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ABA Journal Poll Shows Few Lawyers Advertise

A LawPoll survey published in the current edition of the *American Bar Association Journal* shows only marginal increases in the level of advertising by lawyers.

The survey follows-up two previous advertising inquiries conducted by Kane, Parson & Associates for the LawPoll column of the *Journal* in 1978 and 1979. In 1981, only 10 per cent of the 600 American Bar Association members and law students in the random sample had availed themselves of the opportunity to advertise since a Supreme Court ruling in 1978 recognized their right to do so. That represents only a three per cent increase since 1979, when seven per cent of lawyers had advertised. In 1978, only three per cent of lawyers had advertised

"Far more so than in 1979, the likelihood of advertising is most strong among lawyers in lower-income brackets," noted researchers.

Although the increase in lawyers who have advertised is described as only marginal, the survey reports that the proportion of lawyers who "absolutely will not" advertise has surged more dramatically. In 1979, only 49 per cent of lawyers polled vowed they would not advertise, but in 1981 the figure had risen to 67 per cent.

Direct solicitation of prospective clients for their legal business still is opposed by most lawyers, although there has been an increase in the number favoring that practice, reports the survey. In 1981, 61 per cent of lawyers opposed solicitation, a drop of only one per cent since 1979 and 10 per cent since 1978. But 34 per cent now say they favor solicitation, compared with 24 per cent in 1979 and 23 percent in 1978.

Again, solicitation is more likely to be favored by lawyers with relatively low incomes, reported the survey. Also, lawyers in the Northeast region of the nation are more likely to favor it.

Other LawPoll findings:

- A majority indicated that in their judgment advertising has had no effect on the costs of legal services.
- Most lawyers suggest that advertising has given the public a misleading impression of routine legal costs or that there has been no change in public perceptions.
- Few respondents feel that advertising has made major changes in the number of people using lawyers, while 47 percent feels there has been no change at all.

Ralph Moody and J. Gerald Williams confer at Christmas Bar Party.
(See photo essay pp. 12 and 13)

Last Whole Earth Pretrial Order

by J. B. Dell

Over the last year or so, attorneys in the Third Judicial District in Anchorage have seen an evolution in the Superior Court's pretrial order — at first a mere one-page outline, then to a four-page schematic, and finally to a 15-page brochure. Now, thanks to the work to a select team of Drafters, and at the urging of the vast majority of the Bar, a 75-page pretrial order is about to be adopted by the court system.

The 15-page order, although a much-welcomed improvement over the past, was still found to be woefully inadequate in addressing a number of procedural snags that inevitably occur prior to trial. Here are a few of the many questions that are now authoritatively answered by newest pretrial order.

1. Suppose a witness list is due on a day when the messenger service is on strike, may an attorney have a one-day extension of time provided he files an affidavit stating that he has pro-union sympathies?
2. Suppose that an attorney's trial brief is on memory discs, and his secretary has a psychotic episode wherein she uses them to make taco sandwiches. May the attorney waive filing a trial brief, provided that he calls up opposing counsel and gives him the 'gist' of his argument?
3. When can pica or elite type be used? What about the 'white-out' situation?

In order to preclude the possibility of any doubt arising under the new order, the Drafters have also prepared a 3-volume, 2,700-page Commentary on the Pretrial order. Moreover, plans are underway for Pretrial Order Weekly and a Digest of Opinions.

Below are just a few highlights from the new Order:

Jury Instructions

At least 15 days prior to trial, plaintiff shall file with defendant his proposed jury instructions.

Ten days after plaintiff has filed his instructions, defendant shall serve his on plaintiff, along with any comments or suggestions for improvement.

At least five days before the abovementioned 15 days, the attorneys shall meet together and show each other their proposed instructions and see if they can work things out without a lot of chin music.

Seven days before this five-day meeting the attorneys will call each other up and have a 'rap' session about the general principles of law involved.

Three days before the seventh-day rap session, each attorney will meditate alone with a copy of Holmes 'Common Law' and contemplate what he is about to do.

Pretrial Motions

Dispositive motions shall be filed and scheduled for oral argument not later than _____. Frivolous motions shall be filed not

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INSIDE

Chief Justice Names New Presiding Judges

Alaska Supreme Court **Chief Justice Edmond W. Burke** has named three new presiding judges in the Alaska Court System. Chief Justice Burke has selected superior court **Judge Thomas Schulz** as the presiding judge in the first judicial district, superior court **Judge Mark Rowland** as the presiding judge in the third judicial district and superior court **Judge Gerald Van Hoomissen** as the presiding judge in the fourth judicial district. Superior court **Judge Charles Tunley** was reappointed to serve as the presiding judge for the second judicial district.

These appointments take effect January 1, 1982. It should be noted that Chief Justice Burke named Judge Schulz to serve as presiding judge for the first judicial district in mid-November. In doing so Chief Justice Burke was honoring a request by retiring **Judge Thomas Stewart** to appoint a presiding judge for the first judicial district prior to the beginning of the year. Judge Stewart, the former presiding judge for the first district, has assumed his new duties as rules revisor for the Alaska Court System. **Judge Rowland** will take over for Presiding **Judge Ralph Moody** in the third judicial district, while Judge VAN Hoomissen will succeed Presiding **Judge James Blair** in the fourth district.

According to the Alaska Rules of Court a presiding judge serves for a term of one year and is eligible to succeed himself. In addition to his regular judicial duties, a residing judge supervises the assignment of cases pending in that judicial district, and appoints magistrates located within his judicial district. The presiding judge also supervises the administrative actions of judges and court personnel in his district and reviews and recommends budgets necessary to ensure sound court operations. The presiding judge basically serves as the head of the district's trial courts, serving as a spokesman for general issues facing those courts.

The first judicial district includes Juneau, Ketchikan, Sitka, Wrangell, Skagway, Haines, Petersburg and other areas of Southeast Alaska. The second judicial district includes Nome, Kotzebue and other communities in Western Alaska. The third judicial district includes Anchorage, Kenai, Kodiak, Seward, Palmer, Valdez, Cordova, Unalaska and other areas of Southcentral Alaska. The fourth judicial district includes Fairbanks, Bethel, Barrow, Delta Junction, Nenana, Tok and various communities in Northern and interior Alaska.

A.B.A. Debates Freedom

by Donna C. Willard

After intensive debate at both the 1981 annual meeting and the 1982 mid-winter meeting of the American Bar Association's policy-making body, the House of Delegates, Oral Roberts School of Law was permitted to enforce a Code of Honor requiring that its students, faculty and staff adhere to the religious tenets of that institution.

At issue were two constitutional provisions, the freedom of religion clause of the First Amendment and the equal protection provision of the Fourteenth Amendment. On narrow votes the House approved an amendment to the ABA Standards for Approval of Law Schools which provide that a law school may have a religious affiliation and purpose and may adopt policies of admission and employment that directly relate thereto so long as notice is provided.

The debate will, however, continue at the 1982 Annual Meeting in San Francisco in August since a recommendation to delete the controversial amendment from the Standard will be heard at that time.

Also the subject of lively debate was a recommendation endorsing amendments to the Civil Rights Act of 1964 to provide that private clubs which derive a substantial source of income from business sources be classified as "public accommodation" and hence be precluded from discrimination on the grounds of race, color, religion, national origin or gender.

The measure passed with the effect that, if enacted into law, private clubs will either be required to liberalize their membership rules or members will be precluded from conducting business activities within their facilities.

The proposed restatement format for the rules of professional conduct was approved by a vote of 202-68. In August, the House will debate the substantive aspects of the proposed new rules. **Keith Brown,** State Delegate for Alaska, will have further information on this issue in the near future.

In other action, the Uniform Conservation Easement Act, the Uniform Unclaimed Property Act and the Model Grand Jury Act were approved. Earlier, the delegates had defeated a reciprocity rule which would have permitted admission to practice in any state, without examination of any person admitted by examination to practice in another jurisdiction and who in fact had practiced or taught for three of the immediately preceding five years.

It was recommended that the Freedom of Information Act be amended to restrict the release of financial, commercial or business information which is a trade secret or which would impair the commercial, financial or other business interests of the submitters or the release of which would impair the government's ability to obtain such information in the future.

Under the terms of the proposed amendment, the government would be precluded from releasing the information without either the written approval of the affected party or his lack of timely objection or the determination by clear and convincing evidence that there is an overriding public interest in disclosure. Also recommended was a *de novo* standard of judicial review to be applied to disclosure determinations.

The Special Committee on Election Law and Voter Participation proposed and the House of Delegates approved recommended procedures for selection of delegates to national party conventions which would preclude regulation by state or federal legislation. Included among the recommendations were freedom of action in the adoption of selection procedures, varigated ways of selection by the state parties and the granting of *ex officio* status as voting delegates to Governors, U.S. Senators and U.S. Representatives.

Of interest to domestic relations practitioners is the recommendation that Congress enact legislation which would make all deferred compensation derived from federal employment, such as pensions and retirement pay, subject to state property law. The action was taken in response to *McCarty v. McCarty,* 69 L. Ed. 29 589 (1981), which held that military pension benefits were solely the property of the member of the armed service and not subject to division in a divorce action.

In other action, the House of Delegates unanimously passed resolutions recommending approval of legislation to provide federal financial assistance to State Courts (S. 537) and supporting H.R. 3974 which would establish a judicial retirement system for bankruptcy judges. Also, Congress was once again urged to increase compensation to attorneys in federal court appointment cases.

Law Office Administrative Associates, who are defined as persons who are not members of the legal profession who hold degrees in law office administration or accounting or business administration and are employed fulltime as managers or administrators were granted associate status in the American Bar Association.

Wallace D. Riley of Detroit, Michigan was unanimously recommended as President-Elect Nominee. If elected during the 1982 Meeting in San Francisco, his term as President will commence in 1983.

Finally, during his State of the Judiciary address, Chief Justice **Warren Burger** urged both attorneys and judges to search for and implement alternative dispute resolution systems such as binding arbitration.

Whole Earth

[continued from page 1]

later than _____. Motions designed to delay the trial shall be filed not later than _____. All other motions shall be filed by _____.

Third Witness List

Thirty days after exchanging the 2nd witness list, the parties will meet to exchange the third witness list. The parties will meet at opposite ends of a large table and each will slowly slide his witness list forward in a simultaneously exchange. The attorneys will each bring a 'second' to officiate and note any unmanly conduct.

Trial Brief

On or before _____, counsel for each party shall file and serve a pretrial memorandum covering the following matters:

1. A candid recitation of the facts giving rise to the cause of action in short story form using the *Manual of Style* by Strunk and White.
2. A law review article, composed by the attorney, on each legal issue in the case.
3. A one paragraph summary on all the dirt they have on each witness and party in the case.

