

Non-Profit Organization
U.S. Postage Paid
Bulk Mail
Permit
No. 401
Anchorage, Alaska

The Alaska BAR RAG

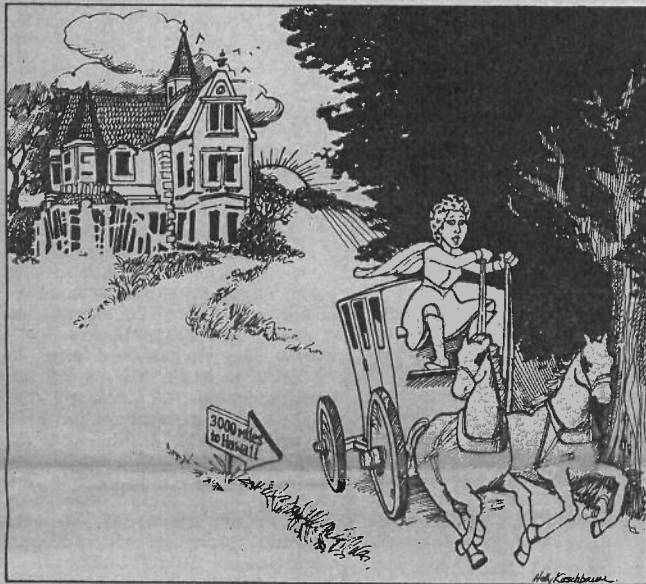
Volume 3, Number 3

Dignitas. Semper Dignitas

March Fool Edition 1980

\$1.00

BAR FACES DOOM!



Supreme Court OKs Hawaii Meet

The Alaska Supreme Court has held that the Bar Association's 1978 mid-winter Board of Governors meeting in Hawaii was valid and lawful. (*Horowitz v. Alaska Bar Association*, No. 2059, April 4, 1980) Writing for a 3-2 majority, Justice Roger Connor said that AS 08.08.100 specifically exempts the Bar Association from the open meeting and other provisions of the Administrative Procedures Act and that the language of the statute is clear. "The Hawaii meeting was convened in accordance with the bylaws adopted by the ABA. Thus, if these provisions are applied in accordance with the plain meaning of [the statute] the Hawaii meeting was lawful."

The opinion noted that the legislature had also exempted the Alaska Housing Finance Corporation from the APA, but expressly did not exempt it from the open meeting statute, concluding that the Bar Association's exemption must therefore be broader.

The Court dismissed as meritless appellants' alternate contention that they were denied due process in not being allowed to attend the meeting by virtue of its being out of state.

Dimond, Rabinowitz Dissent

Justices John Dimond and Jay Rabinowitz filed separate dissents. The exemption of the Bar Association is to the procedural aspects of the APA only, in that the bylaws and rules are to be adopted in accordance with the

Alaska Integrated Bar Act. The Open Meeting statute is a substantive provision which requires meetings of a broad range of governmental agencies of the state and its political subdivisions to be open to the public." The Bar Association was created as an instrumentality of the state and derives part of its revenues from the state, and is therefore subject to the open meeting law.

Rabinowitz agreed with Dimond and went on to note that even if the Hawaii meeting was exempt from the APA, it still violated Art. IX, Sec. 6 of the Alaska Constitution, prohibiting use of public monies except for a public purpose. Mandatory dues constitute public monies, and there was little if any legitimate public purpose in locating the meeting in Hawaii. He also wrote that substantive due process is denied when the actions of a public agency are arbitrary and bear no reasonable relationship to a legitimate governmental purpose.

On Monday, March 31, 1980, the Alaska House Judiciary Committee unveiled a bill which, if enacted as written, would spell the end of the Alaska Bar Association as an independent, integrated, statewide professional organization. Ironically entitled "An act continuing the existence of the Alaska Bar Association..." House Bill 984 eliminates the financial base of the Bar Association by making membership optional. The only fees involved would be an annual license fee of \$25.00 for practicing attorneys. Inactive members would be required to pay \$10.00. Judges would pay \$20.00. These monies would be paid to the Supreme Court and deposited in the General Fund.

The bill specifies that the Alaska Bar Association is to be both a private organization and a state agency, subject to statutory requirements for agencies and invested with police powers over members as well as non-members.

Lay Members on Board

The bill provides that the new Board of Governors is to be changed from a nine attorney-member board to a body composed of six attorneys and three lay members. The latter would be appointed by the Governor and confirmed by the Legislature. All meetings of the new board would be required to be announced by public notice at least 30 days beforehand—a requirement absent from the statutes regulating the professions of Medicine, Nursing, Accounting, Dentistry, Architecture, Engineering and Land Surveying. All meetings of the board must take place in the State of Alaska.

The board is given certain specified powers. They include: adopting provisions regarding membership; providing for employees, their duties and wages; establishing and collecting voluntary membership fees; providing for CLE programs and recommending certification of a CLE program; providing for the recommendation to the Supreme Court of a program for the certification of attorneys as specialists; and approving and recommending rules to the Supreme Court regarding admissions and discipline. In addition, there is a catch-all provision permitting the board to provide for all other matters affecting in any way the organization and functioning of the Alaska Bar.

The bill requires the board to report annually to the Judiciary Committees of the Legislature on all matters concerning admissions, discipline of members and disbarment proceedings, except for those matters defined as confidential by court rule. The board is permitted to recommend changes to the act, the Rules of Practice and Procedure, and the provisions of state law generally, in its annual report.

Practice of Law Defined

Section 95 of the proposed act provides a five-point definition of the practice of law as follows:

- (1) appearance in or conduct of litigation or performance of an act in connection with pending or prospective proceedings before a court of the state unless otherwise provided by court rules;
- (2) appearance in or conduct of litigation or performance of an act in connection with pending or prospective proceedings before an administrative or other nonjudicial agency established by law for the resolution of controversies;
- (3) providing advice relating to the legal rights and responsibilities of a person;
- (4) preparation of instruments or documents affecting legal rights; or,

Committee Lineup

HOUSE JUDICIARY

Charles Parr (Chairman)
Nels Anderson (Vice-Chairman)
Fred Brown
Thelma Bucholdt
Hugh Malone
Ramona Barnes
Terry Martin
Patrick O'Connell
Randy Phillips

(5) engaging in an act or practice determined by the courts of the state to constitute the practice of law.

Section 95(b) permits non-lawyers to perform any or all of these acts for compensation, provided they are performed as part of the regular conduct of a business the primary purpose of which is not the practice of law.

Eligibility Standards Lowered

It is no longer necessary under House Bill 984 for applicants for admission to the practice of law to attend American Bar Association accredited or approved law schools. Now, attendance at any institution calling itself a law school will satisfy the educational requirement for the Bar examination.

The Board of Governors will be responsible for administering Bar examinations. It must grant a hearing to any applicant denied certification if his score on the Bar examination is within five points of the passing grade.

The new bill makes no specific provision for the administration of discipline or funding.

[continued on page 12]

INSIDE

| | |
|-------------------------------|-----------------|
| BOG Candidates . . . | 3,8,9,10 |
| Resurrection | 4 |
| TVBA Minutes | 5 |
| Advertising | 6 |
| NCCUSL | 7 |

Appeals Judgeship

Dear Member of the Alaska Bar Association:

Applications are now being accepted for the three judgeships comprising the newly-created Alaska Court of Appeals. The judges filling these positions will be expected to reside in Anchorage.

A court of appeals judge must be a citizen of the United States and of the state; a resident of the state for five years immediately preceding appointment; have been engaged for not less than eight years immediately preceding appointment in the active practice of law; and at the same time of appointment be licensed to practice law in Alaska. For these purposes the active practice of law is defined in AS 22.05.070.

Court of appeals judges will be paid an annual salary of \$85,352.00. The judges will be entitled to personal leave as established by the Administrative Rules of Court, state paid health and dental benefits, and retirement benefits under the judicial retirement system. District and superior court judges who presently participate in the non-contributory retirement program may continue in that program if appointed as a judge of the court of appeals. Others who may be appointed to these judgeships will be required to contribute seven per cent (7%) of their annual salaries to the retirement system as provided by AS 22.05.011.

The court of appeals is expected to commence operation on or about July 1, 1980. To help insure that a competent law clerk will be available at that time to serve each court of appeals judge, the Supreme Court will hire the law clerks for their positions for the first year. Interested persons should write or call the Alaska Judicial Council and request an application form. Such forms may also be obtained in person at the above address. All applications should include a statement from a physician assessing the physical capability of the applicant to perform the duties of a court of appeals judge.

Completed applications must be received by the Alaska Judicial Council no later than 4:30 p.m. on Monday, April 21, 1980.

Sincerely,
Jay A. Rabinowitz
Chairman, Ex Officio
Alaska Judicial Council

ALASKA STATUTES

Including
Topical General Index
and
1979 Cumulative Supplement

The publishers of your Alaska Code have made every effort to assure highest quality in the finished work. All the editorial expertise acquired during more than eighty years of state code and general law book publishing has been incorporated in the code to assure you reliable, easy-to-use volumes.

MICHIE BOBBS-MERRILL

For customer service contact your regional sales representative:

Ms. Tina Alexanderson
P.O. Box 682
Boise, Idaho 83701
(208) 336-3630

Family Law Conference Headlines Stars

The 16th Annual Conference of the Association of Family Conciliation Courts to be held at the Westward-Hilton in Anchorage, May 21-24, 1980, will feature a number of national experts in the field of domestic relations. Joseph Goldstein is the Walton Hale Hamilton professor of law, science and social policy at Yale University Law School. He is a political scientist, lawyer, and psycho-analyst, and the author of a number of books. Dr. Goldstein will make two presentations, one in a public forum, 7:30 p.m. May 21, and the opening address to the conference, 9:30 a.m., May 22. He will be joined by Richard Crouch, Managing Editor of the Family Law Reporter; Hugh McIssac, Director of the Conciliation Courts, Los Angeles,

California; and Lawrence Stotter, attorney from San Francisco, California, as reactors to his presentation which will discuss some of the considerations of the best interest of the child.

Mr. Jim Guy Tucker, the chairperson of the White House Conference on Families, will make an appearance at the conference and this will probably be the only appearance Mr. Tucker will make in the State of Alaska. With the concerns that have been expressed concerning the White Conference on Families, Mr. Tucker's appearance in Anchorage should be a significant one and will provide opportunity for additional input directly to the chairman.

IN THE TRIAL COURTS FOR THE STATE OF ALASKA THIRD JUDICIAL DISTRICT

In the Matter of:
THE ASSIGNMENT OF ALL PENDING
SUPERIOR COURT CIVIL CASES FOR
ALL PURPOSES INCLUDING TRIAL.

ORDER

The Superior Court, having recently adopted, in principle, an individual calendar proposal as the method of assignment and processing of civil cases,

IT IS HEREBY ORDERED that all Superior Court civil cases previously assigned for motion purposes only be and the same hereby are assigned to the motion's judge for all purposes including trial.

Counsel who believe they are eligible and desire to exercise a peremptory disqualification under Rule 42, Rules of Civil Procedure, are instructed to file the appropriate notice within five (5) days of receipt of this Order.

Memoranda to Set Civil Case for Trial filed up to and including March 7, 1980 will be acted upon by the individual judge to whom the case is assigned. Counsel will be notified of conferences which may be scheduled to establish a specific trial date. Memoranda to Set Civil Case for Trial filed after March 7, 1980 will be placed in the Court's file with further instructions to counsel to be published prior to April 30, 1980.

DATED at Anchorage, Alaska this 4th day of April, 1980.

RALPH E. MOODY, Presiding Judge
Third Judicial District

In addition to the Honorable Judge Jean Graham Hall, discussing domestic violence, it has been learned that Jeanne Santos, Director, LEAA, Office of Domestic Violence, Washington, D.C. and June Zeitlin of the Office of Domestic Violence will be participants.

