

The Alaska BAR RAG

Volume 2, Number 4

Dignitas. Semper Dignitas

April 1979 \$1.00

It's Kona, Kids!

Picture, if you will, snow capped mountains, broiling volcanoes, verdant, rolling grasslands, acres of orchids, tons of macadamia nuts and vast wastelands of lava. Roll around on your tongue the words Kilauea, Mauna Kea, Halemaumau, Pele and Kapoho.

All of this and more can be found on the big island of Hawaii, the site which has been chosen for Alaska's 1980 Midwinter CLE Meeting, to be held January 16 through 20.

Excellent Facilities

The Kona Surf, situated on Keauhou Bay, offers the ultimate in convention facilities. As added attractions there are eight tennis courts, an eighteen hole golf course, two swimming pools, one saltwater and one fresh, several restaurants, a disco and, of course, numerous watering holes.

Although there are no swimming beaches immediately adjacent to the hotel facilities, famed White Sand Beach is only a short drive away. Moreover, this slight flaw is more than offset by the other, varied attractions which the Big Island has to offer.

Varied Abstractions

If swimming and golfing aren't your bag, try skiing or bird hunting. Hike the Halemaumau Trail and gaze into Kilauea crater. Visit a coffee plantation, a macadamia nut factory or drive by the vast Parker Ranch.

View rainbow hued boujainvallea sprouting from stark lava, stand on the southernmost point in the United States or immerse yourself in the visible sense of history which pervades Hawaii.

Another excellent CLE program will be offered so when the registration forms arrive in the near future, sign up immediately. Space is limited.

Law for Nonlawyers Courses Expanded

Anchorage members of the Law Related Education Committee will present a mini-series on Law for Nonlawyers at four Anchorage schools during the month of May.

The courses are being held in cooperation with Anchorage Community Schools. They will cover the Legal Process, Wills and Estate Planning, Criminal Law and Family Law.

Speakers will be William Choquette, committee chairman, Chris A. Johansen, Randall E. Farleigh and John R. Ulyatt.

The Alaska Bar Association recently completed a nine-week offering at Alaska Pacific University.

In addition to the four topics being presented in May, other outlines are available on Contracts, Business Law, Consumer Law, Real Estate and Torts.

Other Bar groups interested in sponsoring such courses are urged to contact Ronald L. Kull at the Bar Association office.



ABA President May Visit

American Bar Association President, S. Shepherd Tate, pictured above with Donna C. Willard, President-Elect of the Alaska Bar at the Bar Leadership Institute held recently in Chicago, has indicated that, if at all possible, he will visit Alaska before his term expires in August, 1979.

As tentatively scheduled, President Tate will arrive in Alaska shortly after the Independence Day holiday. Plans are now underway for meetings with local and state bar leaders as well as a reception for the general membership.

Mr. Tate is a member of the Memphis law firm of Martin, Tate, Morrow and Marston. He is a past president of the Memphis and Shelby County Bar Association, past presi-

dent of the Tennessee Bar Association and past president of the National Conference of Bar Presidents. Long active in the work of the ABA, he is a past chairman of the Standing Committee on Scope and Correlation of Work and the Standing Committee on Professional Discipline and has served on a number of other Association and section committees. Recently he was Chairman of ABA's Task Force on Lawyer Advertising. He is a Fellow of the American Bar Foundation and the American College of Probate Counsel, and a member of the American Law Institute. Mr. Tate has also been active in civic, community and educational work for which he has received numerous awards and citations.

Advertising Regs Adopted

The Board of Governors of the Alaska Bar Association, pursuant to its emergency powers under Bar Rule 62, has listed legal categories which may be advertised under the new advertising rules adopted last month by the Alaska Supreme Court.

While this listing may be changed or expanded at a later date, the Board has received inquiries from lawyers being solicited for advertising in telephone directory yellow pages.

Although the new rules do not permit lawyers in most cases to hold themselves out as specialists, they do permit a lawyer to state that his or her practice is limited to certain areas if, in fact, these limitations are strictly followed.

These are the categories approved by the Board:

- Admiralty
- Administrative Law
- Bankruptcy
- Commercial Law
- Consumer Law
- Criminal Law
- Discrimination
- Eminent Domain
- Environmental Law
- Family Law

- Immigration
- Labor Relations
- Landlord-Tenant
- Mining
- Negligence
- Patent-Copyright
- Public Interest
- Tax
- Traffic
- Trusts, Estates and Wills

The Code of Professional Responsibility should be carefully studied before any of these definitions are used because a specific disclaimer is also required. See in particular DR 2-105(2) effective March 1, 1979.

Special Committee Formed

The Board of Governors has approved formation of a Special Committee of the Bar Association to study the present content of the Alaska Bar Examination, and to make recommendations with respect to changes, if any, which would be advisable.

Any person interested in serving on such a Committee should immediately contact Ken Jarvi, President of the Bar.

Board Considers Reciprocity

At its March 29, 30 and 31 meeting in Juneau, the Board of Governors approved the concept of reciprocity and referred to the Statutes, By-Laws and Rules Committee the task of drafting an appropriate rule. Once a working model has been approved by the Board, it will be published in the Bar Rag for comment by the members of the Association.

A meeting with Representative Joe MacKinnon resulted in the information that the Bar will shortly undergo a full scale legislative audit. Directed toward a determination of whether the sun should set on the Association, in 1980, the inquiry will apparently be directed at all phases of operation. Of particular interest appear to be policies and procedures with respect to admissions and discipline.

Visitor at Meeting

For the first time in living memory, the Board had an interested spectator sitting through two days of its meetings. Kathy Kolkhorst, a bar applicant, listened to some intense debate on the form and content of the Alaska bar examination, the efficacy of the recent amendments to Article III of the By Laws, and a discussion of a proposed new category of membership which would encompass House Counsel and Federal Attorneys.

More Action

In other action, the Board:

- 1) Acted on numerous admissions and discipline matters;
- 2) Dealt with several membership status changes;
- 3) Approved the Alaska portion of the exam as the appropriate vehicle for determining the competence of attorney applicants;
- 4) Made appointments to the fee arbitration, conciliation and discipline panels;
- 5) Formed a special committee to study the form and content of the bar examination and to make recommendations with respect thereto;
- 6) Approved proposed Bar Rule 63 defining the practice of law and forwarded it to the Supreme Court for adoption;
- 7) Adopted Ethics Opinions 76-8 and 78-5; and
- 8) Heard a report from Norm Gorsuch, the Association's lobbyist.

Other persons who met with the Board included Senator Bob Ziegler, Bruce Gagnon, Irv Bertram, Rick Helm, Chairman of the Law Examiner's Committee and Judge Allen Compton.

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Comments on Discipline and Fee Arbitration

by Bill Garrison

Recently, bar members were requested to indicate their willingness to serve on Fee Arbitration and Disciplinary Panels. The response really exceeded my expectations—our office received over 60 replies. As much as I would like to send out individual letters of thanks to those persons who volunteered, it is unfortunately not practical to do so. Rather than to send out "form" letters please allow me this opportunity to express my appreciation.

Obviously the number of volunteers greatly exceeds the number of positions which are open. The names of those persons who were not appointed will be retained for future use.

During my tenure as Bar Counsel it has been brought to my attention that there are a number of attorneys who do not understand how to properly utilize a client trust account. Infractions of the disciplinary rules in this area are considered to be of a very serious nature. It is strongly suggested that the following guidelines be perused.

Trust Account Guidelines

Guidelines to be followed by all lawyers practicing in the State of Alaska who receive, maintain and disburse trust account funds, securities and properties of a client are:

1. An attorney should be familiar with the provisions of DR 9-102: Preserving Identity of Funds and Property of a Client. An attorney should periodically review his/her accounting procedures to ensure that the provisions of DR 9-102 are being implemented.
2. An attorney must have all funds of all clients in the trust account at all times unless withdrawn for delivery to a client or pursuant to a client's direction or agreement.
3. An attorney must be able to meet all client obligations with funds on hand in trust, without additional deposits or transfers.
4. All attorney funds, especially earned attorney fees, must be expeditiously removed from the trust account. Attorney fee statements should be delivered to clients before fees are transferred to the attorney's general office account. Transfers should be made by a check drawn to the attorney.
5. An attorney's personal and/or business transaction must not flow through his/her trust account.
6. Checks whose proceeds are joint funds of the attorney and the client, in the sense that a portion of the client's funds will be paid to the attorney as his/her fee, should be deposited in the trust account. Once the attorney's portion has been ascertained, a check can be drawn to the attorney and deposited in the attorney's general office account.
7. Receipts for earned fees and retainers, earned fees to have an attorney "on call," do not need to be placed in an attorney's trust account. Alternatively, fee deposits, to be credited toward future fee charges, should be placed in an attorney's trust account.
8. Trust account disbursements should be made only after client receipt checks have cleared through the banking process. Trust account checks should be signed by an attorney, labeled as trust account checks and be...

a different color than the attorney's general office account checks.