Regulation of Lawyer Advertising

State ethics codes provisions regulating lawyers' communications to the public through advertising and solicitation often create serious questions about satisfying the public's needs for information about legal services and, in some cases, questions of violation of constitutional rights of attorneys, reports American Bar Foundation Research Attorney **Lori B. Andrews.** Her findings are presented in "Lawyer Advertising and the First Amendment" in the current, no 4 issue of the 1981 *American Bar Foundation Research Journal.*

In 1977, the U.S. Supreme Court decided the *Bates* case, finding unconstitutional a state ban on all attorney advertising, explains Andrews. Currently, the U.S. Supreme Court has before it a case regarding a Missouri ethics code rule that limits but does not completely ban lawyer advertising. In this case, *In re R.M.J.*, a lawyer was subject to discipine because his promotional activities did not comply with the Missouri Code of Professional Responsibility. He went beyond the code by including information not specifically authorized (such as the fact that he was admitted to practice in Missouri and Illinois) and by describing his practice in impermissible terms (such as "Personal Injury" law, rather than the approved designation, "Tort Law"). Also at issue were his mailing of an office announcement to two potential clients who were strangers, in violation of the code's solicitation rule. Issuing a private reprimand to the attorney, the Missouri Supreme Court upheld the constitutionality of these Missouri rules, which are comparable to rules in effect in many other states.

According to Canon 2 of the ABA Model Code of Professional Responsibility, "A lawyer should assist the legal profession in fulfilling its duty to make legal counsel available." But many of the current advertising and solicitation rules, Andrews finds, "impede the public from getting necessary information and reduce the effectiveness of lawyers' attempts to communicate with potential clients." Surveys have shown that people need and want more information than they are getting about lawyers and legal problems, explains Andrews, citing the national survey, *The Legal Needs of the Public*, done by the Foundation and the American Bar Association Special Committee to Survey Legal Needs.

The U.S. Supreme Court has recognized the consumer's need for information about products and services through a succession of commercial speech cases, involving promotion by pharmacists, realtors, and optometrists as well as lawyers. Last year, observes Andrews, the U.S. Court in *Central Hudson v. Public Service Commission* analyzed its own holdings in the various commercial speech guidelines undergirded by a coherent theory. The Supreme Court's four-part analysis elaborated in *Central Hudson* calls for a determination of whether the speech at issue is protected by the First Amendment, the asserted governmental interest is substantial, the regulation directly advances the asserted governmental interest, and the regulation is not more extensive than is necessary to serve the interest.

Due to its perception that the U.S. Supreme Court had lacked consistency in past cases, the Missouri Supreme Court refused to apply *Central Hudson* standards to the rules at issue in *In re R.M.J.* But *Central Hudson* clearly offers an appropriate standard for judging the regulation of lawyers' promotional activities, asserts Andrews.

In the major portion of "Lawyer Advertising and the First Amendment," Andrews demonstrates how the *Central Hudson standard can be applied to the various advertising and solicitation provisions of the state codes of professional responsibility both in the 31 states using a "regulatory approach," holding that promotional communications may include only specified items, and in the 19 states taking a "directive approach," prohibiting false, fraudulent, misleading, or deceptive (and sometimes self-laudatory or unfair) advertising.*

If the Central Hudson standard is used to judge the constitutionality of the state ethics code rules, a number of changes in the state ethics codes would be required. Some rules such as those prohibiting the advertising of legal "check-ups" and the use of broadcast media and direct mail would not survive scrutiny under *Central Hudson*, Andrews believes. Yet application of the Court's rationale in *Central Hudson*, Andrews concludes, will benefit both the public and lawyers wishing to communicate to potential clients.

"Lawyer Advertising and the First Amendment" is offered as valuable scholarship but not as a reflection of any position taken by the Foundation. Subscriptions to the *American Bar Foundation Research Journal* ($20.00/year) or single copies ($5.50), or offprints ($2.50 plus $1.50 for shipping and handling) are available at 1155 E. 60th St., Chicago, Illinois 60637.

Hummingbird

You're an enchanting enigma
of sight and sound
defying close scrutiny:
hover-dart, flit-buzz.

No timid soul, you;
though the tiniest of your kind
you're braver far than many
many times your size.

I watch as you zero in
on the feeder I've hung
in front of my window
more for my pleasure than yours.

Today your radar sense
absconded for a moment
and you overshot our target
colliding with the invisible glass.

I looked to see you
sprawled on your side
wings still spread
like a tiny downed Mig.

A testimony to my
unintentioned treachery,
I tried to tame you, only
to witness your wasted form.

My gift to both of us
in a familiar twist of irony
rendered sorrow to me
and death to you.

—Susan Hallock

Random Potshots

Crime & Punishment in the Alaska Senate

by John Havelock

Section 12 of Article II of the Constitution of Alaska provides that "each house is the judge of the election and qualifications of its members and may expel a member with the concurrence of two-thirds of its members."

No specific grounds are established in the constitution for explusion and over the last two or three centuries there has been lively debate here and abroad over what might be proper grounds.

Historical Record

Grounds that have been used by the Congress include disloyalty. Three members of Congress were excluded in the civil war era on this basis and another cleared of disloyalty charges.

In 1870, a representative named **Whitemore** was expelled on the complaint that he sold appointments to the military academies.

In 1899, **Brigham Roberts** of Utah was prohibited from taking his seat for continuing in the practice of polygamy. Roberts' eviction supports the principle that a public official can get away with a great many things as long as he doesn't announce it on the floor the house or (as another time advertised) by a midnight swim in one of the capital's reflecting pools.

Smoot Mooted

In 1904 the Senate faced the Roberts issue rephrased with respect to **Senator Smoot**. Smoot was charged with supporting polygamy as a doctrinal matter but since he did not practice what he preached he survived to enjoy a certain immortality. (Well, at least fame to my generation of American History high school students) as half of the Smoot-Hawley tariff, high point of American protectionism.

In 1919, the U.S. House fired one **Victor Berger** for having had the audacity to oppose American involvement in World War I and the draft, while at the same time being an admitted socialist.

Dishonored War Bond

While this history gives some idea of the latitude of the power, and its potential for abuse, it is unlikely that expulsion for disloyalty or advocacy could be repeated today. The U.S. Supreme Court in 1966 refused, on constitutional grounds, to let the Georgia legislature bar **Julian Bond** from his seat. Representative-elect Bond also opposed a war and a draft and, while not a socialist, was black and uppity — a considerably worse offense in Georgia those days. Thus, through the Bond case, the ground has been laid for establishing some limit to the grounds for which a member may be expelled or prevented from taking his seat. At least you can't toss someone out for exercising First Amendment rights to free speech.

The language of the Alaskan constitutional expulsion power and of most other states is parallel to that in the U.S. Constitution. A few states specify grounds for expulsion by constitution or statute. I have found no definition that would not cover the conduct complained of in the **Hohman** matter.

A Dignified Senate

The question for the Senate was not what it must do but what it should do. The Senate was under no legal compulsion to do anything. With a number of exceptions such as indicated by the Bond case, and some other examples which shall be referred to, the role of a legislative body is defined by its status under the American system as the head of a tripartite system of government in which judiciary, executive and legislative branches are of equal dignity, each free from interference from the others.

It is on this proposition of political theory that **Senator Hohman** initially stakes his position that the Senate should listen to fact and argument which might establish his innocence. If it had chosen to do so, the Senate could certainly have tried Mr. Hohman again according to a statement of charges and rules of procedure invented for the occasion addressing, of course, only the penalty it has the power to impose, expulsion. However, it was equally available to the Senate to adopt the judgment of a coequal branch on the principle of comity and, I believe, the Rules committee wisely decided to follow this course. Though as I will explain, Senator Hohman gave the committee an opportunity to hang him separately by asking that the trial record be spread on the record of the Senate.

A Boot for Brewster

The U.S. Supreme Court pointed out the problem with the Senate holding its own trials in a 1971 case, while making some pointed remarks about the role of the judicial and executive branches in cases of corruption within the legislative branch. The case involved the disgrace of Senator Owen Brewster of Maine who was convicted of taking a bribe for a vote. On that charge, Brewster claimed immunity from judicial action, arguing that the Senate *alone* could punish him. He pointed to the constitutional clause which provides that a representative may not be held to answer in another tribunal for what he says on the floor of the house. (You may recall that Alaska's **Mike Gravel** sought the shelter of this "Speech and Debate" clause in the Pentagon Papers case.) The court rejected Brewster's argument and in doing so gave some advice of use to our own legislature.

"Congress is ill-equipped to investigate, try and punish its members for a wide variety of behavior that is loosely and incidentally tied to the legislative process . . .

"Congress has shown little inclination to exert itself in this area. Moreover, if Congress did lay aside its normal activities and take on itself the responsibility to police and prosecute the myriad activities of its members . . . the independence of individual members might actually be impaired."

The Court went on to point out that the formidable shields that protect the accused in a criminal trial and the requirement of criminal due process that a person be tried on "specifically articulated standards," are not requirements of a legislative trial. The legislature is accuser, prosecutor, judge and jury and has no established court of review. It may be moved by the passions of party, politics and moment which are absent in judicial proceedings.

Accordingly, with respect to due process, it is surely beyond question that Senator Hohman got a more exacting measure than he could ever have found in the Senate.

Office Property

Well, what of his right of appeal? The judicial due process is not yet exhausted. What if his conviction is reversed on appeal? Senator Hohman has suggested that the charges and conviction brought against him were the result of a criminal conspiracy. Is he not entitled to have that heard and decided against him in a court of appeals before he is expelled?

This argument misconstrues the nature of political office and the operation of the criminal justice system. That office is not a property of the office holder. For him it is a trust. The property interest (if that is what it is) is in the people. He carries it only by virtue of a promise of fidelity not proven to have been broken

If he had not been expelled, whose property interest would have been injured? Surely what was injured is the right of the people to faithful representation. There was only one way to assure that representation and that was for the Senate to adopt a motion of expulsion, including a report to the Governor that a vacancy existed, so a new representative could be promptly appointed as provided by statute, from the same party and to be confirmed by the members of that party in the senate.

Senator Hohman had a chance to test his theory that the charges were the result of a conspiracy against him, before a system which is designed with exacting care to protect his rights. He failed to persuade either judge or jury.

Hazards of Prosecution

Senator Brewster raised the same kind of executive conspiracy argument in urging that the judicial system leave his bribery case to the Senate. The Supreme Court's response to the counter-conspiracy charge is also instructive.