Four workshops have been developed covering the topics of Cultural Aspects of Family Problems; Mediation-Theory, Practice and Court Application; Counsel for Children; and Implication of Mobility on Divorcing Families. Early registration is essential for anyone having a preference in workshop participation as registration for workshops will be tied in to the date of registration as made.

Saturday morning's session has been completed with the speakers to be Robert Kaufman, attorney from Los Angeles, California, who handled the McKay case in Anchorage and the expert witness to be Dr. Donald Rife, Child Psychiatrist of the Champlain Family and Court Consultants, Burlington, Vermont. Dr. Rife is not new to Alaska, having worked in the Anchorage area some 10 years ago, having been a child psychiatrist in private practice, and also a consultant to the Alaska Psychiatric Institute in his prior tour of Alaska.

Steve Adams, the Editor and Publisher of the AFLTR, California Law Review will handle the review and critique of the conference.

Registration for the conference is being handled through World Wide Travel and registration paid prior to April 20, is \$90 for members in good standing of the Association of Family Conciliation Courts. Registration for non-members prior to April 20, is \$120. After April 20, registration fees will increase \$10 to \$100 for paid up members and \$130 for non-members. Additional information concerning this conference can be obtained by contacting Don Williams, World Wide Travel, (907) 277-9571 or Francis M. Stevens, Custody Investigator of the Alaska Court System, (907) 264-0428.

The Audi alternative.



AUDI 5000 DIESEL

Innovation. It brought you the original Audi 5000 with its 5-cylinder, fuel-injected engine. Now there's a new Audi, the 5000 Diesel. With a quiet-running, 5-cylinder Diesel engine and the responsive performance and luxury Audi is famous for. Drive the Audi of your choice today.



AUDI 5000

EERO

VOLKSWAGEN • PORSCHE • AUDI
935 Gambell Street
Phone: 274-9546

BOG Candidates



Bruce Botelho



Brian J. Brundin



William P. Bryson



Robert Bundy



Ron Drathman



Ken Jensen



David Burdett Loutrel



Robert A. Rehbock



Vincent Vitale



Hugh G. Wade

Interview Questions

1. Most present members of the Board of Governors agree that membership on the Board is a very time consuming activity. Why do you want to run for this job?
2. In light of the ombudsman's recent criticism and the possibility that the integrated bar may soon become a victim of Sunset Legislation, how do you assess the job that the present Board of Governors has been doing and what new directions, programs or policies would you recommend?
3. Should the integrated bar be sunsetted?
4. In the event the integrated bar does not survive Sunset would you think of a statewide voluntary bar both in terms of effectiveness and ability to generate revenue to support existing programs?

Bruce Botelho

Bruce Botelho was born in Juneau in 1948. Raised in Juneau and Anchorage. Graduated from Willamette University in Salem, Ore., with BA in German literature. Studied two years, Heidelberg, West Germany.

JD degree, Willamette University College of Law. Employed by the Alaska Department of Law 1976 to present.

Activities have included Juneau Human Rights Commission (president 78-79), Juneau International Folk Dancers, Alaska Council, American Youth Hostels, Inc., administrative law committee, Alaska Bar Association.

1. Serving on the board will permit me to exercise some influence on the direction the association will take during the next years. I believe in a more activist association whose board of governors speaks on public issues. I also believe that the board must reassess its program and budget priorities. I have administra-

tive and organizational skills in assisting the association in that regard.

2. The board of governors has been subjected to extensive criticism in past years and is regarded with mistrust by many members of the association. The criticism is in part undeserved. The present board has had to wear two hats for much of its term: that of policy-maker and administrator.

However, the board also needs to more systematically review admissions, the Bar disciplinary process and the role of substantive law committees (perhaps through the use of advisory committees of the membership). The board needs to take a more active advocacy role on public issues and examine office management and budget practices.

The current board has, in fact, initiated some steps in this direction. Unfortunately, its communication to the membership has been inadequate. It should undertake greater coverage of its meetings in the Bar Rag and wider distribution of the bylaws of the association. It should restrict its meetings to Alaska. It should develop a budgetary process that involves more attorneys in setting budget limits and priorities.

3. The Bar Association should be subject to sunset review, though I doubt that repeal of AS Chapter 08.08 would have any effect on the continued existence of the association.

Some members, not entirely without reason, have regarded "sunset" with a great deal of suspicion—an opportunity for critics to take potshots (some extremely accurate) at attorneys.

I regard the process as extremely healthy for the association because it has required the board to independently assess the role and effectiveness of the association and has fostered greater public awareness of the association. Quite frankly, the association has had serious management problems—some of which could stand outside criticism and independent recommendations.

4. The question presupposes that repeal of AS Chapter 08.08 would necessarily lead to a voluntary association. I disagree with that

assumption. Regardless of any action to disband the integrated Bar by the legislature, it is my view that the Alaska Supreme Court would continue to make membership in the association a prerequisite to practice in the courts of this state and would continue to delegate the responsibilities currently exercised by the association in aid of the court's jurisdiction over the practice of law in Alaska.

Brian J. Brundin

Brian J. Brundin is a principal and managing partner in the firm of Hughes, Thorsness, Gantz, Powell & Brundin. An Alaskan since 1951, Brian graduated from Fairbanks High School in 1957, the University of Alaska with a BBA (cum laude) with major in accounting in 1961 and received his JD from Harvard Law School in 1964.

After a two-year tour as accounting officer for the United States Army, Alaska, Brian joined his present firm, which has since grown to have 37 lawyers and offices both in Anchorage and Fairbanks.

He is a member of the Anchorage, Alaska and American Bar Associations; the American Trial Lawyers Association and the Alaska Society and American Institute of Certified Public Accountants. After teaching for three years at the Anchorage Community College of the University of Alaska and serving as President of the Anchorage Chapter, University of Alaska Alumni Association, Brian joined the Board of Regents in 1969. He was president of the Board from 1975-77, was a member of the Alaska Postsecondary Commission in 1974-75, is a member of the Board of Directors of the University of Alaska Foundation 1974 to present, was its president from 1974-77 and was Alaska Chairman of the Harvard Law School Fund from 1975-78.

1. My experience may be useful to the Bar.

2. Flavin's criticism's are overstated. The Board has done reason-

ably well and should increase emphasis on continuing legal education.

3. No.

4. I believe it would be less effective and activities would have to be curtailed.

William P. Bryson

Name: William P. Bryson. Age: 33 years old.

Admitted to practice: California Bar—1972; Alaska Bar—1973.

A.B. Degree—Stanford University—1969. J.D. Degree—U.C. Berkeley, Boalt Hall—1972.

Experience: 1972-1973: Law Clerk to Justice Boochever, Alaska Supreme Court, Juneau. 1973-1976: Alaska Public Defender Agency in Anchorage; felony trial lawyer. 1977-1980: Drathman, Weidner & Bryson, Anchorage; private practice with emphasis on criminal defense. 1980: Birch, Horton, Bittner, Monroe, Pestinger & Anderson, Anchorage; private practice with emphasis on civil litigation.

Bar Activities: Vice Chairman, Criminal Law Committee. Testified before Alaska Senate and House Judiciary Committees on Criminal Code 1978 and 1979 sessions. CLE lecturer, Revised Criminal Code, Fairbanks, Anchorage, Sitka Bar Convention, Judges' Training Sessions.

1. I have become increasingly concerned with the breakdown of communication between those who are seated on the board and those who are critical of it. I believe unless we place lawyers on the board who can and will solicit and respond to criticism of the Bar Association and its policies, the board will become a more isolated entity unable to make decisions accepted by large portions of the association, and thus, less able to benefit the Bar membership. I believe I have contact with and can listen to a widely disparate group of Bar Association members statewide, and that I can represent viewpoints of many who have not previously had input to the board.

[continued on page 8]

(Editor's Note: No photographs of Karen Hunt and George Liskow were available at deadline.)

“Random Potshots”

Is There Life After Death?

by John Havelock

Will the Bar survive? Perhaps not in its present form. If malevolent legislators were the problem, the Bar would coalesce in its own defense. But the weakness of the Bar is more a matter of internal contradiction and discontinuity with the times.

It seems unlikely at this point that much will happen in Bar legislation this year. The sunset sword will swing ever closer but the end is a year away. We may yet be rescued by legislation next year if the major points of view involved reach a rough consensus. No doubt some will view the legislatively mandated outcome as a fate worse than death.

If the Bar is not rescued at that time, then the Supreme Court will provide the mechanical devices to keep the blood circulating until lawyers themselves decide what to do with the old girl.

For at the bottom of the dispute about what to do with the Bar Association is a dispute among lawyers more than a dispute between the Bar and the public. If the Bar was a cohesive force, it could shake off legislative assaults. The judiciary committees would settle for a couple of laymen on the board and the association and its members would go on with their program.

Institutional Fatigue

But the Bar suffers from the malaise of middle age: a faltering sense of purpose. The senior members pine for the days when the association could run as a club. Many younger members see themselves as burdened by an extravagant, club-like superstructure out of proportion in cost and power to the requirements and mechanics of admission and discipline. For them, the Bar is heading for a well deserved demise. If so, look for a Medusa-like resurrection.

End of the Union Suit

Whatever may be occurring in formal legislation, the Bar is quietly disintegrating as an informal structure. Specialization in fact is sliding towards specialization *de jure*. The plunge towards advertising, from discrete yellow page boxes to crass television commercials, further illustrates the milieu of the lawyer as a dog eat dog world. Temporarily, at least, the competitive aspects of the lawyer's trade have displaced the commonality of interest. One might predict that lawyers will eventually recongeal around newly defined interests based on specialization and specialized continuing educational needs. The juice will no longer be with the centralized organized bar but in organizations of locality or specialized practice.

The process of admissions has been standardized and proceduralized to the point where it can best be run by an executive officer operating within the context of standard governmental licensing operations. Discipline has been largely displaced by the legal malpractice action. Clumsy, secretive and drawn out procedures have nullified public

confidence in the Bar's ability to police its own. Nor do lawyers feel, as they once did, a special responsibility for misconduct by a fellow attorney. The Bar and the public might be better served by a statute governing criminal misconduct by a fiduciary and use of the state prosecutorial system.

New Life in Specialization

Just as lawyers originally banded together to advance joint interests, so the specialty groups such as superior court trial attorneys, public lawyers and corporate practitioners will each develop its own organization and objectives. Incredibly, the Board of Governors has resisted this movement by treating appointment to membership in Bar committees as a prerogative of the president rather than realizing that most committees should be modeled after sections of the American Bar Association to which all interested lawyers should belong. A movement in this direction, inadvertently, would provide a source of revenue, through section fees, to support specialized activities.

In time these activities would include criteria by which a person could be allowed to hold himself out as qualified to practice in a given area of the law.

Separation of Powers in Bar Governance

There is another model for devolution that could take hold: separation of powers. The board could stop trying to be executive, legislative and judicial all at the same time. Assuming the administration of discipline remains a Bar function, the board, or preferably the Supreme Court, should appoint a standing committee of perhaps five senior lawyers to sit (in panels of three) as the court of bar discipline with appeal from it directly to the Supreme Court. The board should have no role in discipline except as a legislative body defining rules of proper and improper conduct. The Bar executive should serve for a fixed term and the power of the board to involve itself in administration, beyond setting the annual budget, should be curbed.

Evolution Not Extinction

Random Potshots will not predict which way the Bar will evolve, only that the status quo will not survive. But evolution does not mean extinction. Licensing, policing and educational functions will continue in some form and probably at new, higher levels of effort.