9. An attorney's trust account cannot be used as a personal checking account, regardless of whether an appropriate accounting is eventually provided to each and every client.
10. Monies earned on interest-bearing trust accounts are the property of the clients. Such monies should be allocated to the appropriate client according to the size of his or her share of the account.
11. An attorney should refrain from borrowing money from a client when the funds to be loaned are on deposit in the attorney's trust account. If a loan is absolutely necessary, the attorney should execute a written loan agreement with his or her client to ensure that documentation exists to support the transfer of funds to the attorney.
12. When expectations of the attorney, and/or client, are uncertain, as to the disposition of a client's funds, a written agreement should be executed upon the receipt of a client's funds.

DR 9-102 specifies that: "A lawyer shall maintain complete records of all funds, securities, and other properties of a client coming into possession of the lawyer and render appropriate accounts to his client regarding them." Guidelines for implementation of this rule include:

1. A system of internal controls which delegates different duties relating to the bookkeeping process, E.G., preparing bank deposits, recording receipts and disbursements and reconciling bank statements to the total of client trust account balances, to different individuals.
2. A complete set of books and records, which include:
 - A. A trust cash receipts journal, supported by bank deposit slips, showing the date, source, client name, explanation and amount of all trust receipts.
 - B. A trust cash disbursement journal, supported by cancelled checks, showing the date, check number, client name, recipient, purpose and amount of all trust disbursements.
 - C. A subsidiary ledger, containing a separate page or card for each client for whom monies have been received in trust, showing the date, source and amount of client receipts; the date, purpose and amount of client disbursements and any unexpected balance. Monies disbursed for a client which exceed monies received should be explained.
 - D. A cash receipts journal, supported by bank deposit slips, showing the date, source, explanation and amounts of all money received other than trust money.
 - E. A cash disbursements journal, supported by cancelled checks, showing the date, check number, recipient, purpose and amount of all money disbursed other than trust money.
 - F. A chronological fee book or file showing all fees charged and other billings to clients, the date(s) such charges are made and an identification of clients charged.
 - G. A monthly reconciliation comparing individual client

subsidiary ledger balances to the trust control balance: taking the trust account balance at the beginning of the month, adding the total monies received in trust for the month and deducting trust monies disbursed for the month.

- H. A monthly reconciliation comparing the trust control balance to the trust account bank statement.
- I. A separate set of journals, records and reconciliations for an interest-bearing trust account, assuming a noninterest-bearing trust account is also maintained.
- J. A record showing the receipt, disbursement and balance of securities and other properties maintained in the lawyer's safe deposit box or other place of safekeeping.
3. A clear audit trail from originating documents summarizing books and records which clearly identifies and accounts for all trust account items.
4. A rendering to clients of their trust account funds, securities and properties balances, promptly upon their request and periodically, at least quarterly, to verify trust account balances and promote good client relations.

The following are excerpts from

recent decisions by the Fee Arbitration Panels.

Respondent-Attorney represented Petitioner in a contested divorce. No children were involved. Substantial property rights were litigated, including certain extra-marital properties acquired by inheritance and held in trust outside the State of Alaska. Respondent-Attorney billed Petitioner \$9,883.98. Petitioner claimed that the fees were excessive and further that Respondent-Attorney did not adequately represent Petitioner's interest. The Panel determined that Respondent-Attorney rendered valuable services to Petitioner and that the amount charged for the services was reasonable in nature.

Respondent-Attorney was retained to represent Petitioner on a claim for damages arising out of personal injury. The matter was taken on a contingent fee agreement whereby Respondent-Attorney was to receive one-third of any approved settlement or judgment received at trial. Respondent-Attorney voluntarily withdrew from the case. Petitioner retained other counsel. The case was ultimately settled for \$32,500.

Respondent-Attorney filed a lien for \$4,828.98 including \$391 in costs. The amount was based on the amount of time which Respondent-Attorney had spent on the case prior to his withdrawal. The Fee Arbitration Committee found that Respondent-Attorney was not entitled to any fees other than the amount attributed to out-of-pocket costs.

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Ethics Opinions

On March 31, 1979, the Board of Governors formally adopted:

ETHICS OPINION 76-8

The Committee has been asked the following question:

With regard to an attorney admitted in Alaska who has been a law clerk to a Superior Court judge and who has entered private practice by joining an existing law firm, may do any of the following:

- 1) represent a client in court;
- 2) give professional consultation or assistance to a client;
- 3) perform legal research relating to a case of a client; or
- 4) do factual research and investigation relating to a case of a client;

when that client has been represented by the law firm before the Superior Court judge to whom the law clerk had served under the following circumstances:

- A) when the client's case was merely pending before the judge;
- B) when the case was pending and the law clerk had had administrative contact with the case such as merely bringing the file to the judge at the time for his consideration of a motion made in the case; or
- C) when the case was pending and the law clerk had performed legal research and had drafted a memorandum on the law for the judge on an issue raised by either of the parties to the case?

The attorney would be entitled to perform the services enumerated 1, 2, 3, and 4 in the event that his contact with the case had been solely as described in paragraphs A and B. If this contact had been more substantive, such as that described in paragraph C, he would not be entitled to participate in any way in the representation of the client in that case because of the appearance of impropriety associated with having dealt substantively with the case as an agent of the court, and then adopting an advocacy role in the same case.

By-Laws Published

For anyone who has never asked for nor received a set of the By-Laws of the Alaska Bar Association, that omission is soon to be remedied.

The Supreme Court of Alaska, at the request of the Board of Governors, has arranged for publication of the By-Laws in the four volume set of the Rules of Court.

The Bar Rules which are already contained in Volume II, together with the By-Laws, are the guidelines by which the Association is managed.

Uniform Custody Laws

More states are joining Alaska in enacting the Uniform Child Custody Jurisdiction Act. Presently, 31 states have enacted the Act in its entirety.

They are:

Alaska	Maryland
Arizona	Michigan
Arkansas	Minnesota
California	Missouri
Colorado	Montana
Connecticut	New York
Delaware	North Carolina
Florida	North Dakota
Georgia	Ohio
Hawaii	Oregon
Idaho	Pennsylvania
Indiana	Rhode Island
Iowa	South Dakota
Kansas	Virginia
Louisiana	Wisconsin
	Wyoming

In addition to the above list, there are a number of states which have adopted portions of the Uniform Child Custody Jurisdiction Act, such as:

- 1) Age and sex of child
- 2) Wishes of child as to his custodian
- 3) Interaction and interrelationship of child with parent or parents, his siblings and any other person who may significantly affect the child's best interests
- 4) Child's adjustment to home, school and community
- 5) The mental and physical health of all parties involved

The states which follow the above guidelines include:
District of Columbia; Illinois - Bill introduced 1979; Kentucky; Nebraska; Vermont - Bill introduced February 1979.

Deadline Extended

Article III of the By-Laws of the Alaska Bar Association was amended by the Board of Governors on January 18, 1979 to provide that active members must either reside in the State or maintain an office within its boundaries in order to practice law here.

It was further provided that, if a member neither lived nor maintained an office in the State but desired to maintain his active status, an affidavit stating that the member was not practicing in Alaska and would not practice without fulfilling one of the two conditions, would be acceptable.

At the time of adoption, the Board set an effective date of March 15, 1979.

At its Juneau meeting, the Board reconsidered the amendments in light of criticism from members residing out of State and yet practicing law here. After discussion and debate, the earlier action of the Board was reaffirmed but a new effective date of June 15, 1979 was established to provide additional time for compliance.

Music Festival During Convention



Music loving members of the Alaska Bar Association have an extraordinary additional incentive for attending this summer's Bar Convention in Sitka.

Acclaimed cellist Nathaniel Rosen, the only American to ever win the gold medal for cello at the prestigious Tschickovsky Competition in Moscow, will be the guest soloist at the first concert of the Sitka Summer Music Festival, which will coincide with the Bar Convention.

Rosen will be joined by Paul Rosenthal, well-known Alaskan violinist, and pianist Jerome Lowenthal, of California, and Christiaan Bor, violinist, of the Netherlands for a concert on June 8 in Sitka.

Now in its eighth year, the Sitka Summer Music Festival is the brainchild of Paul Rosenthal, who wanted to gather some of the outstanding musicians who had studied with him.

Focusing on Sitka as a site of great natural beauty and tranquility, Rosenthal and his friends first gathered in 1972.

"I thought that we would make music for ourselves and if anyone wanted to listen we would charge them admission," he recalls. About 40 Sitkans attended each concert that first year.

From that small beginning, the Festival has grown to a month long series of concerts which consistently sell out the 500 seat Centennial Building overlooking the Sitka waterfront.

The June 8 concert represents something of a reunion for the Festival musicians and Rosen, who helped to found the Festival and played in the first five of them.

The June 8 concert is the opening concert of this summer's Festival, so competition for admission will be especially tough. Tickets can be reserved by writing to the Festival at Box 907, Sitka, Alaska 99835. Payment must be included with the reservation. The Festival will hold reserved tickets at the door until 8 p.m. the evening of the concert. The music will begin at 8:15 p.m.

Single admission tickets cost \$5 per person for each concert. Season tickets are available for \$25.

The McGeorge School of Law University of the Pacific

is offering an important legal research service to Alaska attorneys. The McGeorge Student Research Pool, now in its eighth year of operation, can provide you with whatever research and drafting assistance you require, including legal memoranda, points and authorities, pleadings and briefs. There are few, if any, areas of substantive law which are beyond the scope of the Research Pool. Because of the extensive resources available in the McGeorge library, the law of most jurisdictions, including Alaska, is readily available. In addition, residents of Alaska, currently enrolled as students, can be called upon to provide the legal research.

