directed to pay the net income to B, so long as B shall live. The trustee is authorized in his discretion to withhold payments of*

*income during any period he deems advisable and add such income to trust corpus. Since B's right to receive income payments is subject to the trustee's discretion, it is not a present interest and no exclusion is allowable with respect to the transfer in trust.*

\*\*\*

*Example (6). L pays premiums on a policy of insurance on his life, all the incidents of ownership in the policy (including the right to surrender the policy) are vested in M. The payment of premiums by L constitutes a gift of a present interest in the property.*

Treas. Reg. Sec. 25.2503-3(c).

The federal gift tax system is a backstop to the federal estate tax system and, as such, imposes tax filing obligations on individuals even where there is no possibility of federal gift tax.

For many individuals, there is often no possibility of federal gift tax because federal law grants every citizen and resident of the United States a substantial credit against federal gift tax. IRC Sec. 2505. However, the requirement to file a federal gift tax return may exist regardless of whether or not tax is payable. See IRC Sec. 6019.

In general, a federal gift tax return must be filed whenever there is a gift in excess of the amount of the gift tax annual exclusion. IRC Sec. 6019(a)(1).

The federal gift tax system has other exclusions that may not be as flexible or used as often as the gift tax annual exclusion. There is an exclusion for certain disclaimers such as of an inheritance. IRC Sec. 2518. Under both the gift tax system and the federal generation-skipping transfer ("GST") tax system, there is an exclusion for certain transfers for educational or medical purposes paid directly to the vendor. IRC Sec. 2503(e) and 2611(b).

The gift tax system has deductions for certain gifts to a spouse who is a U.S. citizen and to certain charities. IRC Sec. 2522 and 2523. Cf. IRC Sec. 6019(a)(2) and (3).



**"With a future interest, the donee does not have an immediate and unrestricted right to the use and enjoyment of the property or its income."**

There also is special gift tax annual exclusion for gifts of present interests to a spouse who is not a U.S. citizen. IRC Sec. 2523(i)(2) and Rev. Proc. 2025-32.

In general, a federal gift tax return must be filed whenever there is a gift a future interest regardless of amount. IRC Sec. 6019. Certain gifts of future interests for minors are exceptions to this rule. IRC Sec. 2503(c).

The federal gift tax annual exclusion is indeed "The Little Engine That Could." Factors that magnify the benefit of the exclusion include initial property values, the rate of appreciation, the number of donees, and the number of years the donor is able to make present interest gifts. Appreciation on gifted property subsequently escapes federal estate tax at the donor's generation. Cf. IRC Sec. 2036. At the very least, the federal gift tax annual exclusion provides shelter from fees for preparation of annual gift tax returns if a federal gift tax return is not otherwise required or advisable.

The Internal Revenue Service will not necessarily agree with the value of a particular gift of property, other than cash, or indeed that a gift even qualifies for the gift tax annual exclusion. A federal gift tax return filed with adequate disclosure may preclude the IRS from raising any valuation or other issue in later years. See IRC Sec. 6501(c)(9), Treas. Reg. Sec. 25.2504-2(b), Treas. Reg. 301.6501(c)-1(f)(2), and *Schlapfer v. Commissioner*, T.C. Memo. 2023-65. In *Schlapfer*, the Court stated:

*Mr. Schlapfer adequately disclosed the gift on his 2006 gift tax return. The documents he attached to, and referenced in, his return provided the Commissioner with enough information to satisfy adequate disclosure. Therefore, the period of limitations to assess the gift tax commenced when the return was filed; and because the Commissioner issued the notice of deficiency more than three years after the filing, the Commissioner is barred from assessing gift tax.*

If the donor is married and both spouses are U.S. citizens or residents, each spouse may use his or her separate gift tax annual exclusion by either using their respective separate property to make present interest gifts or using one spouse's property and consenting to treat gifts made by one spouse as being made one-half by each. IRC Sec. 2513(a).

Beginning at page 3 of the federal gift tax return, IRS form 709(2025), the words "splitting gifts" are used in reference to how certain married couples may use each other's gift tax annual exclusion. From "splitting gifts," we have the term "gift splitting."

If the gift tax annual exclusion

is not exceeded and no gift splitting is used, the donor is not required to file a gift tax return with respect to present interest gifts. See IRC Sec. 6019(a)(1). If gift splitting is used, a gift tax return must be filed to show the spouse's consent to the gift splitting. IRC Sec. 2513(a)(2).

While the federal gift tax system has the annual exclusion, the federal GST tax system has the "inclusion ratio" of zero for certain transfers that qualify for the gift tax annual exclusion. IRC Sec. 2642(c). Here, zero means zero GST tax on such transfers without use of the transferor's GST exemption. See IRC Sec. 2641 (zero times 40% equals zero). This is another example of the works of "The Little Engine That Could."

Suppose in 2026 that grandmother, a widow domiciled in Alaska, gifts \$19,000 by check made payable solely to her oldest grandchild, Grace, outright and free of trust. An adult, Grace cashes the check in 2026. This is the only gift grandmother makes to Grace in 2026, with the following exception: For Christmas, grandmother gifts Grace a sweater she knitted for her. Query: Is there any de facto gift tax annual exclusion beyond the de jure gift tax annual exclusion? Answer: No.

The federal gift tax system also has the 5 and 5 exclusion, known for its two distinct limits. One limit is \$5,000 and the other is 5% of trust corpus out of which a power of withdrawal may be satisfied. IRC Sec. 2514(e)(1) and (2); see also IRC Sec. 2041(b)(2)(A) and (B) per the federal estate tax system.

A power of withdrawal, sometimes called a "Crummey power," granted to one or more trust beneficiaries is a common way of satisfying the requirement that a gift must be of a present interest to qualify for the federal gift tax annual exclusion. "Crummey" is a name, not a description, and refers to the case that approved its effectiveness, *Crummey v. C.I.R.*, 397 F. 2d 82 (9th Cir. 1968). See also *Turner v. Commissioner*, T.C. Memo. 2011-209, supplemented by *Turner v. Commissioner*, 138 T.C. 14 (2012).

The 5 and 5 exclusion, which notably has limits different from the gift tax annual exclusion, is effectively a safe harbor under the GST tax system. See my blog post at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "GST Tax Issues Appear In Everyday Transactions." The 5 and 5 exclusion is the basis of the "5 and 5 power." See my blog posts at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "5 and 5 Powers" and "Trust Tax Returns With Lapse of 5 and 5 Powers."

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.

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

## 2026 HOMICIDE MEMORIAL

This memorial serves as a remembrance of victims of homicide throughout Alaska. A symbol of hope and community for the families and friends who have lost loved ones to violent crime.

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Victims For Justice adds names annually before each memorial ceremony. To request that your loved one's name be added to the memorial wall or to be read aloud at the ceremony, please scan QR code.



If you have questions regarding the Homicide Memorial, please contact our office at [info@victimsforjustice.org](mailto:info@victimsforjustice.org)

## Alaska Commission on Judicial Conduct Hires Michael Schwaiger as new Executive Director

The Alaska Commission on Judicial Conduct is pleased to announce that it has appointed Michael Schwaiger to serve as the Commission's Executive Director beginning June 15, 2026. Mr. Schwaiger will succeed the Commission's current Executive Director, Marla Greenstein, on her retirement after 37 years with the Commission. Mr. Schwaiger graduated magna cum laude

from Cornell University with an undergraduate degree in Government and from Duke University with concurrent History and Law degrees. He is currently employed by the Alaska Office of Public Advocacy (OPA) in the Rural Defense Section. Prior to his service at OPA, he served as an Assistant Public Defender from 2006-2020.



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## Alaska Law Review Visits Juneau

By the Alaska Law Review

In March, *Alaska Law Review* sent a crew of editors—Lily Skopp, Rasa Kerelis, Michael Ash, Liv Sontag, Erik Gordon, Katie Roberts, Jack Jeffrey, Teddy Brodsky, and Suley Amjad—to Juneau so they could talk to practitioners, understand the legal issues important to Alaskans, and experience the beauty of some frosty Alaskan mountains.

The team led a CLE presentation on *Alaska Law Review's* Year In Review, fielding questions and suggestions from practitioners about our annual collection and summary of cases. The students also met with the Juneau Public Defender's office, with Judge Woolford and his clerks, and Justice Pate's clerks. Outside the judiciary, the team met two state senators, Sens. Kiehl and Hoffman, and sat in on a session of Alaska's legislature. The team made sure to experience the natural beauty Alaska has to offer: they downhill skied at Eaglecrest, cross country skied by Eaglecrest campground and Montana Creek, hiked the Flume trail, and saw the northern lights at Mendenhall Glacier. It wouldn't be an Alaska trip without the northern lights!

The team at *Alaska Law Review* is excited to take the lessons learned from this trip and apply them to our issue next year. We thank all the attorneys who generously hosted journal members for the week, everyone who took time out of their busy schedules to meet with us, and the Juneau legal community for being so welcoming. *Alaska Law Review* members will return to Alaska in October for the journal's biennial symposium in Anchorage!

### The Fall 2026 Alaska Law Review Symposium

Every two years, the *Alaska Law Review* hosts a symposium exploring current legal issues in Alaska. Each symposium has a theme that we hope captures an important class of legal issues relevant across many fields of practice. We will be returning to Anchorage in October to hold this year's symposium. The theme for the 2026 symposium is: **Public-Private Partnerships**. To combat problems facing Alaskans across a wide range of topics, from environmental issues to healthcare resources to Alaskan Native organizations, the legal system in Alaska has created a host of partnerships between governments and private entities. We hope to bring together practitioners, judges, scholars, and students for in-depth discussions on this topic and are currently in the process of soliciting articles and panels.

Anyone interested in participating on a panel, suggesting a topic idea for a panel, or writing for our fall issue can email our Editor in Chief, Katie Roberts, at [katie.roberts@duke.edu](mailto:katie.roberts@duke.edu). The date for our symposium will



Alaska Law Review students in Juneau, March 2026.

be announced soon. The due date to submit articles for our fall issue is August 1.

If you're already interested and can't wait until October to hear about public-private partnerships, consider checking out these articles from our past issues:

- [Aaron M. Schutt, \*The Corporate Governance of the Biggest Corporations You've Never Heard Of\*, 41 ALASKA L. REV. 279–318 \(2025\).](#)
- [Karen Sandrik & Sarah Matsumoto, \*Heat Waves and a Public-Private Partnership in Alaska\*, 39 ALASKA L. REV. 201–231 \(2022\).](#)

### Alaska Law Review's 2025 Quarter in Review

The *Alaska Law Review* Year-in-Review is a collection of brief summaries of selected state and federal appellate cases concerning Alaska law. They are not an authoritative guide and are meant only to alert the Alaska legal community about judicial decisions from the previous year. Below is a selection of cases from 2025. To access the full 2025 Year-in-Review or follow the blog, visit: <https://alr.law.duke.edu/year-in-review-main/>.

### IMMIGRATION LAW

#### United States District Court for the District of Alaska (2025)

By Suleyman Amjad

In *Salad v. State, Department of Corrections*, 769 F. Supp. 3d 913 (D. Alaska 2025), the United States District Court for the District of Alaska ruled that the removal of a foreign national is not foreseeable while their Temporary Protected Status (TPS) application is pending, thus making it illegal for Immigration and Customs Enforcement (ICE) to detain them while their application is being processed. (*Id.* at 923–24). Salad is a citizen of Somalia who entered the country through the southern border without inspection. (*Id.* at 916). After the United States was unable to return him to Somalia, he was released but was required to check in with the Customs Office in San Antonio. (*Id.* at 917). Salad left for Alaska, where he filed for TPS. However, he failed to inform the Customs office of his relocation. As a result, he was arrested. (*Id.*). ICE then placed Salad into removal proceedings. (*Id.*). Salad filed a petition objecting to the length of his detention. (*Id.* at 918). The main issue before the United States District Court for the District of Alaska was whether the period of detention was reasonably necessary to bring about Salad's removal. (*Id.*). The government argued that because Somalia had issued a travel document, removal was reasonably foreseeable. (*Id.* at 919). The court affirmed the magistrate court's decision, however, finding that the temporary nature of the travel document and Salad's meeting of the prima facie case for TPS made his removal unforeseeable. (*Id.* at 924). The court further reasoned that even in the event of Salad not obtaining TPS status, Salad was entitled to an appeal process, which would further delay his removal. (*Id.* at 919). Affirming the magistrate judge's recommendation, the United States District Court for the District of Alaska held that indefinite detention under these circumstances violated due process and ordered Salad's immediate release. (*Id.* at 924).

### TRUSTS & ESTATES LAW

#### Supreme Court of Alaska (2025)

By Alison Tobin

In *Matter of Estate of Rousey*, 568 P.3d 717 (Alaska 2025), the Supreme Court of Alaska held that *inter vivos* transfers must be rescinded when the estate has presented clear and convincing evidence that the transfers were the product of undue influence over the deceased's financial and legal decisions. (*Id.* at 731–32). The Rouseys were a financially successful family and had built a substantial portfolio of properties in and outside of Alaska. (*Id.* at 721). As Erna Rousey aged, her memory began to decline, leading to her dementia diagnosis in 2015. (*Id.*). When her husband James entered into rehabilitative care in 2017, Erna lived alone and began to depend heavily on her son Jimmy. (*Id.*). Jimmy was involved in all aspects

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Continued on page 9

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of Erna's life, from household and yard upkeep to advising her on legal and financial matters, with his involvement only increasing after his father's death in 2018. (*Id.*) By the end of 2019, Erna had transferred all five of her properties to Jimmy, added him to her bank accounts, and transferred him nearly \$225,000, leaving her with just \$950. (*Id.*) After Erna's death in December 2019, the estate filed a probate petition requesting rescission of the *inter vivos* transfers to Jimmy. (*Id.*) Finding that Erna was susceptible to undue influence because of her dementia and reliance on Jimmy, the superior court held rescission of the transfers was necessary and awarded the estate attorneys' fees, granting an enhanced award due to Jimmy's bad faith not only during the litigation, but in his fraud against his mother. (*Id.* at 734). Although agreeing the estate is entitled to attorneys' fees, the Supreme Court remanded for a reconsideration of the amount, finding that the court may not hold a litigant's pretrial actions against them when conducting the collective bad faith analysis. (*Id.*) The Supreme Court of Alaska affirmed the lower court's decision, holding that rescission of *inter vivos* transfers is proper where the recipient abused his confidential relationship with the grantor and thus exerted undue influence over the grantor's actions. (*Id.* at 731–32, 735).

## TORT LAW

### Supreme Court of Alaska (2025)

By *Teddy Brodsky*

In *Rochon v. City of Nome*, 568 P.3d 8 (Alaska 2025), the Supreme Court of Alaska held that municipalities are immune from liability when providing gratuitous emergency services outside of city limits. (*Id.* at 17). After he was injured in a single-vehicle accident 35 miles outside Nome, Rochon sued the City and an emergency responder for negligently providing assistance and aggravating his injuries. (*Id.* at 12). Rochon claimed that the emergency worker failed to adequately secure him in the ambulance, exacerbating his injuries. (*Id.*) He alleged that the City of Nome was vicariously liable for the emergency worker's conduct and additionally sued for negligent hiring, supervision, and training, seeking over \$100,000 in damages. (*Id.*) Rochon filed a separate lawsuit against a woman he claimed had provided alcohol to the underage driver of the ambulance, and the superior court consolidated the two cases. (*Id.*) The ambulance department charged Rochon \$1,775 for its services, its standard rate. (*Id.*) The City offered Rochon \$7,500 to resolve the lawsuit, but Rochon did not reply to the offer. (*Id.*) Summary judgment and attorneys' fees were subsequently granted for the City. (*Id.* at 13). Rochon appealed the superior court's summary judgment and attorneys' fees award, both of which the Supreme Court of Alaska affirmed. (*Id.*) Alaska law immunizes municipalities and their agents from lawsuits based on their performance during the gratuitous extension of municipal services. (*Id.* at 14). Because the City had no obligation to provide ambulance services 35 miles away but charged Rochon the standard fare, the service was gratuitous. (*Id.* at 17). The Supreme Court of Alaska also affirmed the award of attorneys' fees. (*Id.* at 18). The Court noted that the City proposed to Rochon a \$7,500 settlement offer, but Rochon received \$0 in the final judgment. (*Id.*) Under Rule 68, a party that declines an offer of judgment must pay some part of the offering party's attorneys' fees if the final judgment is at least 10% less favorable to him than that offer. (*Id.*) Affirming the superior court's decision, the Supreme Court of Alaska held that municipalities are immunized from liability for providing gratuitous emergency services outside of city limits. (*Id.* at 17).