"We should not overlook the barriers a prosecutor, attempting to bring such a case, must face. First he must persuade a grand jury to indict, and we are not prepared to assume that grand juries will act against a Member without solid evidence. Thereafter he must convince a petit jury beyond a reasonable doubt with the presumption of innocence favoring the accused. A prosecutor who fails to clear *one* of these hurdles faces severe practical consequences when the defendant is a Congressman. The Legislative Branch is not without weapons of its own and would no doubt use them if it thought the Executive were unjustly harassing one of its members."

Writing as one who has stood in those shoes, this was a tough case to take forward for the state's chief prosecutor, **Mr. Hickey**, as well as the star witness, **Mr. Meekins**. It would have been easier for the state to have washed it out in the early stages for lack of sufficient evidence to sustain a conviction just as it would have been easier for Mr. Meekins to keep his mouth shut. Instead, Mr. Hickey and his staff painstakingly went forward, gathering, piece by piece, the web of circumstantial evidence and unraveling the skein of dishonesty intended to cover up the tracks of misconduct. Regardless of what may happen to Mr. Hohman, integrity in the conduct of the state's business will be improved across the board by the demonstrated willingness of the constable to act even against the highest seats of power.

A Presumption Toppled

Upon conviction, all the presumptions are changed. Mr. Hohman is now presumed guilty, as I can fairly presume him to be for this article. Knowing full well the imperfection of all human judgment, we must still rely on the system if we are to avoid paralysis. The burden is on him now to show the courts that his trial failed to meet due process standards or otherwise failed to conform to law. *On* that showing he is not "innocent" but is entitled to a new trial.

The Expulsion Sealed

There is considerable question in my mind whether Senator Hohman served himself well tactically by laying the full record of the trial on the table in the Senate committee. The Senate is not bound by the rules of evidence of the criminal courts which might be established on appeal. There is a sufficient record there to support his expulsion regardless of whether the Supreme Court calls for a new trial based on what the public likes to call "technical" rules of evidence.

Exhausting Appeals

Nevertheless, if appeals were conducted in a week or two, it would have been fairer, in balance, to have had the Senate wait upon the wisdom of the appellate court before casting its vote on expulsion. But the Senator has had the due process required to strip him of the presumption of innocence. Potential appeals can carry the case well into 1983 and probably beyond. The integrity of the representative process is also entitled to be measured in the balance and it should outweigh the asserted interest of any individual in an office which is not his property in any case.

The Suspenders Argument

In this lay the difficulty with a suspension. It is probable though debatable that a suspension, an expulsion, for a set period of time shorter than the term of the legislature, is within the power of the legislature to impose. But in taking this action, the legislature would have deprived the people of Mr. Hohman's district of the right to representation by appointment from the same district, a right which

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ALL MY TRIALS

by Gail Roy Fraties

Love In the Shadows

"You're kidding!" (laughter) "Jesus, whatever happened to making it with girls?"

My running mate, Deputy District Attorney **Sam Lavarato,** was on the phone in the next room, talking to Detective Sergeant **Les Rodman** of the Salinas Police Department. Sam, our intake officer, usually spent an hour in the morning answering inquiries from various police agencies concerning problem cases, and I thought no more of the matter. Later I found him in our law library, in earnest conversation with one of the D.A. investigators, **Bob Taylor.**

"Sam, it's just got to be against some regulation. Nobody should be able to get away with anything like that." Bob sounded concerned.

"I don't know, pal — we've looked everywhere. I guess the legislature never passed a law against it, because nobody ever thought of it before."

"How about cruelty to animals?" Bob persisted.

Both of them started laughing. I sat down and was handed a cup of coffee, whereupon Sam explained that Salinas' finest had responded, red lights and sirens, the night before to the home of one of the more prominent citizens, on a complaint from his wife that she had just found him in their stable, in a compromising position with one of the race horses. The suspect, having been conducted immediately to jail by horrified officers, was due for arraignment — but nobody could determine what, if any, law he had violated. I volunteered to help, and we thoroughly researched the matter — everything from the Penal Code through Fish & Game to Pure Food and Drugs, without success. We then advised the police to let the gentleman in question off with a stern warning, and he was released without further incident.

The Jailhouse Rock

As legal advisors and confidantes of the police in the area, we had a lot of strange problems presented to us for our opinion. Earlier that year, the warden of Soledad State Prison (a penal institution located in the county) had called on us in an emergency situation. In those days, California law provided that narcotic addicts could turn themselves in to any local prison, whereupon they were provided with free transportation to a narcotic rehabilitation center in the state. One of them had dutifully done so at Soledad, but had inadvertently been put in with the main prison population — whereupon he was captured by a gang of militants and gang raped for several nights before he was detected and rescued.

The warden naturally expected a civil suit, but on finding out that the addict was heavily strung out on heroin, we advised that he simply be shipped off without comment. He never complained to anybody, as it transpired, and all ended happily. "He probably thought it was part of the treatment," was Lavarato's comment.

Soledad Street Blues

Our chief investigator, **Dinsel Smith,** was not only a competent and reliable professional, but a kindly and rather shy man as well. He seemed totally incapable of harboring any malice toward anyone, and was generally a peacemaker in tense office situations. In spite of his retiring manner, I knew that he was a survivor of many a brawl when he had been with the detective division of the Salinas Police Department. On one occasion, I asked my close friend **Dale Cheek** — also a survivor of that era — where Dinsel had acquired the rather prominent scar on the point of his chin. It was an old wound, and not disfiguring — but obviously was the result of a blow of some sort, struck with terrific force.

To my surprise, my question made Dale smile. He paused for a moment, obviously relishing a fond memory.

"Dinsel was my detective partner in the old days, Gail," he replied. "He got that one night in the Golden Dragon when we went down there to break up a domestic beef."

I knew that the establishment in question was a bar on Soledad Street — Salinas' equivalent of Anchorage's Fourth Avenue, Fairbanks' Two Street, or Juneau's South Franklin, except worse. Ninety percent of the violent crime in a generally violent area came from those few city blocks — and I had tried many cases involving the use of various weapons, by its denizens, on each other. Dale's story, as ever, was unique.

He told me that a 250-pound lesbian had been drinking in the bar with her 100-pound "girlfriend" — a petite little creature who, as is often the case, was extremely appealing to the masculine eye. A Fort Ord solider, either maddened by desire or out of his mind with drink, tried to cut in on the large lady's territory. Any policeman can tell you that a charged up lesbian of the Chicago Bears' linebacker, "bull dyke," variety is a very tough customer indeed, and this one proved no exception. She had generally laid waste not only to her competition but to the bar as well. When the detectives arrived, she ignored Dale, much to his amusement, and zeroed in on Dinsel immediately — taking violent exception to his typically mild and low-keyed efforts at peacemaking. Adding to the general confusion, amid the groans of the wounded and incapacitated, could be heard the yapping of a small French poodle — the property of the girlfriend. The frightened little animal was darting among the participants, barking at the top of its tiny lungs.

Dale continued. "You know Dinsel. He was trying to talk this lady into being nice, and she wasn't buying his act — in fact [Dale chuckled at the recollection] she stepped back at one point and drop-kicked him in the jaw. That's where he got the scar."

That sounded like pretty rough stuff to me, and I asked Dale what he thought was so funny.

"Well," he replied, "it wasn't that so much, but I started laughing so hard that I was unable to help him. He was all covered with blood, rolling on the floor with this big dyke, she was beating hell out of him, and for the life of me I simply couldn't come to his rescue. The little dog was running around them barking, and when he finally got the cuffs on her and dragged her out the door it took all of his remaining strength to get her into the back of the hack. You wouldn't believe it, but just as he managed to close the door, the little dog raced all the way across the floor, out on the sidewalk, AND IT BIT DINSEL."

Your Money or Your Life

As is true in Alaska, everyone in Monterey County seemed to have strong ideas on law enforcement. Not all of them necessarily believed in police intervention in their personal affairs, however. In the summer of 1968, several members of the **Maggio** family, Sicilian owners of a large and prosperous fruit and vegetable factoring operation in King City, California, arrived in the office accompanied by their attorney, **Mike Panelli,** and requested an audience with the District Attorney. Mike, a capable and talented trial lawyer of long experience, was trying to calm them down — and spoke to them in fluent Italian, which they seemed to prefer. Theirs was a multimillion dollar enterprise, and it appeared that their accountant — whom they had taken into their trust and confidence although he was not Italian — had embezzled just short of $1 million in the space of seven years. They wanted him arrested and dealt with summarily.

"How much time is he going to get?" inquired the eldest brother and leader of the group.

"For a first offense, probably five years," was **Mr. Young**'s reply. "He'll be eligible for parole in about two."

There followed a heated and rapid exchange between Mike and the various brothers whereupon the senior Maggio again addressed himself to the District Attorney. "For stealing a million dollars from us, he does two years?"

The answer was in the affirmative.

"Never mind," was the ominous reply. "We'll take care of it."

I left for Alaska in the fall, and I often wondered how that one turned out.

Lavarato's Foundation

I started this column with a salute to the animal kingdom, and it seems fitting to end it that way with the story of "Lavarato's Foundation." We had a lot of trouble with motorcycle gangs in Monterey County in the late '60's, and Sam was trying a sodomy case against **Corky Boozinger,** the leader of "The Losers." They were a scruffy lot, as their name implies, and I recall asking a gang member on one occasion what they did for amusement besides beating up cops.

"Oh, I don't know, Mr. Fraties," he said, "we just drink a lot of beer and tell lies." He paused. "We don't even have a motorcycle yet. That's how bad it is," he continued sadly.

As many of my readers probably know, motorcycle gang members have a tendency to engage in bizarre behavior to impress their fellows. We had heard from the detective division that one of the inmates of the county jail was in possession of pictures of Boozinger perpetrating an unnatural act on a large German shepard. Sam felt that if he could get those photos into evidence, it would enflame the jury against the defendant, and assure an easy conviction. He proposed to offer the inmate in question a remission of his sentence in exchange for these exhibits, and told me that he was going to have them blown up to four-foot poster size, for better display to the jury.

"How the hell are you going to get that shit into evidence, Sam?" I was intrigued with his plan, of course, and hoped that he could do it.

"Gail, it's easy. When I cross-examine Boozinger I'm going to ask him if it isn't true that he performed oral copulation with the victim. [Sam used a different expression, but his meaning was clear.] He's going to deny it. Then I ask him, 'Well, you've done it with a lot of other girls, haven't you.' He'll deny that. Then I say, 'What about men?' — and he'll be shocked, and deny that. Then I say, 'Well, what about animals?' and he's going to be even more pissed off and deny hell out of it. Then I say, 'What about this one?' and whip out the poster in front of the jury. It's proper impeachment."

Sam never got to use his foundational technique, because — much to our disappointment — Boozinger thought better of it and came to the office with his attorney to discuss a plea bargain. While they were talking, Sam politely offered coffee all around, and the negotiations were concluded peacefully. Afterwards, I was present when **Investigator Taylor** spoke accusingly to his close friend.