The cost for this service is \$7.50 per hour, with all fees paid directly to the individual student researcher.

For further information, contact
Student Research Pool
c/o Placement Office
McGeorge School of Law,
3200 Fifth Avenue
Sacramento, CA 95817
916/449-7187

EXAMINER of QUESTIONED DOCUMENTS

(Court Qualified)

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FORGERY DETECTION
TYPEWRITING IDENTIFICATION
ALTERATIONS, ERASURES & ADDITIONS

907-277-0120

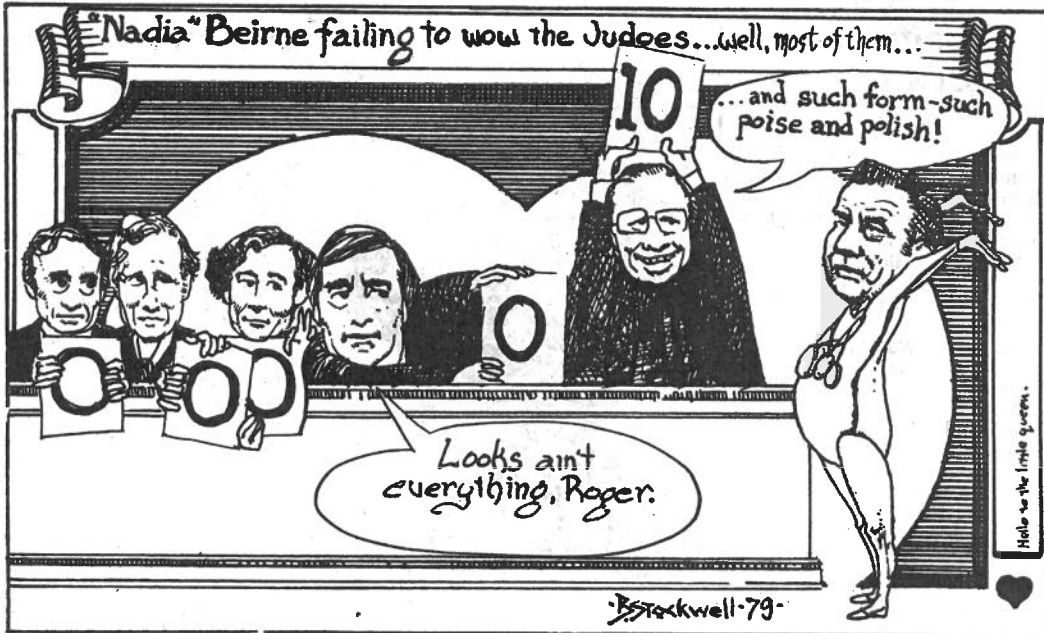
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Editorial

The Alaska Bar Association is once again about to hold its annual convention and business meeting. This year the situs of the meeting is Sitka, Alaska. Two years ago at its annual convention in Ketchikan, Alaska, the association membership present voted to have one annual meeting inside the state in order to accommodate all of its members. Previously, the Bar Association had been criticized for holding two of its conventions outside of the State of Alaska in Vancouver, British Columbia, where it was argued attendance was inconvenient and more expensive than it would be in Alaska. Since the Vancouver convention, all annual business meetings have been held in the state, in Anchorage, Ketchikan and Fairbanks. Attendance at these meetings has ranged from ten to fifteen percent. The worst attendance was in Anchorage, Alaska three years ago. The largest turnout was in Fairbanks last year. Given the attendance in these three cities, in particular Anchorage, where most of the attorneys in Alaska reside and practice law, it would appear that inconvenience and expense are not legitimate reasons for non-attendance by bar members.

What is the reason why such a small percentage of Alaskan attorneys attend these meetings? A glance at the topics and speakers for this year and last year's annual conventions suggests no reason for staying away. The topics are timely, important and interesting. The speakers are men and women who know what they are talking about and are worthy of the attention of the Bar. The resolutions before the bar and at both meetings could have a decisive effect upon the practice of law in Alaska.

It may be that the best reason for non-participation in conventions and other bar activities is simply the feeling by new members that they don't have a stake in the organized bar. They may feel that the activities of the bar association do not affect them at this stage in their careers. Having recently experienced the paranoia of bar examinations, there may be a certain residual resentment of the organized bar in Alaska. Some of the newer members may feel that the bar association is just a social club for a bunch of old-time established lawyers.

These reasons don't stand up to close examination. The Alaska Bar membership has an average age of under thirty years. It is one of the smallest state bars in the United States. Most of its members have come here within the last few years. Nowhere else in the country does the new admittee have as much opportunity to participate in shaping bar policy.

The legal profession in every state of the union is presently facing radical new challenges by the public, state and federal governments and from its own members. Decisions will be made in the next few years with regard to these challenges which will affect the practice of each individual attorney in Alaska. These decisions may involve your income, your privacy, your personal satisfaction with the practice of law and the very nature of your practice. Most of the so called old establishment lawyers are mostly men and women in their thirties who have been here no more than a decade, if that, and represent a small albeit for the most part active segment of the bar whose contributions to their profession are not primarily social.

Alaska has an integrated bar. Its membership is compulsory. So unfortunately are its dues. Attorneys who participate in bar activities probably get more for your money. At least they have some say in how it is spent.

The Sitka meeting presents us all with an opportunity to know more about our profession, our fellow attorneys, our common interests and ourselves as lawyers. It also offers us an opportunity to work together to improve our profession. In addition to the business meeting, the various CLE programs and topical updates, there will be a meeting of the Board of Governors in open public session for three days immediately preceding the convention. Customarily, no one attends these meetings other than board members, staff, an occasional committee chairman and attorneys who are speaking to a particular policy item. Anyone who comes to board meetings has an opportunity to be heard on policy matters as well as to be informed as to exactly what goes on at board meetings!

We are all invited to attend!
Let's go this year!

"Random Potshots"

By John Havelock

"A third year program now."

Harvard and Northeastern Universities, to the applause of Chief Justice Burger, have just established full third year clinical law programs. Most lawyers and even most judges disagree with Justice Burger's sweeping condemnation of lawyer competency. Likewise most lawyers disagree with the proposed go-it-alone certification model for a federal trial bar. Nevertheless, all but a few lawyers would cheer the enrichment of the third year of law school by the addition of a third year clinical program option.

With this turn in the direction of national legal education gaining momentum, it is time Alaskans reassessed the role of their own state in the legal educational process.

Support Requirements In The Third Year

Clinical programs have support requirements which are quite different from the standard academic schedule. Faculty-student ratios become more important. A good clinical program should have extensive one to one consultation. A normal law school faculty is too burdened to allow more than desultory individual contact. Clinical programs work with the same basic tools as the practitioner. Thus the extensive scholastic research library is not required. A clinical program operates out of an office so extensive classroom and office facilities are not needed.

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President's Column

by Kenneth O. Jarvi

The Board of Governors has authorized formation of a Law Related Education Committee and Bill Choquette of Anchorage has been appointed Chairman.

This action was deemed essential when the current Board became concerned that members of the public did not understand the operation of the legal system, the nature and extent of individual rights and the role of the legal system in our form of government.

Thus, it is the Committee's charge to provide education to the public with respect to the role of law in American Society.

Structurally, the Committee is comprised of six members. However, under its guidance, it is anticipated that lawyers of all ages and ranges of experience will participate in its efforts.

Need for Speakers

The Committee has already discovered certain areas where speakers are required. For instance, lawyers are needed to address students on legal subjects which are taught as part of the prescribed curriculum in the school system. Also, instructors are needed for the community oriented law courses which are being offered through the Law for Non Lawyers program presently taking place at Alaska Pacific University. Another arena in which such speakers can participate is the community service schools which are part of the Anchorage School District.

Lawyers who desire to assist the Bar but do not wish to become involved in fulltime, year round committee work, will find an outlet here for their abilities and energies.

Outlines Available

The Committee will call upon volunteer lawyers, in random fashion, to assist by delivering a course of instruction or speech to any group who expresses a need for it. To aid the volunteer, the Committee has available outlines on various areas of substantive law.

As a secondary objective, it is my judgment that participation in this program by a large segment of the members will improve, at the grass roots level, the public's understanding of the legal system and the profession. The resultant benefit will be improvement of the image of the lawyer, a concern which has been expressed by many of you in recent years.

As your President, I would hope that each of you, as active members of the Alaska Bar Association, will make yourselves available to help meet the educational needs which exist in each of our communities.

Last Notice

To date, no resolutions for consideration at the Annual Meeting have been received.

Notice is hereby given, pursuant to Article VIII, Section 5, of the By-Laws of the Alaska Bar Association, that the deadline for submission of resolutions to the Bar Office is May 8, 1979. The business meeting will be held June 9, 1979 at the Sheffield House in Sitka.

No resolution may be introduced for consideration at the Annual Business Meeting unless it is signed by at least 10 active members of the Association, or is sponsored by a local Bar Association.