INSIDE/ OUTSIDE

Information & Observations

by Karen L. Hunt

The competency of trial court advocacy is viewed most often by two entities: the judge and the jury. Thus, two recent surveys are of interest to trial lawyers: (1) the American Bar Foundation Research Journal article by Dorothy Linder Maddi (Vol. 1979, Summer, No. 3) and (2) the Alaska Court System statewide jury questionnaire collected in 1979.

American Bar Foundation Survey

More than 700 comments were made by state and federal judges in response to a question asking their views on the general state of the trial bar including suggestions for causes and cures for trial advocacy incompetence. Of the various themes culled from the responses, comments relating to lack of adequate law school preparation for trial advocacy were most frequent. The responses ranged from observations about improved courtroom skills observed in young lawyers to criticisms of young lawyers' lack of decorum, respect and general poor manners.

A second theme stressed lack of lawyer preparation as a major problem of trial advocacy. The cause was often placed on the economics of the case, i.e., \$1,000 cannot be spent on a \$100 case. Other judges commented that experienced trial lawyers appeared to take on more cases than they can handle adequately.

Yet a third theme was the suggestion that young lawyers be exposed to internships, apprenticeships or sitting second chair to experienced trial lawyers. Trial experience without criticism was viewed as less effective, or possibly detrimental, to the development of good advocacy skills.

Many judges commenting that mere admission to the bar should not be sufficient for qualifying for trial work, recommended that specialization and/or specialist certification in trial advocacy be required. These

suggestions were accompanied by concern that such specialization might adversely affect availability of counsel particularly in non-metropolitan areas. One judge recommended that if apprenticeship is required, it should be the absolute duty of all trial lawyers to take into their offices lawyers who want to learn trial practice.

Many comments stressed the need for self-discipline within the profession and in some instances, Bar Associations were criticized for not providing strong leadership in this area. Finally, other causes of trial incompetency were mentioned such as incipient senility, drinking problems, mental health problems, laziness and lack of dedication to excellence in trial work.

Alaska Court System Jury Questionnaires

1979 Jury Questionnaires returned from people who served on juries in Anchorage, Fairbanks, Juneau, Kenai and Kodiak revealed that many jurors had complaints about the logistics of the jury system: lack of good food; lack of notice when cases settled; lack of prompt payment; lack of convenient parking; and frequency or infrequency of being called for jury duty. While no statistical tabulation was compiled by this writer, the comments seemed nearly equally divided between stating that it was a citizen's duty to serve and complaints that the system did not deliver justice.

As relates to trial advocacy observations, the most frequent comment was that lawyers waste too much time in trial. These observations ranged from voir dire being too long to presentation of evidence taking too long. Many comments were also made that the attorneys were ill-prepared and presented the cases poorly. Few specifics were included in the comments to identify the particulars of poor presentation of cases. Finally, a frequent criticism of both the court and lawyers was that the trial days did not begin on time which resulted in wasted time and wasted money.

What Does it All Mean?

The purpose of discussing these two surveys is not to argue with their validity or with the accuracy of their observations. The purpose is simply to point out that such surveys do exist and do reveal the reactions of judges and jurors to lawyers in the courtroom. Few, if any, trial lawyers can be confident that he or she was not the lawyer that the judge or juror had in mind when making negative observations about trial advocacy skills. Thus, it might well be worth each trial lawyer's time to be aware of such surveys and to re-examine his or her trial preparation work and trial court presentations to determine if he or she is a part of the problems of trial advocacy observed by the judges and the jurors. And if not a part of the problem, is he or she a part of any solutions?

Legitimacy and Paternity

The Denver Post reports (1/12/80) that a paternity suit was recently filed by an unwed mother of eight in Castle Rock District Court against one Snowy Bianco described as a "four-year-old unemployed white shepherd." The complaint alleges that the mother, Wendy Tolbert, a Doberman pinscher, was impregnated by Snowy after he jumped over a fence despite efforts by Wendy's owner to ward him off with a broom. The complaint, which was filed on behalf of the mother by Deputy District Attorney Mike Miller, asked that Snowy be ordered to pay child support although, according to Miller, Snowy is an unemployed "vagabond" with no visible means of support. Deputy District Attorney Anne Mansfield was appointed guardian of the eight puppies by District Judge Charles Friedman.

STAFF

Harry Branson..... Editor in Chief
William T. Ford..... Managing Editor
Rand Dawson..... Advertising Director

Contributing Editors

John Havelock
Deirdre Ford
Karen Hunt
Donna Willard
Wayne Anthony Ross
Russ Arnett
Robert A. Rehbock
Tom Schulz

Ace Reporters

Kathleen Harrington
Judith Bazeley

Copyright 1980 by the Bar Rag. Contents of the Bar Rag may not be reproduced in any manner, in whole or in part, without written permission from the Bar Rag.

The Bar Rag is published monthly. Mail received at Box 3576, Anchorage, AK 99510.

The Bar Rag is available to non-lawyers by subscription for \$10 a year, or may be purchased from the Alaska Bar Association office, 360 "K" Street, Anchorage, AK 99501 for \$1.00 a copy. Display and classified advertising rates are available. Call Sharon Naughton, advertising representative, at 272-8662.

A BURNT OUT CASE

by Russ Arnett

The energy crisis, the environmental movement, and high technology have combined to produce what court watchers consider the most exciting new development in court administration. Under a joint grant from DOE, EPA and LEAA a small steam turbine was procured and fired by detritus from the court system. The Forensic Biomass Conversion Unit was born. Though not itself cost efficient it led to the discovery that the quantity of court detritus available far exceeded projections provided by the Administrative Office. Consultants determined the supply grew exponentially and far exceeded the capacity of the original unit. A larger and more efficient unit, dubbed "Big Mother" by the bar, was put on-line.

Minutes of the March 14, 1980 Meeting of the Tanana Valley Bar Association

Jon Link called for order. He was doing his best.

Tom Jahnke from Juneau was the only guest.

The minutes were read and the critics did howl, but the secretary fended them off with a scowl.

The Judicial Council sent the Pres. a letter saying: Why your Bar poll? Ours is much better.

The C.I.E. report, bankruptcy and such stuff:

If you owe for a course, pay or we'll get rough.

The next video show will be Tuesday eve with donuts and goodies for those who see and believe.

Bob Groseclose reported that Senator Ted will hire a lawyer for D-2 and stuff. At least, that's what he said.

Dick Savell also spoke, but his words were quite fuzzy. There was airfare and problems. He wasn't sure, or was he?

The legislative report by **Schendel** —that's Will concerned one bad and one good legislative bill.

The room was near cleared when the President spoke of a new halfway house to cure your booze and your toke.

A hundred and fifty bucks was frittered away buying a roll around cart on which our video will play.

Dick Madson pointed out that the "Bar Rag" today contains new trust rules requiring a C.P.A.

Judge Connelly was not in Juneau—surprise!
He was here at our meeting; we saw him with our eyes.

And so the meeting adjourned with nothing much done, but the Palace has two shows; this weekend will be fun!

By royal decree, _____
King Arthur

Minutes of the March 21, 1980 Meeting of the Tanana Valley Bar Association

The meeting was called to order at 12:20 p.m. by proxy **Jim DeWitt**. The only guest was **Alice Merry** of Rice, Hoppner. Prior to reading the minutes, the secretary announced

Bio Law

Biological means employing huge vats produce energy and valuable by-products from the court waste. A specialized yeast or bacteria (*papirus obscurantum alaskanus*) is added. Methane gas is produced which fuels state vehicles and has noticeably reduced winter smog in Fairbanks. Potable ethyl alcohol is also produced and marketed by the court system under the "Mother's Milk" label. The residue or slag is burned in a turbine. Sufficient electricity is generated to supply not only the court buildings but also the Alaska Railroad terminal.

The ash was found to be a fine organic fertilizer. Chemists have yet to isolate a component which the ash apparently contains which makes crops particularly green and healthy. Wags call it the B.S. factor. Residents of Matanuska and Tanana Valleys claim that crops are noticeably

greener after the ash is applied. Some speculate that it might even save the Delta Barley Project.

Public Acclaim

The court system obtained national recognition for its biomass project, and the public at last found something to admire in the court system. The court system received the **Warren E. Burger** award for excellence in judicial administration. The *Washington Post* and *New York Times* both reported forensic biomass conversion as being Alaska's one voluntary contribution to cause of the environment. Scientists saw this technology as having all the advantages of a nuclear breeder reactor with none of the hazards.

The Court System savored the praise and saw how it improved the political climate for other needed reforms. After supplies of detritus had been exhausted, first closed files and then, cautiously, tentatively, open files were thrown into the maw of Big Mother. Suddenly struck with the enormity of what they had done, a moratorium was clamped upon conversion of more open files, except

pursuant to stipulation. Surprisingly, after several months no complaint had been received, nor even voiced, to the conversion of open files. A study of the effects of open file conversion determined that 69% of all civil litigants were better off economically by biomass conversion of their active files. The order was given to resume conversion of open files, but with discretion.

More Jobs

It was anticipated that as an incidental benefit a reduction of court administrative and support staff would be possible. The administrators, however, stated that problem of reduction of personnel was multifaceted; that final adjudication of a case or the absence of it has little effect upon what they do anyway; and that they expect in the next court budget to request the usual increase in personnel.

True, the lawyers complained of a nagging sense of litigious interruptus. In their frustration they turned to both drugs and real estate.

It was once again demonstrated that necessity is the mother - the Big Mother - of invention.

the results of the Bar poll of the Second and Fourth Districts, cast dispersions on the competency of the attorneys replaying to the poll, and made CLE announcements.

The minutes were read in rhyme, and for a change no one picked on the secretary. Correspondence consisted of a letter about "wheel judges."

The Library Committee reported that their three-day policy for leaving books around in the library has been extended to work product. After three days of leaving work product in one area, it will now be stored or auctioned off, depending on its value.

The Law Day Committee reported the dinner was May 2nd, Friday, and that it was probable we would do something in connection with the court or to the court. The president announced that we had a program of substance, so any good business was to be saved until the next meeting.

The Legislative Committee passed out about five pounds of paper in the form of various crucial bills. The program was **Randy Clapp**, a member of the Judicial Council. He discussed the Bar poll, the selection procedures for judges, the minority sentencing report, and general gossip.

Since there was nothing to do, everyone left.

By royal decree _____

King Arthur

Minutes of the March 28, 1980 Meeting of the Tanana Valley Bar Association

Vice President **Bob Groseclose** called the meeting to order at 12:20. There were no guests.

The minutes were boring and committee reports were limited to a single one—the Legislative Committee:

Judge Connelly reported that our president was holed up in a hotel room in Juneau and had called him as his only contact with the outside world. The message was: Watch out! **Donna Willard** will be at next Friday's meeting. The House Judiciary Committee is going to report the sunrise and/or sunset of the Bar Association out on Monday. There will be a hearing Wednesday evening. The House version of the bill will maintain an integrated Bar but provide: 1. One will no longer have to have graduated from an ABA-approved law school to take the Bar exam. 2. That the board must give all confidential Bar files to the Legislature who will try to use their discretion in gossiping. 3. Three lay members will be put on the Bar Board of Governors, one appointed by the Governor, two by God. 4.

There will be no out-of-State meetings of the Bar Board of Governors, but Continuing Legal Education can go on in Hawaii or wherever. 5. A professional education specialist will prepare the Bar exam. 6. Bar exam graders will go to some sort of school. 7. Everybody who scores 65 or better on the Bar exam will have a guaranteed hearing before the Board of Governors to see whether they should be admitted.