"I suppose you gave that dog-molesting son-of-a-bitch coffee, right?"

"It's OK, Bob," Sam replied calmly. "I let him use your cup."

A strangled cry, accompanied by a spray of coffee, was the anticipated response, and another uneventful day in the Monterey County District Attorney's office drew quietly to a close.

Resignation . . .

Karen L. Hunt
President
Alaska Bar Association
Box 279
Anchorage, Alaska 99501

Dear President Hunt:

I herewith resign from the Alaska Bar Association.

Although I plan to continue to practice law, I do not wish to be associated with an organization, integrated or not, which publishes racist material such as written by that person fraties in the recent issue of the bar newsletter.

Very truly yours,
Richard Whittaker
Richard Whittaker

Dismay . . .

Richard Whittaker
Totem Way
Ketchikan, Alaska 99901

Re: Your "resignation" letter of December 28, 1981

Dear Mr. Whittaker:

While I am dismayed that the Fraties column in the Bar Rag met with your extreme displeasure, as you know, I cannot accept your resignation from the Alaska Bar Association. Like you, I have, on occasion disagreed with the content of the Bar Rag. Nonetheless, it has been the consistent policy of the Board of Governors of the Alaska Bar Association that the Bar Rag editorial staff, under the direction of Harry Branson has total, unfettered discretion in determining what is published in the Bar Rag. That policy is not under review by the Board of Governors.

If you feel strongly that the policy should be changed, a resolution introduced at the Annual Meeting in Anchorage in May, 1982 bringing the issue to the floor for debate and decision by the membership might be an appropriate alternative for you to pursue. By carbon copy of this letter, I am forwarding your letter and this response to all members of the Board of the Governors as well as Harry Branson.

Yours very truly,
Karen L. Hunt
Karen L. Hunt
President

RANDOM POTSHOTS . . .

[continued from page 4]

has been well served in the past by the designation of several dedicated public servants. **George Sullivan**, for example was once appointed to represent the Prince William Sound area. Apart from the time left for business in this session, on the historic record, a special session must also be considered a real possibility..

A Hohman Hurrah

The last question to be addressed might well be what next time? Can Senator Hohman be reelected to another term?

The answer is probably no in the short run and yes in the long run. **James Michael Curley** of "Last Hurrah" fame successfully ran for reelection as Mayor of Boston while doing time on federal mail fraud in a Danbury, Connecticut prison. Under historic interpretation of our constitutional language, the power to expel does not run beyond the legislature to which the expelled member is elected. Accordingly, as happened in the case of **John Wilkes**, an eighteenth century supporter of American rights in the British Parliament, whose punishment inspired the adoption of our constitutional freedoms of speech, a member can be elected and expelled several times over.

The Felonious Candidate

However, Section 2 of Article II of the Alaska Constitution requires that a member be a qualified voter and Section 2 of Article V prohibits a person convicted of a felony involving moral terpitude from voting until his civil rights have been restored. Alaska case law suggests, though not without ambiguity, that that occurs only when the person is released from prison having served that part of his sentence requiring incarceration. Accordingly, Mr. Hohman can try but should not be able to pull off a James Michael Curley number.

We are likely to see some interesting fireworks if Mr. Hohman persists in asserting his candidacy. He has filed for office. Mr. Hohman will appeal and it is unlikely that he will do time before his appeal. Accordingly, though the law is not unambiguous on this point, he should be ineligible to stand for election based on the prequalification that he be a citizen entitled to vote. Will the Lieutenant Governor reject his application? If not, will a citizen or the Attorney General sue to prevent his name from going on the ballot? At this writing, these questions are open.

Don't Play it Again Sam

At least two recommendations can be drawn from the Hohman experience. In preparing for this talk I noticed a number of states have constitutional provisions which prohibit a person expelled for corruption from being eligible again to serve in either chamber. We are not so hard up for leadership that we should not adopt the same constitutional bar.

A second recommendation is suggested by some observations from the Supreme Court dissenters in the Brewster case, who pointed to the narrow edge between bribery and other forms of legitimate congressional activity. Many of us have given money to a candidate, considering his commitment to support policies which we approve of, even policies in which we have a financial interest. The case for bribery may come down to the degree of explicitness of the consideration and the bookkeeping practices of the candidate which allocate between personal expenses and campaign expenses. There are a range of practices which call out for better definition.

The tragedy of George Hohman reflects a disgrace of the whole legislature. It would not likely have happened had not the whole atmosphere of the legislature deteriorated the last two years through an excess of funds and the absence of effective guidelines or principles for their allocation or for accountability of their legislative guardians.

This problem has now been addressed one very hard way. While it may have been the most blatant, it is certainly not the only breach of representative trust that occurred during the course of business of the last two legislatures. As is the case for so many crimes, preventive strategies for offenses against public administration and the spectrum of unethical behavior that approaches but does not cross the border have a higher payoff than after-the-fact prosecutions. Lawyers in particular should support legislation establishing a system for defining ethical principles and practices in legislative conduct and assisting legislators and other public officials in meeting them. This kind of legislation has been proposed for a decade now. The Hohman case is a reminder that we have already waited too long.

(This Potshot is adapted from a talk given by the author before the Anchorage Chamber of Commerce.)

CLE Publications Available

The following publications are available at the Alaska Bar Association's office:

• *1981 Professional Update Conference Handbook.* A comprehensive and detailed publication of recent developments and changes in the following areas of law: Family, Torts, Criminal, Real Estate, Administrative, Business, Taxation, Natural Resources, Environmental and Civil Rules. The handbook was prepared by the Bar's 10 Substantive Law Sections, and published by the Alaska Bar Association. The price is $25 per copy.

• *Alaska Workers' Compensation Law: Practice and Procedure.* The most complete handbook on the practice of workers' compensation law in Alaska. Written by Anchorage attorneys **William W. Erwin** and **Joseph A. Kalamarides,** and published by the Alaska Bar Association. The price is $25 per copy.

• *How to Start and Build a Law Practice.* Written by **Jay G. Foonberg,** nationally-recognized authority on law office economics and management, and published by the American Bar Association. A "nuts-and-bolts" approach for the lawyer entering the economic arena of private practice on his own. Price $10.

To order any of these publications please send check to Alaska Bar Association, P.O. Box 279, Anchorage, Alaska 99501.

Legal Assistants Association Formed

In May of 1981, a meeting of some 25 Anchorage legal assistants revealed a strong interest in the formation of a professional organization through which legal assistants could interrelate and associate with their colleagues. Alaska Association of Legal Assistants was incorporated as a nonprofit corporation with an initial membership of approximately 30 legal assistants. Its officers are: Margaret Russell (Burr, Pease & Kurtz, Inc.), President; Mary Hilcoske (Merdes, Schaible, Staley & DeLisio, Inc.), Vice President; Nancy Cliff (Perkins, Coie, Stone, Olsen & Williams), Secretary; and Jo-Ann Schroepfer (Camarot, Sandberg & Hunter), Treasurer.

The basic purpose of AALA is to encourage and promote the employment, advancement and continuing education of legal assists throughout Alaska. It hopes to create a much-needed forum for sharing ideas and experiences among those in the legal assistant profession. With these objectives in mind, AALA is now in the process of arranging a one-day legal assistant CLE seminar pertaining to interviewing techniques, to be held in mid-March in Anchorage. The Association also plans to sponsor a speaker at the Alaska Bar Association Convention in May, 1982. In addition, at most of its monthly meetings, AALA has had and will continue to have speakers and programs of interest to its members.

The regular membership fee is $35.00 per year, and the non-voting associate membership fee is $20.00 per year. You may write to the Alaska Association of Legal Assistants for membership information or if you would like to receive the AALA Newsletter ($5.00 per year for non-members), at P.O. Box 1956, Anchorage, Alaska 99510-1956.

JOE RUDD SCHOLARSHIP

1982-1983
Rocky Mountain Mineral Law Foundation

At the time of his death in an airplane accident in December of 1978, Joe Rudd was acknowledged as the preeminent natural resources attorney in the State of Alaska and was well-known nationally for his expertise. In recognition thereof, his family and friends and the Rocky Mountain Mineral Law Foundation have established the Joe Rudd Scholarship. The first scholarship grant was awarded for the academic year commencing in the fall of 1980.

(1) **Purpose.** The purpose of the scholarship is to encourage the study of natural resources law by well qualified law school students who have the potential to make a significant contribution to the field of natural resources law.

(2) **Eligibility.** Second year, third year and graduate law school students are eligible to receive the scholarship; provided, however, that first year law school students who can demonstrate a commitment to study natural resources law are also eligible to receive the scholarship.

(3) **Field of Study.** In order to be eligible, a law school student must be undertaking the study of natural resources law.

(4) **Law Schools.** The scholarship can only be used in connection with a program sponsored by one of the law schools which is a Governing Member of the Rocky Mountain Mineral Law Foundation:

University of Alberta
Arizona State University
University of Arizona
University of Calgary
University of California-Hastings
University of Colorado
Creighton University
University of Denver
University of Idaho
University of Kansas
Lewis and Clark College-Northwestern
University of Montana
University of Nebraska
University of New Mexico
University of North Dakota
University of Oklahoma
University of the Pacific-McGeorge
University of South Dakota
Stanford University
University of Tulsa
University of Utah
University of Wyoming

(5) **Amount of Grant—$2,500-$5,000.** The scholarship is to be awarded on an annual basis. It is estimated that the amount of the grant will be between **$2,500 and $5,000 per year.**

(6) **Criteria for Selection.** The following criteria will be used to determine the recipient of the scholarship:

(a) potential to make a significant contribution to the field of natural resources law;
(b) academic ability;
(c) leadership ability; and
(d) financial need.

(7) **Alaska Preference.** The scholarship is open to all law school students; but preference is given to Alaska residents and students.

For further details and Application Forms, contact:

Harris Saxon
Ely, Guess & Rudd • 510 L Street, Suite 700
Anchorage, Alaska 99501

or:

Rocky Mountain Mineral Law Foundation
Fleming Law Building, B 405 • University of Colorado
Boulder, Colorado 80309

DEADLINE FOR SUBMITTAL: APRIL 1, 1982

NUMBERS, NUMBERS . . .
Alaska Court System

OFFICE OF THE ADMINISTRATIVE DIRECTOR

ADMINISTRATIVE BULLETIN
NO. 81-4

SUBJECT: **Case Numbers**

The attached case numbering policy will become effective in all district and superior courts on January 1, 1982. This policy replaces the case number policy described in Administrative Bulletins 77-2 and 78-4.

Arthur H. Snowden, II
Administrative Director

Contents

ADMINISTRATIVE BULLETIN NO. 81-2 CASE NUMBERS

Beginning January 1, 1982, the following case number format must be followed.