Bills & Notes

by Norm Gorsuch
Legislative Counsel

The House Judiciary Committee announced that it wished to study further the ramifications of the establishment of the new intermediate appellate court and therefore would not pass the bill out this year (SB 104). Unless the committee's decision is changed, the intermediate court of appeals appears to be dead this session. The Committee wanted to examine the court's structure and its relationship to the District, Superior and Supreme courts. The court system offered to make several amendments to technical problems identified by the Judiciary Committee, but this effort was not successful in moving out the bill. The committee was apparently also swayed by the strong testimony in opposition to the court which was received from the Tanana Valley Bar Association.

★★★★

The Court System has been engaging in discussions with members of the Judiciary Committee and the House and Senate leadership in an effort to move the intermediate court of appeals bill out of the Judiciary Committee. At the present time, those efforts have not been successful.

Rep. Joe McKinnon (D-Anchorage) met with the Board of Governors at its meeting in Juneau to discuss HB 85, a bill which would amend the rules of appeal for persons who fail the bar examination. McKinnon indicated that he may await the results of the Legislative sunset review of the bar association scheduled to commence this year before reaching a final decision on whether or not he will push his bill. The Sunset review results will be considered by the full legislature during its next session in 1980.

★★★★

House Bill 181, a bill introduced by Rep. McKinnon (D-Anchorage), which would authorize a corporation to represent itself in court provided it can demonstrate to the court that the person representing it is competent and that the corporation cannot afford to pay for the services of an attorney, was heard by the Senate Judiciary Committee. The Chairman of the Committee, Sen. Bob Ziegler (D-Ketchikan), indicated that the bill would not be passed out by his committee this year, but will be held for action next year.

The Bar Association appropriation in the court system budget to fund the prosecution of grievances is still in the budget. It is expected that this small appropriation will not be affected by the current austerity drive in the Senate and House Finance Committees.

★★★★

From all indications, the court system budget will survive the House and Senate Finance Committees as a maintenance budget with sufficient additional funds to account for current inflation trends. In addition, there is some movement to include the requested additional Anchorage Superior Court Judge position. That bill currently resides in the Senate Financing Committee.

A hearing was held in the House State Affairs Committee on HJR 6, a resolution which would amend the Alaska Constitution to provide for the election of the State Attorney General. The bill was introduced by Rep. Terry Martin (R-Anchorage). Attorney General Gross testified in opposition to the bill. In his testimony, Gross outlined the differing structures of the Attorney General's offices across the country and pointed out that in

—Transportation—

When I was a kid,
People who had to go somewhere in a hurry
Grabbed a ROCKET or a COMET or a METEOR
Right out past the edge of town and beyond
To where the tracks ran together
And then out of sight
To reemerge somewhere completely different
Like CHICAGO or LOS ANGELES or CLEVELAND.

When I was a kid,
I never expected to see an airplane in flight.
When I did look up, I knew
It had to be carrying important mail
And some passengers too, but
Never for any good reason I could tell
And never anyone I knew.

When I was a kid,
highways were for trucks
And travelling salesmen like my uncle.
The main routes went right through town and out
To stop someplace where, like as not,
They connected to still other roads
Going to find some far midnight city spot.

When I was a kid,
The only ships I knew were river barges
But, I saw pictures in books and magazines
Of ocean liners and steamships that went
To LONDON and FAR CATHAY
And DARKEST AFRICA and SOUTH AMERICA
And EVERYWHERE ELSE I wanted to be.

Nobody told me.
Should I have known when
I entered that big two-engined air liner
Buckled my belt, chewed down on my gum, and
Closed my eyes while the engines roared
And the runways slipped by
That I would emerge somewhere completely different
Like this place, just yesterday?

Now I see
No distance, no span or space beyond
The shiny walls of this projectile
Which, upon some robot's command
Will place me in the same place
Anywhere, anytime. Over and over again
In return for squeezing
My plastic card.

Harry Branson

most states, the Attorney General does not control or operate the criminal prosecution system nor does he provide the exclusive source of legal advice for the state executive.

★★★★

In many states, the various agencies and departments have their own internal house counsel. In many states, the Governor establishes his own office of counsel which performs many of the functions the Alaska Attorney General performs for the Governor. Therefore, some discussion took place with respect to whether or not these elected attorneys general have the ability to be the so called "peoples advocate" which the sponsor of the measure seems to believe would be the case if the position was elected. Discussion revolved around the possibility or necessity of having to restructure the entire way legal services are delivered to the state executive branch should the method of selecting the attorney general be changed from appointment to election. It is unlikely that the resolution will be passed out by the State Affairs Committee.

★★★★

The Legislature also passed a bill making a special appropriation to the Department of Law for a training program on the revised criminal code. The funds will be utilized to train members of the criminal justice system, prosecutors and public defenders as well as members of the private bar who practice in the criminal field.

HB 218, a supplemental appropriation to the court system to pay for the attorneys fees incurred by the private bar in public defender conflict and guardian appointed case work currently resides in the House Finance Committee. It is expected that

the bill will be passed out by the Finance Committee.

★★★★

It is expected that the current judicial pay raise bill passed by the House will eventually be passed by the legislature even though the Senate voted to maintain the current salary levels and repeal the Alaska Salary Commission.

The general gossip in Juneau is that the legislature will strive for adjournment by May 1st. However, the atmosphere around the legislative halls indicates that adjournment may occur later than that. Issues which may string out the legislative session include the Northwest pipeline financing proposal; A new state lands disposal program required because of the recent decision by the Supreme Court declaring the Bierne Homestead initiative unconstitutional; the proposed increase in the raw fish tax and the proposal by the Mat-Su Borough to finance the capital move.

Coming Events

- May 10—Institute on the New Rules of Evidence, Juneau.
- May 11—Institute on the New Rules of Evidence, Anchorage.
- May 12—Institute on the New Rules of Evidence, Fairbanks.
- May 17-19—Meeting of the Board of Governors, Anchorage.
- June 1—Institute on Basic Estate Planning, Ketchikan.
- June 2—Institute on Basic Estate Planning, Anchorage.
- June 4-6—Meeting of the Board of Governors, Sitka.
- June 6-9—Annual Meeting, Alaska Bar Association, Sitka.
- Sept. 8—Institute on the New Bankruptcy Act, Anchorage.

The Alternate Court: A Modest Proposal

By Russ Arnett

In this Aquarian Age with its alternate schools, alternate forms of cohabitation and alternate life styles, I proposed the Alternate Court. It would be a small court but there are those among us who would love it. Its judge or judges would come from a segment of the bar never adequately represented on our bench, viz. the most able members of the bar.

With Statehood, Alaskans finally could select our own judges. The most common observation then was "The position should seek the man, not the man the position." When the Judicial Council was being formed, however, some of the original law members and certain members of the Board of Governors who appointed them were influenced by a variety of factors other than competence when they agreed upon a slate of judges. The bar met and threatened to recall certain members of the Board of Governors because of this. The Board of Governors backed down, new Judicial Council members were appointed, and the integrity of the Judicial Council was established.

Judicial Selection

The procedure which the Judicial Council then followed went to the other extreme. A written notice asked any who would like to be judges to apply. The procedure persisted except now you also need a note from your doctor. The current procedure followed in selection of Federal Appellate judges has the same weakness though it may be an improvement over prior Federal selection by the Congressional delegations.

English System

In England, justices of the High Court, which is a trial court, are selected by the Lord Chief Justice who offers the appointment to the barrister whom he considers most qualified. Though nearly all take reduction in income on the bench, there are seldom refusals. They would probably often refuse appointment were the High Court not of such a high quality. The quality is high both because of this method of selecting judges and also because of the ability of the barristers who practice there. The need to round up political support for judicial appointment in Alaska which is distasteful to most lawyers is absent in High Court appointments and would be absent in appointments to the Alternate Court. If several members of the bench and bar in Alaska approached the outstanding members of the private bar to request that each make himself available for appointment to a really classy court, the Alternate Court, surely one would agree.

Able Lawyers Essential

The Alternate Court would permit only able trial lawyers to appear before it. This would eliminate 90 percent of those who now practice in our trial courts. The mood of the Alternate Court would be much less hurried and confused because of the quality of the judges and lawyers. Candor and respect between judge and counsel would increase. The term "pre-trial conference" would be abandoned because they have seldom been effective in Alaska and the term might perpetuate present practices. Informal conferences in which the judge would get a handle on the case and either steer it to trial or settlement would be frequent. Administrators would not interfere with the Judge's direction of the case. Junk filings by Court and counsel would cease. Early disposal of the case on the merits would always be kept in mind.

(continued on page 11)

B.O.G. Candidates Profiled



Edgar Paul Boyko

Edgar Paul Boyko has been an active trial lawyer in Alaska for the past 25 years. He served as Attorney General of Alaska in 1967-1968; as special counsel to the State of Alaska in 1968-1969; and was regional chief counsel for the Bureau of Land Management, U.S. Department of the Interior (Alaska) in 1952-1953. He is presently on the Board of Governors of the Alaska Academy of Trial Lawyers, of which he is a charter member.

He serves on the Criminal Law Committee of the Alaska Bar Association and was a member of a special advisory committee to the Alaska Judiciary Council.

Mr. Boyko graduated "with honor"

from the University of Maryland, School of Law. He was an editor of the Maryland Law Review and was elected to the Order of the Coif. He received a graduate law degree from George Washington University.