The mob became surly since no one had had enough to drink to see the humor in all of this. **Judge Blair** moved, **Barry Jackson** seconded that we advise our president that sunset was preferable to the various changes which we were told are in the new House bill. Then **Bill Jackson** moved and **Judge Clayton** seconded to support sunset of the Bar Association, and if we weren't to be sunsetted, then to at least improve the bill.

Parliamentary procedure went down the tubes like lava down Mt. St. Helens as **Andy Kleinfeld** moved, and some strange voice shouted "second" to a motion to table either and/or both of the above motions until the bill had arrived in the Senate and we could see whether the House version was really as messed up as it appears. This motion was carried, as was a motion made by two other surly voices in the crowd to the effect that we should ask the court system what their position on all this nonsense happened to be.

Dick Madson moved, **Barry Jackson** seconded, that we send **Judge Connelly** to Juneau to explain our position (whatever it is) to the Legislature and that we oppose the House bill completely. Following threats of lynching, **Bob Groseclose** decided to divide the question, thereby splitting the above motion in half. **Michelle Minor** moved, and **Dick Madson** seconded, that we put the two halves back together and provide instead that **Judge Connelly** be given a ticket or whatever to Juneau to meet with the legislature and explain our position and that, in the meantime, the Legislative Committee meet and take a position. This motion was the subject of unanimous consent with the exception of **Judge Connelly**, muttering something about who was going to buy his ticket back from Juneau. The Legislative Committee will meet Monday at 12:00 noon in **Judge Connelly's** jury room, and they should bring a sack lunch.

As the sun set slowly in the west, the room became barren, except for **Judge Connelly**, who, when the secretary left, was still muttering.

By executive fiat, _____

King Arthur

Jim Arnold

Dear Editor:

As my departure date draws near, I remember more and more what has happened to me during the past six years. It's been a good six years, even though I haven't been able to do all the things that I would have liked to do, but all things considered, I'm satisfied.

One of the main reasons that I have enjoyed my life in Alaska is that the judges and lawyers have treated me as a professional, and I have enjoyed a rapport and camaraderie with most that could not have been equaled anywhere else.

I would appreciate it very much if you would publish in the *Bar Rag* that I have enjoyed working with the Alaska legal community and similarly appreciate the lawyers' efforts that went into my retirement dinner on March 14. I will also remember the Anchorage Bar each time I use their gift (the 20-gauge shotgun) when filling my freezer with dove, chucker, etc.

I will leave Alaska with the continuing hope that the Alaska Court System remains the best in the world.

Sincerely,
James E. Arnold
Area Court Administrator

Estate Planning Seminar Announced

An estate planning seminar will be cosponsored by the Anchorage Estate Planning Council and the Standing Committee on Taxation of the Alaska Bar Association on May 20, 1980, at the Captain Cook Hotel. The seminar will commence at 8:00 a.m. and will end at 12 noon. A luncheon will be held following the close of the presentation.

The seminar will feature **Conrad Teitell**, a nationally recognized authority on estate planning. Mr. Teitell's presentation will involve analysis of recent legislative developments in the area of estate and gift tax and the latest estate planning techniques. Mr. Teitell will devote approximately one hour of the presentation to charitable giving.

Cost of the seminar is \$50.00 per person, with the price of lunch included. Information in regard to registration will be available in the near future. Inquiries should be directed to either **Peter C. Ginder** (277-1804) or **Ronald Greisen, CPA**, (272-1571), 510 "L" Street, Anchorage, Alaska.

Advertising Committee

by Frank Smith

According to the March 24 issue of the *National Law Journal*, lawyers spent \$4.52 million in 1979 on television advertising. "Attorneys were far outspent by investment brokers, medical and dental services, tax services, and travel agents," the *NLJ* says, "but law was the fastest growing professional services category...."

Willard Appoints Committee

On December 10, 1979, ABA president **Donna Willard** appointed an Advertising Committee (a special committee of the Alaska Bar): **Frank Smith, John Ulyatt, Donna Dell'Ollo, Pat Owen** (of Anchorage), and **John Corso** of Juneau.

The committee was generally given the following two assignments. First, we were to propose "regulations" for the purpose of supplementing DR 2-101(A) of the Code of Professional Responsibility (see below), in defining "false, fraudulent, misleading, deceptive, self-laudatory or unfair" public communications.

Second, we were to suggest "designations and definitions" which might be adopted by the Board of Governors as regulations to implement DR 2-105(2) which deals with the question of public disclosure of "fields of law in which the lawyer or the law firm practices."

The Present Rules

Volume II(A) of the Rules of Court contains the Code of Professional Responsibility. DR 2-101 (Publicity), addresses the question of advertising in a general way. Paragraph A prohibits "any form of public communication containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim." Paragraph B allows distribution by print media and radio and television broadcast of certain specific information. (Al-

though the Code provision as printed does not refer to television advertising, I understand that the Rule as promulgated by the Supreme Court does allow television advertising.) Paragraph C provides generally that persons wishing to "expand the information authorized for disclosure" by paragraph B must first obtain permission to do so from the Alaska Bar Association.

As indicated above, DR 2-105 (Limitation of Practice), addresses, generally, the question of specialization: "A lawyer shall not hold himself out publicly as a specialist" except that:

(2) A lawyer who publicly discloses fields of law in which the lawyer or the law firm practices or states that his practice is limited to one or more fields of law shall do so by using designations and definitions authorized and approved by the Board of Governors.

The Board of Governors has, on a temporary basis, adopted for purposes of Rule DR 2-105 the 22 "enrollment categories" used by the Alaska Bar's "Lawyer Referral Service" in its program. [Admiralty; Administrative Law (Government Agencies); Bankruptcy; Commercial Law (Real Estate Transactions, all forms of Business Organizations); Consumer (Credit/Collections); Criminal; Discrimination; Eminent Domain; Environmental Law; Family Law (Divorce, Child Custody, Adoption, Name Change, etc.); Immigration; Labor Relations; Landlord-Tenant; Mining; Negligence (P.I., P. D., Professional Malpractice, Products Liability, Libel/Slander, Workmen's Compensation); Patent-Copyright; Public Interest; Tax; Traffic; Trusts, Estates, Wills; Arts Law; Community Legal Assistance.]

The Kutak Commission Rules

For two and one-half years, according to the Preface to the Discussion Draft, the American Bar Association's Commission on Evaluation of Professional Standards has been "rethinking the fundamental tenets of ethics and self-regulation in the legal profession." The Commission (commonly referred to as the Kutak Commission after its chairman, **Robert J. Kutak**), published on January 30, 1980, Model Rules of Professional Conduct. These proposed rules also address the three areas discussed above and addressed by the existing Code of Professional Responsibility: Advertising and specialization. The applicable Model Rules, because not widely disseminated, are reprinted here in full. (The full text of all of the Model Rules will be available to interested members of the Alaska Bar at the annual meeting in June.)

9.1 Truthfulness

A lawyer shall not make any false, fraudulent, or misleading statement about the lawyer or the lawyer's services to a client or prospective client. A statement is false, fraudulent, or misleading if it

(a) contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not misleading;

(b) is likely to create an unjustified expectation, or states or implies that the lawyer can achieve results by legally improper means; or

(c) compares the quality of the lawyer's services with that of other lawyers' services, unless the comparison can be factually substantiated.

9.2 Advertising

(a) A lawyer may advertise services through public communications media such as a professional announcement, telephone directory, legal directory, newspaper or other periodical, radio, television, or general direct mailing, subject to the requirements of Rules 9.1 and 9.3.

(b) A copy or record of an advertisement in its entirety shall be

kept for one year after its dissemination.

(c) A lawyer shall not give anything of value to a person for recommending the lawyer's services, except that a lawyer may pay the reasonable cost of advertising permitted by this rule.

9.4 Indication of Areas of Practice

A lawyer may communicate the fact that the lawyer will accept employment in specified areas of practice. A lawyer whose practice is limited to specified areas of practice may communicate that fact. Certification or designation as a specialist may be indicated by a lawyer only as follows:

(a) a lawyer admitted to practice before the United States Patent and Trademark Office may use the designation of "patent attorney" or a substantially similar designation.

(b) [provisions on designation of specialization of the particular state.]

The Questionnaire

It is evident that members of the Alaska Bar are now doing very little advertising. That may be good or it may be bad. It may be explained by simple disinclination—or it may be explained by the restrictive nature of the Rules as they now exist. The problem, if there is a problem, may be ameliorated by the promulgation of regulations in the nature of guidelines.

With this in mind the Committee will, within the next few weeks, mail to each member of the Alaska Bar a questionnaire which will give each of you an opportunity to express your views. Your responses will assist the Committee in its work.

The WINTER 1979-1980 ALASKA DIRECTORY OF ATTORNEYS

The new edition of the Alaska Directory of Attorneys, a 96-page Bible of the Alaska legal community, contains many new features including:

- Map showing all four judicial district boundaries, recording districts and places of recording
- Alaska Court Fees
- Alaska Judicial Council
- Alaska Process Servers
- Federal Law Enforcement Agencies
- Plus many other items

in addition to an up to date listing of all members of the Alaska bar, as well as all officers of the court and judges. Plus, for the first time:

- Active Out of State members of the bar
- Inactive members of the bar

Send \$5 per copy to: **Todd Communications**
1126 F St.
Anchorage, AK. 99501
or telephone 274-4370

Todd Communications also produces mailing labels for all 1270 active in-state members of the bar and state court judges, as well as all 59 active out-of-state members of the Alaska Bar and 145 inactive members which are available at reasonable cost. If you need to make a mailing to members of the Alaska Bar, this is the most accurate up to date list available anywhere.

TO ORDER

Please send _____ copy(s) of the ALASKA DIRECTORY OF ATTORNEYS. \$_____ is enclosed in payment at \$5.00 each (includes postage & handling). Payment must accompany order.

STANDING ORDER

I would like to receive _____ copy(s) of the ALASKA DIRECTORY OF ATTORNEYS (a semi-annual publication) at \$5.00 per copy each time it is published. The signer agrees to make payment for the directory(s) as soon as it/they are received.

Signature of authorized person _____

Title or Position _____

Send to _____

DAYLY, MARTIN & FAY, INC. OF ALASKA d/b/a THE CLARY INSURANCE AGENCY



Specialists in Lawyer's Legal Liability
Representing: National Union Fire Ins. Co.

- Fourth Year Alaskan (Stability)
 - Broad Coverages
 - Competitive 1980 Premium Rates
 - Full Underwriting Authority
- Call us before buying Brand "X"

THE CLARY INSURANCE AGENCY

Your Full Service Insurance Agency

A Division of Dayly, Martin & Fay International

803 West Fifth, Anchorage

with offices in Kenai and Seward

(907) 276-5454

Lawyers Research Service has applied its experience from almost a decade of service to the legal profession in Alaska to create a legal research system tailored to meet your needs. You have at your disposal our staff of full time research attorneys. LRS utilizes one of the most comprehensive law libraries in the U.S. in the preparation of memoranda, trial and appellate briefs.

LAWYERS RESEARCH SERVICE, INC.
1063 South Capitol Way
P.O. Box 2937
Olympia, WA 98507
Telephone (206) 943-8592

M. JANE PETTIGREW Attorney at Law

Practice Limited to Bankruptcy
Referrals Welcome

835 D Street, Suite 106
Anchorage, Alaska 99501
(907) 276-4959

88th Annual NCCUSL Meeting

Arthur H. Peterson

Arthur H. Peterson is an Assistant Attorney General and Uniform Law Commissioner for Alaska.

The 88th annual meeting of the National Conference of Commissioners on Uniform State Laws (NCCUSL) was held in San Diego from July 27 through August 3, 1979, with all of Alaska's commissioners—Jay Rabinowitz, Paul Robison, and me—in attendance. Four new Acts were promulgated: Uniform Real Estate Time-Share Act, Uniform Metric System Procedures Act, Uniform Trade Secrets Act, and Uniform Durable Power of Attorney Act.