A. CRIMINAL CASES

1. Each defendant joined in a charging document under Criminal Rule 8(b) shall be assigned a separate case number for administrative purposes. The prosecuting attorney shall provide the court with two legible copies of the charging document for each defendant. The original charging document shall be filed in the case file of the first defendant named in the charging document.

2. If the charging document includes more than one count and more than one defendant, the heading of the charging document shall indicate which counts apply to which defendants. Space must also be provided in the heading to assign separate case numbers to each defendant. ("Heading" means the top portion of the form containing the title of the court, the case caption and case number.)

3. A separate court case file shall be set up for each defendant. The file for each defendant shall contain only the pleadings pertaining to that defendant.

4. The case caption of each pleading shall list only the names and case numbers of the defendants to which that pleading applies. Attorneys shall continue to serve copies of all pleadings on all parties joined in the charging document.

5. All criminal cases, including state, city, borough and municipality cases, must be numbered in one number sequence. The suffix "CR" must be written at the end of each criminal case number. The following is a description of the five parts of a criminal case number:

Part 1: each court's 3-digit location code -DASH-

Part 2: a code designating the plaintiff; the codes are:

state cases	S
city cases	C
borough cases	B
municipality cases	M

Part 3: two digits indicating the current year -DASH-

Part 4: the next available number in the criminal sequence (Each year the first criminal case filed is given the number "1".)

Part 5: the letters "CR"

Examples:

State of Alaska, plaintiff:	3KO-S81-234CR
City plaintiff:	3KO-C81-235CR
Borough plaintiff:	3KO-B81-236CR
Municipality plaintiff:	3AN-M81-123CR

B. CIVIL CASES

All civil cases, including formal district and superior court civil cases, small claims cases, domestic violence cases and dissolution and divorce cases, must be numbered in one number sequence.

The following is a description of the four parts of each civil case number:

Part 1: each court's 3-digit location code -DASH-

Part 2: two digits indicating the current year -DASH-

Part 3: the next available number in the civil sequence (Each year the first civil case filed is given the number "1".)

Part 4: a 2-letter suffix indicating the type of civil case; the four suffixes are:

Formal Civil Cases:	CI
Small Claims Cases:	SC
Domestic Violence Cases	DV
Domestic Relations Cases (Dissolutions and Divorces):	DR

Examples of civil case numbers:
3KO-81-22CI

C. CORONER CASES

All coroner cases and presumptive death cases must be numbered in one number sequence (the "coroner case number sequence"). The suffix "CO" must be written at the end of each case number. The following is a description of the four parts of a coroner case number:

Part 1: each court's 3-digit location code -DASH-

Part 2: two digits indicating the current year -DASH-

Part 3: the next available number in the coroner sequence (Each year the first coroner case filed is given the number "1".)

Part 4: the letters "CO"

Examples:

a coroner call:	3KO-81-7CO
a presumptive death:	3KO-81-8CO

D. TRAFFIC CASES (not including parking violations)

1. State Troopers will always use uniform traffic citation (UTC) forms for traffic cases. Many local police departments also use UTC forms for traffic cases. If a UTC is used, the case number is the UTC number except in those cases where formal criminal complaint forms are required. [See District Court Criminal Rule 8(d).]

2. If local police do not use UTC forms, they will use regular complaint forms for traffic cases. These traffic cases should then be given criminal case numbers with the word "traffic" in parentheses after the "CR" suffix.

Example:
2PH-S78-21CR (traffic)

E. CHILDREN'S PROCEEDINGS

Each superior and district court shall assign case numbers to petitions as they are filed and to any documents relating to emergency detention hearings. In assigning these case numbers, each court shall use its own local "CP" case number series. The location code at the beginning of each case number shall be the location code of the local superior or district court.

The number assigned to a children's proceeding depends on whether or not the child has been the subject of a previous children's proceeding. If the child has *not* been the subject of a previous children's proceeding, his case should be assigned the next available new children's proceeding number. If, however, the child has been the subject of a previous children's proceeding, new petitions concerning the child should be given the same case number as the first case on that child. This procedure is described more fully below:

1. Child Who Has *Not* Been The Subject of A Previous Children's Proceedings.

The following is a description of the five parts of each children's proceeding number (for children with no previous CP numbers):

Part 1: each court's 3-digit location code -DASH-

Part 2: two digits indicating the current year -DASH-

Part 3: the next available number in the children's proceedings sequence (each year the first children's proceeding on a child with no prior children's proceeding case number is given the number "1".)

Part 4: the letter "A" indicating that this is the first petition or first emergency detention hearing held concerning that child. (Note: As described in section 2 below, the next petition concerning this child will be assigned the letter "B".)-DASH-

Part 5: the letters "CP"

Example: 3KO-81-1A-CP

2. Child Who Has Been The Subject of A Previous Children's Proceeding.

A new proceeding concerning such a child should be given the same case number as the child's first proceeding except that the letter "A" in the number should be replaced by the next letter in the alphabet (which will indicate the number of children's proceedings held concerning that child).

F. PROBATE MATTERS

1. Probate Proceedings and Other Cases.

The following abbreviations* shall be used in the case numbers for the various types of proceedings listed below:

guardianships:	P/G
conservatorships:	P/C
minor settlements:	P/MS
protective proceedings:	P/PP
alcohol commitments:	P/SA
estates:	P
adoptions:	P/A
sanity:	P/S
emancipation:	P/E

Any of the above types of proceedings which are handled by the probate section at a particular superior court location should be assigned case numbers from a single sequence of numbers.

Description of Case Number:

3 digit location code -dash-
2 digits indicating the current year -dash-
the number of probate cases (estates, sanity cases, adoptions, guardianships, etc.) filed so far in the current year (including the present case) and the alphabetical letters which indicate the type of proceeding ("P", "P/S", "P/A", "P/G", etc.)

2. Registration of Wills

Each will which is deposited in a superior court for safekeeping shall be assigned the following type of identifying number:

3KO-79-1W

Description of registration number:

3 digit location code -dash-
2 digits indicating the current year -dash-
the number of wills deposited so far in the current year (including the present one) and the letter "W"

G. TEMPORARY TRANSFERS OF CASE FILES

If a case file is temporarily transferred from one court location to another but venue in the case is not changed, the receiving court shall *not* assign its own case number to the case. Instead, the case shall keep the case number assigned by the original court. It is recommended that the temporarily transferred case files be filed by the receiving court in a separate file area for "out-of-town" cases. Dockets or case reporting forms on the "out-of-town" cases should also be kept separate from those for cases originally filed in the receiving court.

H. CHANGES OF VENUE

If the venue of a case is changed, the court to which the case is being sent shall assign a new case number to the case and shall notify the original court and all parties in the case of the new case number. Administrative Form F-74 is available for this purpose.

I. FELONIES

1. Felony cases filed in court locations where there are both district and superior courts shall keep the same case number in the district and superior court.

2. The following procedure shall be used at those court locations where there is a district court judge or magistrate, but no superior court judge. A felony complaint filed at a district court location shall be assigned a case number by the district court. The case shall keep the district court case number until either

a. an indictment is issued by a grand jury, or
b. an order holding the defendant to answer after a preliminary hearing is sent to the superior court, or
c. an information is filed in the superior court.

COURT LOCATION CODES

First District

Angoon	1AG
Craig	1CR
Haines	1HA
Hoonah	1HN
Juneau	1JU
Kake	1KA
Ketchikan	1KE
Pelican (closed)	1PL
Petersburg	1PE
Sitka	1SI
Skagway	1SK
Wrangell	1WR
Yakutat	1YA

Second District

Buckland (closed)	2BU
Gambell	2GB
Kiana	2KI
Nome	2NO
Noorvik	2NR
Point Hope	2PH
Savoonga	2SA
Selawik	2SE
Shungnak	2SH
Unalakleet	2UT
Wales (closed)	2WL

Bethel Service Area

Aniak	4AK
Bethel	4BE
Emmonak	2EM
Hooper Bay	2HB
Kasigluk (closed)	4KS
McGrath	4MC
Mekoryuk	4ME

[continued on page 11]

ALASKA BAR ASSOCIATION BUDGET 1982

1982 Adopted Budget Projection –

INCOME

MEMBERSHIP DUES	$473,025	
ADMISSION FEES	63,500	
ADDRESSING & COPYING	2,500	
SPLIT PAYMENT SERVICE FEES	3,860	
INTEREST	31,000	
LAWYER REFERRAL	36,000	
THE BAR RAG	6,000	
PENALTIES	5,000	
ANNUAL MEETING	25,000	
ANCHORAGE BAR	3,000	
CONTINUING LEGAL EDUCATION	90,000	
TOTAL PROJECTED INCOME:		$738,885