Asked for his reasons for being a candidate for the Board of Governors, Boyko told the Bar Rag:

"I am very proud of my profession as a lawyer. I believe that lawyers should speak out affirmatively in behalf of the dignity and accomplishments of the legal profession. During the last decade, there have been many public attacks upon lawyers and the judiciary, which tend to undermine the confidence of the lay public in the administration of justice. If I should be honored by my peers, by being elected to the Board of Governors of the Alaska Bar Association, I will seek to encourage that organization to speak out and to act more boldly and affirmatively, in behalf of the enormous contribution the legal profession has made to our state and to our country, since the founding of the Republic. I also favor meaningful specialization and would like to see special training, qualifications and recognition for the active trial bar, along the lines of the British and Canadian barrister system. I have consistently worked for up-grading the qualifications and economic status of the bench and bar and would try to work through the Bar Association to put greater emphasis on this important objective."



Keith A. Christenson

Born in Chicago and grew up in Park Ridge, Illinois, he is a graduate of St. Olaf, Northfield, Minnesota—Economics Major and University of Illinois Law School.

Keith came to Alaska in April, 1969. He first worked for Transamerica Title Insurance Company as a title examiner, then moved on to Landfield Services as a title examiner involving titles to the land for the Alaska Pipeline. In 1970 he passed the Alaska Bar examination and began the practice of law as an associate with B. Gil Johnson in April, 1973. The present corporation of Johnson, Christenson & Glass was formed in the fall of 1973.

He has had the usual Alaskan success story graduating from a camper to quonset, to apartment and finally, the building of a house. He and his wife Pat and their two and two-thirds children, Erik age 6, Lisa age 3 and whatever due in June or July, live in Eagle River where they have been residents since 1969.

His hobbies include the usual Alaska interest in fishing and the not so usual (and expensive) hobby of collecting steam locomotives, steam engines of all sorts, the paraphernalia (mostly antique) that is associated with the early locomotive era.

tended Brown University and Harvard Law School. He graduated from Harvard Law School in 1967.

He came to Alaska immediately after graduation where he clerked for Warren Christianson in Sitka. He subsequently became a partner in the firm of Christianson and DuBrock.

He was appointed District Court Judge in Sitka in 1969; and served in this position until 1975.

The following year he came to Anchorage and entered into a partnership with Jerry Wade—the law firm of Wade & DuBrock.

Among his reasons for running for the Board of Governors are the following: (a) a concern for judicial administration especially the calendaring of civil cases and the feeling that the bar should take a more active role in judicial matters such as these and judicial retention elections; and (b) a concern for the lack of confidence by the general public in the Bar's ability to discipline its own members; and (c) an interest in addressing problems of discipline among the membership and expediting the hearing of disciplinary matters.



Richard A. Helm

I was born in 1945 in San Francisco. I grew up in different parts of Northern California and graduated from the University of California at Davis in 1957. I attended Hastings College of Law, and graduated in 1970. I was admitted to the Alaska Bar Association in November of 1970. I am admitted to practice before the U.S. District Court for the District of Alaska and the United States Court of Appeals for the 9th Circuit.

I first came to Alaska in 1969 to clerk for the Law firm of Burr, Pease & Kurtz, Inc. I returned to practice with that law firm in June of 1970, and have been associated with it since that time. Other than putting on one Christmas party for the Anchorage Bar Association, my primary work for the Bar Association has been as a member of the Committee of Law Examiners from 1971 to the present. I have been Chairman of



Roger DuBrock

Roger was born in Chicago, Illinois on August 17, 1942. He at-

(continued on page 7)

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[continued from preceding page]
that Committee since 1974.

In my capacity as Chairman of the Committee of Law Examiners, I have appeared before the Board of Governors on numerous occasions. I have had an opportunity to observe the Board of Governors address issues other than those of admissions, which has given me some insight into the operation of the Board. It appears that the Board of Governors and the Alaska Bar Association are constantly under attack. At one time or another, during the past years, the Board of Governors has appeared to be under attack from the Legislature, unsuccessful bar applicants, public lawyers, private lawyers, out-of-state lawyers, old lawyers, young lawyers, rich lawyers, and poor lawyers. I would like to see a more positive attitude on the part of the Board of Governors—one designed to address the problems with optimism and confidence, not that this is lacking at the present time, only that it could be improved. I am not afraid of, nor do I shy away from, hard work. If elected, I would intend to make a substantial contribution of time to the Board of Governors.



Elizabeth "Pat" Kennedy

I was born and raised in the Pittsburgh area and attended several eastern colleges and universities, from which I received a B.A., a Master's degree and completed all academic requirements for a Ph.D. prior to coming to Alaska in 1969 Associate Dean of Students at Alaska Methodist University (now APU). In 1973, I left Alaska to attend the University of Washington School of Law. In 1976, I returned to Alaska, took the Bar, and went to work for the insurance defense firm of White and Jones in Anchorage.

I then went to the Attorney General's Office, Human Services Section. Presently, I am involved in the special litigation section, which

is essentially insurance defense work for the State.

In recent years I have been active in the volunteer program at the AWAIC shelter for abused women, and presently serve as the president of AWAIC, INC., the non-profit corporation that runs both the shelter and the male awareness program for batterers. I am a member of the Board of the Anchorage Bar Association, and am presently president of the Anchorage Association of Women Lawyers.

Two issues, the insurance program and the pro-bono program, are currently being considered by the Board of Governors which will have a great deal of impact on public lawyers. There are presently no public lawyers on the Board and I would like to insure that the views of the public sector are adequately represented on the Board. I am interested in helping to expand the CLE program, and to make the disciplinary and grievance systems more efficient. I have also been interested in promoting a graduated scale of Bar dues for new admittees.



Phil N. Nash

A member of the 50's generation, I was born in Wyoming on June 6, 1941, and completed high school in 1959.

In Law School, I served one term as a research assistant for the Land and Water Law Review, and was a Moot Court team finalist, received a scholarship for Advocacy, and helped organize the Prosecutor's Assistance Program.

Following graduation from Law School, I served as a Deputy County Prosecutor in Casper, Wyoming for a year before entering private practice.

I moved to Juneau in April of 1975 to work on Native Land Claim problems for the Bureau of Indian Affairs, before accepting the challenge of developing the state's first Child Support Enforcement Agency in Anchorage in August of 1976. In the fall of 1978, I moved to the Kenai area to open my own office.

I am a member of the Alaska, Wyoming and American Bar Associations and I am very concerned about Justice Burger's accusations of widespread incompetence and his theory of separate Barrister and Solicitor Bars. One of my primary concerns in accepting the nomination for the Board of Governors' vacancy is my desire to ensure that our profession rebuild and maintain a high level of public and private confidence, especially in this new age of advertising, in both the Bar and Bench, through increased awareness of our ethical conduct, and by mandatory continuing legal education.



Fritz Pettyjohn

Fritz was born in Berkeley, California on September 20, 1945. He received his B.A. from the University of California at Berkeley in 1967, and his J.D. from UCLA School of Law in 1974.

He came to Alaska after graduation and established practice in Anchorage. At the present time he is a partner in the law firm of Pettyjohn, Pestinger and McKay.

Fritz has served on the ABA Committee on paralegals, the Board of Directors Anchorage Community Mental Health Center; and the Advisory Committee on Legal Education to the University of Alaska at Anchorage.

"I am strongly committed to maintaining and enhancing the independence of the bar. I believe I can help work with the legislature and the administration to this end. To remain independent, I believe the bar must seek to improve its image with the public, and to encourage and assist those with legal problems in obtaining counsel. The bar should provide to the public basic information on what a client has a right to expect from a lawyer. Media should be employed for this purpose, and for informing the public of the function of the Lawyer Referral Service. The cost of litigation can and should be lowered. Equitable procedures must be devised to provide the indigent with essential legal services."



Wayne Anthony Ross

Wayne was born February 25, 1943 in Milwaukee, Wisconsin.
(continued on page 8)

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Potshots

[continued from page 4]

Existing Extern Programs

For some years now, a handful of law schools have taken advantage of these differences in structural requirements to operate clinical programs in Alaska on a semester basis but sometimes longer. The difficulty with these programs, because they have been small and because the operating University has been under substantial budgetary constraints is that the faculty support has not been forthcoming. Adjunct teachers, Alaska practitioners, working basically on a voluntary basis, have filled the gap. However, though there are individual success stories, the results have been less than satisfactory from an academic standpoint.

The students have usually been well satisfied since they have been plunged into the intensive learning experience of the realities of law practice. But many do not realize what they have missed, or, putting less politely, how they have been short-changed by their law schools when their third year is really a clerkship.

The American Bar Association has traditionally opposed satellite campuses and for good reason. But the authorization of full year clinical programs cuts much of the ground out from under that objection.

Program Feasibility

It is economically and scholastically feasible to operate a third year clinical program in Alaska. Not only is it feasible, but such a program would be better than most existing clinical programs and would better serve Alaska law students and the general public. An analogous program is already operating in the medical field, the "WAMI" program, which offers a clinical year or more in Alaska, and gets high marks from physicians and students.