The Uniform Real Estate Time-Share Act

The Uniform Real Estate Time-Share Act derives from the 1977 Uniform Condominium Act. A time-share is a right of occupation of given premises for identifiable, separated periods of time over at least five years. If it is based on an estate in land, it is called a time-share "estate." Otherwise, it is a "license." The uniform Act provides for the creation, management, and termination of time-share developments. Management may be by the developer, a manager under contract to the developer, or an owners' association. Time-share owners have the power of initiative, referendum, and recall to redress management error. Buyer protection provisions include disclosure of all terms of sale in a public offering statement, and both express and implied warranties of sale. The Act contains an optional article creating an administrative agency for the regulation of time-share developments. With the developments in this and related property concepts over the past dozen years or so, Alaska's 1963 Horizontal Property Regimes Act (AS 34.07) would seem to be getting more and more out of date.

Uniform Metric System Procedures

As its name indicates, the Uniform Metric System Procedures Act emphasizes procedures. It does not force use of the metric system, but rather deals with the orderly, long-term conversion to the metric system.

In 1866 Congress provided for the metric system as a "lawful" parallel to the "customary" Anglo-American system. Since that time, officially the U.S. has had a dual system of weights and measures. The "customary" system is dominant in commerce and industry. In science and technology, the metric system prevails. This Act establishes an agency to implement the conversion and establishes a citizens advisory council. It thus provides the means to convert when the state government finds it convenient and good policy to do so.

Uniform Trade Secrets Act

The Uniform Trade Secrets Act codifies and clarifies common law rights and remedies in connection with misappropriation of trade secrets. A trade secret is information, no matter how designated, not generally known and of economic value. It is information which a person would especially try to keep secret. This Act provides injunctive relief and damages for economic loss if a "misappropriation" of a trade secret occurs. Misappropriation takes place when a trade secret is acquired or disclosed by "improper means."

Uniform Durable Power of Attorney Act

The Uniform Durable Power of Attorney Act amends the Uniform Probate Code Provisions on the subject of durable powers of attorney, but this Act may also be enacted as a separate uniform Act (not appropriate in Alaska since we have the Uniform Probate Code [AS 13.06 — 13.36]). Durable power of attorney has been a feature of the UPC from its promulgation in 1969. A durable power of attorney is one executed by a principal which, by specific language, survives the principal's incompetency. The original durable power of attorney is improved by the language in this Act for transfer of assets to a later-appointed fiduciary and by language for survival of the power after a principal's death, if there is a good faith exercise of the power without knowledge of the death. For the current Alaska law, see AS 13.26.325 and 13.26.330.

The Drafting Committee to Revise the Model State Administrative Procedure Act, mentioned in my report on the 1978 meeting (*Bar Rag*, Vol. 1, No. 1), has already met three times and has another meeting scheduled for 1980 before the annual NCCUSL meeting in mid-summer. So far, the committee has dealt with provisions

University of Alaska, Juneau

POSITION ANNOUNCEMENT

Juneau-Douglas Community College Southeastern Senior College

DATE: March 31, 1980

TITLE: Assistant Professor of Law Science

QUALIFICATIONS: Required: 1. Juris Doctorate degree.
2. Teaching experience at the college level.
3. Ability to work with a diverse student population.
Preferred: 1. College teaching experience of paralegal level courses.
2. Additional years of practicing law in public or private agencies is desirable.
3. Experience in curriculum development in paralegal studies.

JOB SUMMARY: 1. Develop a specialized curriculum in paralegal studies to meet the needs for paralegal technicians for rural native corporations in Southeast Alaska.
2. Teach the courses in the paralegal curriculum.
3. Coordinate grant program with contracting agency.

RESPONSIBLE TO: Acting Director, Division of Business

SALARY: Commensurate with qualifications and experience; \$2,575.00 minimum per month. This will be a temporary, full-time position, contingent on funding.

CLOSING DATE: Closing date for all applications, transcripts, references and credentials to be received is April 8, 1980, but may be extended until filled.

BEGINNING DATE: On or about April 15 or as soon as possible after closing date, or when funding is received.

INQUIRIES TO: Mrs. Roberta Stell, Acting Director
Division of Business
University of Alaska, Juneau
1108 F Street
Juneau, Alaska 99801
Telephone: (907) 586-2521

The University of Alaska is an Equal Opportunity, Affirmative Action Employer

on judicial review, rule making, and adjudication. I have been appointed to membership on that committee and would welcome any comments concerning the Model APA from members of the Alaska Bar Association.

Copies of Uniform Acts and material pertaining to them may be obtained by writing to John McCabe, Legislative Director, National Conference of Commissioners on Uniform State Laws, 645 North Michigan Avenue, Chicago, Illinois 60611.

Divorce Attorneys:

WHAT IS A BUSINESS REALLY WORTH??

A fair and reasonable answer to the above question may be of great benefit to your client.

For over 12 years we have been assisting attorneys and their clients in arriving at a realistic value for a closely held business or business interest.

We consider both the tangible and intangible value of a business. We understand what "goodwill" is and whether or not it really exists in a specific case.

We have an Alaska track record and have supported our business valuations in Alaska Superior Court with expert testimony.

We are also fair and realistic on the matter of our fee.

For a preliminary discussion of a specific case or to learn more of our Alaska qualifications call:

Albert C. Behrenhoff, President
Management Planning Systems, Inc.
P.O. Box 1407, Bellevue, WA 98009

(206) 454-4650



AMERICAN FAMILY LAW TAX REPORT presents...

BASIC FAMILY LAW TAX COURSE

For Lawyers and Mediators
Saturday, May 24, 1980

WESTWARD HILTON
Third and E Street
Anchorage Alaska
1:00 - 5:00 p.m.

This program examines tax aspects of divorce, emphasizing alimony, child support, property division, division of retirement benefits, deductibility of attorneys' fees. We have designed this program not only for family law attorneys and judges, but also for those mediating family law disputes touching on property and support issues. The parties to a divorce are often completely unaware of the tax aspects of these issues, and rely entirely on their mediators and counselors not only for consciousness raising but also for working solutions to family law tax problems, such as timing of the decree, whether joint returns should be filed, or the special family law problems of joint custody.

California Family Law Report, and a full-time specialist in family law and appellate practice.

We have reserved a block of rooms at special rates of: Single \$48.00 Double: \$58.00

Reservations must be made directly with the hotel prior to May 2, 1980.

Enrollment is limited. Registration fee: \$50.00 (including materials). Refund upon receipt of cancellation 48-hours in advance of program.

Seminar Leader: Stephen Adams, San Francisco, Editor & Publisher of American Family Law Tax Report and

To register, please complete the form below. For further information contact AFLTR at (415) 421-1700.

Please register me for the:
BASIC FAMILY LAW TAX COURSE May 24, 1980
Westward Hilton
Anchorage, Alaska

MY CHECK FOR \$50.00 REGISTRATION FEE IS ATTACHED.

Make checks payable to AFLTR/CFLR, Inc. and send to:
AFLTR/CFLR BASIC FAMILY LAW TAX COURSE
Box 2377, San Francisco, CA 94126
(415) 421-1700

Name _____ Firm _____
Street _____ City _____
State _____ Zip _____ Telephone _____
Signature _____



Bryson

[continued from page 3]

2. The board, in concentrating on its current workload, may have failed to have the regular input necessary to the legislature to forestall the legislature's current questioning of the necessity of the board's existence. I believe that regular and effective input to the legislature on issues that affect the membership is necessary and should be increased; I also believe that a greater effort needs to be made to trim administrative costs and divert the money to Continuing Legal Education programs and similar areas which the membership would view as a more beneficial use of dues revenue.

3. No, unless a viable alternative method is proposed which would not threaten our current ability to effectively deal with grievances and fee arbitration questions. I fear outside regulation of these areas by people who do not have a familiarity with the realities of the practice of law.

4. If the association is sunsetted, a voluntary bar will be necessary, at least as an interim body. The concept might be beneficial in that the organization would have to concentrate on responsiveness to

member concerns in order to remain financially afloat. I fear, however, that many valuable services of the integrated bar would fall prey to a severely restricted budget.

Robert Bundy

Robert C. Bundy: After receiving a Bachelor of Arts degree from the University of Southern California, I attended law school at Boalt Hall, University of California, Berkeley, receiving a JD degree in 1971. While at Boalt, I clerked for Laub & Mackay, a small general practice firm in Oakland, California. In my third year I was also associated with the Public Defender Agency at Alameda County as an intern. Following graduation from Law School, I received Reginald Heber Smith community law fellowship with Alaska Legal Services. I was employed as a Reginald Heber Smith Community Law Fellow, Alaska Legal Services in Anchorage from September, 1971 until November, 1971. Thereafter I transferred to the Nome office of Alaska Legal Services. I became supervising attorney of the Alaska Legal Services office in Nome, with responsibilities for the Nome and Kotzebue areas, in 1973 and remained in that position until July, 1974. At that time I moved to the Kotzebue

area where I was engaged in the private practice of law as well as performing contractual services for Alaska Legal Services. At present, I am Chief Assistant District Attorney.

1. I acknowledge that service on the Board of Governors will require a great deal of time and involve a substantial amount of hard work. However, I feel that any amount of time and work are well expended in an attempt to achieve the goal of ensuring a high quality of the practice of law in this state and a better image of lawyers in the eyes of the public.

2. I feel that the present Board of Governors is making substantial effort in the correct direction. I light of the apparent low image of lawyers in the eyes of the public I think the Board's emphasis on public legal education is a good one. Also it seems to me that the Board is making substantial effort to improve the disciplinary and ethics functions. I feel that an emphasis on public legal education and a clear indication to the public that the Bar Association intends to maintain a high quality of practice in this state are essential programs and should be emphasized in the future.

3. I strongly feel that integrated Bar should not be sunsetted by the legislature. I feel that the most economical and effective regulation of a profession is self-regulation, so long as it is conducted in good faith and with a realistic appraisal of the needs of the public. Relegating the day to day regulation of the practice of law to a state agency or the court system would only needlessly spend state tax revenue. Moreover, such regulation would likely fail to understand the day to day practi-

calities of the practice of law. Therefore it would likely be inefficient and produce results inimitable to the public interest due to a lack of understanding of the problems addressed. The Board of Governors of an integrated Bar has a greater ability to respond appropriately to the problems of the practice of law since the members are engaged in that practice themselves on a day-to-day basis.

4. I do not think that a voluntary Bar Association would be able to produce a paying membership sufficient to support the programs needed to ensure that the level of competence among lawyers is high.

[continued on page 9]

Robyn Roberts Court Reporting

Certified stenographic reporter
24 hour answering service

Anchorage

276-7228

Associate Degree in Legal Science
Graduate of American Institute
of Court Reporting

Serving All Alaska

- VIDEOTAPE
- DAILY & RUSH COPY
- COURT TRANSCRIPTS
- CONVENTIONS
- HEARINGS
- DEPOSITIONS

R & R COURT REPORTERS

810 N St., Anchorage..... 277-0572
509 W. 3rd Ave., Anchorage..... 274-9322 or 274-7841
1007 W. 3rd Ave., 3rd Floor, Anchorage..... 272-7515
Fairbanks..... 452-3589

We Can Handle It.



PROFESSIONAL TRAVEL SERVICE
1030 W. FOURTH AVENUE ANCHORAGE, ALASKA 99501 272-8424

Coming Events

May 1 — Law Day, U.S.A.
May 15 — Annual Convention Resolutions Due.
May 20 — Estate Planning Seminar.
May 21-24 — Conference of Association of Family Conciliation Courts.
May 22-24 — Board of Governors Meeting, Ketchikan.
May 24 — Basic Family Law Tax Seminar.
June 9-11 — Judicial Conference, Juneau.
June 12-14 — Alaska Bar Association Annual Meeting, Anchorage, Alaska.
June 14 — Annual Business Meeting, Alaska Bar Association.