EXPENSES

A. ADMISSIONS		
• Staff	$22,625	
• Grading		
MBE	5,250	
Local	22,890	
California	6,300	
• Exam Review Consulting Fees	8,000	
• Travel & Per Diem:		
Nat'l Conference of Bar Examiners (5 people)	7,060	
• Rent	5,600	
• Postage/Supplies	6,412	
• Telephone	1,429	
TOTAL ADMISSIONS EXPENSE	$85,566	
B. BOARD OF GOVERNORS		
• BOG Travel & Per Diem for Meetings		
Anchorage (5 meetings)	$13,155	
Fairbanks (1 meeting)	3,942	
Misc. Travel	2,500	
• Other Meetings		
Western States (1 person)	1,750	
ABA Mid-Year (2 people)	3,278	
Bar Leadership (1 person)	1,761	
Bar Annual (2 people)	3,864	
• Telephone	1,263	
• Misc./Mail/Supplies	1,241	
TOTAL BOARD OF GOVERNORS EXPENSE	$32,754	
C. DISCIPLINE/BAR COUNSEL		
• Staff	$ 74,286	
• Litigation Support Services	15,000	
• Travel & Per Diem		
N.O.B.C. (2 meetings)	3,306	
BOG Fairbanks Meeting	500	
ABA Workshop	1,200	
Area Hearing Committee	2,400	
• Conflict Litigation/Contract Labor	8,000	
• Supplies/Copies/Misc.	3,403	
• Transcripts	10,000	
• Telephone	2,595	
• Directory Advertising	2,425	
• Rent	8,966	
• ABA Disc. Evaluation Team	1,500	
TOTAL DISC./BAR COUNSEL EXPENSE	$133,584	
D. LAWYER REFERRAL SERVICE		
• Staff	$16,964	
• Printing	500	
• Advertising	6,054	
• Telephone	4,606	
• Supplies/Misc.	1,012	
TOTAL LAWYER REFERRAL EXPENSE	$29,136	
E. ADMINISTRATION		
• Staff	$102,393	
• Telephone	6,365	
• Travel & Per Diem		
ABA Mid-Year	1,480	
ABA Annual	1,850	
Nat'l Assn. Bar Executives	1,653	
BOG Fairbanks Meeting	500	
• Public Relations	1,500	
• Supplies	11,168	
• Postage	10,721	
• Equipment Leases	12,207	
• Equipment Maintenance	8,508	
• Printing	3,000	
• Rent	24,912	
• Library	2,000	
• Annual Audit	3,500	
• Dues & Subscriptions	350	
• Advertising	750	
• Casual Labor	500	
• Property & Liability Insurance	6,400	
• Reimbursement - Automobile	3,000	
• Depreciation	17,798	
• Newsletter	9,600	
• Interest Expense	6,800	
• Miscellaneous	4,000	
TOTAL ADMINISTRATION EXPENSE	$240,955	
F. *THE BAR RAG*		
• Typesetting	$ 8,400	
• Printing	6,000	
• Photos/Art Work	1,000	
• Distribution	300	
• Commissions on Advertising	1,200	
• Promotion	500	
• Miscellaneous	12	
TOTAL *BAR RAG* EXPENSE	$17,412	
G. CONTINUING LEGAL EDUCATION (CLE)		
• Administrative Expense		
Staff	$ 34,856	
Telephone	1,035	
Misc./Supplies	2,200	
ABA Travel - CLE	1,934	
• Direct Cost of Seminars	68,000	
TOTAL CLE EXPENSE	$108,025	
H. SUBSTANTIVE LAW SECTIONS		
• Funded Expense	$2,000	
• Budgeted by Section Signups	2,765	
TOTAL SECTION EXPENSE	$4,765	
I. LOBBY EXPENSE	$ 5,000	
J. COMMITTEE EXPENSE	$ 7,000	
K. UCLA/AK LAW REVIEW	$18,750	
L. ANNUAL CONVENTION	$25,000	
M. MEETING - LOCAL BAR PRESIDENTS	$ 3,000	
N. SPECIAL LITIGATION	$ 5,000	
TOTAL EXPENSE		$715,944
TOTAL PROJECTED SURPLUS		$ 22,941[2]

[1]The Association's 1982 Budget was finalized and formally approved during the December 10-12, 1981 meeting of the Board of Governors.

[2]The 1982 projected surplus of $22,941 is *in addition* to any 1981 surplus that may be realized.

ALASKA BAR ASSOCIATION 1982 BUDGET*

TOTAL INCOME:	$738,885
TOTAL EXPENSE:	715,944
PROJECTED SURPLUS	$ 22,941**

Chris Cooke: The Man and His Music

The name is familiar. He is a Superior Court Judge in Bethel, Alaska. The sound is familiar, too — the kind of voice and guitar rhythms that first began to be widely heard and recorded in the mid 1950's. Out of the Gate of Horn in Chicago, the Hungry i in San Francisco and their counterparts in dozens of American cities emerged a generation of short-haired, college-educated guitar players who could really sing. They picked up on **Burl Ives, Woody Guthrie** and **Pete Seeger** — first singing the songs that they had written and collected and then writing their own.

This land was their land for awhile, while Rhythm and Blues was turning into Rock 'n' Roll. Their records topped the charts. They toured the college campuses and packed the concert halls. Their songs of mild social protest electrified college kids, who soon knew all the words and sang along. Ike was in the White House, Vietnam was a minor diplomatic problem and guitars came without plugs. Remember?

The Tape

Chris Cooke has recorded six of his own ballads under the title "Chris Cooke's Tundra Music — Songs of the Southwest Alaska." The tape, accompanied by a pamphlet containing the text of all the songs, is presently selling in record stores in Anchorage for $8.95. It is also available in Bethel at Books Etc., I.C. Variety, Swanson's, Lucy Cache, the Yugtarvik Museum and from the Kuskokwim 300 Race Committee. In Nome the cassette is sold at the Arctic Trading Post.

Chris began writing songs about two years ago beginning with a ballad about the Kuskokwim 300 "dog sled race." In order to get a good recording of the songs for the local radio station in Bethel, he went to a professional sound studio in Anchorage. While he was there he decided to include several other of his original songs on the tape. He thought it would be a good idea to have additional copies made for family and friends. Ultimately he decided "as long as I was going that far with the recording — I might as well have additional tapes made for local distribution."

The Music

The six selections on the tape include: "On the Iditarod Trail," "The Tragic Story of Bobby Lee," "In the Fish Camp" (the Cooke children's favorite), "300 Miles on the Kuskokwim," "Bethel USA," and "My Good Friend." All six were written, sung and played by Chris Cooke. The Iditarod Trail song provides background music for a Swedish 30-minute film on the Iditarod Trail entitled "With Dog Team Through Alaska." Television station KYUK in Bethel is attempting to obtain a copy of the film for possible rebroadcast.

The Man

Chris Cooke is an experienced singer and guitar player. He has been playing the guitar and singing in choirs and choruses since high school. A graduate of Yale University, he was a member of the Yale Glee Club and the Whiffenpoofs of 1965. Although his music is presently a hobby, and he states there will be no "big recording contracts," it is clear from this recording that if he wanted to, Chris Cooke could probably make a very good living as a folk singer.

Chris Cooke graduated from the University of Michigan Law School in 1968. After graduation, he came to Alaska, where he worked as a Vista volunteer. He has practiced law in Kotzebue, Nome and Anchorage. He has lived in Bethel since 1971, where he resides with his wife **Margaret** and his three children.

ALASKA COURT SYSTEM...

[continued from page 9]

Mt. Village 2MV
St. Mary's 2SM
Tununak 4TU

Third District

Anchorage 3AN
Cold Bay 3CB
Cordova 3CO
Dillingham 3DI
Glennallen 3GL
Homer 3HO
Kenai 3KN
Kodiak 3KO
Naknek 3NA
Palmer 3PA
St. Paul Island 3ST
Sand Point 3SP
Seldovia 3SL
Seward 3SW
Unalaska 3UN
Valdez 3VA
Whittier 3WH

Fourth District

Delta Junction 4DJ
Fairbanks 4FA
Fort Yukon 4FY
Galena 4GA
Healy 4HE
Nenana 4NE
Rampart (closed) 4RA
Tanana 4TA
Tok 4TO

Barrow Service Area

Barrow 2BA

BOG Proposes Bylaw Changes to Increase Officer Responsibility

At its December meeting, the Board of Governors voted to propose changes to the Bylaws of the Alaska Bar Association. The changes are to increase the specific responsibilities of the President-Elect, the Vice President and the Secretary. Added to the responsibilities of the President-Elect will be an obligation to act as liaison with all local bar associations. The Vice-President, who has in the past been responsible for the operation of all the Committees, will now have responsibility for the operation of the Executive Committees of the Substantive Law Sections. Taking over the responsibilities of the operation of all standing committees will be the Secretary. The proposed changes are specifically set out below.

ARTICLE VI. Section 3.
PRESIDENT-ELECT. It shall be the duty of the President-Elect to render every assistance in cooperation with the President and provide him with the fullest measure of counsel and advice. In the event of the resignation of the President or his inability to act, the President-Elect shall fulfill the duties of the President. The President-Elect shall succeed as President, upon the expiration of the terms for which the President was elected, or upon a vacancy in the office of President, whichever occurs first. *The President-Elect shall be the Board Liaison to all local bar associations.* (Amended May 19, 1978 and February ____, 1982.)

Section 4.
VICE-PRESIDENT. The Vice-President shall fulfill the duties of the President in the absence of the President and the President-Elect. The Vice-President shall be responsible for the operation of all [COMMITTEES], *Executive Committees of the Substantive Law Sections*, except as the President shall otherwise direct. (Amended May 19, 1978, February, 1982.)

Section 5.
SECRETARY. The Secretary shall attend all meetings of the Board of Governors and shall record the proceedings of all such meetings. The duties of the Secretary may be performed by an Executive Director appointed by the Board. *The Secretary shall be responsible for the operation of all Committees, except as the President shall otherwise direct.*

300 Miles on the Kuskokwim

by Christopher R. Cooke
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Well, I started out from Bethel one fine day
With my Husky dogs and my wooden sleigh
Goin' up to Aniak and back again,
Three hundred miles on the Kuskokwim
Three hundred miles on the Kuskokwim.

CHORUS: Well a-gee and a-haw and a yippie ty-yea
I'm out of the chute and I'm on my way
Movin' along like a Spirit of the Wind
300 miles on the Kuskokwim
300 miles on the Kuskokwim.

300 miles is a long way to go
When it's minus forty and blowing snow...
Makes the trail hard to find
With a tired body and a worried mind
With a tired body and a worried mind.

Akiak, Kwethluk, Akiachak
Out of Tuluksak, out of luck
Kalskag, Aniak — goodness sake,
Where the hell is Whitefish Lake
Where the hell is Whitefish Lake.

CHORUS

I'm in two feet of snow and a hell of a mess
If I ever get out of this I guess
The easy races are all I'll do...
Like the Iditarod and the Rendezvous
The Iditarod and the Rendezvous.

CHORUS

Well I finally got back from that awful race
With snow in my boots and frost on my face!
I'll sleep and I'll eat and I'll drink my beer...
And plan how I'm going to win next year
Plan how I'm going to win next year.

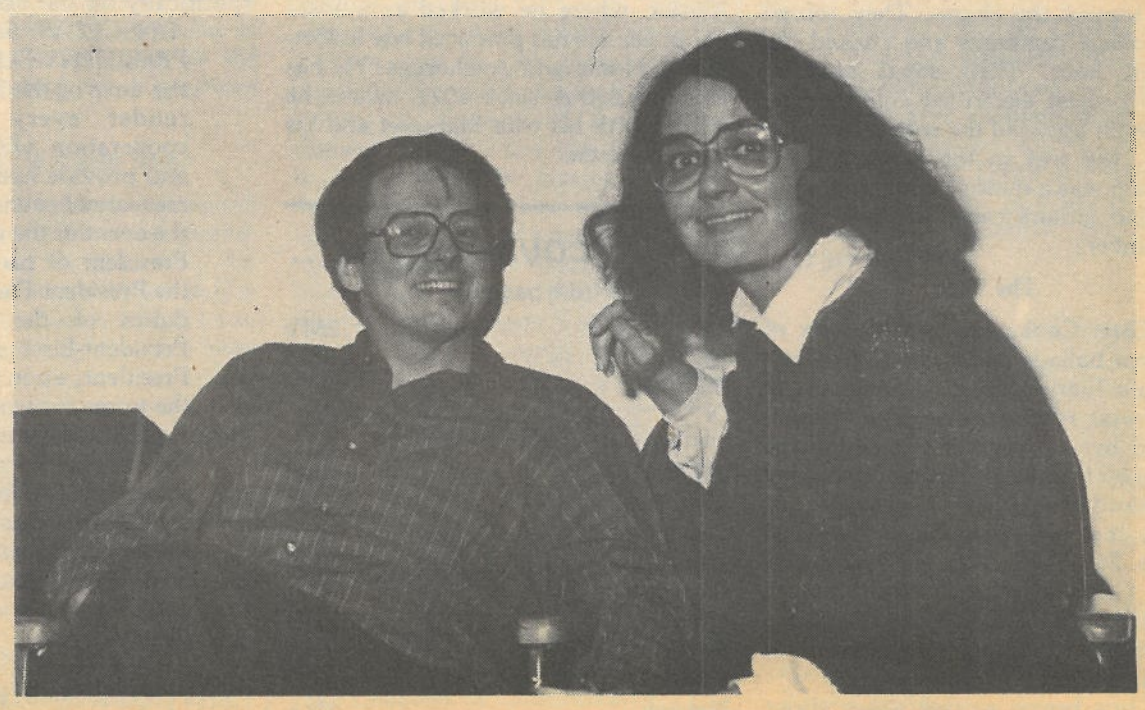
Here's to Rick and Rudy, Joe and Sue,
And all the good mushers that ran with you
And here's to the people, and here's to the land
The things that'll bring you back again
The things that'll bring you back again.