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## INSURANCE LAW

### Supreme Court of Alaska (2025)

By *Mike Galane*

In *Travelers Property Casualty Co. of America v. Keluco General Contractors, Inc.*, 572 P.3d 537 (Alaska 2025), the Supreme Court of Alaska held that insurance companies' internal procedures to record mailings do not satisfy the United States Postal Service (USPS) certification requirements under Alaska Statute § 21.36.260. (*Id.* at 543). Travelers Property Casualty Co. of America (Travelers) issued a workers' compensation insurance plan to Keluco General Contractors (Keluco) in March 2016 that was to expire in March 2017. (*Id.* at 539). In January 2017, Travelers mailed to Keluco a renewal notice in advance of its policy expiration. (*Id.*) Travelers internally recorded the January 2017 renewal notice through a USPS Form 3877 and an internal affidavit. (*Id.* at 542). Travelers did not seek a certificate or other verification of mailing from USPS. (*Id.* at 543). The letter never reached Keluco. (*Id.*) Consequently, Keluco did not renew its workers' compensation insurance, and only realized its policy had lapsed when an injured Keluco worker sought to file a claim with Travelers against Keluco. (*Id.*) Keluco brought suit that Travelers had failed to send notice of nonrenewal in accordance with Alaska Statute § 21.36.260. Travelers argues that their internal procedures—which were submitted to USPS but required no verification by USPS—satisfied the mailing notice requirement under Alaska Statute § 21.36.260. (*Id.* at 540). The Supreme Court of Alaska held that Travelers' internal recording procedures did not fulfill the renewal notice requirements in Alaska Statute § 21.36.260. (*Id.* at 543). The Alaska Legislature amended Alaska Statute § 21.36.260 in 1987 to clearly require insurers to obtain a mailing certificate from USPS when sending renewal notices to clients. (*Id.*) Travelers' internal procedures cannot be deemed equivalent to obtaining a certificate mailing from USPS. (*Id.*) Accordingly, the Supreme Court of Alaska affirmed the trial court, holding that insurance companies' internal procedures to record mailings do not satisfy the United States Postal Service (USPS) certification requirements under Alaska Statute § 21.36.260. (*Id.*)

*Alaska Law Review: The Alaska Law Review is an academic law journal that examines legal issues affecting the state of Alaska. It is published by students at Duke Law School every June and December. The journal is not published in Alaska, because no law school operates within the state.*

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# From Juneau to Arctic Village: Spring Zoom Clinic Delivers Legal Help Statewide

By *Lea McKenna*

The Spring Zoom Legal Clinic, held April 18, 2026, demonstrated how virtual clinics can expand access to justice across Alaska. Co-sponsored by the Alaska Bar's Pro Bono Service Committee (PBSC) and the ACLU of Alaska, the clinic connected volunteer attorneys with 52 Alaskans in just three hours. Many participants may not otherwise have been able to access legal help due to geography, physical disability, language barriers, lack of transportation, or privacy concerns.

The clinic was conducted entirely by Zoom and phone, with participants given the option to remain anonymous. That flexibility proved important. More than 60 percent of those served lived outside Anchorage, and 12 percent identified as survivors of domestic violence. Services were provided in three languages with the help of interpreters, helping ensure that language was not a barrier to receiving assistance.

In total, 26 volunteers contributed their time, including attorneys, four PBSC Zoom managers, two judges, Ukrainian and Spanish interpreters, and a community justice worker.

Among the strongest contributors was McQuillan & Hohman Law. All three of the firm's attorneys and two staff members volunteered at the clinic, reflecting a broader and ongoing commitment to pro bono service. Attorneys Asa Hohman, Thomas Sean McQuillan, and Ali Broaddus advised clients on a wide range of is-

suces, including consumer matters, breach of contract, family law, unemployment, estate planning, probate, and immigration. Staff member Abdi Elisea volunteered as a Spanish language interpreter.

The week prior, three members of the firm also volunteered at a refugee adjustment of status clinic sponsored by the Alaska Institute for Justice and the ACLU of Alaska. The firm regularly supports community legal events, including Know Your Rights presentations and partnerships with local nonprofits.

Hohman explained the motivation behind the firm's high level of participation: "[We] all want to give back to the community. We all understand that we sit in a unique position to help people who otherwise may not be able to afford or access legal services." He added that clinics like this are critical because "they lower the barrier to entry for people to speak with and get basic advice from an attorney."

Those efforts translated directly into client impact. Feedback from participants was overwhelmingly positive, with all respondents reporting the highest level of satisfaction. Several comments underscored the importance of both the legal advice provided and the way it was de-

livered:

"This clinic was a godsend for me. The attorney I spoke to was empathetic, knowledgeable, and gave me actionable advice. I now have a way forward."

"This was so simple and the attorney was so sweet, non-judgmental, and I got the answers I was looking for."

"Absolutely call in. It's a straightforward process with legit assistance."

The clinic ran without technical difficulties, reflecting careful planning by PBSC organizers and multiple practice Zoom sessions with volunteer Bar and ACLU staff acting as test clients.

Outreach also contributed to the clinic's success. The Bar's Pro Bono Director distributed flyers, aired public service announcements, boosted social media posts, and

contacted more than 300 community partners and influencers. The effort resulted in participation from across the state, spanning from Juneau to Arctic Village, a community of approximately 150 residents.

The clinic's impact extended beyond the event itself. Seven clinic attorneys registered to also volunteer for Alaska Free Legal Answers, a 24/7 online legal clinic, and helped reduce the backlog by answering questions following the event. They will continue assisting Alaskans through that platform.

The Spring Zoom Clinic was also highly cost-effective. Total expenses were \$233, covering boosted social media ads and interpreter services. By comparison, the 2026 MLK Day

Clinics across Alaska cost nearly three times more per client served. While in-person events such as the MLK Day Clinics remain essential, the Zoom and call-in format shows that smaller, targeted clinics can deliver meaningful impact at a significantly lower cost.

Virtual clinics are not a replacement for in-person services. Face-to-face interactions remain important, particularly for individuals who are not comfortable with or cannot access remote technology. At the same time, the Spring Zoom Clinic highlights how virtual options can complement existing efforts and extend the reach of Alaska's pro bono network.

As Alaska continues to face geographic and economic barriers to legal services, the Spring Zoom Clinic offers a practical model for expanding access to justice. It shows what is possible with innovation, thoughtful coordination, committed volunteers, and a willingness to adapt.

Most importantly, it made a difference for the 52 Alaskans who participated. For them, the clinic provided more than legal information. It offered clarity, support, and, in many cases, a path forward.

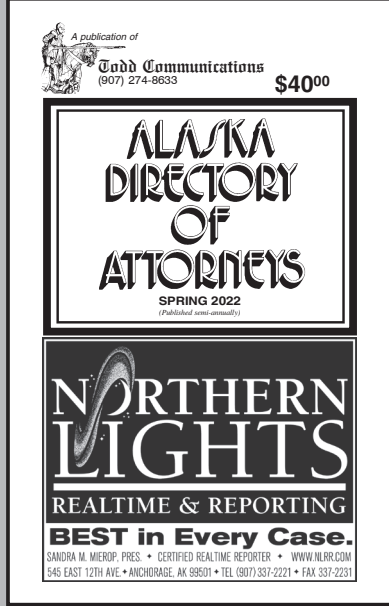
Pro bono service remains essential to eliminating barriers to justice. As U.S. Supreme Court Justice Lewis Powell observed, "Equal justice under the law is not merely a caption on the façade of the Supreme Court building... it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

To receive updates about future clinics, join the pro bono mailing list at [www.alaskabar.org/probono](http://www.alaskabar.org/probono). Attorneys interested in volunteering with Alaska Free Legal Answers can register at [Alaska.FreeLegalAnswers.org](http://Alaska.FreeLegalAnswers.org).

*Lea McKenna is the Pro Bono Director of the Alaska Bar Association.*


**Hohman explained the motivation behind the firm's high level of participation: "[We] all want to give back to the community. We all understand that we sit in a unique position to help people who otherwise may not be able to afford or access legal services."**

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Doron Levine	Jessica Wakefield
Paul Maney	Cindy Woods
Judge Donna McCready	
Thomas Sean McQuillan	<b>Community Justice Worker:</b>
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Judge Stephanie Rhoades	

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## TALES FROM THE INTERIOR

# Making Time for Extra Legal CLEs

By William R. Satterberg

I strongly believe that a person should go outside of their field of work and gain experience elsewhere to broaden their horizons.

In college, I first studied chemistry. I was not a good chemist. I had a reputation of being sloppy. My lab coat was always splattered with unknown chemicals. My laboratory glassware was dirty. My lab bench was a mess. Proverbial Pig Pen.

Despite this, my frustrated advisor, Dr. Lokken, still struggled to find my potential. He explained one day that science evolved from art and magic during the Middle Ages. He recommended I take an art course “for cultural awareness.” He said I should approach my experiments more like an artist.

In eighth grade I took art. One requirement was to do drawings of human anatomy. Models were used, consisting of a clothed student perched on a chair before their classmates.

College art was different. The day before I signed up for class, the instructor told me there would be a model. I figured I might get selected – being a latecomer to the course. I was wrong. Unbeknownst to me, the model would be the first time that I had ever seen a naked, mature college coed. When she took off her robe, I was shocked. I literally tumbled off my easel bench.

Several years ago, I fancied myself a screenwriter. I would write an award-winning screenplay and be another Kevin Costner or Sylvester Stallone. So, I took a screenwriting

course in Los Angeles. It was taught by a famous screenwriter whose name I can't remember. During my first day in class, the instructor explained that none of us would ever have an award-winning screenplay. It was an intellectual bootcamp. However, he unwittingly taught me concepts which became important in my legal practice.

He said that humans have been longing to hear stories since prehistoric times. Stories not only entertain us, they pass along history. During the class, I learned storytelling and how to enthrall an audience. Although I later did write two screenplays, neither of which made it to production, I did discover that jurors, like prehistoric cavepersons, still enjoy a good story. A good story needs a plot, character development, and a believable conclusion. A legal case can be drama, fiction, or a comedy. But the important thing is to identify the story line early on and then develop a presentation which captivates the audience. Sometimes comedy is what intrigues the audience, or drama, or mystery. The key is to approach a trial much like a screenplay. To entertain and to educate. For years I have endeavored to develop my cases accordingly.

Screenwriting was not the only course that helped to mature my abilities in the practice of law. Several years later, I took a class in standup comedy, taught by a famous comedian whose name I also can't remember, who came to Fairbanks for a one-week seminar. Like



the other students in the class, I thought that I was inherently funny. (Not that they thought I was funny. I thought I was funny.) Once again, I was lectured that my idea of what was funny was not necessarily that of other people. I learned that an important thing in comedy is to identify the common thread, a subject matter common to others. Comedy can also offend. I learned not to be afraid of offending people. To keep the jokes short, but also to develop set ups for the unexpected punchline.

Another important thing I learned about stand up was that it takes intestinal fortitude to perform before a crowd. In trial, certain people are required to listen to counsel whether they want to or not. We call them jurors. Occasionally spicing up a trial with some anecdotes or jokes (if appropriate under the circumstance), can keep the jury enthralled. A distinguishing factor in a jury trial is that, even if the joke falls flat or earns you a contempt sanction, the jury still must listen.

Let me digress about contempt sanctions. I have only had one contempt sanction in over 49 years of practice. I was at a crowded calendar call before Judge Richard Savell. I apparently said something to offend the court. No filter, again. Hopefully, it was one of my jokes. Whatever it was, Judge Savell believed that I was immediately getting a \$100 fine. I asked if I could approach the bench. Request grant-

ed, I confidently approached the judge, whipped out a crisp one hundred dollar bill and firmly placed it on the counter in front of him.

Judge Savell was indignant. “What are you trying to do? Do you know what that looks like?” he loudly declared. I answered, “It looks like I pay my bills on time, your Honor.” The courtroom erupted in laughter. Chagrined, Judge Savell ordered me to, “Take it back!” Not wanting another costly sanction, I did as ordered. The next day, Judge Savell called and said to forget the fine. In retrospect, it was actually one of my first successful attempts at standup comedy.

Which brings me back to comedy training. Unlike jury trials, comedy shows do not have captive audiences. Audiences can walk out or, worse yet, throw vegetables. Comedy training taught me how to read an audience to see if my points were getting across.

So, by way of closing advice, as for eagerly drawing nude coeds, crafting award winning screenplays, or performing standup comedy, I recommend attorneys take one class of each. If you can only afford one of those classes, definitely take freehand drawing. This is because, even if freehand drawing, screenplay, or standup comedy do not qualify for CLE credits the memories from freehand drawing will last for years. Figuratively speaking, of course.

*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.*

## AI has Hit AK: Learning Responsible Use

By Jeffrey Davis

You could hear a pin drop in Centennial Hall's ballroom as presenter Joshua Weaver spoke about the recent advances of generative artificial intelligence (AI). An hour before, Professor Levenson had the attendees of the Bar Convention dancing in their seats about recent Supreme Court criminal decisions. Now, we ate our tacos in silence as we realized that the threshold had been crossed. AI has hit AK. AI is no longer a cute little chat box on your web browser, it is driving cars and deciding insurance claims. Like it or not, lawyers have to be ready to address it in their practice.

Alaskans like to think we are unique and isolated, but AI is already being used in every state and jurisdiction in the country, and Alaska is no exception. Practitioners are already using it productively and responsibly to craft better arguments and reduce administrative burden. Some use it irresponsibly and rely on it to do the work for them and do not have “a human in the loop [of the machine learning cycle].” It's been nearly three years since some New York lawyers were blasted all over national news for filing briefs with nonexistent citations created by AI. It continues to happen in places like Maine, Georgia, and Oregon. Alaskan attorneys have also

been sanctioned for misusing AI in court filings.

I am what sociologists call a “Xennial” – half Gen X, half Millennial. Born in 1979, I remember life without cell phones and computers, but my frontal cortex was still soft enough to adapt when the tech revolution hit its stride in the 90s. Therefore, I approach AI with a healthy skepticism. While part of me fears a Skynet Terminator takeover, the other half is pretty psyched about having a communications droid on my laptop. While my movie analogies may seem hyperbolic, the science fiction of my youth is very close to science fact today.

If it is not already being done, AI will be used in every facet of modern society. Therefore, it will be implicated in every facet of the law. You will be facing opposing counsel who use it to their client's advantage – and your client's disadvantage if you are not. AI can help make your office more efficient and save large amounts of time and money. AI can do document review and return an accurate summary or spreadsheets of data much faster than a human. AI can help research and find relevant case law and it can help edit and improve your writing on the back end. You will have clients, both human and corporate, who rely on it and heavily use it in their business and operations. It will be an issue with evidence, witnesses, discovery, and trial preparation.

However, although there is all this hype, it is important to remember that AI is just a tool. It will not cure all your office or research problems, nor will it do the work for you. It is a tool and tools can help or hurt. It is quite well known now that AI can hallucinate and provide incorrect information, misleading citations, or even fully fabricated sources. Therefore, AI requires the human in the loop, meaning you must be actively monitoring and checking your AI's results.

AI will not take over the legal profession. People do not want to talk to a computer and still need and want human attorneys. A string of 0s and 1s cannot make a connection with a client and determine what their problems and issues are. AI cannot judge the credibility of a witness, console a client, or negotiate a mediation. AI cannot debate the thoughts and reasoning of the Supreme Court or the writers of the Constitution.