F'Bal Investigations

P. O. Box 1152
Soldotna, Alaska 99669
(907) 262-5256

FORENSIC PHOTOGRAPHY

MEMBER EVIDENCE PHOTOGRAPHERS INTERNATIONAL COUNCIL EVIDENCE PHOTOGRAPHY FOR CIVIL LITIGATION

Legal Photo Service
PHONE: (907) 279-8222

GILMER COURT REPORTING

3861 Hazen Circle
Anchorage, Alaska 99502
344-4837
Transcripts • Depositions

PHONE 276-2237

ATTORNEY'S PROCESS SERVICE INC.

P.O. BOX 205
ANCHORAGE, ALASKA 99510
ROGER A. KANCHUK
PRESIDENT
MARIA L. SNYDER
VICE-PRESIDENT

INFORMATION SERVICES

(907) 456-8205
LEGAL INVESTIGATION STATEWIDE
Eleven years' experience in on-scene investigation and trial preparation
529 Fifth Avenue
Suite 2
Fairbanks, Alaska 99701

World Wide Travel, Inc.

"For Miles of Smiles"

DON WILLIAMS
VICE PRESIDENT
P.O. BOX 2305
4011 ARCTIC BLVD.
ANCHORAGE, ALASKA 277-9571

IMMIGRATION

Keith W. Bell of the Alaska and Washington State bars, announces his availability to lawyers for consultations and referrals in US Immigration and Nationality Matters re: applications for non-immigrant and immigrant visas, admission to United States, adjustment of status to permanent residents, deportation hearings, and other proceedings before the US Immigration Service.

KEITH W. BELL
BURTON, CRANE & BELL
1830 Bank of California Center
Seattle, Washington 98164
(206) 623-2468

Marine World Ltd.

COMPLETE VESSEL DOCUMENTATION

- Research
- Bills of Sale Documentation
- Preparation & Coordination of Preferred Marine Mortgages

COLEEN L. MUELLER
921 W. 8th Ave., Suite #1
Anchorage, AK 99501 (907) 276-2866

Pat Kling Court Reporting Service

Suite 430, 1016 West Sixth Avenue
Anchorage, Alaska 99501
Telephones: 907-272-8445; 272-1060
Depositions, Hearings
Deposition room available
Xerox for copying exhibits

Al's Detective Agency

(907) 456-7274

- Licensed and Bonded
- Statewide Service
- 7 Years Experience in Criminal Investigations

Specializing in: • Criminal Investigations • Missing Persons • Skip Tracing • Divorce • Child Custody • Background Checks • Insurance Fraud • Property Recovery

1919 Lathrop St. Suite 208 D-61
Fairbanks, Alaska 99701

Williams Stenotype Reporting

formerly Cummins Stenotype Reporting

NANCY K. WILLIAMS

- Certified Shorthand Reporter
- Registered Professional Reporter
- Certificate of Proficiency
- Quality Work

P.O. Box 5025, North Pole, AK 99705
in the Fairbanks vicinity
(907) 377-2174

Drathman

[continued from page 8]

Ron Drathman

Ron Drathman: Arizona State University, B.S., Economics; Stetson University, JD; Admitted; Alaska, U.S. District Court for Alaska, Ninth Circuit Court of Appeals, U.S. Supreme Court; Assistant Public Defender 1974-76; Private practice with Darthman & Weidner in Anchorage and Homer.

1. I have serious doubts as to whether the association is presently providing a service to its members or merely a service to the court, to the press, to the public, etc. The purpose of the association should be to advance the quality of the profession; provide a forum for its members and, where possible, such things as group insurance and other services generally obtainable only through an association. For example, wouldn't it be nice to have access to a LEXIS computer through the association to which we each pay \$180.00 per year?

2. More effective contact with the State Legislature. More independence from the court system. Much, much more in the area of CLE programming. And, although I favor conducting all business meetings of the association within the state, I find no fault in occasionally holding CLE functions 'outside.'

3. I'm not sure at this point, as the alternatives, vis-a-vis the court, are not clear.

4. My experience is that voluntary organizations are much more effective than compulsory organizations. As to the "ability to generate revenue to support existing programs"—the existing programs should be re-examined; worthwhile programs will always have support.

Karen Hunt

Karen Hunt graduated from USC Law School; admitted to practice in Alaska—1973; member, B.O.G. since June 1977.

Member—ABA Special Committee on Lawyer's Liability.

Prime mover behind organization and structure of the statewide Referral Service.

Chairperson: 1. 1978-79 Malpractice Coverage Study; 2. Conflict Appointments Committee; 3. Supreme Court Committee on Appointment of Counsel.

1. The Board of Governors does take a lot of time and that is a serious consideration in deciding to rerun for the board. However, with a relatively new Executive Director, new Bar counsel in July, sunset, and financial concerns, Anchorage needs experienced board representatives at this time. Pat Kennedy does an excellent job, but it is asking too much of her to be the only Anchorage-based BOG member with experience at this time.

2. The present BOG has initiated several worthwhile programs that should be continued—a stronger committee structure, and Bar exam review being just two such programs. I want to see these programs continued and strengthened. I also believe additional efforts must be made in discipline, CLE, and membership accountability of B.A. funds and services.

3. No.

4. A voluntary Bar will lack both the cohesiveness and the funds to serve either the profession or the citizens of Alaska. Mandatory membership in a B.A. is, in my opinion, not an outrageous cost to pay for the benefits gained from practicing law. The solution for problems in the profession or the B.A. is not to deintegrate the Bar; the solution is to utilize this statewide organization for change. A voluntary Bar has the

chilling potential of representing too narrow a view of the interests of the profession.

Ken Jensen

Kenneth D. Jensen, born Chicago, Illinois, October 6, 1935; admitted to bar, 1963, Alaska. Preparatory education, University of Alaska (A.B., 1957); legal education, Catholic University of America (LL.B., 1962); Legislative Assistant to Honorable E.L. Bartlett, U.S. Senate, 1959-1962. Vice Chairman, Alaska Police Standards Council, 1973. Chairman, Alaska State Local Boundary Commission, 1973-1975. Member: Anchorage (Vice President, 1974-1975); President, 1976). Alaska (Special Counsel, 1973-1976) and American Bar Associations; American Judicature Society; The Association of Trial Lawyers of America.

1. In the past I have been critical of some of the actions of the Board of Governors. I believe it would be cynical to criticize without a willingness to contribute.

2. The principal task facing the Board of Governors is the adjustment of association affairs to accommodate changes which are very likely to be mandated by external forces. The primary problem the Board will face in the immediate future is to preserve for the membership of the association a meaningful role in the regulation of the profession.

3. No. We would be unrealistic not to recognize that substantial changes are likely to be imposed upon the Alaska Bar Association in the manner in which it performs governmental activities. What seems to be generally overlooked is that the governmental functions of the Alaska Bar Association are going to have to be done by someone. The focus of "Sunset" debate has been misplaced upon whether or not the association should continue to exist. Of far greater importance to the bar and to the public is whether an alternative system to the one we now have would do a better job.

I believe that it would be a mistake to dismantle the existing organization with some vague hope that something better might be contrived by the legislature or court to handle the work load.

4. A voluntary bar association simply could not provide the services now undertaken with varying degrees of success by the Alaska Bar Association. Obviously it could not perform any of the governmental functions now provided. If one accepts the premise that the governmental functions now performed by the Alaska Bar Association would be better done by administrative or judicial bureaucracies then a voluntary association would probably make sense. I do not subscribe to that theory.

George W. Liskow

George W. Liskow served four years in the Army Air Corps during World War II. Thereafter, he graduated from Tulane University Law School in 1947, and was engaged in private practice in Louisiana from 1947 until 1965. In 1965 he entered corporate practice as a result of which he has been admitted to practice before the highest court of five states, including Alaska. He has been a resident of Alaska since 1977 and at the present time is General Counsel for Alyeska Pipeline Service Company.

1. Devoting some of one's time and talent to service to the community is one of the lawyer's obligations. Working with the Bar Association is a potentially fruitful and satisfying opportunity in that regard. In times

past, I have served on the Bar examining committee in Louisiana and the Board of Governors of the corporate Bar section of the Los Angeles Bar Association. As to the time required, of General Counsel, is committed to its responsibility as a good corporate citizen and is willing to allow me the time necessary on this service.

2. My personal opinion of what the board has done up to now is unimportant and not really relevant. What is important is what kind of job the board can do henceforward to provide the public (particularly the ombudsman and the legislature) with a better understanding of what the Bar Association stands for, the services it performs in the public interest and its activities on the interests of the membership. I refer to such things as establishing standards of skill, integrity and ability required for membership; development of means for the maintenance and improvement of those skills; and insuring that those standards are complied with. All these protect the interests of the public who are the users of those services.

3. Absolutely not. Among its responsibilities, the Bar Association has an important obligation to serve the public and to improve community understanding of the lawyers' role. "Sunsetting" the association would severely restrict the ability of the association to do those and its other job.

4. The Board of Governors and, indeed, the entire membership should first bend every effort to prevent "sunsetting" the association. We should see that the legislature gets a better understanding of the Association's function and the need for continuance of its present official standing. Should such efforts fail, then a campaign should be mounted to inform both the general public and the legislature of the need for the Bar Association's existence as an organization that can and does operate in the public interest. I do not believe that a formal attack (as, for example through litigation) would be productive or appropriate at this time.

David Burdett Loutrel

David Burdett Loutrel: Texas Tech University, Lubbock, Texas, BA, Mathematics/English, 1972; Texas Tech University, JD, 1975. Employment: 1975-76, Associate, Croft and Thurlow; 1976-1978; Partner, Croft, Thurlow, and Loutrel; 1978-1979, Partner, Croft, Thurlow, Loutrel and Duggan; 1979-present, The Law Office of David B. Loutrel. General practice of law, with special emphasis on labor law, criminal law, and personal injury litigation. Admitted to practice in Alaska in October of 1975.

1. In a recent issue of the Bar Rag, John Havelock observed: "[W]hile membership of the association has grown several fold, attendance at the convention has held steady, at best, for a decade or more. Further, those who were around at the beginning of that decade or earlier seem to represent a disproportionate share of the attendance roster." In my opinion this absence of involvement in Bar activities by the newer members of the Bar is in large part the reason that sunset looms as closely as it now does.

2. While it would be unfair as well as inaccurate to say that the present board has done either extremely well or poorly, I do feel that a fundamental change of attitude is necessary. The failures of our present board seem to me to be a direct result of an entrenched bureaucratic attitude which in large part is a symptom of the problem I have addressed above. Change has in large part become something to be avoided rather than addressed. Bar admissions procedures which are general-

ly thought to be hopelessly inefficient not to mention poor predictors of performance remain unchanged. Despite the recent case of Brown v. Supreme Court of Nevada our state still denies admission to the Bar to all but those who have graduated from accredited law schools certified by the ABA. These situations require case by case review—not blind adherence to the ABA list.

3. While I find myself in substantial disagreement with the Bar as it is now constituted, I do not believe that sunset is the only solution and it is not the solution now. The mere possibility of sunset has done much to cause attorneys to reassess current Bar practices and hopefully the needed changes will follow.