CHORUS

PHOTO ESSAY: Anchorage Bar Xmas Party

Christmas chorus

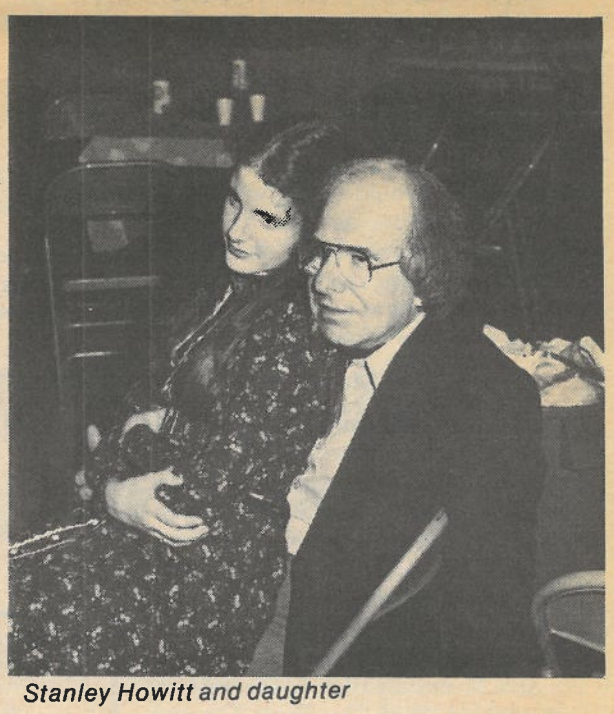
Popcorn kid



Judith Bazeley and Jim Wanamaker

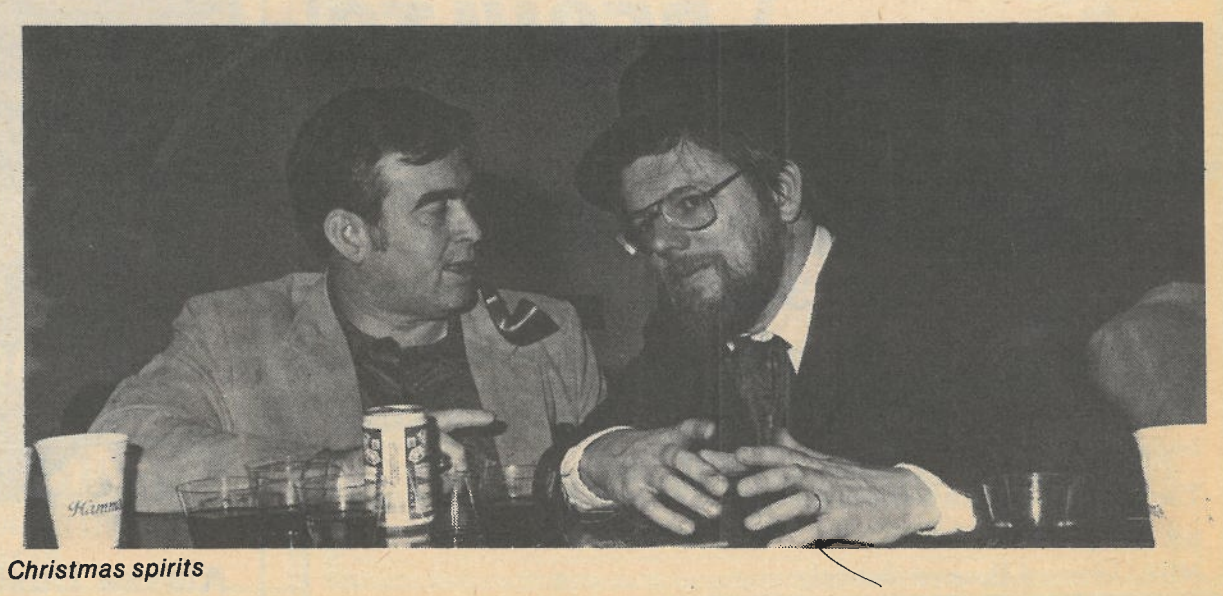
The Nangle family

Christmas Belle



Stanley Howitt and daughter

Eileen Harrington and Alan Sherry



Christmas spirits

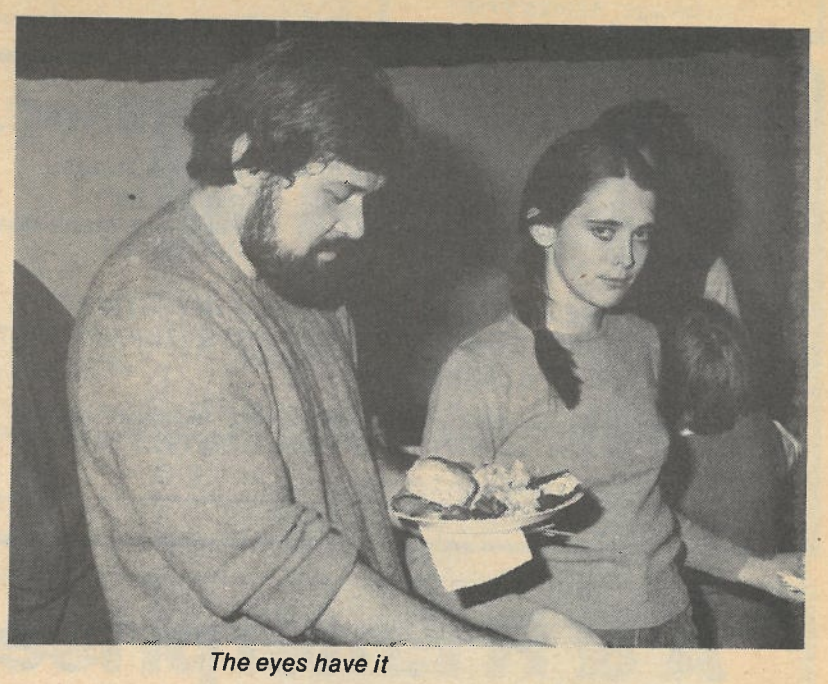
Good news from Santa

Joe Barcott and friends

Alexa Chisolm

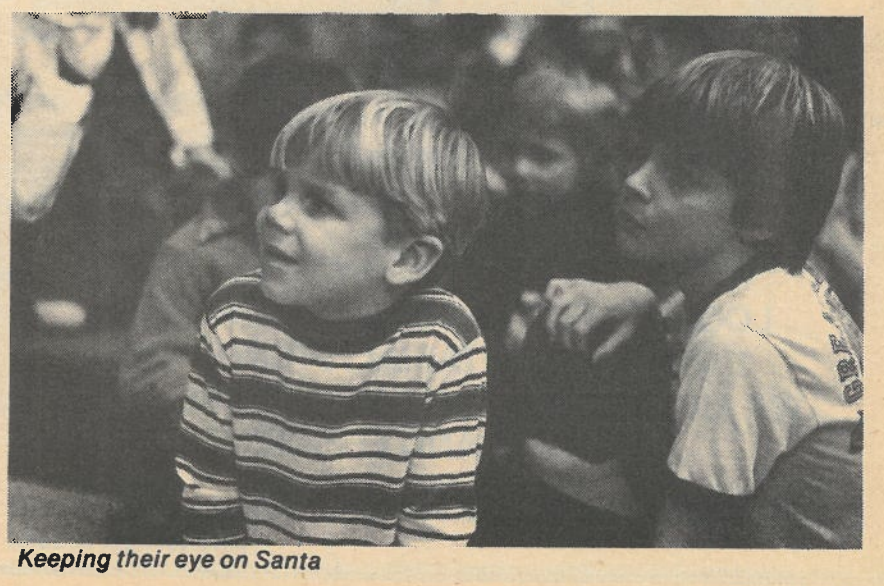
Musician

Richard Crabtree and son



The eyes have it

"And a sled, and a doll's house, and a . . ."



Keeping their eye on Santa

The Appealability of Remand Orders of the Superior Court in its Appellate Capacity

by Millard F. Ingraham

The question discussed here is what should (or must) the losing party do when the Superior Court issues an order in its appellate capacity which reverses a final order of an administrative agency or a district court, and remands the matter for further proceedings. Should the losing party file a Notice of Appeal or a Petition for Review?

Prior to the decision in the *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626, 628-629 (Alaska 1979) most practitioners assumed that such an order was a final judgment within the meaning of Alaska Appellate Rule 202(a) and its predecesors; therefore they filed a Notice of Appeal and proceeded pursuant to those Appellate Rules governing appeals from a final judgment of the Superior Court. See e.g. *Interior Paint Company v. Rodgers*, 522 P.2d 164 (Alaska 1974). In that case the procedural history was rather complicated but the case essentially involved an order of the Superior Court remanding to the Alaska Workers' Compensation Board for further action a denial of compensation by the Board. When the Superior Court entered its order, remanding to the Board for further action, the employer appealed to the Supreme Court alleging error in the Superior Court order. The Supreme Court accepted the case as a true appeal.