AI is a computer performing mechanical learning. AI is amazing at discerning and predicting patterns undetectable to humans, but at the end of the day, it is simply a string of transistors turning off and on. The casual science fiction viewer thinks of HAL-9000 from *2001: A Space Odyssey* as the penultimate representation of AI gone bad, however, few people read or watched the sequel *2010: The Year We Make Contact*, where it is revealed that HAL

was given conflicting directions and solved it by eliminating the variable – the crew. Modern AI is no different. It is only as good as the material it is learning from or working with. It can learn the wrong lessons. Therefore, it is again absolutely essential that a lawyer double check (some would prefer triple) that every citation, footnote, and source in a document is accurate.

The Bar has been tracking the progression of AI for many years now. All attorneys should read and be familiar with the Bar's recently issued Ethics Opinion 2025-1 regarding generative AI. AI and its potential for misuse can implicate Alaska Rules of Professional Conduct 1.1—Competence, 1.2—Scope of Representation, 1.3—Diligence, 1.4—Communication, 1.5—Fees, 1.6—Confidential or Secret Client Information, 5.1—Responsibilities of Partners, Managers, and Supervisory Lawyers, 5.3—Responsibilities Regarding Nonlawyer Assistance, and 8.4—Misconduct.

If you want further information on the responsible use of AI in the practice of law, the Bar has numerous CLE credits available online. Additionally, attorneys are always free to contact the Bar for guidance with any ethical questions they may have. All calls are kept confidential.

*Jeffrey Davis is an Assistant Bar Counsel at the Alaska Bar Association.*



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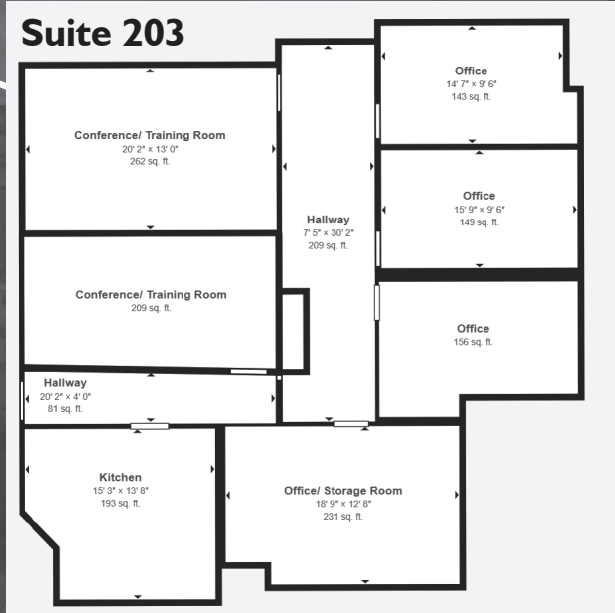
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## Judge John Haley Installed on Anchorage District Court

Judge John Haley was installed as Judge of the District Court on Friday, March 27, 2026, at 3:00 p.m. at the Boney Courthouse in Anchorage. Welcoming and closing remarks and the administration of the oath of office were provided by Justice Dario Borghesan of the Alaska Supreme Court. Additional addresses and remarks were provided by Judge Marjorie K. Allard, Chief Judge, Alaska Court of Appeals; Judge Andrew Peterson, Anchorage Superior Court; Judge Michael B. Logue, Anchorage District Court; friend and former colleague Margaret Paton-Walsh; Rachel Espejo, Board of Governors Alaska Bar Association; and Luis Gonzalez Vice-President Anchorage Bar Association.

Judge Haley is originally from Raleigh, North Carolina. He attended Appalachian State University where he graduated with a B.S. in Anthropology magna cum laude. After college he worked as a graduate assistant basketball coach at The Citadel in South Carolina, and as an AmeriCorps VISTA volunteer in Montana. John attended the University of Michigan Law School, graduating cum laude. After law school John moved to Alaska with his wife Alysa and began his legal career as a clerk for the Hon. David George and then the Hon. Doug Kossler. John then worked at the Alaska Department of Law, serving in the Office of Special Prosecutions, the Anchorage District Attorney's Office, and the Civil Division's Special Litigation Section.



From left to right are: Judge Logue, Judge Allard, Judge Haley, Justice Borghesan, Judge Peterson

## Judge RuthAnne Beach Appointed to Alaska Court of Appeals



From left to right are: Judge McKenna, Justice Henderson, Judge Beach, Judge Allard, and Judge Haley.

Governor Mike Dunleavy appointed RuthAnne Beach to the Alaska Court of Appeals on December 5, 2025. Judge Beach was chosen to fill the vacancy left by Judge Bethany Harbison. Judge Beach was installed in a ceremony on May 8, 2026 at the Boney Courthouse in Anchorage. Justice Jennifer S. Henderson administered the Oath of Office. Addresses and remarks were provided by Justice Henderson, Justice, Alaska Supreme Court; Judge Marjorie K. Allard, Chief Judge, Alaska Court of Appeals; Judge Jack R. McKenna, Judge, Anchorage Superior Court; and Judge John Haley, Judge, Anchorage District Court. Friends and former colleagues also provided remarks including: Tamara DeLucia; Christopher Brecht; Patrick Bergt; and Judge Beach's husband Cody Grella.

Judge Beach grew up in Bend, Oregon. She attended Southern Oregon University where she graduated cum laude with a degree in Business Administration and a minor in Psychology. Judge Beach also studied abroad at the University of London. After college, she worked in management, finance, and real estate. In 2013, Judge Beach graduated cum laude from Thomas Jefferson School of Law and moved to Alaska shortly thereafter. She spent several years in private civil practice before going to work for the Department of Law in the Office of Criminal Appeals. Judge Beach's husband, Cody, is a firefighter/EMT with the Anchorage Fire Department and together they have four children.



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## ALASKA BAR ASSOCIATION BOARD OF GOVERNOR AWARDS

### DISTINGUISHED SERVICE AWARD R. Collin Middleton

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

Collin is a highly regarded lawyer. He previously practiced at Middleton Timme & McKay and has since transitioned to solo practice. He also served on the Lawyers Assistance Committee from 2017 until 2024. In that capacity, he worked with members of our Bar community who were struggling with substance and mental health issues. He has served on the fee arbitration panel since 2015 where he has arbitrated fee disputes between attorneys and clients. He has also recently served as trustee counsel.

Some years ago, Collin agreed to serve as trustee counsel for an attorney put on disability. He worked closely with the attorney to try to help wrap up cases or to get files to clients so that new counsel could be retained. He spent significant time with the attorney and organized a logistical and physical mess. This was not an easy assignment, but he went above and beyond the requirements. He also demonstrated kindness and empathy towards the attorney throughout the process.

Despite that challenging first assignment, Collin served as trustee counsel on an even-more challenging matter that resulted in a personal financial hit because the deceased attorney's estate had agreed to reimburse Collin and then later reneged on that promise.

It seems as though there is a trend in Collin's service. He has consistently shown up for the Bar and our community when we need him most. Whether it is working through an attorney's substance abuse issues, helping attorneys resolve disputes with their clients, or cleaning up the caseload of an attorney who cannot practice anymore, Collin has shown up time and time again without judgment and a discretion to protect the confidences of those involved. The Bar is very lucky to have someone with his legal skills and professionalism working in these various capacities.



R. Collin Middleton

### ROBERT K. HICKERSON AWARD Leigh Dickey

The Robert K. Hickerson 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.

Following a clerkship with the Fairbanks Superior Court, Leigh has dedicated nearly her entire 29-year legal career to the delivery of civil legal services to low-income individuals. Leigh has been with ALSC for over 15 of those 29 years holding staff attorney positions in Fairbanks, Kotzebue, Dillingham and for the last 12 years working out of Juneau as a crime victim attorney, rural supervising attorney, and now Advocacy Director. Before and between her terms of service at ALSC, Leigh spent over two years at the Southwest Virginia Legal Aid Society and nearly eight years at Legal Aid Services of Oregon.

Leigh has provided legal assistance in thousands of cases that span the entire spectrum of legal aid work - family law, domestic violence, special education, employment, housing, consumer protection, public benefits, child welfare, and Alaska Native law. She has handled large cases that have had a lasting impact on law and policy and appeared before all levels of state court and administrative agencies. She works closely with non-profit and governmental agencies around Alaska to improve outcomes for ALSC's low income clients. Most recently, Leigh led ALSC through the SNAP crisis that resulted in thousands of increased calls for help to ALSC for help obtaining access to food benefits.

Leigh is one of the last ALSC employees who worked alongside Robert Hickerson and she truly embodies the spirit of this award. Thousands of low-income individuals and families in Alaska are better off because of Leigh's hard work and dedication.



Leigh Dickey

### PROFESSIONALISM AWARD Stacie Kraly

The 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 courtesies and respect for clients and other attorneys.

A legend in the first judicial district and beyond, Stacie Kraly earned her retirement in 2025 after twenty-nine years of service to the State of Alaska. Her service includes interning for the Alaska Department of Law, working in private practice, joining the Department of Law Civil Division and becoming the Human Services Section Chief in the department. As Chief Assistant Attorney General, she was known for her mentorship of fellow attorneys and fostering their professional growth. In 2021, Stacie became the Civil Division Director for the Department of Law, benefiting the entire department with her leadership.

While her achievements are many, including being instrumental in developing and negotiating the Alaska Tribal Child Welfare Compact in 2017, which established a groundbreaking relationship between the State of Alaska and Alaska Native tribes and tribal organizations to improve outcomes for Alaska Native children and families, her career is remembered by her employees and co-workers for her exemplary support, care and kindness. As the Civil Division Director, Stacie fostered a collaborative workplace, soliciting feedback and hosting town halls to address employee concerns. She shaped the culture of the civil division of the Department of Law through her mentorship and guidance of dozens of attorneys, many who continue her legacy in serving the State of Alaska as Assistant Attorneys General.



Stacie Kraly

### HONORARY BAR MEMBER Thomas Metzloff

Honorary membership is slated to be given to "deserving Alaskan citizens, not already a member of the Bar, and distinguished visitors who have contributed to the purposes of the Alaska Bar Association." This an honor the Board of Governors has only awarded two other times in our 71-year history.

Thomas earned his B.A. from Yale College in 1976 and his J.D. from Harvard Law School in 1979. He clerked on the Fifth Circuit and the U.S. Supreme Court, practiced civil litigation in Atlanta, and joined Duke Law School in 1985. He teaches civil procedure, ethics, and dispute resolution, along with a course on the American legal system for international LLM students. He previously served as senior associate dean for academic affairs and now serves on Duke's Academic Council executive committee and directs the Voices of American Law project.

Of particular interest to Alaskans, Thomas has served as faculty advisor to the Alaska Law Review since 1987 (Volume 4). In addition to publishing two issues annually on legal issues affecting Alaska, the Law Review produces a Year-in-Review, summarizing key decisions from Alaska state and federal courts. It also partners with the University of Alaska Anchorage Justice Center and the Alaska Bar Association to host a biennial symposium that brings together students, lawyers, academics, and judges to discuss pressing legal issues.

For nearly four decades, Thomas has guided students, supported scholarship, and helped shape generations of legal professionals. His leadership and mentorship have strengthened both the publication and Alaska's broader legal community, particularly in a state without its own law school.



Thomas Metzloff

### LAYPERSON SERVICE AWARD — Autumn Smith-Amy

The Layperson Service Award is given to a non-lawyer who has provided outstanding service to the Alaska Bar Association.

Autumn has devoted much of her professional and volunteer life to serving low-income and vulnerable communities. She truly lives a life of service.

Over the past eight years, Autumn has worked with ALSC in multiple capacities, including Community Justice Worker, Intake Specialist, and now Pro Bono Integration Manager. Across these roles, Autumn has consistently focused on improving access to justice, ensuring that individuals facing legal crises are treated with dignity, and helping Alaskans navigate complex systems with clarity and care. Her consistent presence at Alaska Bar Association clinics has made her a trusted and familiar support to countless Alaskans seeking help. For many individuals encountering the legal system for the first time Autumn is the first person who listens, explains, and reassures them that help is available.

In her current role, she prepares all case work for pro bono attorneys and supports them through their volunteer experience—both clerically and substantively. She helps individuals understand notices, prepares them for fair hearings, and supports legal appeals. Her guidance can mean the difference between stability and crisis.

Beyond ALSC, Autumn has contributed her time and energy to a wide range of Alaska-based public service organizations, including the Archdiocese of Anchorage-Juneau, the Alaska Native Justice Center, Beans Café, and the Alaska Native Heritage Center. She has also participated in numerous education and outreach events and legal clinics on behalf of ALSC. When Typhoon Halong survivors arrived in Anchorage, Autumn spent several days providing outreach about ALSC's disaster legal services to Western Alaska residents. She has served as a foster parent and operates Northwest Regional Relative and Kinship Providers. This work reflects her belief that strong communities are built by protecting families, honoring cultural ties, and advocating for systemic fairness.

Not only has she done exemplary work for the Alaska Bar Association, but her contributions uplift our entire community.



Autumn Smith-Amy

## LEGAL VOLUNTEERS HONORED FOR PRO BONO EFFORTS

Each year Alaska's pro bono service providers select the recipients of the annual Bryan P. Timbers pro bono awards.

### BRYAN P. TIMBERS PRO BONO LAW FIRM LIFETIME ACHIEVEMENT AWARD — Birch Horton Bittner & Cherot



Several attorneys from Birch Horton Bittner & Cherot have made a meaningful contribution to pro bono work supporting survivors of domestic violence and sexual assault through ANDVSA. Since 2024, attorneys Joe Towslee, Matt Widmer, and Mara Michaletz and joining in in 2025, Richard Moses have collectively contributed hundreds of hours of pro bono service, taking on cases that provide critical legal support to survivors across Alaska.

In addition, Birch Horton attorneys have actively volunteered at virtual and in-person free legal clinics sponsored by the Alaska Bar Association. Matt Widmer and Michelle Nesbett answered a total of fourteen client questions in 2025 on Alaska Free Legal Answers. Arina Filippenko also volunteered at the Disaster Legal Clinic, serving evacuees impacted by Typhoon Halong. Altogether, Birch Horton attorneys provided over 256 hours of pro bono service in 2025.

### BRYAN P. TIMBERS PRO BONO OUT OF STATE AWARD — Hans Huggler



Hans Huggler

Hans began volunteering for the ALSC pro bono program in 2021 as an attorney in Lane Powell's Anchorage office. Hans provided full-representation and limited scope advice and counsel in a wide variety of cases involving consumer protection, foreclosure, insurance, and other matters. Upon leaving Lane Powell, Hans relocated internationally and started his own practice, Borealis Benefits Law.

Despite leaving Alaska, Hans did not leave his pro bono commitments or Alaska behind and continued volunteering for ALSC. When Alaska's SNAP crises hit, Hans began assisting clients with Fair Hearing requests. Between early 2023 and today, he has assisted well over 200 ALSC clients pursue urgently needed benefits.

Alongside his work as an attorney, Hans is a paid-on-call firefighter in his local community and volunteers with youth soccer and community radio organizations. His work has been published in the SMU Journal of Air Law & Commerce, McGill's Annals of Air Law, and the Lewis & Clark Law Review.

### BRYAN P. TIMBERS PRO BONO PRIVATE INDIVIDUAL AWARD — Jessica Falke



Jessica Falke

Jessica became a member of the Alaska Bar in 2022. In her first five years of practice, she has demonstrated that a meaningful commitment to pro bono service can be fully integrated into a demanding legal career, while also balancing the responsibilities of family life. She is a devoted mother of two children, ages 13 and four, and in 2025, she became a partner at Nyquist Law Group. Last year she had 64 substantive trial or evidentiary hearing days and had trials in Ketchikan, Sitka, Fairbanks, Palmer, Anchorage, Kenai, and Homer. Outside of her legal work, she serves

as a "doggie doula," and is passionate about dog rescue, subsistence fishing, and moose hunting.

In 2025 alone, Jessica contributed 108 hours of pro bono service through

our Qualified Legal Service Providers and through Alaska Bar-sponsored legal clinics. She has earned a reputation among these organizations for her consistent willingness to step forward when assistance is needed.