4. First, I do not view the possibility of sunset as one that will ever materialize. I feel that it simply will not occur. Further, to be able to adequately respond to the question one would need to know how the sunset or deintegration would occur. If for example the admissions and discipline processes were to be handled by another branch of state government an immediate reduction of approximately \$140,000 in costs (using the 1979 budget) would result. The need for generating revenue is largely dependent upon the revenue required which in turn, is largely dependent upon the specifics of sunset. This likewise is true as to the effectiveness of existing programs—one must know what programs would remain for a statewide voluntary Bar to provide.

Robert A. Rehbock

Personal Data: Born, August 12, 1952, Anchorage, Alaska. Married: June 4, 1974. Wife, Dawn, is accountant for Alaska Legal Services. No children.

Education: Primary and secondary education in public schools in Anchorage; B.A. 1974, Magna Cum Laude, Alaska Methodist University, Majors in Chemistry and Political Science.

Law School: University of Oregon, J.D. 1977, graduated in top one percent of class and Order of the Coif. Associate Editor Oregon Law Review 1976-77.

Legal Experience: Admitted to Alaska Bar, October 1977, partner of Ernest Rehbock since that time. Engaged in general practice with emphasis on domestic relations, real property and other civil litigation.

Memberships: Board of Directors, Anchorage Community Theatre; Member Elks Lodge 1351; Member MENSAs; Board of Directors, Alaska MENSAs; Member American Chemical Society; Contributing Editor Bar Rag; Member Phi Alpha Delta Law fraternity; Member Association of Family and Conciliation Courts; Member American Trial Lawyers Association; Member Family Law Committee, Alaska Bar Association.

1. I believe I can represent the views of a broad base of the membership. It is important for a board member to be willing to stand by those positions he believes beneficial. I am not afraid to do this.

2. The Board of Governors could probably try to change these public conceptions by greater openness and publicity concerning their actions. In large part, however, the board can do little to change the deeply rooted distrust of some members of our society for lawyers. The program which the bar already offers is exactly what should help to persuade the opponents of the integrated bar association of its utility.

Among the most important of these activities are: CLE, Lawyers Referral, Fee Arbitration and publicity describing the availability of service. The Board of Governors has done an excellent job in bringing about CLE as a reality.

[continued on page 10]

Rehbock

[continued from page 9]

3. & 4. A voluntary bar association could not possibly provide the services presently offered. Presumably a voluntary Bar Association would see the admissions and discipline program of the present bar association taken over by other agencies. The Bar Association seems to have been doing a reasonable job of both these. Thus, such a displacement of these services would accomplish little.

The voluntary Bar Association could not hope to keep all its members at the present level of dues. Obviously the present dues are money out of all of our pockets. Most Bar members would probably prefer to keep that money. Realistically, however, the level of dues is minimal in light of services such as CLE, lawyers referral, fee arbitration and even publicity which the Bar Association provides for our profession. The Bar Association means more than licensing. This candidate is afraid at both an intellectual and emotional level that the disintegration of the Bar Association would, when coupled with the proliferation of attorney advertising and the general trend to look at lawyering as a business and not a "calling," reduce the legal profession's professional image. This attorney is proud to be a member of the Bar Association. Theoretically attorneys could still organize, but inertia, greed, other financial exigencies, and the psychological feeling of impotence, could make a voluntary Bar Association a poor substitute.

Vincent Vitale

Vince Vitale arrived in Anchorage after graduating from the University of California at Davis in 1972. During the next three years he worked as a VISTA lawyer with legal services in Anchorage, the City Attorney's office in Anchorage and a private firm in Anchorage that had a wide-ranging practice. He has had his own office since 1975, concentrating on trial work. He has one attorney working with him now and expects to have another lawyer join him this summer.

1. The board will be faced with some delicate political problems during the next two years. If these issues are mishandled the day-to-day practice of law will change drastically. I like the professional independence I enjoy.

2. The board has taken a level-headed, reasonable approach concerning the current effort to Sunset the Bar Association. Further, there has been a noticeable effort to con-

tinue providing practical, useful CLE, with the one glaring exception of the recently approved CLE cruise.

If the board continues to expand CLE and more promptly resolves discipline matters, much of the legitimate public concern about the association will be lessened. In turn, this will affect our position vis-a-vis most of the members of the legislature. Unfortunately, there has been very little the current board could do about the fact that a small number of legislators do not understand the problems they are attempting to solve. Hence, there's very little that can be done to avoid some of the proposed irrational solutions.

3. I do not agree with the proposed Sunset Legislation. The current proposals do not promote any legitimate public interest while they also harm the public's right to have discipline matters handled fairly and expeditiously.

I was in Juneau recently and I discussed these problems with some members of the Judiciary Committee. There is no doubt that the antagonism of some committee members is very strong. Their belief that lawyers are too elitist and their extreme frustration with the court system have led to the harmful legislative efforts which do not promote the public interest.

The committee has proposed legislation which would make the Bar Association a wholly voluntary organization, while also mandating that the association remain solely responsible for discipline.

In addition, the board would continue to administer the Bar exam with the assistance of professional graders. It is not clear what public interest is promoted by making the association a voluntary organization while requiring it to perform important discipline and admission functions.

It was interesting to note that no legislator complained that members were not being effectively disciplined when necessary, or that legal costs were too high (although there was some comment that lawyers make too much money). In fact, it never was clear exactly what problem the legislation was designed to solve. Unfortunately, the failure to identify problems did not lessen some legislators' enthusiasm for proposing solutions.

4. If the association is made voluntary, revenues will drop sharply. CLE will decline somewhat, discipline matters will not be expedited and admissions will be the primary task. Eventually, the deintegration issue will be brought before the court for resolution. I would wager that the court will fashion a ruling which will give it wider involvement

in Bar matters, perhaps even including funding of some previous Bar functions such as admission. This could precipitate a constitutional confrontation between the legislature, which doesn't like either the court or lawyers, and the court, which doesn't want to anger the legislature. Some legislators will be angered by the court's action to the point of considering punitive action against the court...and we will be stuck squarely in the middle of the two battling branches of government.

To avoid this problem, the board must continue stressing the promotion of the public interest in discipline and admissions. We will have to suggest some improvements in the administration of the Bar exam as well as some changes in the speed with which discipline and fee arbitration matters are handled.

Hugh G. Wade

Hugh G. Wade, born in Juneau, May 12, 1934; admitted to Bar, 1959, District of Columbia; 1950, Alaska. Preparatory education, University of Notre Dame (B.A., 1956) legal education, Catholic University of America (LL.B., 1959). Member of staff, 1957-1958; editor, 1958-1959, Catholic University of America Law Review. District Magistrate, State of Alaska, 1960. Private practice 1961 to present. Past President of Anchorage Bar Association. Currently a partner in Wade & DuBrock. Practice emphasizes construction contract litigation.

1. I often say that people who are not willing to shoulder responsibility have no right to complain about those who do. Lately, I have been doing a lot of complaining about the Bar. I concluded that I was going to have to stop complaining or run for the board. It was not an easy choice.

2. As an aside, let me say that fighting with the ombudsman is a "no win" situation for the Bar. In answer to your question: While there are some bright spots—The Bar Rag; the work of the Committee on Malpractice Insurance; the seminar on the new Rules of Evidence; and that relative lack of recent controversy over admissions—the overall performance of the present board has been poor.

The Bar has not been well administered. The disciplinary program is not functioning well. Relations between Bar and Bench are sour. There is, essentially, no CLE program. The Bar's self-image and its public image are both terrible.

That is not to say that the Board of Governors has not worked hard and struggled with all of these problems. I am sure that they have. As an

outsider, it has appeared to me that they have concentrated their efforts to an unfortunate extent upon what I would characterize as perimeter issues. There is simply no consensus within the Bar concerning prepaid legal plans, specialization, lawyer advertising, and the emergency of multi-state law firms. Whatever action the board takes on these issues is almost necessarily both parochial and ephemeral. The courts are going to have the final say about these matters. It is not my position that those matters are unimportant but, rather, that in concentrating on them we have neglected our primary functions which are to maintain the integrity and competence of the Bar through our admissions, disciplinary, and educational programs, and to contribute in some positive way to a system by which the public can avoid, or promptly and efficiently resolve, its disputes.

3. No. Not because it is good, but because no better mechanism for performing its function has been devised.

4. I don't think that a statewide voluntary Bar is viable. I would expect perhaps the emergence of several specialty associations. Except for the problems of admissions and discipline, there is really more to divide than to unite the Bar.

NOTICE RE: Resolutions at the Annual Meeting

Resolutions, in order to be considered by the membership in attendance at the annual meeting, must be received (not postmarked) in the office of the Alaska Bar Association no later than May 15, 1980.

Article VIII, Section 5 of the Association's bylaws, entitled "Resolutions," states:

"No resolution may be introduced for consideration at the annual business meeting unless it is signed by at least ten (10) active members of the Association. Such resolutions must be received in the office of the Association at least thirty (30) days prior to the opening date of the annual business meeting and shall immediately be submitted to each local Bar Association for consideration. Any resolution not so processed shall be considered at the annual business meeting only if thirty-five (35) members in attendance at such meeting sign a petition urging consideration of the resolution."

PLEASE PLAN AHEAD. RESOLUTIONS RECEIVED ON OR BEFORE MAY 1st WILL BE PRINTED IN THE BAR RAG.

BIRTH ANNOUNCEMENT

Mariah Suzanne Rozell was born to Bart and Sue Rozell April 9, 1980. Congratulations!

ALASKA PROCESS SERVICE

Executions Attachments

(Real and personal property)

(Request service instruction forms)

Serving all Legal Process Throughout the 3rd Judicial District

For your convenience subpoena, SDT, NOC preparation, as you direct. (Request subpoena preparation forms.)



Records copied and certified at time of service. (Request records instruction forms.)

700 H STREET, SUITE # 2
Anchorage, Alaska 99501 • (907) 279-8222

NOW
the **★ DOWNTOWN DELI ★**

DELIVERS!

- lunch meetings
- special occasions

276-7116

Bankruptcy Panel Trustees Needed

The Administrative Office of the United States Courts seeks qualified applicants to serve as panel trustees in Chapter 7 Liquidation Cases for the bankruptcy court serving the District of Alaska.

Candidates are especially needed to serve in Anchorage, Fairbanks, Ketchikan, Juneau, and Nome.

For further information and application forms, please contact Mrs. Margaret Gingras, Clerk of the Bankruptcy Court, United States Courthouse, 701 C Street, Box 47, Anchorage, AK 99513. Telephone: 276-1273. Or write to: The Bankruptcy Division, Administrative Office of the United States Courts, Washington, D.C. 20544.

Wanted to Buy

IBM

Correcting Selectric II

Call

276-1324

LAW BOOKS

FOR LESS

Pacific Law Books, Inc.

305 N. Main Street

Santa Ana, Calif. 92701

Phone: 714-543-1213

Ten minutes from Disneyland

JOE RUDD SCHOLARSHIP



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 will be 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

All applications must be filed with the Rocky Mountain Mineral Law Foundation no later than May 15, 1980.

- 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 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:

Barrie Saxon
Ely, Guess & Rudd
 510 "L" Street, Suite 700
 Anchorage, Alaska 99501
 (907) 276-5121

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

BOG Meeting

The Board of Governors of the Alaska Bar Association met in Juneau, Alaska on March 27th, 28th, 29th and 30th. The meeting began with a report from Executive Director **Randall Burns** on the present status of the Bar Office. **Norman Gorsuch**, the Bar Association lobbyist, met with the Board on March 27th to discuss sunset and alternative legislation anticipated from the House Judiciary Committee.