The practice of treating as final judgments for purposes of appeal orders of the Superior Court that remand to administrative agencies for further proceedings found support in *Greater Anchorage Area Borough v. City of Anchorage*, 504 P.2d 1027 (Alaska 1972). That case involved an order of the Superior Court remanding to the Alaska Public Utilities Commission a controversy between the City of Anchorage and the Greater Anchorage Area Borough. From its order the Borough appealed to the Alaska Supreme Court. The City challenged the existence of appellate jurisdiction, contending that the Superior Court's referral order was an interlocutory order and not a final judgment within the meaning of Supreme Court Rule 6, a predecessor to the present Appellate rule 202(a). The Supreme Court decided in favor of the Borough and held that the order was a "final judgment" within the meaning of Supreme Court Rule 6. The main legal issue before the Supreme Court was whether the Superior Court, by its remand order, intended to dispose of all of the issues before it or whether it intended to remand only some of the issues and retain jurisdiction over the controversy. The Supreme Court concluded " . . . that the Superior Court meant to completely dispose of the sole remaining issue pending before it, and that it did not intend to retain jurisdiction . . ." The Supreme Court meant to completely dispose of the sole remaining issue pending before it, and that it did not intend to retain jurisdiction . . ." The Supreme Court therefore held " . . . that the lower courts decision of July 20 was a 'final judgment' within the meaning of Rule 6." Accordingly, it held that appellate jurisdiction existed in the case. Thus the test that the court adopted was one of whether the Superior Court by its remand order intended to dispose of all of the issues in the case; if it did so intend, it was a final judgment that was appealable to the Supreme Court; if it did not so intend, it was an interlocutory order from which Petition for Review only was available.

In *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979) the Supreme Court reversed its holding in *Greater Anchorage Area Borough v. City of Anchorage* and gave notice to the bench and bar that in the future it would not treat as final judgments orders of the Superior Court remanding controversies to administrative agencies for further proceedings. No appeals could be taken from such orders; the losing party could only petition the Supreme Court for review under the Court's discretionary review powers as set forth in Appellate Rules 402-403 and their predecessors. In that case, Thibodeau appealed to the Superior Court from a decision of the City and Borough Assembly reversing the decision of the Board of Adjustment grantng a variance. The Superior Court remanded the controversy to the Board of Adjustment with instructions for the Board to make express findings of fact based on a hearing record showing evidence in support of its findings. The City and Borough appealed to the Supreme Court. Thibodeau challenged the jurisdiction of the Supreme Court to decide the appeal, contending that the order of the Superior Court was not a final judgment from which an appeal could be taken. The Court agreed with Thibodeau that the order was not a final judgment. In doing so it expressly overruled its decision in *Greater Anchorage Area Borough v. City of Anchorage*, 504 P.2d 1027 (Alaska 1972). The Court stated at 595 P.2d 629: "We are now of the view that an order of the Superior Court issued in its appellate capacity which remands for further proceedings is not a final judgment for purposes of Alaska Appellate Rule 5 [the predecessor to Appellate Rule 202]."

Although the Supreme Court held that the order of the Superior Court was not a final judgment from which an appeal could be taken, it went on to hold that it would treat the attempted appeal as a petition for review directed to the Court's powers of discretionary review. The Court accepted review of the Superior Court order, under its discretionary powers as a petition for review in part because it found that the City and Borough may have relied on the Court's decision in *Greater Anchorage Area Borough v. City of Anchorage*, supra., in bringing an appeal instead of a petition for review to the court.

Although the Court, in *City and Borough of Juneau v. Thibodeau* went to some length to instruct the Bench and Bar that orders of the Superior Court remanding controversies to administrative agencies were not final judgments for purpose of appeal, the Supreme Court for about a year and a half continued to treat appeals from such orders as true appeals, and not as petitions for review. See e.g. *Alaska Pacific Insurance Co. v. Turner*, 611 P.2d 12 (Alaska 1980); *Ketchikan Gateway Borough v. Saling*, 604 P.2d 590 (Alaska 1979); *Rogers Electric Co. v. Kouba*, 603 P.2d 909 (Alaska 1979).

On February 6, 1981, the Court issued its Opinion in *Burgess Construction Co. v. Smallwood*, 623 P.2d 312 (Alaska 1981). That case involved an order of the Superior Court that reversed an order of the Alaska Workers' Compensation Board denying compensation and remanded the matter to the Board for determination of compensation. The employer appealed the order of the Superior Court. The Court revived *City and Borough of Juneau v. Thibodeau*, holding that it would treat the present appeal as a petition for review and would grant review. The Court stated in footnote 1, 623 P.2d at 313:

> After the notice of appeal was filed, but before any briefs were submitted, we decided *City and Borough of Juneau v. Thibodeau*, 595 P.2d 626 (Alaska 1979), which held that, where the superior court, sitting as an intermediate appellate court, reverses the decision of a lower court or administrative agency and remands for further proceedings the decision is not an appealable final judgment. That is the precise posture of this case. We grant review since *Thibodeau* was not published when ap-

[continued on page 15]

REMAND ORDERS APPEALABILITY...

[continued from page 14]

pellants filed their notice of appeal and because the case has been fully briefed.

After the decision in *Burgess Construction Co. v. Smallwood*, it appeared that the Supreme Court was firmly committed to the treatment of orders of the Superior Court remanding for further proceedings as not final judgments, as interlocutory orders only, and subject only to petition for review. Then on May 22, 1981, the Supreme Court issued its Opinion in *Kenai Peninsula Borough v. Ryherd*, 628 P.2d (Alaska 1981). In that case the Opinion states in part: "On appeal from decision of the assembly the Superior Court reversed and remanded the case to the assembly for remand to the commission with directions to approve the plat. The Borough has *appealed* from the order of the Superior Court." (emphasis added). If the appeal of Burgess Construction Company in *Smallwood* had to be treated as a petition for review, why did not the appeal of the Borough in *Ryherd*? Both cases involved appeals to the Superior Court from decisions of administrative agencies, and both involved attempted appeals to the Supreme Court from orders of the Superior Court remanding the controversy to the administrtive agency for further proceedings.

The preceding question may be academic, since the Supreme Court did accept review in both *Smallwood* and *Ryherd*. But what is not academic is the dilemma of the practitioner who represents the losing party in an appeal from an administrative agency to the Superior Court, where the Superior Court reverses the decision of the administrative agency and remands the controversy to the administrative agency for further proceedings. The Court has stated very clearly in *City and Borough of Juneau v. Thibodeau* and *Burgess Construction Co. v. Smallwood* that an appeal may not be taken from such an order, but the losing party may only petition for review. On the other hand, the Supreme Court on other occasions following these decisions has treated appeals from such orders as true appeals and not as petitions for review. The practitioner representing the losing party before the Superior Court would usually prefer to appeal rather than petition for review. Appeal is granted as a matter of right, and not directed to the discretion of the court as is petition for review; oral argument is granted as a matter of right on appeal and is not on petition for review; and more time to prepare briefs and lengthier briefs are granted on appeal than on petition for review. However, if the attorney for the losing party in such a situation does file notice of appeal and proceed under the rules for appeals, he may find his appeal subject to dismissal as not involving a final judgment from which an appeal may be taken. Although the Supreme Court accepted review in *Smallwood* and *Thibodeau*, in both cases the court noted that it did so because of the uncertainty of the law. Since those cases have been decided, the Court may hold that uncertainty no longer exists.

But on the other hand, how can the Court contend that uncertainty does not exist when in *Kenai Peninsula Borough v. Ryherd*, decided more than a year after *Thibodeau* and more than three months after *Smallwood*, the Court is still talking in terms of "appeal" from a decision of the Superior Court reversing and remanding a case to an administrative agency (the Kenai Peninsula Borough Assembly) for further proceedings.

There may well be distinctions among the cases discussed in this article that escaped this writer. This writer does not pretend to possess any particular expertise in the arcane metaphysics of finality of judgment. However, it does seem that the court's treatment of appeals in the situation discussed since its decision in *City and Borough of Juneau v. Thibodeau* could be confusing to the average practitioner. This writer hopes that the Supreme Court clarifies this confusion in its next Opinion where the issue is presented or, preferably, adopts an amendment to the Appellate Rules specifically directed to appeals from orders of the Superior Court in its appellate capacity reversing decisions of administrative agencies and remanding the controversy to the administrative agency for further proceedings.

Probate Court Requires Inventory Totals

"In filing inventory and appraisals in estate cases, please total the amounts of the inventory. Although the form adopted by the court does not show this requirement and the statute does not speak to this point, pursuant to A.S. 43.31.290 the court must file a monthly report showing the total inventory amount with the Department of Revenue. If the court must take the time to do it for individual estate, it is your tax dollar that pays our wages.

"Your appreciation will be most appreciated."

Marjorie D. Bell
Probate Master

TVBA Meeting Minutes Catch-up

May 29, 1981

President Groseclose, reported by usually reliable sources to be in fear of an assassination attempt, did not attend the meeting. **Jim DeWitt** presided in his absence. A hush fell over the assembled masses as Jim moved confidently to the head table. He called the meeting to order, in the finest TVBA tradition, by striking a glass with a knife. Unfortunately, Jim did not realize that a glass with water in it will either break or make little sound, so only a few people knew that the meeting had begun.

The minutes were approved as read, though **Judge Blair,** obviously distraught at not having **Dick Savell** to chide, suggested that the secretary be impeached.

Guests included **Dennis Smeal,** an extern at Birch, Horton, Stop Code, and **Ann Johnson,** an attorney from Seattle who is apparently helping **Andy Kleinfeld. Art Robson** introduced, to the accolades of the acolytes, journeymen, and wizened veterans alike, his daughter **Bonnie,** who is demonstrating her good sense by spending the summer working for **Justice Conner** in Anchorage, rather than endure the ravages of the Fairbanks clime and bar.

Art also reported that the coffers contain approximately $4,000.00, which should be enough for the Christmas Party and bail money for one of two members. Art requested reimbursement for lunches he had purchased recently for TVBA guests. **Dave Call,** always the gentleman, so moved; **Grant Pankhurst** seconded, and the motion passed.

There were no reports from any committees. Judge Blair announced the resignation of **Pat Aloia.** In the stunned silence which followed, this writer saw many a moist eye among the normally restrained assemblage. David Call was heard to lament never having gotten to rap with Pat at one of his famous spaghetti get togethers. Life, however, goes on, and the members demonstrated their indomitable spirit by quickly returning to the sullen, ugly moods which had preceded Judge Blair's announcement.

There was a brief lull in the meeting. **Dick Madson,** ever the helpful, gave **Judge Hodges** a few tips on criminal law and procedure. Judge Hodges responded by reminding Dick what would happen if Madson bumped Hodges on Barrow cases. Judge Blair's face, heretofore flushed with the spirit of the meeting, suddenly became pale. Unfortunately, the meeting adjourned prior to any resolution of the Madson/Hodges discussion, but despite Madson's fast and vigorous start, Judge Hodges was getting even money when the betting closed.

The meeting adjourned.

Paul Canarsky
Secretary

The Bar Rag
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