In June 2025, following the transfer of immigrant detainees from an ICE facility in Tacoma, Washington to the Anchorage Correctional Complex, Jessica responded to an urgent call from the ACLU of Alaska. Despite having no prior experience in immigration law, not only did she volunteer to interview detainees and prepare affidavits documenting conditions of confinement, she conducted more detainee interviews than any other volunteer.

Jessica was among the top three volunteers in 2025 on Alaska Free Legal Answers, despite joining the program midyear. She answered 22 civil legal questions online from low-income Alaskans across the state. She has also accepted both pro bono and low bono family law cases through the ANDVSA, and has volunteered at multiple free legal clinics, including the Alaska Bar's MLK Day Legal Clinic and Spring Clinic. In addition to her direct service, she joined the Pro Bono Service Committee in 2025.

### ALASKA BAR FOUNDATION JAY RABINOWITZ PUBLIC SERVICE AWARD — Susan Orlansky



Susan Orlansky

The Jay Rabinowitz Public Service Award is given out each year by the Board of Trustees of the Alaska Bar Foundation. The award is given to a well-deserving individual whose life work has demonstrated a commitment to public service in the State of Alaska.

Susan Orlansky is one of Alaska's most accomplished appellate attorneys, whose career reflects both exceptional professional achievement and an unwavering commitment to service. Since moving to private practice in 1992, she has built a remarkable career spanning criminal defense, complex civil litigation, and appellate advocacy, representing a wide range of clients—from individuals and small businesses to major industries—across all levels of Alaska's courts.

Beyond her legal practice, Susan has dedicated countless hours to public service, including her volunteer work as a staff attorney with the ACLU of Alaska and her extensive pro bono efforts. In 2025 alone, Susan did 855 hours of pro bono work with our Qualified Legal Service Providers making her the only active attorney, to our knowledge, eligible for reduced license fees under our bylaws.

And in a full circle moment, as one nominator wrote, "Justice Jay Rabinowitz set Susan on her public service path in Alaska. He encouraged her to apply for a central staff attorney job at the newly formed Alaska Court of Appeals. Over the last four decades, Susan has dedicated many thousands of hours to improving the administration of justice in Alaska, and to serving the poor, the oppressed, and the marginalized: indigent criminal defendants, disadvantaged people seeking necessary medical care, and those finding it challenging to exercise their right to vote." Susan's career, service, and impact embody the very spirit of this award.

### HISTORIANS COMMITTEE AWARD JUDGE NORA GUINN AWARD — Alex Cleghorn



Alex Cleghorn

The Judge Nora Guinn Award is presented to a person who has made an extraordinary or sustained effort to assist Alaska's rural residents, especially its Native population, overcome language and cultural barriers to obtaining justice through the legal system. Selection is designated to the Historians Committee.

Alex Cleghorn is a partner at Landy Bennett Blumstein LLP. Prior to his transition this past year, he served as the COO for the Alaska Native Justice Center. Alex has dedicated his career to partnering with tribes to exercise sovereignty and ensure public safety in rural communities. Under his leadership, ANJC started representing Tribes in state court when they got their tribal court orders registered. This registration is critical to ensuring that a tribal protective order is enforced by state troopers, meaning additional safety for Alaska Native families who are experiencing domestic violence. Expanding Legal Representation for Tribes Under Alex's leadership, ANJC launched its

sovereignty and ensure public safety in rural communities. Under his leadership, ANJC started representing Tribes in state court when they got their tribal court orders registered. This registration is critical to ensuring that a tribal protective order is enforced by state troopers, meaning additional safety for Alaska Native families who are experiencing domestic violence. Expanding Legal Representation for Tribes Under Alex's leadership, ANJC launched its

Tribal Indian Child Welfare Act Representation Program, ensuring that more Alaska Tribes have legal representation in child welfare cases in state court. This gap-filling program has been instrumental in advocating for tribal sovereignty and the protection of Alaska Native children.

Alex is also responsible for establishing ANJC's Law Clerk and Law Fellowship Programs to provide Alaska Native law students and recent graduates with hands-on experience in Native law. Alex directed that ANJC launch Alaska Native Law and Culture Day, a first-of-its-kind initiative designed to provide Alaska-based law clerks with a deeper understanding of Alaska Native history, governance, and legal structures. This program was expanded in 2025 and in partnership with the Alaska Bar Association, the Law and Culture Day CLE series was awarded the 2025 LexisNexis Community & Education Outreach Award in the category of bar associations with fewer than 18,000 members.

Alex's teaching extends beyond his work at ANJC. He is a volunteer with the Color of Justice Program and he teaches Tribal Courts and Alaska Native Rights at the University of Alaska Anchorage. He even has had the opportunity to teach about Judge Nora Guinn in his classes.

# Bar Launching Mentorship Program

By Michael McLaughlin  
and Bryan Schroder

As we all discovered when we started practicing law, law school does not always teach you everything you need to know about the day-to-day practicalities we immediately face. Usually, we end up in more of an apprenticeship, either with a firm or public agency or a clerkship, where we ultimately start to learn the things they did not teach us in law school. However not everyone has the same resources available to them in starting their law practice. Maybe they started as a sole practitioner or were thrown in the deep end of the pool by overworked supervising attorneys who do not have the time to teach and mentor a newer attorney. Maybe an attorney desires to move into an area of law with which they have no prior experience or education. These situations can be daunting at best

for anyone, but especially a newer practitioner.

After long experience on the Lawyer's Assistance Committee (LAC) dealing with alcohol, substance abuse and mental health issues affecting our fellow Bar members, some patterns have become distressingly common. While the practice of law is inherently stressful, trying to practice without guidance and mentoring can lead to overwhelming levels of stress for a newer practitioner, which all too frequently results in a mental health crisis, or self-medication with alcohol or drugs. The isolation that comes with these issues is a recipe for problems, both professionally and personally. We have seen bright young practitioners end up leaving the practice entirely because of these problems, or leaving the state, or both. This is a loss for both our state and the future of our legal community, not to mention the impact on the member personally.

In collaboration with the Law

Related Education Committee (LREC) of the Bar, the LAC has been seeking ways to address these issues proactively. What the LAC and the LREC are proposing is the establishment of a mentorship program primarily intended to benefit younger attorneys by trying to fill some of the gaps traditional legal education misses. We propose to do this by using our experienced Bar members as mentors for younger members who would like to learn about the practice directly from members who have navigated the particular stresses and challenges of the practice. It is a way for our more experienced members to give back to those who mentored them, or to help the newer members avoid some of the pitfalls they may have experienced.

This new mentorship program will be an experiment. However, we have based our program on successful programs in other states, most notably Colorado. We are hoping

that enough experienced members will be willing to serve as mentors, and that enough younger members will find potential value in the program to participate. We are all busy, but we always have time for our priorities and if we make this one, it will be successful.

The program works like this. First, we are seeking potential mentors who would be willing to work with a newer attorney for a period of at least six months, which can be extended if both the mentor and mentee agree. We would expect that for the first six months, the mentor and mentee would meet at least once per month, although they can meet more or less if they jointly agree. The subjects of the mentorship will largely be defined by what the newer member identifies as needs, but can include such subjects as how to prioritize workloads for the greatest efficiency and the lowest stress, how to approach supervising attorneys with issues of concern, general career development advice, maintaining a healthy work-life balance, as well as any substantive or procedural advice on specific practice areas, among other potential topics. The application to be a mentor seeks to identify that person's strengths to help us in matching a mentee to an appropriate mentor.

Once we have a sufficient pool of mentors, we will solicit interest from mentees. When a mentee fills out our form requesting a mentor, we will then try to match a mentor to that mentee. Once a match is made, and each of them has agreed to go forward, both the mentor and mentee will be expected to review materials we provide about how to make the mentorship as successful as possible. At the conclusion of the mentorship period, both the mentor and the mentee will have an opportunity to give us feedback about the program.

How much experience do you need to become a mentor? We are seeking attorneys with at least ten years of experience in the practice and who are in good standing with the Bar, either as active or retired members. Is there a cutoff for how long a potential mentee has been practicing? No, but this program is designed for newer members of the Bar with under five years of experience as an attorney or for more seasoned attorneys who are going through a career transition.

We have discovered in working on the LAC and the LREC that the process of assisting other members of the Bar is very therapeutic for ourselves, forcing us to consider how we can improve ourselves in all the areas we may be expected to mentor someone else about. We strongly encourage experienced attorneys to agree to participate as mentors, and for newer practitioners needing a little extra to give the program a try. More information about the program, including links to sign up, are available on our website here: <https://alaskabar.org/for-lawyers/mentor/>. We hope this will help make learning the practice of law in Alaska a little less of a black box and a little more of a positive experience than it may be now.

Michael McLaughlin is the chair of the Lawyers Assistance Committee. Bryan Schroder is the chair of the Law Related Education Committee.

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# How can I build a good relationship with my paralegal?

By Paralegal Kyla Guzman and Attorney Carolyn Nicole (“Nicole”) Daussin

## The Beginning

My name is Carolyn Nicole Daussin (aka Nicole) and I started The Law Office of Nicole Daussin, Inc., in February 2022 as a solo practitioner. The law office just celebrated its fourth birthday, and I have had time to reflect about my journey not only practicing law, but as a manager and a leader.

In Alaska, it is difficult to find excellent paralegals. One day I found myself perusing Alaska LinkedIn paralegal profiles and decided to be bold and slide into the DMs of several highly qualified local paralegals. Kyla called me the next day, and soon began working for The Law Office of Nicole Daussin, Inc. I feel so lucky that Kyla responded to my message and decided to take a chance on my firm. With only five years of experience compared to Kyla’s ten, I was at first, a bit nervous for Kyla to start since I wanted to be sure I was a fair boss, offering not only a good work environment but also good opportunities to learn and grow.

Now that I have shared a bit of my journey, it’s time for Kyla to share hers!

## Kyla’s Journey

My first paralegal job was roughly 10 years ago in a very small office in Corpus Christi, Texas, there was one attorney, myself, and an office manager who also served as the senior paralegal. That environment shaped my understanding of what allows paralegals to thrive and, just as importantly, on the contrary, what can quietly undermine even the most capable support staff.

One of the greatest strengths of that role was autonomy. I was able to work cases from start to finish, meet with clients to review discovery, and manage my workload without being micromanaged. I never had to take work home, and I had

the ability to close my office door and concentrate when needed. The dress code was relaxed unless we were in court or meeting with clients, which may seem minor but contributed to a comfortable, productive environment. Most importantly, I took pride in supporting an attorney with an exceptional success rate. Knowing that the attorney won the vast majority of cases made me feel that my work mattered and that the effort I put in directly contributed to those outcomes.

That job also made clear what attorneys should avoid. A lack of direction and limited communication can leave paralegals unsupported, even when they are skilled and motivated. When attorneys are difficult to reach, disengaged from the administrative realities of their practice, or unwilling to answer questions, the burden shifts entirely to support staff. When workloads are not shared and guidance is unavailable, paralegals are left managing enormous responsibility without adequate support. Professional boundaries matter as well. Favoritism—whether intentional or perceived—erodes morale, trust, and teamwork, and ultimately impacts the stability of the firm.

At the same time, that experience reinforced something attorneys often underestimate: Paralegals play a critical role in client retention and firm reputation. Even when my work was not recognized internally, clients noticed. They saw the consistency of communication, the persistence required to push cases forward, and the effort it took to get matters scheduled with courts or mediators. They recognized who prepared and filed the documents, who followed up when timelines stalled, and who treated their case as more than just another file. That level of care builds trust, and trust drives repeat business, referrals, and long-term credibility. Paralegals are often the face and heartbeat of the client experience, and how they are supported internally is reflected out-

ward in how clients view the firm as a whole.

From a broader perspective, being a paralegal is a career with longevity and real growth. Law is law. Once you learn it, you build on it. Expectations do not constantly reset, and mastery actually means something. Paralegals can become experts, then pivot into new areas of law when they want a challenge without starting over. Attorneys who recognize this and invest in their paralegals benefit from experience, consistency, and institutional knowledge that cannot be easily replaced.

So, what should attorneys prioritize? A staff that supports and works together. Open and responsive communication. Clear expectations and clear direction. Organization and accountability on both sides. Trust. Paralegals do their best work when they are trusted, not micromanaged—when they have space to focus, flexibility when possible, and incentives that acknowledge their contributions. Allowing paralegals to attend hearings or trials, offering telework options, and recognizing effort goes a long way. Even small things—like a relaxed dress code or the ability to listen to music while working—can significantly improve productivity and morale.

Finally, every attorney is different, and paralegals understand that better than anyone. I have now worked in six different legal positions, including small firms, nationwide firms and both state and federal level positions. Good paralegals adapt constantly to different styles, expectations, and priorities. Deadlines and strategies can change in an instant, and flexibility is part of the job. But that adaptability only works in an environment where expectations are communicated and questions are welcomed. When attorneys and paralegals operate as true partners, the firm runs more smoothly, clients are better served, and the reputation of the practice speaks for itself.

## The Future

Ultimately, it is called the “practice” of law because, as attorneys and paralegals, we are always practicing. The way we were when we first started does not compare at all to where we are today, and a large part of that growth comes from learning from each other.

*Kyla is a paralegal with The Law Office of Nicole Daussin, Inc., and Nicole is the founding attorney of The Law Office of Nicole Daussin, Inc. Both reside in the Palmer/Wasilla area.*

## New Anchorage Law Library Hours

By Susan Falk

From November 2025 through April 2026, the Anchorage Law Library conducted a pilot project to offer morning hours in our Reading Room. During this period, we opened at 8:00 am two days a week, increasing our total open hours by eight hours per week. We found that the hours from 8:00 am to 10:00 am were infrequently used, and the vast majority of our morning patrons visited the library after 10:00 am. In order to provide the best service possible, we have adjusted our hours to open at 10:00 am Monday through Thursday. This new schedule maintains the total number of open hours, abandons the little-used early hours, and increases access during the time periods people are using the library.

During the pilot, we also experimented with an opportunity for users to make appointments to use the library during the hours that remote services are available. This option was only used a few times, so we are still working on defining the parameters. Appointments must be made in advance and will be accommodated based on staff availability. During appointments, library users are expected to be self-sufficient, as

reference services will be limited and staff will be working on other projects.

As such, starting May 3, the Anchorage Law Library has been opening at 10:00 am Monday through Thursday.

Our new in-person hours in Anchorage are:

Monday: 10:00 am – 6:00 pm  
Tuesday: 10:00 am – 6:00 pm  
Wednesday: 10:00 am – 6:00 pm  
Thursday: 10:00 am – 6:00 pm  
Sunday: 12:00 pm – 5:00 pm  
And by appointment in advance

Fairbanks and Juneau hours are unchanged:

### Fairbanks

Monday – Thursday: 8:00 am – 2:00 pm

### Juneau

Monday – Thursday: 10:00 – 4:00 pm

We continue to offer email and phone services Monday through Thursday, 8:00 am to 6:00 pm, Friday, 8:00 am to 4:00 pm, and Sunday, 12 pm to 5:00 pm.

If you have questions, please contact us.

Email: [library@akcourts.gov](mailto:library@akcourts.gov)

Law Library Helpline: 907-264-0856 or 888-282-2082

*Susan Falk is the Alaska law librarian.*




**ALASKA BAR ASSOCIATION**

**AK Bar**

**Mentorship Program**



The Lawyers’ Assistance Committee and Law Related Education Committee of the Alaska Bar Association established the Mentorship Program to help build connections and support within the Alaska Bar. The Alaska Bar will match interested mentees with mentors. It is then up to the mentee and mentor to meet. The initial mentorship period is 6 months, but the mentor and mentee may agree to continue their relationship.



Sign up to be a mentor here!