A third year program in Alaska could improve on the status quo of "extern programs" by operating under the auspices of a consortium of law schools specially interested in Alaska. The schools would agree to a common budget and could expect cooperation for the University of Alaska and the legislature in obtaining an administrative support structure for the program. With a shared burden, one or two professors would be regularly detached for a semester or year to provide the academic backbone to the Alaska program.

Benefits To Bar

The Alaska practitioner would benefit from the availability of a rotating faculty that could participate in continuing legal education for the bar. The public could benefit from the regular input of interested legal scholars in public issues before the state. The ability of the tyro Alaskan practitioner to deliver competent legal services would be greatly enhanced to his own benefit, to the benefit of his employer and to the benefit of the client by this introduction to the special issues of Alaska substantive and procedural practice in an academically enriched atmosphere.

Benefits To Students

The Alaska third year program would be limited in size and a preference given to students who were "coming home," so that the net result would be to bring only those students here who were coming anyway. The sending institution would keep control of the degree. Presumably the cooperating school suggesting the highest standards for the program would set the whole standard for academic excellence.

In Alaska, there are many opportunities for design of a clinical third year which do not come easily in other states. For instance, the year might allow for practice in several clinical settings: Alaska Legal Services, the District Attorney's Office and the Public Defender as well as from a list of cooperating private firms.

Public Defense Conflicts

An alternative design would see the third year clinical program set up as a pro bono law firm under the direction of a law school consortium managing the public defender conflict cases and contracting with individual members of the Alaska bar to handle the actual trial work while clinical students handle the motion practice and preparation for trial under the attorney's direction. My personal belief is that this kind of a program is feasible, would save the public money and would result in Alaska operating the best clinical law program in the country.

Foot in the Door?

Against these virtues we find principally arrayed in the old foot-in-the-door to a you-know-what argument. To a point this should be conceded but there are big differences. A third year program generates nothing like the pressures which would come from a purported first year program. Further, the participation of existing law schools as custodians of the academic excellence of the program, provides a formidable barrier to expansion into a cheapo law school.

However, it is undoubtedly true that smoking dope may lead to heavier narcotics, that playing poker is a prelude to casino gambling and slots and that a kiss may lead to even graver moral degradation.

Perhaps though, any particular action which is self-sufficient unto itself should be judged on its own merits as to costs and benefits. The 'step' analysis is an argument against all action for any purpose for there are always undesired consequences beyond if yet further steps are hypothesized.

Better Dead Than Dean

Perhaps the direct consequences of all would be that the author of this column would become a law dean. Against the exigencies of that day the author now solemnly affirms that he does not aspire to be a law dean, that he would never apply to be a law dean, that if he was offered a law deanship he would decline, if drafted by the unanimous voice of the bar, he would refuse, if appointed by a command emanating from the sky with a clap of thunder he would not serve.

Imaginary fears should not stop the bar from acting in the best interests of legal education. The prevailing view in the legislature concerning the "real" interests of lawyers might be at least partially dispelled if, when an opportunity such as this arises, the bar would recognize a positive and publicly beneficial mode of action and act on it.

calendar. There is far too much delay in trying to calendar civil cases.

"I am also concerned about the decline of camaraderie among members of the Bar. When I first came here, the Bar Association had picnics, Christmas parties, and other social functions which allowed members to meet one another.

"If elected I would hope to develop a closer relationship between members of the Bar.

"I also believe that the system of payment for Public Defender conflict cases and Guardian ad Litem appointments need improvement. Substantial delays in payment for these types of services performed by private members of the Bar work a real hardship on the private practitioner."

Richard D. Savell

He is a graduate of Union College and the Law School at Columbia University, New York City.

He was an associate in the law office of Charles E. Cole from 1972-1974. He is presently a partner in law firm, Aschenbrenner & Savell, a member of Board of Directors of the Alaska Legal Services Corp. from 1974-1977.

He is presently a member of Board of Governors, Alaska Bar Association where he has held the position of secretary of the Association for the past year.

During the three years that I have served on the Board I have seen the Board tackle the long-neglected backlog of discipline matters and bring them under control. We have hired a professional bar administrator. CLE has grown from a sporadic and largely ineffectual Anchorage based effort to a first rate statewide program. But there are other programs that are still in the infancy and I would like to continue working on these programs and projects as a board member during the next three years. I believe that continuing legal education needs to move from the education of the bar to the education of the public about our profession. I see that there is still a great deal of work to be done in self-risk management and in discipline.

Board Candidates

[continued from page 7]

He attended Marquette University where he graduated with a Bachelor of Science Degree in Business Administration in 1965 and a Law (J.D.) Degree in 1968.

From 1968 to 1969 he served as an assistant Attorney General for the State of Alaska. In 1969 he was appointed by Judge Harold J. Butcher to be Court Trustee and Standing Master for the Family Court.

In 1973, Mr. Ross left State service to enter the private practice of law.

His hobbies include hunting, fishing and gun-collecting. He has been qualified as an expert witness on firearms in both state and Federal courts.

Mr. Ross gives his reasons for running for Board of Governors as follows:

"I believe the Bar Association should work toward improving the Superior Court's calendaring with a particular emphasis on improving civil



George W. Skladal

George was born in Manila in the Phillipine Islands in 1933. He is married and the father of two children ages 13 and 19.

He attended Texas A&M University where he received a Bachelor of Science degree in May 1954.

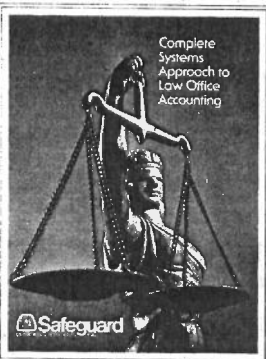
He received a Master of Science in petroleum management in June 1967 from the University of Kansas.

George acquired a master of Public Administration degree from the University of Alaska in Anchorage, Alaska.

Finally he was awarded a Juris Doctor in May 1977 from St. Mary's University School of Law in San Antonio Texas.

Recently George has practiced law with the Anchorage firm of Josephson & Trickey, Inc. and since February 1979

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Board Candidates

[continued from preceding page]

has practiced solo in Anchorage.

"I wish to help establish a strong continuing legal education system for the Alaska Bar Association. Last month I attended a six-day course in the Lower 48 covering the "nuts and bolts" of practicing law. The subjects ranged from methods of managing your office in an inexpensive manner to advice from experienced attorneys and judges about how to maximize service to your clients with tips on how to minimize your errors. I feel that we should have such a course in Alaska, as well as other special courses on a frequent basis. I do not favor mandatory continuing legal education, but I do feel that we should have quality education available in Alaska for our consumption."



Dale J. Walther

Born October 15, 1948 in Elko, Nevada. Resident of Alaska since 1953. Class of 1966, East Anchorage High. Married with two boys, ages 1 and 2½. B.A. from Northwestern University in Evanston, Illinois. J.D. from California Western and attended Notre Dame sponsored program in Japanese law at Sophia University in Tokyo. Language - Japanese. Four year member of the Law Offices of Murphy L. Clark. Trial attorney with both plaintiff and defense background, as well as counsel for the Japanese Consulate.

"We lawyers take ourselves too seriously and I'd like to see a little more of the camaraderie here in Alaska that we travel thousands of miles each year to share in Hawaii. In this vein, I fully support the Bar's continuing Legal Education Programs, as much for the educational benefits as for the opportunity they provide for us to get together in a non-confrontation situation.

"Finally, I would not support any increases in our already high Alaska Bar dues."



Phillip P. Weidner

Phillip Weidner has been a member of the Alaska Bar Association since 1973.

He attended Harvard Law School and the Massachusetts Institute of Technology before working as a law clerk for the Alaska Supreme Court. After two and one half years as a trial and appellate attorney with the Alaska Public Defender Agency, he has been in private practice in Anchorage since 1976 as a member of Deathman, Weidner and Bryson.

Some of his reasons for running for the Board of Governors are:

"There are a large number of active members of the Alaska Bar Association that I contact frequently in my practice, who indicate frustration with their representation on the Board of Governors. The large growth in membership since I was admitted in 1973, and the even more startling growth of the Bar ahead, brings to the Board of Governors many new problems that must be recognized, and requires that the Board not only more conscientiously communicate with and be aware of all bar members' concerns, but also reflect in its membership the diversity of opinions that characterize the Bar.

EDITOR'S NOTE: William Donohue has withdrawn his candidacy; William "Bart" Rozell was the only candidate from the First Judicial District and will therefore be returned to his Board seat for an additional three years. No photograph of Richard Savell was available at press time. John Van Winkle from the Second Judicial District and Ron West from the Third Judicial District did not submit biographies or photographs in time for this issue.

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A Tale of Two Cities

By Ed Reasor

Alaska and Hawaii seemingly have a lot of differences; palm trees versus snow capped mountains, heavy industry and construction versus tourists and entertainment—the truth of the matter is that Hawaii and Alaska, America's last two admitted states have more in common that meets the eye. I find that practicing law six months of the year in Alaska (June until the day after Christmas) and six months in Hawaii (New Year's Eve until Memorial Day) is like a segment from Candide's Tales—it's the best of the better worlds. Granted it's not everyone's cup of tea, nor is it economically sound—still there is some method in my madness, so here briefly is a comparison of my two cities, two of the most expensive cities in America today.