Bar Finances

Anchorage member **Pat Kennedy** reported on the present condition of Bar finances. She indicated that due to increased costs of discipline and less income than originally projected for 1980, the Bar Association is facing a significant deficit for the year unless it can come up with more money or radically trim costs. The board discussed various means of solving the income problem this year, including limiting national and regional bar conference attendance by the president and president-elect as well as board travel. A decision was made to try and cut out at least one meeting this year and to attempt to eliminate as many telephone conferences as possible. With the exception of the Ketchikan meeting already scheduled, all other meetings this year will be held in Anchorage. The board decided to discontinue the UCLA Alaska Bar Review—a savings of approx-

imately \$9,500.00 per year. The members discussed reducing an operational survey team from the American Bar Association from three members to one. In addition, there was discussion of ways to reduce costs and/or increase the price of continuing legal education programs. The board considered asking the court system for full discipline budget monies rather than approximately half which it presently receives. The board decided to delay action on major budget items until it could determine the form and effect of the expected House Judiciary Committee Bill, limiting but not sunsetting the Alaska Bar Association.

The board approved membership status changes from active to inactive membership for 11 attorneys. Ethics opinion 79-4 was tentatively approved. Continuing Legal Education Regulations submitted by the CLE Committee were approved.

Bar Rule 13 with amendments, Bar Rule 15 and Bar Rule 44, regarding ABA approved schools were approved for submission to the Supreme Court. In addition, the board discussed amendments to the bylaws of the Bar Foundation, comparison of model rules of discipline and Alaska discipline rules, Bar Rule 23, attorney solicitation and Bar Counsel's authority.

The Bar met with the Juneau Bar Association at its luncheon on Friday, March 28, 1980. After the meal a joint meeting was held with the Alaska Legal Services Board.

Special Committees

The board heard and/or discussed reports from a special committee on advertising, the Unauthorized Practice of Law Committee, the Specialization Committee, the Administrative Law Committee, the Alternate Disputes Resolutions Committee, and the Leo Committee. **Clay Young**, of the Committee of Law Examiners and **Mike Thomas** of the Examinations Review Committee, spoke to the board on the subject of law examinations.



Just a Phone Call Away!

- Professional Services Throughout Alaska at Reasonable Rates
- A Staff That Gets Results
- Licensed and Bonded
- 24 Hour Record-a-Call Service

- Member—Institute of Certified Photographers
- Member—California Assoc. of Licensed Investigators
- Member—World Association of Detectives

NORTHWEST INVESTIGATIVE SERVICES
 P.O. Box 74008, Fairbanks, Alaska 99707
 (907) 452-7574



NITA WESTERN REGIONAL



**Place: Hastings College of the Law
 San Francisco California
 Dates: March 8-16 and May 18-25, 1980**

The National Institute for Trial Advocacy announces an intensive program in trial practice designed primarily for young lawyers with one to five years of experience. Student lawyers will perform as trial counsel under the guidance of a teaching team that includes an experienced trial judge, experienced trial lawyers and a law teacher. Members of the teaching team will also demonstrate various trial skills. For a detailed brochure and application form, write Professor Barbara A. Caulfield, Hastings College of the Law, 198 McAllister St., San Francisco, Calif. 94102 or call (415) 557-2205.

Notice of Nondiscrimination: The National Institute for Trial Advocacy does not discriminate on the basis of race, religion, or sex. The Institute encourages applications from members of minority groups and from women.

Support Our Advertisers

EXAMINER of QUESTIONED DOCUMENTS (Court Qualified)

- HANDWRITING IDENTIFICATION
- FORGERY DETECTION
- TYPEWRITING IDENTIFICATION
- ALTERATIONS, ERASURES & ADDITIONS
- ELECTRO-STATIC DETECTION APPARATUS—Indented Writing (The only one in the Northwest owned by a private document examiner)
- 907-277-0120

Record a Call for your convenience
 Member
 Independent Association of Questioned Document Examiners, Inc.
 World Association of Document Examiners



Leonard F. Schultz

3344 Mount Vernon Ct.
 Anchorage, Alaska 99503

LEGAL PIZZA

“Real East Coast Pizza”

Sandwiches
 Minestrone
 Pizza
 Salads
 Beer and Wine

Spring Hours
OPEN
 Lunch Time: 10:30-2:30
 Dinner Time: 4:30-Till 12 p.m.
Free Mon - Sat
downtown delivery
 Call ahead: **276-0533**

Doom

[continued from page 1]

Back to the Old Drawing Board

In a March 29th memorandum to Charles Parr, Chairman of the House Judiciary Committee, Richard Bradley, Legislative Counsel took issue with certain provisions of the proposed legislation in particular: (1) the conferring of police powers on a private, voluntary organization; and, (2) the definition of the practice of law. With respect to the former, Bradley commented:

"The request of the committee directs that a bill be prepared abolishing the integration or unification of the Alaska Bar Association. The request then confers extensive police powers on the governing board of the resulting voluntary association.

"I am concerned with the allocation of substantial police powers to a voluntary association. In my view, the mixed character of the resulting Alaska Bar Association offers the substantial possibility that what results will be found by the court to be unconstitutional.

"The bill imposes the responsibility of a public agency on a voluntary association. It is required to act in the same manner that a public agency would act. These safeguards cloud, in my judgment, the otherwise clear prohibition of the grant of police powers to a private voluntary organization."

Commenting on the committee's definition of the practice of law, Bradley remarked:

"I offer no endorsement of its content; I consider it altogether inadequate as a definition of the practice of law..."

"Sec. 95(b) is a somewhat cynical statement suggesting that bankers, realtors, and others may practice law so long as they do not do it on a full-time basis. From a public policy perspective, the provision seems to suggest that incompetence will be implicitly permitted so long as it is not a full-time activity..."

"...I suggest it would be better to delete this provision [Sec. 95] than it would be to believe that it is comprehensive and effective."

On Wednesday, April 2, 1980, the committee heard testimony from Hugh Connally, representing the Tanana Valley Bar Association, Donna Willard and Bart Rozell, representing the Alaska Bar Association, and Kathy Kolkhurst, a member of the Alaska and Juneau Bar Associations. They addressed in particular the issues of voluntary versus mandatory membership, lowering the standards for admission to the Bar by giving up ABA accreditation or approval, confidentiality of Bar records and the composition of the Board of Governors.

After hearing testimony on these issues, the committee members present indicated that the bill as drafted did not set forth what they intended in several respects—particularly with regard to the definition of the practice of law—and returned the bill to staff for redrafting. Committee members indicated that they might hear more testimony or hold another mark-up session before releasing a final bill.

Amendments

Proposed Amendments to Alaska Bar Rule 16

Section (b) of Alaska Bar Rule 16, entitled "Conciliation Panels," is amended to read:

(b) Each Panel shall consist of three active members of the Alaska Bar Association, each of whom maintains an office for the practice of law in the [DISCIPLINARY] area for which he is appointed. At least one panel shall be appointed for each [DISCIPLINARY] area as defined in Rule 10. The members of each Panel shall be appointed by the President of the Association, subject to ratification [REJECTION] by the Board. Initially, the appointment of one member of each panel shall be for a one year term, the appointment of one member shall be for a two-year term, and the appointment of one member shall be for a three-year term. Thereafter, each member shall be appointed for a three-year term. The terms of the members first appointed hereunder shall be deemed to have commenced on July 1, 1979. Each member is referred to herein as a Conciliator. Only one Conciliator need act on any single matter referred for conciliation.

Proposed Amendment to Alaska Bar Rule 23(b)

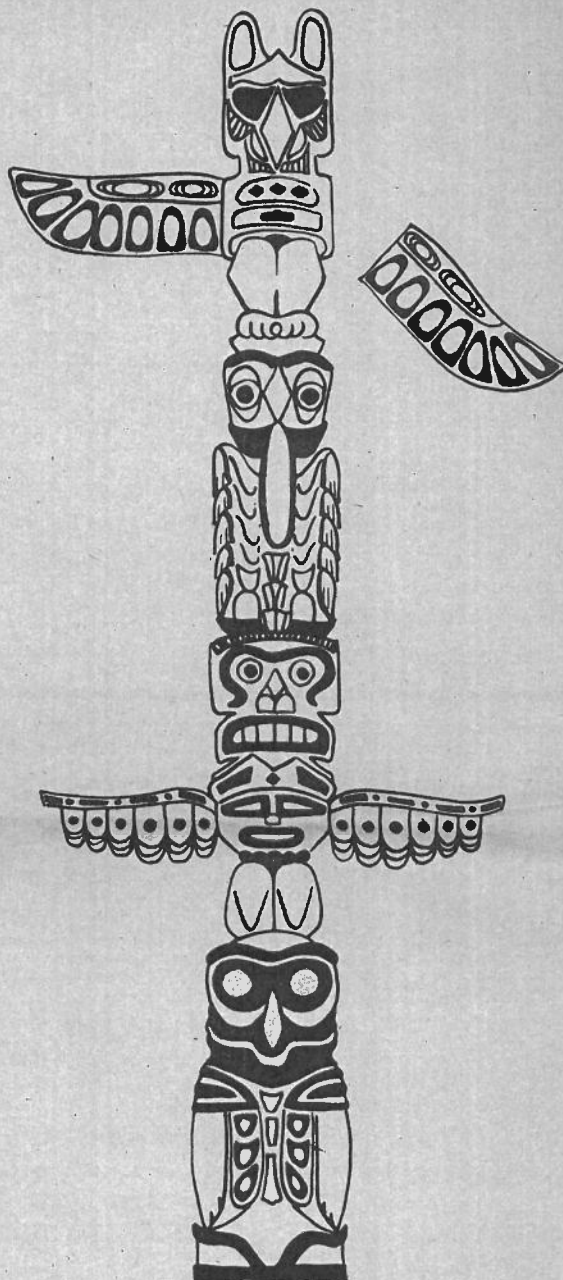
Subsection (b) of Alaska Bar Rule 23, entitled "Attorneys Convicted of Serious Crimes," is amended to read:

(b) The term "serious crime" shall include any crime which is or would be a felony in the State of Alaska, [EXCEPT VIOLATIONS OF ALASKA STATUTES TITLE 28 AND VIOLATIONS OF MOTOR VEHICLE LAWS OF OTHER STATES OR LOCAL GOVERNMENT], and shall also include any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves misconduct [CONDUCT] as an attorney, interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, corruption, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."

Canon DR 2-102(D) is Amended to Read:

A partnership or professional corporation shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all listings of the members and associates of the firm make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all jurisdictions; provided, however, a partnership or professional corporation may not practice law in Alaska unless at least one of the local lawyers admitted to practice in Alaska is included in the firm name used in Alaska and is a true partner or shareholder and director with a significant share in the overall profits, liabilities and professional responsibilities of the partnership or professional corporation.

WE SOLVE ALL KINDS OF CONSTRUCTION CLAIMS CASES!



Whether your construction claims case involves a faulty pipeline or problem building, Wagner-Hohns-Inglis, Inc. can help you build a solid case. Several WHI Alaskan claims cases are underway right now.

WHI has supplied expert claims analysis/preparation services to attorneys on successful settlements totalling \$3.5 billion worth of diverse construction in 50 states. Send for your copy of our complete services brochure today.

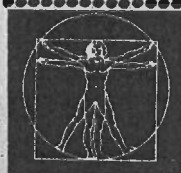
wagner · hohns · inglis · inc.

3043 Foothill Blvd: La Crescenta, California 91214
213-248-2523

New Orleans, La.
504-524-5349

Kansas City, Mo.
816-931-2240

Mount Holly, N.J.
609-261-0100



Please send us your brochure on WHI claims services. **A B R**

Name _____
Firm _____
Address _____
City _____ State _____ Zip _____

TAYLOR, STEVENS & CO.

Certified Public Accountants

Tax Planning and Return Preparation
Accounting and Consultation Services
Audited and Non-Audited Financial Statements
Accounting System Design

Calais Building I Suite 707 907-278-9502
3201 C Street Anchorage, Alaska.