Follow us on

Facebook & Instagram



ALASKA BAR  
ASSOCIATION

# Membership Years

## 25 Years of Bar Membership (2001-2026)



Anne Applegate



Landa Baily



Jeffrey Barber



Rebecca Bernard



Richard Birmingham



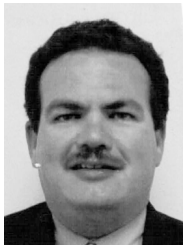
Ann Black



Louis Breuer



Patty Burley



Glenn Carpenter



Italia Carson



Thomas Cary



Christopher Causey



Teresa Clemmer



George  
Cruickshank



Lars Danner



Erin Egan



Justin Eschbacher



Ethan Falatko



Marissa Flannery



Mark Fucile



Heather Gardner



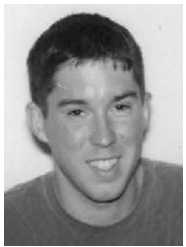
Josie Garton



Dean Gates



Raymond Goad



Michael Graper



Lisa Hamby-Krynicky



Merrilee Harrell



Daniel Harris



Eric Hedland



Benjamin Hofmeister



Lindsey Holmes



Rebecca Karstetter



Daniel Kent



Maria Lisowski



Brian Litmans



Andrew Mack



Jerald Marcey



Shannon Martin



J. Trevor McCabe



Deirdre McDonnell



Paul McFarlane



Dana Merriman



Scott Oravec



A. Krisan Patterson



Jessica Perkins



Aleta Pillick



J. Martin Robertson



Roxanne Rohweder



Jack Schmidt



Kassia Siegel



Jason Skala



Rebecca Skinner



Steven Skrocki



Russell Smoot



Gary Soberay



Carmen Spiropoulos



Andrea Steward



Brian Stibitz



Z. Kent Sullivan



Christopher Taylor



Christina Teaford



Thomas Temple



Heather Timmerman



Sara Trent



ALASKA BAR  
ASSOCIATION

# Membership Years

25 Years of Bar Membership (2001-2026)



Jeffrey Vance



Jose Dino Vasquez



Thomas Waller



Diane Busch Walsh



Danna White

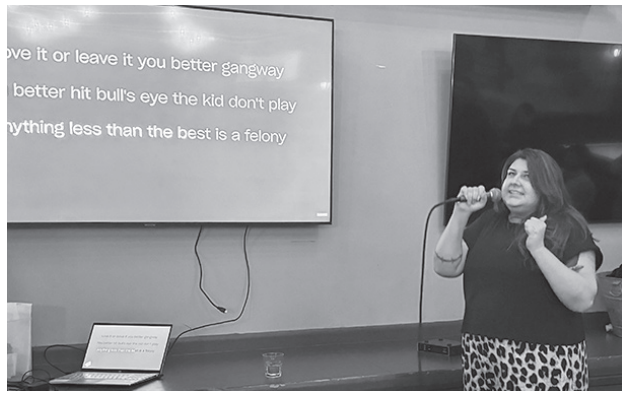


Michael Zechman

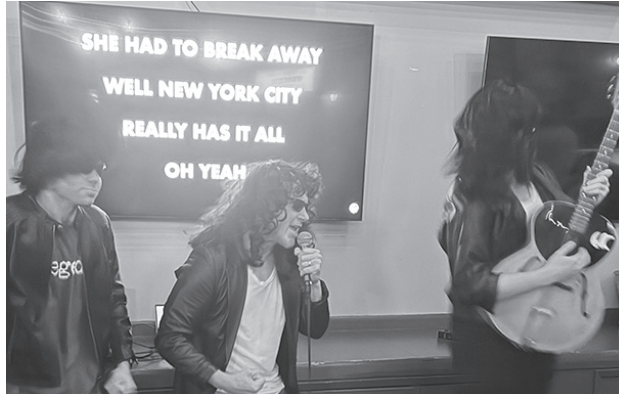
**NOT PICTURED**

Anthony Banker  
Wade Schuster  
Kim Stone

## Karaoke and Trivia Take Center Stage at the JBA Afterparty



At the JBA Afterparty during Convention, Jessica Falke took the mic and brought the house down with “Ice Ice Baby.”



Justice Pate and the law clerks fully committed to the afterparty karaoke scene with a Ramones-inspired performance of “Sheena Is a Punk Rocker.” Leather jackets, wigs, air guitar, and punk rock energy included.



The JBA Afterparty kicked off with trivia hosted by Professor David Noon, bringing together convention attendees for a night of laughs, friendly competition, and a little Juneau brainpower.

By Kara Bridge

The social side of the 2026 AK Bar Convention proved to be just as memorable as the CLEs, with members packing the opening reception and Juneau Bar Association Afterparty for an evening full of laughter, music, and friendly competition.

The night kicked off with a lively trivia contest led by David Noon, professor of history at UAS, with winners taking home Bar Convention swag from years past along with a little Juneau flair. From there, the energy only grew as karaoke took center stage.

Justice Pate and his law clerks opened the karaoke lineup in unforgettable fashion, taking the stage in glam rocker wigs, leather jackets, and sunglasses for a spirited performance of the Ramones’ “Sheena Is a Punk Rocker.” Danielle Bailey followed with Salt-N-Pepa’s “Shoop,” quickly turning the room into a singalong.

Other crowd favorites included Grace Lee’s performance of “Semi-

Charmed Life” by Third Eye Blind, Leah Haskell-Cummins’ rendition of “Dancing Queen,” Jacyie Thamert’s enthusiastic take on “Man! I Feel Like a Woman!,” and Jessica Falke bringing the house to life with “Ice Ice Baby.”

Convention attendees and organizers alike agreed the social events were among the highlights of the week. According to Bar staff, the only complaint they received about the JBA Afterparty was that it was “too much fun.”

Special thanks goes out to everyone who helped make the Afterparty a success, including Kate Higgins and Susan Cox for securing the evening’s door prizes, Professor David Noon for hosting trivia, and “the Ramones” for launching karaoke with a bang.

If this year’s convention social events were any indication, Anchorage has some tough competition to live up to when the convention heads there in 2027.

*Kara Bridge is the CLE Director of the Alaska Bar Association.*

## Dance Dance Constitution: A Bar Convention Moment to Remember

By Lea McKenna

Bar conventions are known for strong CLEs and thoughtful discussion, with the occasional standout moment. This year’s Alaska Bar Convention delivered all three when a law clerk turned a U.S. Supreme Court review into an unforgettable performance.

During Professor Laurie Levenson’s annual case review, each decision was paired with a themed song—but no one expected a live interpretive dance. Early on, James Cole, a law clerk for Judge Amy Mead in Juneau, volunteered to join in. What began as a one-song bit became a highlight of the session, as he danced to each track, from “I Shot the Sheriff” to “The Room Where It Happens,” bringing humor and energy to the room.

We caught up with Cole afterward to talk about his background, the experience, and what’s next after his clerkship.

**Hometown**  
Seattle, Washington

**Law School**  
Lewis & Clark Law School

**Be honest. When you first volunteered, did you think you were signing up for one song...**



James Cole and Presiding Judge Amy Mead. Photo credit: James Cole.

**or an entire appellate dance marathon?**

To be totally clear, I did not know the scope of what I volunteered for. Danielle Bailey told me, in passing, about how Professor Levenson plays songs to tee up each case she talks about during the yearly review. She

said Professor Levenson would “really love” if people danced in the aisles and I said I would pitch in when Danielle asked if I could get things started. I had no idea I would be doing anything Bar Rag-worthy. I knew there would be more than one song, though.

**Why did you decide to clerk in Alaska?**

I applied to clerk in Alaska on a whim. The conversations I had with Justice Pate and Judge Mead during the interview process really made me excited about the idea of

moving to Alaska, which I am forever grateful for.

**What are your professional plans after your clerkship ends?**

I have accepted an offer to work with the amazing team at the City & Borough of Juneau after my clerkship ends.

**How do you want to impact the legal community in Alaska?**

I want to lead an ethical practice and encourage others to do the same.

*Lea McKenna is the Pro Bono Director of the Alaska Bar Association.*



## 2027 AK BAR CONVENTION

April 28 - 30

Dena’ina Convention Center, Anchorage

Hotel Room Block:

**Marriott Anchorage Downtown**

<https://alaskabar.org/cle-mcle/annual-convention/>



ALASKA BAR  
ASSOCIATION

# Membership Years

## 50 Years of Bar Membership (1976-2026)



James Baldwin



Joel Bennett



Mark Bledsoe



Ronald Bliss



Thomas Boedeker



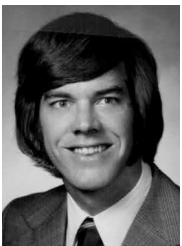
Bruce Botelho



Michael Bragg



James Brennan



Roger Brunner



Cynthia Christianson



Stephanie Cole



Stephen Conn



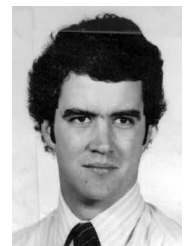
James Crane



Kenneth Cusack



Larry Davidson



Douglas Davis



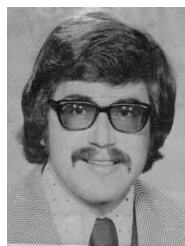
Elliott Dennis



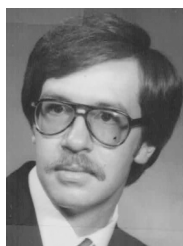
James DeWitt



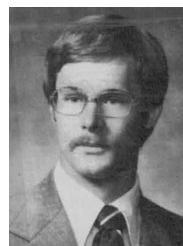
Fredric Dichter



Dale Dolifka



John Duggan



Charles Dunnagan



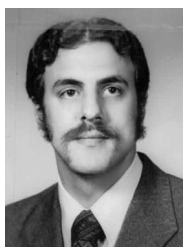
Joseph Evans



Jeffrey Feldman



Robert Frenz



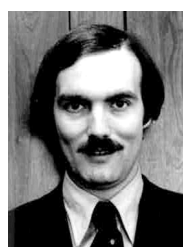
Peter Froehlich



Robert Griffin



Robert Groseclose



John Hanley



Kathleen Harrington



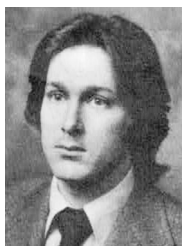
Shelley Higgins



Deborah Holbrook



Charles St. George  
Holden



Jeffrey Jefferson



Eric Jensen



Brian Johnson



Carol Johnson



Calvin Jones



Carolyn Jones



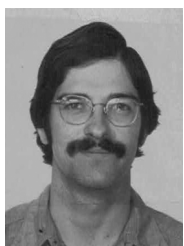
Joseph Kalamarides



Henry Clay Keene



Leonard Kelley



Thomas Klinkner



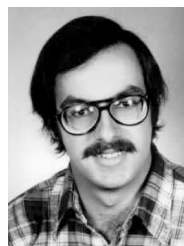
G. Thomas Koester



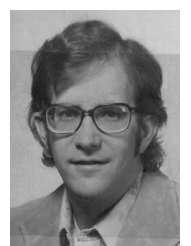
Leonard Linton



Robert Manley



Timothy A  
McKeever



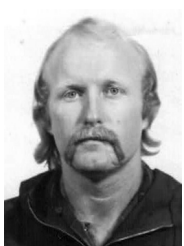
Noel McMurtry



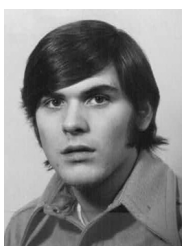
Donald Mitchell



John Murtagh



Bradley Owens



John Peterson



Timothy Petumenos



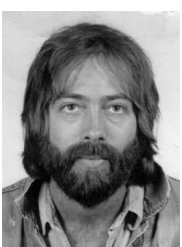
Elizabeth Ratner



J. Michael Robbins



John Roberts



David Rogers



Stephen Routh



William Satterberg



William Schendel



Cameron Sharick



Anthony M Sholty



Niesje Steinkruger



David Stewart



ALASKA BAR ASSOCIATION

# Membership Years

## 50 Years of Bar Membership (1976-2026)



Douglas Strandberg



John Suddock



Gordon Tans



Sue Ellen Tatter



Valerie Therrien



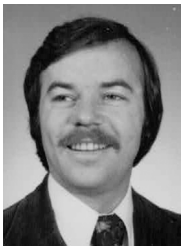
Janalee Tierney



George Trefry



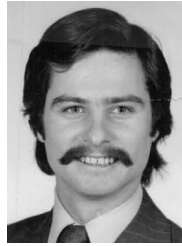
Howard Trickey



Jeffrey Van Abel



Louis Veerman



Paul Wilcox



Joseph Wilson



Larry Wood

NOT PICTURED:  
Kenneth Rosenstein



Celebrating our 50-Year Members at the 2026 AK Bar Convention and honoring decades of service to Alaska's legal community. Left to right: Peter Froehlich, James Baldwin, Howard Trickey, Bruce Botelho, Deborah Holbrook, Anthony Sholty, Roger Brunner, and Joel Bennett. Photo by Wild Iris Studio.



ALASKA BAR ASSOCIATION

# Membership Years

## 60 Years of Bar Membership (1966-2026)



Peter Bartlett



David Call



Sheila Gallagher



Lloyd Hoppner



**AK Bar CLE**

Let's Create, Learn, Elevate together!

REGISTER @

[WWW.ALASKABAR.ORG/CLE-MCLE/MEMBER-EVENTS/](http://WWW.ALASKABAR.ORG/CLE-MCLE/MEMBER-EVENTS/)

**Wednesday, June 17** | Historians Committee: The 59ers Strike It Rich!  
12:00 – 1:00 p.m. | AK Bar Zoom | 1.0 General CLE Credit

**Wednesday, June 24** | Law Practice Succession Planning – Preparing for the Unexpected  
9:00 – 11:00 a.m. | AK Bar Zoom | 2.0 Ethics Credits

**Wednesday, August 12** | FBA – Alaska Chapter District Conference 2026  
9:00 a.m. – 4:30 p.m. | Hotel Captain Cook | TBD Credits

**Thursday, September 3** | The Business of Running and Starting a Law Firm  
12:00 – 1:00 p.m. | AK Bar Zoom | 1.0 General CLE Credit

**Wednesday, September 9** | Civil Rule 16.2  
12:00 – 1:00 p.m. | AK Bar Zoom | 1.0 General CLE Credit

**Tuesday, September 15** | Killer Correspondence!  
12:00 – 1:00 p.m. | AK Bar Zoom | 1.0 General CLE Credit

**Wednesday, October 14** | Alaska Law Review 2026 Symposium  
Wednesday, November 4 | The Human Edge: Mastering Emotional Intelligence in the AI Age 12:00 – 1:00 p.m. | AK Bar Zoom | 1.0 Ethics Credit

**Wednesday, December 9** | Ethics with Stuart Teicher  
9:00 a.m. – 12:15 p.m. | AK Bar Zoom | 3.0 Ethics CLE Credits

**Thursday, December 17** | CLE Rerun: Free Ethics: The 2029 Legal Ethics Certification Exam  
1:00 – 4:15 p.m. | Alaska Bar Association Office | 3.0 Ethics CLE Credits

**Tuesday, December 29** | CLE Rerun: Free Ethics: The 2029 Legal Ethics Certification Exam  
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Lawyers' Assistance Committee  
Alaska Bar Association

# Alaska Bar Association Ethics Opinion No. 2026-1

## What to Disclose (and Not to Disclose) to a Court When Seeking to Withdraw from a Representation

### ISSUE PRESENTED

Lawyers who wish to terminate a representation may be required to file a motion and demonstrate “good cause” why the representation should be terminated. When explaining these reasons, however, lawyers have an ethical duty to protect the client’s confidences and secrets. What information related to the representation may and may not be disclosed to the tribunal in these circumstances?

Consider the following scenario: Lawyer is defending Client in a lawsuit by a contractor. The contractor alleges that Client failed to pay him for services rendered and misled him about the scope of the work. Client’s credibility will be key to the defense in this bench trial. Unfortunately, the working relationship between Lawyer and Client has been steadily deteriorating as the case has progressed. Client has failed to pay multiple invoices (despite warnings from Lawyer that this may necessitate Lawyer’s withdrawal). Client now demands that Lawyer present as evidence a contract that purports to cover the underlying transaction, but Client confides to Lawyer that the contract is a fake. Lawyer decides this is the final straw and files a motion to withdraw from the representation, but Client opposes the motion. What, if anything, may Lawyer tell the court in the original motion? If the court asks for additional detail about why withdrawal is appropriate here, what may the Lawyer say in response?