Making Money

The American Bar Association surveys show, and my accountant will so testify, that a man who remains in one place twelve months of the year practicing law makes more money than a man who divides his time and energy between two different states. There is a definite loss of clientele in both places. Clients for the most part feel that if a lawyer is gone from his home six months of the year (whether it be Alaska or Hawaii), he is gone from intensive concentration on that client's problem. In fact, most clients think that attorneys never take vacations, let alone sabbaticals. So, if you want to become the Howard Hughes of Alaska, having a law office in two separate states is definitely not the answer.

Spend The Money That You Do Make

Having an office in two different states is expensive from a personal stand point. I have a house in Alaska, two cars in Alaska, a house in Hawaii and a car in Hawaii. Needless to say, my bank payments are in duplicate. In addition, Alaska as a home is an independent King's Mountain, complete with clothes, dishes, furniture, pots and pans, television, etc. So is Hawaii, It has taken us three years, but

basically when we get on the plane now, we do so only with hand-carries because everything we need is already at the other location. I have toyed with the idea of having a wife and children at each location, which would make semester movements easier, but Judge Singleton and Judge Moody's recent rulings show that if my present wife complained, I couldn't afford to contest it.

Raising Kids, Schools, And All Of That Stuff

Like any parent (this is my second marriage and my two boys by the first are at West Point and Penn. State respectively) I'm concerned with the welfare of my child (Sterling is seven). How does going to school one semester in Alaska (September through December) and one semester in Hawaii (January through May affect the little tyke? I mean am I raising a bank robber? My wife (a lovely Chinese girl from Tahiti who thinks I am a lot smarter than I am) worried about this to such an extent that I called a psychiatrist client of mine in Hawaii, had him take her to lunch (you're right I did pay for it) so she could ask some of the troublesome questions about school. His reaction? "How," he said after his third pre-lunch martini, "do you think they raised Kings in England two centuries ago?" Neither of us knew, frankly, but his point seems well taken—the more you travel, the more you experience, the better the education, and perhaps (hopefully) a more rounded personality. Hawaii's public schools are not as good as Alaska's (Alaska has the twenty-sixth best public school system in America and Hawaii is forty-one). Still Sterling learns things in Hawaii he would not learn here (volcanic eruptions, the island development, sea erosion, the wonderful beauty of life beneath the wave lines and not so surprisingly, whales). My son can name every whale alive, tell you how long it will live, what it is apt to weigh, and its particular idiosyncrasies. In addition, he speaks Chinese at home, Hawaiian on the beach, and English when asked.

[continued on page 12]

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THERESA HILLHOUSE (Justice Dimond)

Theresa is originally from Oregon, but has also spent a great deal of time in California. Her parents have lived in Soldotna for several years and she has visited Alaska many times.

After graduating from Cal State Fullerton with a degree in political science, Theresa was a VISTA volunteer for two years in Washington State, working with Legal Services in a prisoner work-release program.

She attended law school at Antioch in Washington D.C., an "alternate" school with a compulsory work study program. She finished the program in 2½ years of accelerated study and came to Alaska for a six months' internship in the District Attorney's office in Fairbanks before assuming her duties as Justice Dimond's law clerk on January 1.

During her summer in Fairbanks she took up sport parachuting, but has not had a chance to keep up with it since moving to Juneau.

Theresa has traveled extensively in Alaska, thinks Fairbanks is a "warmer" town but that Juneau is a bit more cosmopolitan, possibly because of the capital and legislature. As Justice Dimond's only clerk, she gets a wide variety of experiences, enjoys her work, hopes to stay in Alaska and plans to take the bar exam in July.

of Charlottesville. While in law school he also served as an extern at the Center for Law and Social Policy in Washington, D.C.

A number of his law professors who knew Justice Rabinowitz, recommended Alaska and suggested that Steve apply for a clerkship. Last summer he arrived in Fairbanks by car via the Alcan Highway.

Skiing and backpacking are Steve's major outside interests. He has backpacked in McKinley and seen much of Southeast and Anchorage and every place accessible by car, but for him Fairbanks is "the garden spot of Alaska." He hopes to stay, plans to take the bar exam in July.



CHARLES NONEMAN (Justice Boochever)

Los Angeles is home to Charlie Noneman. He grew up in Encino and attended UCLA majoring in political science and graduating magna cum laude. A self-confessed ski bum, he usually took his winter quarter off to teach skiing at Mammoth Mountain resort in California.

He chose Hasting Law School because he likes the San Francisco area, was a law review editor and graduated with honors (Coif). Between his second and third year he was a summer clerk for a large Los Angeles law firm.

Alaska appealed to him because of his interest in skiing and he is particularly gratified by the existence of Eaglecrest near Juneau. He also enjoys tennis, backpacking, contemporary music "especially rock and roll," and modern art. "I love Nimbus," he remarked about the controversial Court building sculpture in Juneau.

He plans to take the Alaska bar exam in July but will probably return to Los Angeles or San Francisco to work for a large law firm "at least for a while."



LAURI ADAMS (Justice Rabinowitz)

Lauri is a West Coast native, having grown up in Oregon and California. She did her undergraduate work at the University of California, Davis, majoring in plant pathology. Her law degree is from Harvard, where she was in a special program which allowed her to spend her third year at Berkeley.

She became interested in Alaska through friends at Harvard and served as a summer clerk to Justice Rabinowitz after her second year.

A lover of the outdoors, her hobbies include backpacking and kayaking. Last summer she took part in a month long trip down the Stikine River. She has also backpacked in Southeast and McKinley Park.

Lauri already considers herself an Alaskan, has taken the February bar exam and is awaiting the results. Having survived her first winter, she says she "really likes Fairbanks, would like to stay, probably will stay."



MARY ALICE MC KEEN (Justice Boochever)

Born and raised in Brooklyn, Mary Alice attended college at George Washington University in D.C. majoring in political science and psychology. While in both high school and college she was active in debate, winning a number of awards. Because of her speaking ability she thought she might make a good lawyer, though after college she took two years off from school to backpack in Europe and work at such jobs as camp counselor, secretary to a parapsychological research group, and co-ordinator to a Ralph Nader group organizing public interest research groups.

She decided on Stanford Law School because she wanted to spend some time on the West Coast and applied for a clerkship in Alaska because it was the "most interesting place I could think of." Before coming to Juneau she took and passed the California bar exam.



STEVE WILLIAMS (Justice Rabinowitz)

A child of the military, Steve has lived all over the U.S. He did undergraduate work at the Colorado School of Mines, spent some years as a ski bum and finished majors in psychology and philosophy at the University of Virginia. He chose Virginia as his law school, primarily because he enjoyed the rural setting

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ALASKA BAR ASSOCIATION
REPORT ON EXAMINATION OF FINANCIAL STATEMENTS
YEAR ENDED DECEMBER 31, 1978 AND 1977

The Members
Alaska Bar Association
Anchorage, Alaska

February 1, 1979

We have examined the balance sheet of the Alaska Bar Association as of December 31, 1978, and the related statements of unrestricted revenues and expenses and changes in fund balances for the year then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Alaska Bar Association at December 31, 1978 and the results of its operations for the year then ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

TERRY L. PETRUSKA, C.P.A.

ALASKA BAR ASSOCIATION
BALANCE SHEETS
GENERAL FUND

ASSETS	December 31	
	1978	1977
Current Assets:		
Cash	\$ 140,925	\$ 139,460
Accounts receivable (Note B)	11,8729	3 0 7
Prepaid expenses	2,120	-
Total Current Assets	154,917	148,767
Library and Equipment (Note A)		
Video tape library	4,830	4,830
Library	1,868	1,868
Office furniture and equipment	24,926	17,092
	31,624	23,790
Less accumulated depreciation	(15,334)	(13,313)
Total Library and Equity	16,290	10,477
	\$ 171,207\$	159,244

LIABILITIES AND FUND BALANCE

Current Liabilities:		
Accounts payable and accrued expenses	\$ 2,302	\$ 9,583
Advanced fees for midwinter meeting	20,478	-
Unearned membership dues (Note A)	62,028	47,029
Unearned fees (Note A)	11,700	16,430
Note payable	10,000	552
Payable to client security fund (Note C)	3,453	3,284
Total Current Liabilities	109,961	76,878
General Fund Balances:		
Reserve for working capital (Note D)	13,577	13,577
Unappropriated	47,669	68,789
Total Fund Balance	61,246	82,366
	\$ 171,207	
	\$ 171,207\$	159,244

ALASKA BAR ASSOCIATION
STATEMENT OF UNRESTRICTED REVENUES AND EXPENSES
AND CHANGES IN FUND BALANCE

GENERAL FUND

	Year Ended December 31	
	1978	1977
REVENUES:		
Membership dues	\$ 191,266	\$ 166,294
Admission fees	48,686	48,000
Continuing legal education	11,687	14,484
Insurance fees	1,392	2,565
Convention revenues-Midwinter meeting	16,080	-
Convention revenues-Annual meeting	13,621	3,747
Interest income	7,433	5,102
Lawyer referral	3,125	960
Administrative services-Anchorage Bar	975	4,228
Alaska Court System contract for disciplinary services	54,620	37,301
Miscellaneous	2,482	694
	351,367	283,375
EXPENSES:		
Bar admission (Note E)	29,875	32,164
Board of Governors (Note E)	34,217	14,635
Discipline and unauthorized practice (Note E)	74,351	69,405
Continuing legal education	16,196	11,673
Committees	931	2,265
Newspaper		
Legislative	8,762	9,376
Newspaper	4,213	896
U.C.L.A.-Alaska Law Review	6,672	8,122
Convention-Midwinter meeting	16,515	-
Convention-Annual meeting	14,223	9,341
Lawyer referral	11,642	

(continued on page 12)

All Anchorage
Attorneys:

To comply with a recent Superior Court Order, I am required to advise you that temporary booths have been installed for use by attorneys to visit with their clients, at the Correctional Center - Annex.