### CONCLUSION

A lawyer has a duty to protect her or his client’s confidences and secrets under Rule 1.6, including when the lawyer notifies (or requests permission from) a tribunal regarding a withdrawal from that representation. Absent informed client consent or application of one of Rule 1.6’s exceptions, the lawyer must therefore take care to limit any discussion of information related to the representation so that any such confidence or secret is protected to the extent possible.

In the hypothetical above, Lawyer’s original motion seeking to withdraw from the representation should simply state that professional considerations or irreconcilable differences require termination of the representation. In response to the court’s follow-up inquiry, Lawyer may disclose information about the unpaid invoices to the extent Lawyer reasonably believes the disclosure is necessary to accomplish the withdrawal. This may necessitate filing this information under seal in order to minimize disclosure. With respect to Client’s insistence that Lawyer present false evidence, Lawyer should not disclose this confidential communication unless ordered to do so.<sup>1</sup> Lawyer should first remind the court that the lawyer’s statement that professional considerations require termination of the representation should ordinarily be accepted as sufficient, particularly when Lawyer is bound to keep confidential the facts that would constitute an explanation for the withdrawal. If the court insists on additional information, Lawyer should assert nonfrivolous arguments as to why the information is protected by the attorney-client privilege or other applicable law. If the court rules that the information must be disclosed, Lawyer must consult with Client about the possibility of an appeal before disclosing the information.

### APPLICABLE RULES

Rules 1.16, 1.6, 3.3, 1.4.

### ANALYSIS

A lawyer who wishes to withdraw from the representation of a client may be required to file a motion requesting permission from the court for that withdrawal.<sup>2</sup> This is generally a “non-event” if the client consents to that action (especially if this occurs early in the case and/or other counsel is available to substitute into the case). If the client has declined to consent to that withdrawal, however, the court may still grant that motion for “good cause.”<sup>3</sup> This generally requires the lawyer to provide the court with some valid reason for the withdrawal request. This Opinion addresses what information may and may not be disclosed to the court when seeking

to demonstrate that good cause exists for a withdrawal, consistent with the lawyer’s ethical obligations.

There are many reasons why withdrawal from a representation may be completely valid. Sometimes withdrawal is mandatory if, for example, the representation will result in the lawyer’s violation of the rules of professional conduct.<sup>4</sup> Other times withdrawal is permissive and justifiable if, for example, “the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client.”<sup>5</sup> When the lawyer is representing the client in pending litigation, court approval or notice to the court is generally required in order to effectuate the withdrawal.<sup>6</sup> The Commentary to Rule 1.16 identifies an ethical problem the lawyer may face when providing such notice:

Difficulty may be encountered if withdrawal is based on the client’s demand that the lawyer engage in unprofessional conduct. The court may request an explanation for the withdrawal, while the lawyer may be bound to keep confidential the facts that would constitute such an explanation. The lawyer’s statement that professional considerations require termination of the representation ordinarily should be accepted as sufficient. Lawyers should be mindful of their obligations to both clients and the court under Rules 1.6 and 3.3.

To aid both lawyers and judges in addressing these issues, this Opinion describes the lawyer’s obligations to clients and the court under Rules 1.6 and 3.3. The Opinion then provides guidance about how lawyers should (and, in some cases, must) address these issues when explaining to a court why withdrawal is appropriate.

### Rule 1.6 – The Lawyer’s Duty to Preserve a Client’s Confidence or Secret.

The lawyer’s duty of confidentiality is described in Rule 1.6(a):

A lawyer shall not reveal a client’s confidence or secret unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation and disclosures permitted by paragraph (b) below or Rule 3.3. For purposes of this rule, “confidence” means information protected by the attorney-client privilege under applicable law, and “secret” means other information gained in the professional relationship if the client has requested it be held confidential or if it is reasonably foreseeable that disclosure of the information would be embarrassing or detrimental to the client. In determining whether information relating to representation of a client is protected from disclosure under this rule, the lawyer shall resolve any uncertainty about whether such information can be revealed against revealing the information.

Lawyers therefore must not disclose a client’s “confidences” or “secrets” unless: (1) the client gives informed consent;<sup>7</sup> (2) such disclosure is impliedly authorized to carry out the representation (e.g., admitting undisputed facts); (3) one of the exceptions in Rule 1.6(b) applies (e.g., complying with a court order); or (4) Rule 3.3 is triggered (discussed below).<sup>8</sup>

It is important to note that Rule 1.6’s prohibition applies to disclosure of a client’s confidences or secrets to any third party, including a court.<sup>9</sup> Absent consent or one of the other exceptions noted above, this restriction impacts what a lawyer can and cannot disclose as part of any motion seeking to establish good cause for withdrawing from a representation.

### Rule 3.3 – Candor Toward the Tribunal.

“A lawyer acting as an advocate in an adjudicative proceeding has an obligation to present the client’s case with persuasive force. Performance of that duty while maintaining confidences and secrets of the client, however,

*Continued on page 23*

### NOTICE OF PUBLIC DISCIPLINE

By order of the Alaska Supreme Court,  
entered March 5, 2026

**DAVID M. FREEMAN**  
Member No. 7808066  
Anchorage, Alaska

has been placed on interim suspension from the practice of law after being convicted of felony driving under the influence, and will remain suspended until further order of the court.

Effective March 5, 2026

Contact the Alaska Bar Association  
for more information.

Published by the Alaska Bar Association,  
840 K Street, Suite 100, Anchorage, Alaska 99501  
Pursuant to the Alaska Bar Rules

### NOTICE OF SUSPENSION

By order of the Alaska Supreme Court,  
entered April 10, 2026

**JORY KNOTT**  
Member No. 2305057  
Anchorage, Alaska

is suspended from the practice of law for  
6 months  
effective January 23, 2026 (retroactive).

He must meet specified conditions  
to seek reinstatement.

Contact the Alaska Bar Association  
for more information.

Published by the Alaska Bar Association,  
840 K Street, Suite 100, Anchorage, Alaska 99501

# Alaska Bar Association Ethics Opinion No. 2026-1

Continued from page 22

is qualified by the advocate's duty of candor to the tribunal.<sup>10</sup> Rule 3.3 thus imposes a variety of affirmative duties on lawyers when communicating with the court, including the duty to disclose a client's confidences or secrets under certain circumstances. Put differently, the lawyer's duty to protect the client's confidences and secrets is necessarily subservient to the lawyer's duty not to mislead the court.

This duty comes in several forms. For example, a lawyer has a duty to correct a false statement of material fact that was previously made to the court.<sup>11</sup> The lawyer also has a duty to take reasonable and timely remedial measures if she or he learns that the lawyer's client (or the lawyer or a witness called by the lawyer) offered false material evidence to the court. This can include disclosure to the court, if necessary.<sup>12</sup> Likewise, if the lawyer knows that her or his client plans to engage in criminal or fraudulent conduct related to an adjudicative proceeding, the lawyer may also be required to disclose that to the court.<sup>13</sup>

## What Are Appropriate Disclosures in a Motion Seeking to Withdraw from a Representation?<sup>14</sup>

If a lawyer is required to demonstrate "good cause" for seeking to withdraw from a representation, the lawyer has several options for satisfying that demonstration without violating Rule 1.6's duty of confidentiality.

First, to state the obvious, not all reasons for withdrawing from a representation implicate Rule 1.6. A lawyer is free to disclose to the court that the lawyer's own physical or mental impairment (e.g., a recent surgery) materially impairs the lawyer's ability to represent the client,<sup>15</sup> since this disclosure does not include any secret or confidence of the client.

Second, if the lawyer has an affirmative ethical obligation to disclose certain information, the lawyer must do so notwithstanding Rule 1.6. In particular, Rule 3.3(c) emphasizes that the disclosure duties stated in Rules 3.3(a) and (b)—regarding the offering of false evidence or criminal or fraudulent conduct related to an adjudicative proceeding—"apply even if compliance requires disclosure of information otherwise protected by Rule 1.6."<sup>16</sup> It is important to note here that, while a lawyer is obliged to take certain "reasonable and timely remedial measures" in response to violations of Rules 3.3(a) and (b), these remedial measures do not always include disclosure of confidential information. Instead, the rules provide that these remedial measures include, "if necessary, disclosure to the tribunal."<sup>17</sup> To the extent that such disclosures are necessary, however, they supersede the confidentiality protections of Rule 1.6.

Third, the lawyer may obtain the client's informed consent for any disclosure.<sup>18</sup> In order to obtain such consent, the lawyer will need to adequately explain the material risks of, and the reasonably available alternatives to, making such a disclosure. If informed consent is obtained, then the disclosure of the client's confidence or secret does not violate Rule 1.6. (If the client has not consented to the lawyer's withdrawal from the representation, however, it may be difficult to obtain informed consent for this type of disclosure.)

Fourth, the lawyer may and should simply tell the court that "professional considerations require termination of the representation,"<sup>19</sup> since such a statement does not disclose any confidence or secret. As the Commentary to Rule 1.16 notes, this "ordinarily should be accepted as sufficient" because it alerts the court that the withdrawal is triggered by one or more of the ethics rules and that any additional inquiry may necessitate the disclosure of confidential information.

Fifth, some disclosures of confidential information—including information regarding fee disputes—are permitted under Rule 1.6(b).<sup>20</sup> These include, for example, disclosures that the lawyer reasonably believes to be necessary to prevent certain crimes, frauds, or wrongful incarcerations.<sup>21</sup> Lawyers may also reveal a client's confidence or secret to the extent the lawyer reasonably believes necessary to establish a claim on behalf of the lawyer in a controversy between the lawyer and the client.<sup>22</sup> This has been interpreted to cover disputes regarding nonpayment of the lawyer's fees.<sup>23</sup> Note, however, that the exception only applies "to the extent the lawyer reasonably believes necessary" to address the issue.<sup>24</sup> It is therefore advisable for the lawyer to avoid addressing or disclosing any such confidential information in the first instance unless the lawyer reasonably believes it is necessary to achieve withdrawal. Presumably if the court is unsatisfied with the original motion and requires additional information, the lawyer will have an additional opportunity to provide that information with appropriate protections. In that circumstance, the lawyer should ask the court to limit access to the confidential information to the court or to those few people with a legitimate need to know that information, whether by seeking a protective order or making an *in camera* submission under seal or otherwise.<sup>25</sup> A lawyer might also consider requesting that another judge hear the additional information to avoid prejudicing the client, especially if the trial judge will be the fact finder in the client's case.

Finally, if all else fails, disclosure of the client's confidence or secret is permitted to comply with other law or a court order under Rule 1.6(b)(6). If the court orders disclosure of the information, the lawyer may comply without violating Rule 1.6. Before reaching that point, however, the lawyer should make reasonable efforts to protect the confidential information in the following ways:

- Submit an initial motion that provides no confidential client information and simply states that "professional considerations require termination of the representation" or words to that effect.
- If the court requests additional justification, remind the court of Rule 1.16's Commentary that the above statement "ordinarily should be accepted as sufficient," particularly when providing additional justifi-

fication would require the disclosure of a client's confidences or secrets. If and as necessary, the lawyer should also raise arguments as to why production of the requested information is at odds with the attorney-client privilege and/or Rule 1.6. The lawyer should alert the court that disclosure of this information is prohibited unless and until there is a court order requiring its disclosure.

- If the court rejects these arguments and orders the disclosure of the confidential information, the lawyer must consult with the client about a possible appeal to the extent required by Rule 1.4.<sup>26</sup>

- If forced to disclose the confidential information by court order, the lawyer should seek to disclose only the information to the extent "reasonably necessary" to abide by the order while still taking reasonable steps to protect the confidentiality of that information (e.g., by requesting that the information be provided *in camera* and under seal).<sup>27</sup> As reflected above, this means the lawyer should only disclose what is necessary to achieve withdrawal, supplementing that disclosure if and as necessary (with appropriate safeguards) so that the court has sufficient information to rule on the withdrawal request without unduly prejudicing the client.

Approved by the Alaska Bar Association Ethics Committee on April 2, 2026.

Adopted by the Board of Governors on April 29, 2026.

### Footnotes

- <sup>1</sup> In this hypothetical, Lawyer did not actually offer any false evidence and so the duty to take certain remedial measures under Rule 3.3(a)(3), including potentially disclosing that information to the court, was not triggered. Instead, Lawyer has a mandatory duty to terminate the representation under Rule 1.16(a)(1)(A). See Rule 1.16 cmt (Mandatory Withdrawal) ("A lawyer ordinarily must decline or withdraw from representation if the client demands that the lawyer engage in conduct that is illegal or violates the Rules of Professional Conduct or other law.")
- <sup>2</sup> See Alaska R. Civ. P. 81(e)(1)(C); Alaska R. Crim. P. 50(a) (noting that the Rules of Civil Procedure relating to the withdrawal of an attorney for a party shall apply to attorneys retained to represent an accused in a criminal action); Rule 1.16(c) (requiring a lawyer to "comply with applicable law requiring notice to or permission of a tribunal when terminating a representation").
- <sup>3</sup> Alaska R. Civ. P. 81(e)(1)(C).
- <sup>4</sup> See generally Rule 1.16(a).
- <sup>5</sup> Rule 1.16(b)(6). Other permissive grounds for terminating a representation are discussed in Rule 1.16(b).
- <sup>6</sup> Rule 1.16 cmt ("Similarly, court approval or notice to the court is often required by applicable law before a lawyer withdraws from pending litigation.")
- <sup>7</sup> Rule 9.1(g) (defining "informed consent").
- <sup>8</sup> The nature of these various exceptions is beyond the scope of this Opinion.
- <sup>9</sup> Cf. *Pederson v. Barnes*, 139 P.3d 552, 557 n.10 (Alaska 2006) (noting that Rule 1.6(b)(1) permits lawyers to disclose confidential client information to a court when the lawyer believes that the disclosure is reasonably necessary to prevent a crime by the client that is likely to result in substantial injury to the property of another).
- <sup>10</sup> Rule 3.3 cmt.
- <sup>11</sup> Rule 3.3(a)(1).
- <sup>12</sup> Rule 3.3(a)(3).
- <sup>13</sup> Rule 3.3(b).
- <sup>14</sup> Several of these concepts are borrowed from ABA Formal Opinion 519 (Dec. 3, 2025). The analysis differs somewhat because the duty of confidentiality under Alaska's rules of professional conduct is narrower than the ABA's Model Rule 1.6(a); the former is limited to the protection of "a client's confidence or secret," while the latter generally prohibits the disclosure of any "information relating to the representation" absent consent or an exception to the rule. See Rule 1.6 cmt (finding that the ABA's approach "was excessively broad").
- <sup>15</sup> Rule 1.16(a)(1)(B).
- <sup>16</sup> Rule 3.3(c).
- <sup>17</sup> Rule 3.3(a)(3); Rule 3.3(b).
- <sup>18</sup> Rule 1.6(a) ("A lawyer shall not reveal a client's confidence or secret unless the client gives informed consent...."); Rule 9.1(g).
- <sup>19</sup> Rule 1.16 cmt.
- <sup>20</sup> As noted above, disclosure is also permitted if impliedly authorized in order to carry out the representation, see Rule 1.6(a), but this has no application to a motion to withdraw.
- <sup>21</sup> Rule 1.6(b).
- <sup>22</sup> Rule 1.6(b)(5).
- <sup>23</sup> ABA Formal Opinion 476 (2016).
- <sup>24</sup> Rule 1.6(b); Rule 1.6 cmt ("Paragraph (b) permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified.")
- <sup>25</sup> Rule 1.6 cmt; ABA Formal Opinion 476.
- <sup>26</sup> Rule 1.6 cmt.
- <sup>27</sup> The Commentary to Rule 1.6 notes that Rule 1.6(b) "permits disclosure only to the extent the lawyer reasonably believes the disclosure is necessary to accomplish one of the purposes specified." The lawyer should, of course, comply in full with any court order requiring disclosure of confidential information. In so doing, the lawyer should take care to disclose that information only to the extent the lawyer reasonably believes is necessary to comply with that order and otherwise seek to protect the confidentiality of that information to the extent practicable.