Realizing that these booths are not always adequate due to need for complete confidentiality, should that situation arise, please contact the Superintendent or the Assistant Superintendent and some other arrangement will be made.

I do request that as much as possible that you use these booths as no appointment is necessary and other space is extremely limited.

Upon completion of the renovations of the 6th Avenue facility, there will be Attorney/client rooms available that will quite adequately fill your needs.

If you experience any difficulties at all in obtaining adequate time and facilities to see your client, do not hesitate to contact me at 272-3611 or the Assistant Superintendent at 277-7651.

Sincerely,
Vernon D. Caulkins
Superintendent
S.C.C. - Annex

Alternate Court

(continued from page 5)

There would be much less need of administrators in the Alternate Court. The present lengthy wait before a notice of trial setting conference is sent which sets the conference months hence, delays the case, serves no valid purpose, is unfair to the litigants, and would not be tolerated in the Alternate Court. Lawyers before the Alternate Court would be able to avoid dealing with lesser court functionaries and could avoid the girls studiously ignoring attorneys at the counter in the Clerk's office.

The argument against the Alternate Court is that it would be divisive and would be resented by the judges, counsel and administrators who are excluded. On the other hand, would not most of them react positively in their own jobs to the challenge of the Alternate Court? None would become a worse judge, lawyer, or administrator because of the Alternate Court. The quality of advocacy in Alaskan courts, which has been steadily declining in Alaska with the explosive growth of the bar, would be identified as a serious problem and this could lead to a trained and experienced trial bar.

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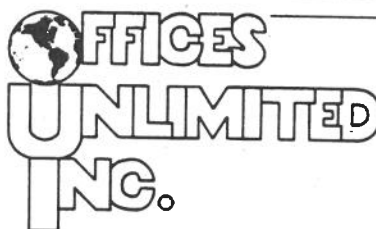
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Tale

[continued from page 9]

Courts, Courtesies And The General Practice

Ninety percent of my practice in Alaska is personal injury plaintiff type cases involving whiplashes, products and workmen compensation arguments. Hawaii has passed a no fault statute which says in essence that if one does not have a permanent partial disability or at least fifteen hundred dollars in medicals, then recourse is against one's own liability carrier under the no fault statute as opposed to a law suit against the tortfeasor. This is a really tough burden, and I can assure that small personal injury cases that I settle with Crawford and Company or Northern Insurance Adjustors to pay my monthly overhead in Alaska are non-existent in Hawaii. I'm more opposed now than before to any possible legislative enactment of the no-fault law in Alaska after three years of practicing law in the winters in Hawaii. My Hawaii practice in ninety percent business litigation.

Hawaii is a state where lawyers are conscious of their social position. One should belong to the Outrigger Club, the Pacific Club or other such endeavors. One should also play golf, play tennis, be a volleyball freak and on weekends be able to hum to the chords of a string guitar. I don't do any of that well, although I make the effort. Alaskans could care less. In fact I find that lawyers who put on social airs in Alaska are wasting their time and money. In Hawaii it's rather expected and is a real pain in the ass.

Racial Prejudice, Melting Pots, Other Theories

Hawaii is not the racial free haven of the South Pacific that the Hawaii Visitors Bureau says it is. I'm white and as such a distinct minority. I am in the local parlance a "haole" (white man). Sometimes it's said derogatorily, sometimes kiddingly, sometimes threateningly. The first case I ever tried in Hawaii involved a Japanese client, Philipino on the jury, a Chinese judge, a Korean defense attorney and an assortment of witnesses who were a mix of all these exotic races. Jurors are jurors, however, and justice prevailed, that is to say, I won.

Weekends & Leisure Activities

In Alaska I hunt, cross-country ski, trap, fly a supercub and drink. In Hawaii I drink, surf, drink, ogle bikini clad girls on the beach, drink, snorkel fish, drink, sail, drink, hunt seashells, drink and hold hands on the wondrous sandy beaches of Kahala whenever there is a full moon (my wife's hands no less) while appropriately drinking (very dry martinis or very sweet mai tais). Your body may be different, but like Gaugin and Somerset Maughan, I drink more in the Tropics than I do home in the snowy fields of Alaska (go read "Rain" again if you want to really experience what I am saying).

A Word of Advice to Others

Don't! I think having a law office in two separate states requires determination, advanced planning, extremely efficient organization, excellent back up men (which I have in Alaska with Bob Griffin and in Hawaii with Sid Quintal), a loss of income, an understanding wife, a constitution as strong as iron (Hawaii has no reciprocity so you have to take the Bar Exam) and the good happy graces

of a mischievous child. Still when I catch a king salmon in Cordova in June, land a marlin in Hawaii off the coast of Kona in February, fry razor clams in August in Kenai and Homer, and chew the soft, buttered tentacles of a recently speared octopus in Kauai in April—I think, I'm not really crazy, I'm just marching to the beat of a different drummer, a man who can play more than one tune.

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NOTICE

The United States District Court will be moving into the new Anchorage Federal Building - U.S. Courthouse. As of this date the move is tentatively set for the first week of May 1979.

PENDING SAID MOVE the address and telephone numbers will remain the same, as follows:

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Judge James A. von der Heydt	Anchorage AK 99510	276-2311
Judge James M. Fitzgerald	P.O. Box 1080	276-2211
Judge Raymond E. Plummer	Anchorage AK 99510 P.O. Box 1080	276-2611
U.S. Magistrate	Anchorage AK 99510 605 W. 4th Ave. Rm. 116	276-1714
U.S. Probation Officer	Anchorage AK 99501 P.O. Box 1722	279-0514
Bankruptcy Court	Anchorage AK 99510 605 W. 4th Ave., Rm. 286	272-2226

AFTER SAID MOVE the address and telephone numbers will be, as listed in the 1979 telephone directory, as follows:

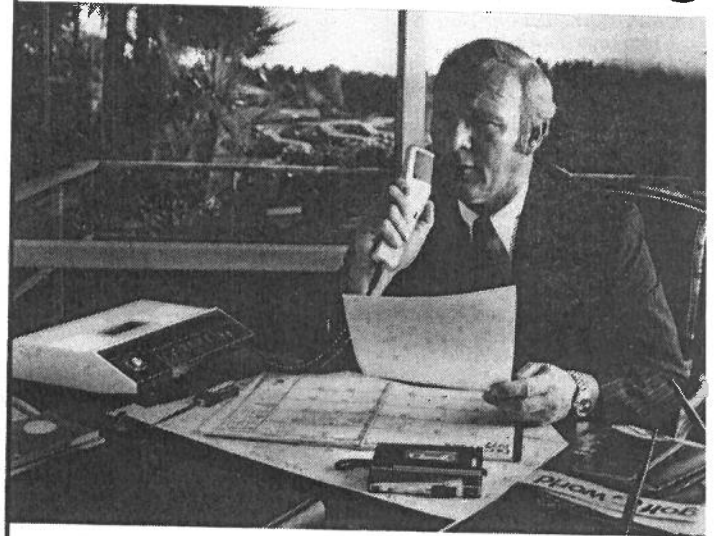
Office of the Clerk	Federal Building- U.S. Courthouse 701 C Street, Box 4 Anchorage AK 99513	271-5586
Judge James A. von der Heydt	Federal Building- U.S. Courthouse 701 C Street, Box 40 Anchorage AK 99513	271-5582
Judge James M. Fitzgerald	Federal Building- U.S. Courthouse 701 C Street, Box 50 Anchorage AK 99513	271-5553
Judge Raymond E. Plummer	Federal Building- U.S. Courthouse 701 E Street, Box 4 Anchorage AK 99513	271-5625
U.S. Magistrate	Federal Building- U.S. Courthouse 701 C Street, Box 46 Anchorage AK 99513	271-5523
U.S. Probation Officer	Federal Building- U.S. Courthouse 701 C Street, Box 48 Anchorage, AK 99513	271-5492
Bankruptcy Court	Federal Building- U.S. Courthouse 701 C Street, Box 47 Anchorage AK 99513	271-5484

Bar Association Finances

[continued from page 11]

Lawyer referral	12,200	5,605
Contractual service-self insurance	11,642	-
Administrative (Note E)	142,689	106,505
	372,487	269,988
Excess (deficit) of unrestricted revenues over expenses	(21,120)	13,387
FUND BALANCE:		
Beginning of year	82,366	68,979
End of year	\$ 61,246	\$ 82,366

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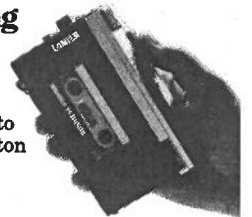
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