ALASKA BAR  
ASSOCIATION

Seeking  
Assistant Bar Counsel

The Alaska Bar Association is seeking an Assistant Bar Counsel to work in the discipline section handling attorney grievance matters.

Salary \$110,000 to \$135,000 per year, depending on experience. The Bar offers excellent employee benefits, including: 100% employer-paid medical insurance premiums, dental, vision, and \$5,000 health reimbursement account; 401K program; hybrid working locations available, 12 paid holidays and 21 days of paid leave per year, with increases in leave accrual based on years of service; paid parental leave; and covered parking.

Interested applicants should submit a cover letter and resume to Phil Shanahan shanahan@alaskabar.org by June 19, 2026. For more information on primary responsibilities and minimum qualifications see the Alaska bar employment bulletin board at [www.alaskabar.org](http://www.alaskabar.org).

# Alaska Bar Association Ethics Opinion No. 2026-2

## Caseloads and Potential Conflicts of Interest ISSUE PRESENTED

The Committee has been asked to address the ethical considerations for a lawyer who believes they may have a “capacity conflict” under ARPC 1.7(a); *i.e.*, an excessive caseload that materially limits their ability to competently represent all their current clients.<sup>1</sup>

### SHORT ANSWER

The Committee has elected to adopt ABA Formal Ethics Opinion 06-441 which outlines how lawyers and their supervisors should diagnose and address capacity conflicts created by excessive caseloads.<sup>2</sup>

### ANALYSIS

Alaska Rules of Professional Conduct 1.1, 1.2(a), 1.3, and 1.4 require lawyers to competently and diligently represent their clients. In doing so, they must adequately communicate with their clients concerning the subject of the representation,<sup>3</sup> educate and inform them of their legal options,<sup>4</sup> and abide by certain client decisions.<sup>5</sup> A lawyer must also make “make reasonable efforts to expedite litigation consistent with” a client’s interests.<sup>6</sup>

“A lawyer’s work-load must be controlled so that each matter can be handled competently.”<sup>7</sup> An excessive workload can create a concurrent conflict of interest, or a “capacity conflict.”<sup>8</sup> When a lawyer’s caseload is too great, the obligation to competently and diligently represent some clients may materially limit a lawyer’s ability to represent other current clients or to take on new clients.<sup>9</sup> As the Alaska Supreme Court has noted

When an attorney is assigned too many cases, the risk increases that the attorney’s ability to represent any one client may be limited by responsibilities to others. As a caseload increases, the attorney’s ability to bring to each case the thoroughness and preparation necessary to provide competent representation may diminish. And as the number of assigned cases increases, the attorney’s ability to promptly and diligently expedite any one case may decrease.<sup>10</sup>

Whether or not a capacity conflict exists “is a difficult judgment” requiring a careful evaluation of the totality of the circumstances pertaining to a lawyer’s caseload.<sup>11</sup> Caseload studies, such as the Rand National Public Defense Workload Study,<sup>12</sup> can be informative, but should not “be the sole factor in determining if a workload is excessive.”<sup>13</sup> Other relevant factors are “case complexity, the availability of support services, the lawyer’s experience and ability, and the lawyer’s nonrepresentational duties.”<sup>14</sup>

ABA Formal Ethics Opinion 06-441 outlines the ethical obligations of

a lawyer facing a capacity conflict and identifies the steps that should be taken by a lawyer, and a lawyer’s supervisor, to diagnose and resolve such a conflict. The Ethics Committee believes that ABA Formal Ethics Opinion 06-441 provides a reasoned approach to this issue and formally adopts this opinion.

The Ethics Committee believes this opinion addresses the ethical obligations of supervised attorneys and supervising attorneys who represent indigent persons charged with criminal offenses. The Ethics Committee also believes this opinion outlines the ethical obligations regarding excessive workloads for all lawyers, including prosecutors, government or court appointed attorneys handling children in need of aid cases, legal aid attorneys, and private practitioners. Workloads must be such that the lawyer can competently and diligently handle the matters assigned.

Approved by the Alaska Bar Association Committee on April 2, 2026.

Adopted by the Board of Governors on April 29, 2026.

### Footnotes

<sup>1</sup> *Off. of Pub. Advoc. v. Superior Ct., First Jud. Dist.*, 566 P.3d 235, 248-249 (Alaska 2025) (holding that a lawyer’s lack of capacity can be a disqualifying concurrent conflict of interest under ARPC 1.7(a)) (hereinafter “OPA”).

<sup>2</sup> With the permission of the American Bar Association, ABA Formal Opinion 06-411 is attached as an appendix to this opinion.

<sup>3</sup> ARPC 1.4(a), (b).

<sup>4</sup> ARPC 1.4(b).

<sup>5</sup> ARPC 1.2(a).

<sup>6</sup> ARPC 3.2.

<sup>7</sup> ARPC 1.3 cmt.

<sup>8</sup> OPA, 566 P.3d at 248.

<sup>9</sup> ARPC 1.7(a)(2).

<sup>10</sup> OPA, 566 P.3d at 249.

<sup>11</sup> ABA Formal Ethics Opinion 06-441 at 6 (May 13, 2006).

<sup>12</sup> Nicholas Pace et al., National Public Defense Workload Study, RAND (July 23, 2023), available at [https://www.rand.org/pubs/research\\_reports/RRA2559-1.html](https://www.rand.org/pubs/research_reports/RRA2559-1.html) (last visited April 14, 2026).

<sup>13</sup> ABA Formal Ethics Opinion 06-441 at 4.

<sup>14</sup> *Id.*

*ABA Comm. on Ethics & Pro. Resp., Formal Op. 06-411 (2006), is attached hereto, as an appendix.*

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## Board Seeks Comment on Rule Proposal to Accommodate for NextGen Bar Adoption

At its August 2024 meeting, the Board of Governors requested that the Alaska Supreme Court announce its intent to adopt the Next Generation Uniform Bar Exam, begin accepting score transfers in July 2026, and administer the exam starting in July 2028. To facilitate this proposal, the Board recommended establishing a subcommittee of the Supreme Court, the Board, and the Law Examiners to draft the Bar Rule changes necessary for adoption. At its April 2026 meeting, the Board of Governors voted to publish the rule proposal below, as drafted by the subcommittee.

Please submit comments to Executive Director Danielle Bailey at [bailey@alaskabar.org](mailto:bailey@alaskabar.org) by July 15, 2026.

### Rule 2. Eligibility for Admission.\*

\*\*\*

**Section 4.** An applicant may be admitted to the Alaska Bar Association under the following conditions:

- (a) the applicant meets the requirements of (a) through (e) of Section 1 of this Rule or meets the requirements of Section 3 of this Rule; and
- (b) the applicant, within five years preceding the date of the application to the Alaska Bar Association, has achieved

(1) a scaled score of 270 or above on a Legacy Uniform Bar Examination (Legacy UBE) administered in any state, territory, or the District of Columbia, or

(2) a scaled score of 620 or above on a NextGen Uniform Bar Examination (NextGen UBE) administered in any state, territory, or the District of Columbia.

\*\*\*

### Rule 3. Applications.

## Board of Governors Action Items — April 29, 2026

- Approved the January 2026 minutes.
- Approved 14 motion applicants and 13 UBE score transfer applicants for admission.
- Proposed slate of Board of Governors officers: President-elect Meghan “Sig” Tapqaq, Vice President Steven Hansen, Secretary Grace Lee, Treasurer Bill Granger.
- Approved the results of the February 2026 bar exam.
- Voted to publish Bar Rule changes which would allow the Alaska Bar to adopt the Next-Gen UBE with an intent to accept score transfers in July 2026 and to administer the exam in July 2028.
- Appointed the following to the Admission Application Subcommittee: Schechter, Roach, Juneau.
- Appointed the following to the Convention Working Group Subcommittee: Patterson, Tapqaq, Ostrovsky.
- Voted to adopt changes to the Standing Policies that would update the Scholarship Program to allow for: (1) creation of an endowment, (2) expansion of eligibility to include 3L law students, (3) adjustments to the fundraising timeline, and (4) solicitation for the program on the dues renewal form.
- Appointed the following to the Investment Policy Subcommittee: Ostrovsky, Granger, Hansen.
- Voted to deny a hearing on an appeal from character and fitness determination and determined that the Board’s earlier decision to deny certification should stand.
- Adopted Ethics Opinion 2026-1: What to Disclose (and Not to Disclose) to a Court When Seeking to Withdraw from a Representation.
- Adopted Ethics Opinion 2026-2: Caseloads and Potential Conflicts of Interest.
- Directed the Bar to spend the following money from the Lawyers’ Fund for Client Protection to cover reimbursable losses: \$4,358.79 in case 2024L016; and \$4,643.25 in case 2025L003; \$6,611.04 in case 2025L005; \$628.46 in case 2025L008; \$15,000 in case 2025L009; \$2,500 in case 2025L011; \$3,500 in case 2026L001; and \$50,629.08 in case 2026L002.

# Superior Court Judge Una Gandbhir Attends Oscars

By *Monica Elkinton-Englund*

In March, Anchorage Superior Court Judge Una Gandbhir accompanied her sister, filmmaker Geeta Gandbhir, to the 98th Academy Awards in Hollywood, CA. Geeta Gandbhir was nominated for two films: Netflix's "A Perfect Neighbor" for best documentary and HBO's "The Devil Is Busy" for best documentary short. She was the first woman to receive nominations in both categories in the same year.

Geeta's husband, filmmaker Nikon Kwantu, also was nominated, providing enough tickets to invite the entire family. Geeta brought her brother, fellow filmmaker Ashwin Gandbhir, her two children, Judge Gandbhir and the judge's college-age son.

"The best part of the Oscars this year was being able to take my family and getting to share this experience with them," Geeta Gandbhir said. "Una is such a good plus-one because she is very self-sufficient and helpful. She knows the expectations. She is more organized than me."

Geeta Gandbhir also has taken Judge Gandbhir to the Emmy Awards.

Judge Gandbhir and the other family members sat in the upper mezzanine of the Dolby Theatre. Host Jimmy Kimmel reacted on stage to loud cheers from one small group during the broadcast.

"That was us!" Judge Gandbhir said. "The people there for documentaries usually aren't that rowdy."

"The most fun for me was seeing my sister in her element," Judge Gandbhir told the Bar Rag. "She supports other filmmakers and lifts them up. People kept coming up to her and greeting her."

Geeta Gandbhir specializes in documentaries



Sisters Geeta and Una Gandbhir at the 2026 Oscars. Photo by Una Gandbhir.

that tell stories about Black, Indigenous and other underrepresented communities and in using found footage, such as police body camera recordings in "A Perfect Neighbor."

Geeta Gandbhir told the Bar Rag, "My family is so incredibly proud of Una."

On a previous visit to Alaska, Geeta Gandbhir was a featured speaker at Judge Gandbhir's Superior Court swearing-in ceremony.

Judge Gandbhir also met several stars at the Oscars. Geeta Gandbhir's team has shared stages and events with Best Picture nominee "Sinners," allowing Judge Gandbhir to meet actors Michael B. Jordan, Delroy Lindo, Jayme Lawson and Omar Benson Miller.

Geeta Gandbhir also previously collaborated with Spike Lee and Steven Spielberg and spent time with them during the event.

Judge Gandbhir also met Leonardo DiCaprio, Ken Jeong, Maya Rudolph, Stellan Skarsgård and the voice cast of "KPop Demon Hunters." She snapped as many celebrity photos as she could, including some people she did not recognize at the time.

"My son told me, 'These are all just people. They aren't any more important than anyone else — they're just famous,'" Judge Gandbhir said.

Judge Gandbhir wore an off-the-rack black-and-gold Indian-style gown. Geeta Gandbhir's dress was designed by Christian Siriano.

In an Alaskan twist, Judge Gandbhir did not splurge on footwear.

"I wore black platform Crocs," Judge Gandbhir said. "I blinged them out with stick-on rhinestones. My husband was appalled that I would wear them, but people kept coming up to me at the end of the night jealous of my shoes."

Oscar celebrations included much more than the television broadcast. Judge Gandbhir attended a brunch celebrating South Asian women in filmmaking with her sister, a Wolfgang Puck after-party featuring gold-covered chocolate Oscar statuettes on sticks and a Netflix after-party where guests tired of stilettos could receive free Ugg boots.

She also picked up perfume and beauty products from a gifting suite filled with swag.

Both of Geeta Gandbhir's films addressed heavy topics.

"A Perfect Neighbor" uses body camera footage to tell the story of a white woman who shot her Black neighbor, Ajike "AJ" Owens, through a closed front door out of racially motivated fear. Owens was a family friend of the Gandbhir family.

"The Devil Is Busy" follows a security guard named Tracii through a single day as she prayerfully and respectfully keeps patients safe at an abortion clinic in Georgia.

In addition to Judge Gandbhir and other family members, Geeta Gandbhir also brought Owens' mother and Tracii as guests to the Oscars.

"We had fun at the Oscars, but really we wish these movies never would have had to be made," Judge Gandbhir told the Bar Rag.



Kiran Shanahan poses with his mother, Judge Gandbhir.

Although Geeta Gandbhir's films did not win Oscars, they left a profound impact on viewers.

As Tracii says in "The Devil Is Busy": "Not everyone has someone in their lives to tell them, 'You matter, I love you.' Everyone deserves to know that they matter. Even if I never hear from you again, know that you matter to me."

Geeta Gandbhir currently is working on a film about the life of comedian Whoopi Goldberg.

"This is the first time she has been willing to open up her life to filmmakers," Geeta Gandbhir told the Bar Rag. "She's an inspiration and incredible talent. Throughout her very long career, she has never lost herself."

When asked what message she had for Alaska lawyers, Geeta Gandbhir said: "Our films are about justice for all. But we are just filmmakers. We can only do so much. We are hoping these films are a call to action for those of you who can make a difference. It's so important that we stay engaged. We need the legal community to help us get to the next place."

The team behind "A Perfect Neighbor" also started an impact campaign. Viewers can support the effort at [www.standinginthegapfund.org](http://www.standinginthegapfund.org).

*Monica Elkinton-Englund is a magistrate judge in Anchorage and former editor of the Bar Rag.*

## In Memoriam

### Videographer Eric Cossman Passes Away

By *Jeanette Starr*

Pacific Rim Reporting is saddened to announce the passing of our dear friend and long-time videographer, Eric Cossman. Eric passed away peacefully in his home on April 29, 2026.

Eric founded Alaska Legal Video and worked closely with Pacific Rim Reporting for many years following his career as a lawyer. He was widely respected and appreciated by our clients and colleagues alike, not only for the exceptional quality of his video work, but also for his professionalism, attention to detail, knowledge, and kindness.

Eric's presence and friendship will be greatly missed.

Friends and colleagues are invited to join us for an informal gathering in Eric's memory at our office, 711 M Street, Suite 4, Anchorage, AK, on Wednesday, June 10, 2026, between 11:00 am and 1:00 pm. Please feel free to bring a sack lunch as we share stories and memories of Eric.

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# Facing Foster Care Youth Visit Anchorage Courthouse



Facing Foster Care youth participants gather in the Supreme Courtroom at the Boney Courthouse.

By Mara Rabinowitz

A group of nearly 40 youth from Facing Foster Care in Alaska came to the Boney Courthouse in Anchorage on Saturday, May 9, 2026. Youth toured the courthouse, a trial court courtroom, and the Alaska Supreme Court Courtroom. Youth heard from a panel of judges including Justice Henderson, Judge Rankin, Judge Lamoureux, and Magistrate Judge Kupris about how and why they became judges. The judges responded to questions from youth on a variety of topics related to Child in Need of Aid (CINA) hearings. An Alaska State Troopers Court Services Officer made an unscheduled appearance and also answered questions from the youth.



The judge panel discuss what inspired them to become judges.

## An Attorney for Every Child in Foster Care: Paving the Way to Child Protection Systems Improvement

By Attorney Scott Sterling and contributor Natalece Washington, Policy Counsel, NACC

There is national consensus that all youth in foster care must be appointed high-quality legal representation to assert their rights and interests as they navigate the child protection system. Attorneys ensure children receive adequate notice of proceedings and facilitate their participation in hearings and case planning; fight for respect and fair treatment in court processes; and ensure that judges listen to and consider their perspective. Alaska is one of 13 states that still deny the right to legal counsel to some or all youth in foster care. (Seen, Heard, and Represented, NACC 2023). This continued practice contrasts with national trends as state legislatures increasingly enact policies to expand access to counsel and amplify youth voices. (See generally H.B. 1035, 67th Leg., Reg. Sess. (N.D. 2021); H.B. 1219, 67th Leg., 2021 Reg. Sess. (Wash. 2021); H.B. 22-

1038, 74th Gen. Assemb., 2022 Reg. Sess. (Colo. 2022); S.B. 148, 68th Leg., Reg. Sess. (Mont. 2023); S.B. 463, 168th Leg., Reg. Session (N.H. 2024); H.B. 737, 103d Gen. Assemb., 1st Reg. Sess. (Mo. 2025).

### I. Alaskan children are subject to CINA court proceedings without attorneys to protect their legal rights.

In Alaska, most children alleged abused or neglected, separated from their families, and placed in the custody of the Office of Children's Services (OCS), are subject to Children in Need of Aid (CINA) legal proceedings without the aid of legal counsel. Attorneys routinely represent OCS and parents, allowing these parties the benefits of legal advice and opportunities to present and challenge evidence. But a child - whose needs and interests are at the heart of the case - often has no such access to justice through the appointment of their own attorney.

Current state law only requires the Alaskan court to assign the child a guardian *ad litem* (GAL), who need not be an attorney. [\[alaska.gov/rules/docs/cina.pdf\]\(https://courts.alaska.gov/rules/docs/cina.pdf\). Non-attorney guardians \*ad litem\* are no substitute for true legal representation but are great supports to the child and court. The GAL's role is to determine and advocate for what they determine is best for a child. This leaves the GAL at risk of making recommendations that could be affected by his or her personal biases, values, and experiences, which may be starkly different than the child and family involved in the court proceeding. Furthermore, the GAL is not bound by ethical rules to advance the child's position, as is required in a typical attorney-client-relationship. This framework permits GALs to advocate for something directly in conflict with the child's wishes. For example, the GAL could advocate for the child to be placed with a family member over the objection of the child who knows this person, their habits, and why they are not a good fit for placement. In contrast, a child represented by an attorney sets the case objectives \(Alaska Rule of Prof. Conduct 1.2\) supported by the guidance and legal advice of their attorney. The child's attorney must counsel their client, ascertain their goals, and then zealously advocate for them.](https://courts.</a></p>
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Research demonstrates that providing children with legal counsel for their CINA proceedings improves results for children--expediting permanency, increasing reunifications, and decreasing placement changes, and unnecessary school moves. Children with attorneys reach permanency 1.38 - 1.59 times faster, are 45% more likely to reunify with their parents, 30% less likely to change placements; and 65% less likely to face unnecessary school changes. See <https://search.issuelab.org/resource/expediting-permanency-legal-representation-for-foster-children-in-palm-beach-county.html> and <https://www.courts.wa.gov/subsite/wscpr/docs/DCLR%20Report%202021.pdf>

### II. Limited mandatory appointments are not best practice.

In Alaska, children in foster care are only guaranteed a lawyer to advocate for their expressed wishes in limited circumstances. CINA Rules of Procedure (CINA Rule 12.1, updated in 2022) mandate the appointment of counsel when a child age 10 or older in OCS custody does not consent to 1) placement in a psychiatric hospital or treatment center, 2) the administration of psychiatric medication, or 3) the disclosure of psychotherapy information or records, and 4) when a request is made for a court order authorizing emergency protective custody. Rule 12.1's circumstance-based attorney appointments are not aligned with best practice.

Systemic compliance with Rule 12.1 is inherently difficult on a practical level. Someone must determine if a child consents to one of the specified circumstances (e.g. placement, medication, release of records) when it arises. But *who* assesses this and then reports it to the court? In 37 other states, there is a solution for this: an attorney is assigned throughout the duration of the foster care proceeding. To adhere to Rule 12.1 as currently written, the child's OCS caseworker, GAL, or the judge *might* make this inquiry. This does not allow the child the benefit of asking questions in a confidential setting, receiving legal advice, and considering the impact of their decision. It could make the child feel pressured to please the inquiring adult by making the "right choice" or to expedite the court hearing.

The triggering events listed in Rule 12.1 can happen at any time, even one or two years into a CINA case. If appointed later in a case, often months or years after the filing of a petition for removal, children's attorneys and their clients are at a



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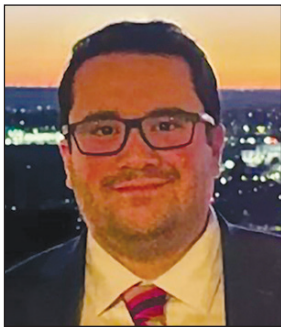
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# AK Bar Law School Scholarship Enters New Era with Big Goals



German Baquero



Theodore Chau



Andrew Crandall



Ashley Cunningham



Kaitlin D'Eimon



Sara Freeman



Leola Magallon



Colton Osowski



David Song



Elesheva Tiner

By Danielle Bailey

For many Alaska law students, the path to practice begins far from home. With no in-state law school, pursuing a legal education often means taking on the added costs of travel, relocation, and out-of-state tuition, burdens that continue to grow each year.

The Alaska Bar Association's Scholarship Program was revived in 2018 to help meet that challenge. What began as a renewed commitment has since become a meaningful pipeline back to Alaska's legal community. Over the past eight years, the program has awarded \$131,780 in scholarships to 119 students committed to returning to Alaska to practice law.

Until now, the program operated on a year-to-year model, requiring the Scholarship Committee to distribute all funds raised each cycle. While impactful, that structure limited the program's ability to grow. With recent authorization to establish an endowment, the program is entering a new phase, one focused on long-term sustainability and expanded impact.

The Committee has set an ambitious goal of building a \$1 million endowment. This shift allows the Bar to invest in the future of the program, generating ongoing support for Alaska law students rather than relying solely on annual fundraising. As the endowment takes shape, contributions are more important, and more impactful, than ever.

The program is also expanding. Beginning this year, scholarships will be available to third-year law students in addition to first- and second-year students, providing support at a criti-

cal stage as students prepare to graduate and return to Alaska.

The scholarship fund is administered by the Alaska Bar Foundation, a 501(c)(3) organization, making all donations tax-deductible. Applicants are asked to demonstrate their ties to Alaska and their intent to return and contribute to the state's legal community.

This year, the Bar received \$33,500 in generous donations, all of which will be awarded following the Scholarship Committee's review of applications. The Committee awarded 10 scholarships, ranging from \$1,000 to \$5,000, to deserving students. The Alaska Bar Association extends its sincere thanks to our donors and to the Scholarship Committee members for their continued fundraising efforts and support of this program.

As the Bar looks ahead to building a permanent endowment, every contribution helps strengthen the future of Alaska's legal profession. To make a tax-deductible contribution, please send a check payable to the Alaska Bar Scholarship Fund to the Bar office, or visit [www.alaskabar.org](http://www.alaskabar.org) to donate online. For questions, please email [info@alaskabar.org](mailto:info@alaskabar.org).

#### Scholarship recipients:

Andrew Crandall .....	\$5,000
Ashley Cunningham .....	\$5,000
Kaitlin D'Eimon .....	\$5,000
Colton Osowski .....	\$5,000
German Baquero .....	\$2,500
Sara Freeman .....	\$2,500
Leola Magallon .....	\$2,500
David Song .....	\$2,500
Elesheva Tiner .....	\$2,500
Theodore Chau .....	\$1,000

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- o McKenna, Lea
- o Mead, Amy
- o Morin, Paul
- o Nave, Thomas
- o Nesbett, Michelle
- o O'Regan, Deborah
- o Peters, Nathaniel
- o Pickrell, Kristian
- o Romig, Janet
- o Seifert, Bride
- o Urig, Susan

# An Attorney for Every Child in Foster Care

Continued from page 26

significant disadvantage on both the practical and legal level. CINA cases often involve months if not years of litigation including extensive and complex discovery, motion practice and contested hearings. There does not appear to be any principled legal rationale for parents and OCS to have counsel from the inception of CINA proceedings while not affording children that same right. Unsurprisingly it is also often the case that appointing counsel for a child in the latter stages of a CINA case engenders significant delay while being frustrating for the child. All in all, the interests of justice are best met by appointing counsel for children at the same time that coun-

sel is appointed for their parents. There is widespread agreement that children's attorneys are necessary for every child as soon as a petition is filed and until the case is closed. This agreement is propelled by research, <https://counselforkids.org/wp-content/uploads/2023/02/Counsel-for-Kids-Resources.pdf>, endorsed and funded by the federal government, <https://acf.gov/cb/policy-guidance/im-21-06>, and called for by youth with lived experience in foster care [https://counselforkids.org/wp-content/uploads/2026/03/NPC-Beyond-Placement-Roundtable-3\\_122024.pdf](https://counselforkids.org/wp-content/uploads/2026/03/NPC-Beyond-Placement-Roundtable-3_122024.pdf).

### III. Conclusion: Alaska must reform to achieve system improvement

Right now, without legal justification, children and parents' due process rights are treated differently. Effective assistance of counsel for children in CINA cases ought to be a matter of right, not discretion, given the critical legal interests at stake. We often hear said that youth are the most important party to a child protection case, but currently they are the only party that does not consistently have access to legal counsel. Children need counsel to advise them on the totality of rights at stake in CINA cases, especially related to consent to treatment, medication, or release of records. Guaranteeing legal counsel for children from the onset of their CINA proceedings will support their legal interests, amplify their

voices, and improve the outcomes of their cases. Alaska could do this by amending CINA Rule 12.1 to require early, mandatory appointment of counsel for all children. Meaningful reform requires a recognition of children's legal rights and need for legal protections and advocacy that can only be provided by a lawyer.

*Scott A. Sterling is an experienced attorney in private practice that passionately advocates for the legal rights of vulnerable children and young people involved with the state child protection system. Natalie Washington is an advocate for policy change that improves the lives of children experiencing foster care.*

## Court Improvement Program (CIP) CINA Laws Training Delivered in April to Interdisciplinary Practitioners



By Mara Rabinowitz

Child in Need of Aid (CINA) law training participants during a courtroom session with Judge David Nesbett and Magistrate Judge Jane Martinez. Training was delivered by experienced CINA practitioners including Liz Mering, Elizabeth Brennan, Linda Beecher, Emma

Haddix, Nicholas Torres, Bianca Jackson, Stephanie Schulling, Tandra Donahue, Mara Rabinowitz, and Kim Griffith. Participants included judges, court staff, Assistant Attorneys General, Office of Children's Services case workers and staff, Guardians ad Litem, ICWA workers, tribal attorneys, and parents' attorneys.

## Hiring Contract Attorneys: Managing Workload and Strengthening Your Firm

By Elisabeth Claus

The legal profession demands excellence and dedication. Solo attorneys and small firms in particular may struggle to adapt to peaks and valleys in workload or attorney absences. They also must fulfill their ethical duties of competence, diligence, and timeliness that require resources of time and talent. At the same time, the law firm model of the billable hour, the traditional structure of firms and the pace of modern "knowledge work" make it difficult for firms to step back from the demands of daily provision of client services to focus on process improvement or adopting new technology. To overcome these realities, one practical solution to turn to is the strategic use of contract attorneys.

Contract attorneys allow firms to scale their capacity as needed and ensure predictability of client fees and responsiveness. As the legal market evolves, freelance attorneys, virtual law firms, and flexible staffing models are becoming more common. Contract work may be based on a per diem, hourly, or flat fee basis, among other options. Moreover, broader changes in the legal landscape—including increased use of technology and provisions to expand access to legal services—create a favorable environment for contract attorneys to assist in the legal process. Hiring additional attorneys on a contract basis rather than as full-time employees can potentially allow firms to offer greater access to legal services for the people of Alaska. Certainly, a contract attorney is not the only answer to "replenishing the ranks" of Alaskan attorneys, but it can be part of the solution.

### Cost Containment

Hiring contract attorneys allows firms to expand capacity without committing to a full-time hire. Instead of carrying fixed salary, benefits, and overhead, firms can scale support based on actual demand. Contract arrangements can

be structured in ways that align closely with billable work. Firms may agree to compensate contract attorneys only for work performed, reducing non-billable overhead and improving cost predictability. The result is a more agile staffing model that supports both the firm's financial health and its ability to deliver timely legal services.

This flexibility is especially valuable during periods of uneven workflow. A firm can respond to increased demand without overextending resources during slower periods. In many cases, the total cost of contract support is lower than a permanent hire performing the same work, particularly when factoring in long-term employment costs, administrative burdens, and the risk of a poor hiring fit.

### Access to Talent and Employee Management

Contract attorneys provide access to talent that might otherwise be unavailable through traditional hiring channels. This includes experienced attorneys experimenting with quasi-retirement, or attorneys transitioning from big law or other commitments. These arrangements allow law firms, legal teams and attorneys the chance to evaluate potential permanent staff in a hands-on environment, without investing in the hiring and onboarding process. Hiring an attorney can be a time-intensive task. If the attorney or the firm is not a good fit with each other, turnover can be costly to the firm, and less than ideal for attorneys. Hiring a contract attorney can help fill the gap as a law firm looks for the right candidate or meet short-term needs without long-term commitments.

### Advancing Firm Goals

One of the most overlooked advantages of contract attorneys is their ability to support projects that are important, but not urgent. Contract attorneys can be hired for discrete projects to build systems or processes, create content marketing, launch AI systems, improve

privacy and cybersecurity protections, or otherwise advance their practice aside from the substantive delivery of legal services for their existing clients. Partners, senior attorneys, or even associates generally are busy learning the practice of law and struggle to dedicate time to improving internal systems, refining workflows, or implementing new tools. Investing in contract support can produce lasting improvements in how a firm operates and delivers services in:

- Developing internal processes and workflows
- Assisting with legal research or drafting for long-term initiatives
- Supporting content development or knowledge management
- Helping implement new technologies, including AI tools
- Strengthening privacy and cybersecurity practices

Many of these projects may not be billable, don't have deadlines and may often be lost in the midst of everyday delivery of legal service to clients. However, they are essential to long-term efficiency and competitiveness.

### Best Practices and Practical Considerations

Firms willing to hire contract attorneys must follow the rules of professional responsibility. They may choose to remain responsible for supervising work, ensuring competence, maintaining confidentiality, and communicating appropriately with clients. Fortunately, state bar ethics committees and the ABA have issued clear guidance confirming that contract attorneys may be used ethically and if your firm chooses to sustain supervision, this cost can be passed on to the client.

Written agreements are essential. Contracts should clearly define the scope of work, expectations, confidentiality obligations, and billing arrangements. Firms should also maintain robust conflict-checking procedures, and contract attorneys

should have systems in place to track prior engagements. Clear communication—both internally and with clients—is the most effective way to manage these obligations and obtain a successful outcome.

### Cybersecurity, Privacy Protections, and Practical Considerations

Proactively addressing cybersecurity precautions and protections directly relate to an attorney's duty to be competent and maintain client confidentiality. Good practices include establishing clear protocols for document sharing, communication platforms, and data access.

Secure systems for file transfer and case management are essential. Modern litigation and legal software can enable case or matter management and integrate contract attorneys into existing workflows without compromising security. For example, a client, or another law firm or lawyer, can be added to an existing Clio subscription to facilitate file sharing and document uploading.

Engagement letters should also reflect the possibility of using contract attorneys. Including a provision that allows for contract support—absent client objection—can streamline future arrangements and avoid delays when additional help is needed.

### Final Thoughts

Hiring contract attorneys has become a prevalent practice across various sectors of the legal industry. Used strategically, it allows firms to manage workload fluctuations, access specialized talent, and pursue long-term improvements that might otherwise be deferred. For many firms, the question is no longer whether to use contract attorneys, but how to use them effectively. With clear expectations, strong communication, and sound ethical practices, contract attorneys can serve as a valuable extension of a firm's capabilities—supporting both immediate client needs and long-term growth.