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# The Alaska BAR RAG

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## JONES TO KOTZEBUE!?!?!?!?!?

### Jones Seeks Nome Judgeship

The man whose appointment to the Superior Court bench in Kotzebue sparked a hot political battle in Juneau now says he wants to be the new judge in Nome instead.

His decision could mean victory for the Kotzebue senator who wanted his own man named for the newly-created judgeship.

Superior Court Judge Paul Jones—appointed a month ago to the Kotzebue post over the violent objections of Sen. Frank Ferguson—said Thursday he will apply for a judgeship opening in Nome this fall.

Jones, an Anchorage lawyer before the appointment, has not set up shop in Kotzebue yet.

#### House Hunting

The vacancy on Nome Superior Court bench was announced early this week. Presiding Judge William Sanders retires in October.

Jones said he is looking into the housing market in Nome. But, he added, it would be foolish to buy a house there before he gets the job.

#### Cut a Deal

His announced bid for the Nome position comes amid speculation that Democrat Ferguson—angry because he wanted another man on the Kotzebue bench—cut a deal to move Jones from Kotzebue to Nome.

Judicial appointments, made by the governor after recommendations from the Alaska Judicial Council, are supposed to be removed from politics.

Putting Jones in Nome would leave the Kotzebue position open for Ferguson's first choice, lawyer Richard Whittaker of Ketchikan.

Ferguson denied any deal. He said Thursday he doesn't know about the judicial musical chairs, but "there was the possibility all along that Jones might move to Nome.... No, no deal has been made."

Ferguson said he has made no overtures to the governor since the Senate controversy early this month. "That's up to the court system."

On May 2 Ferguson at the last minute got the Senate to repeal the Kotzebue judgeship altogether after he was informed that Hammond would name Jones.

That happened on a Thursday. Hammond named Jones to the position the following Monday, before the House could consider the matter.

#### Took An Oath Quietly

In the meantime, hearing that Jones was named to the bench, Court Administrator Art Snowden called the new judge home to Anchorage from a Hawaii vacation and quietly arranged



"To Kotzebue or not to Kotzebue? Is that the question?"

for Jones to take his oath of office the next day.

#### Good Chance

Lawyers and judges in the court system say Jones has a good chance of getting the Nome job.

Jones said Thursday he has never met Ferguson and is not aware of any agreement to manipulate who sits on the Kotzebue bench.

"But I am not privy to those things," he said. "I am only the man in the middle."

In the meantime, he said his wife of three weeks, lawyer Alexis Foote, is planning to keep her practice in Anchorage, while at the same time opening an office in "Kotzebue or Nome or wherever we end up."

#### Snowden Denies All

Snowden, in Juneau while the Legislature winds up, denied that he was involved in a deal to get Whittaker to Kotzebue.

"I don't choose judges," he said.

(Special from the Anchorage Times, May 30, 1980.)

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### Jones Goes to Kotzebue

by Kathleen Harrington  
Ace Reporter

"Kotzebue Attractions: Points of interest include the large cemetery, where graves are lavishly decorated with artificial flowers, and spirit houses can be seen over some of the graves. There are many fishing boats along Front Street and fish drying on racks in the time-honored way." Milepost 1980.

The office of Governor Jay Hammond recently announced the appointment of Paul Jones to the newly created Superior Court Judge position in Kotzebue.

Jones will begin hearing cases in Kotzebue on a permanent basis in August after two months of training and orientation in Anchorage, Nome and Barrow. Although Jones will reside in Kotzebue he will travel regularly to Barrow as well as provide periodic assistance in Nome and Bethel.

#### Looks Forward to Serving

Although others may describe Kotzebue as the closest thing in Alaska to Napoleon's Elba, when asked if Kotzebue held any special fascination or appeal for him, Jones noted that his judicial duties will be substantial and varied and consequently, he looks forward to serving in the commercial center for northwest Alaska which includes 10 villages and a population of about 3,000 people. Jones has been in Kotzebue before and last held court there in 1972.

"I had a very good experience, I was really pleased when I was there before. I thought the jury that was selected for the particular case I presided over did an excellent job and seemed to be really pleased to have someone on circuit in the community so that it could be taken care of right there."

Since that time, Jones believes that Kotzebue has experienced considerable change and growth as a result of the input of the NANA Regional Corporation.

#### Plenty of Work

Jones also anticipates a substantial workload for the new single judge court. Prior to his appointment, most civil cases arising in Kotzebue were filed in Nome as criminal matters filed in Kotzebue would usually fill the calendar of Judge William Sanders who travelled periodically to Kotzebue from Nome to hear cases (see insert).

[continued on page 8]

### Bar Rag Director Runs for Congress

Stanley Ditus, formerly a member of the Alaska Bar Association's Board of Governors and presently a member of the Alaska Bar Rag's prestigious Board of Directors, has entered the U.S. Congressional Race in Nebraska.

In the May 13th Democratic Primary race, Stanley soundly trounced his opponent, Grand Islander Alan Sydow, winning the Democratic nomination for the Third Congressional District with 62% of the votes cast to Sydow's 38%.

The Third Congressional District is primarily an agricultural area composed of 61 counties, covering 59,129 square miles of Western Nebraska.

Stanley now faces Congresswoman Virginia Smith in the fall election—a 69-year old Republican incumbent seeking her fourth term in the U.S. House of Representatives.

In a recent telephone interview, Stanley told the Bar Rag that although he is currently the underdog in this race, he expects to win in November. He said that he intends to continue his inspirational service as a non-interfering member of the Board of Directors of the Bar Rag regardless of the outcome of the election.

## BOG Election Results

Bill Bryson took the statewide BOG seat with a 60 vote lead over second place finisher Ken Jensen in the run-off election held in May. Bryson received 351 votes overall to Jensen's 291 votes. The breakdown by districts gave Bryson 43 votes to Jensen's 26 votes in the First District; 23 votes to Jensen's 27 votes in the Second and Fourth; 6 votes to 5 votes among the out-of-state voters; and 279 to 232 votes in the Third District.

Karen Hunt maintained her lead in the run-off election, finishing with 317 votes to second place finisher Hugh Wade's 283 votes. Vince Vitale finished 3rd place with 262 votes in the race for the two Anchorage seats on the Board of Governors.

Bryson and Wade will begin their term of office following the June Meeting of the Board of Governors in Anchorage. Karen Hunt succeeds herself in a second three-year term in office. Bryson and Wade will assume the seats now held by Donna Willard and Harry Branson.

### Stunning Upset

After finishing 78 votes behind Max Gruenberg in the first election, Connie Sipe came back to overtake Max and win by a 6 vote margin, with 247 to 241 votes, as Alaska Legal Services Corporation board member.

## Bryner, Singleton, Schulz Top Appellate Poll

U.S. Attorney Alex Bryner and Superior Court Judges James Singleton and Tom Schulz are the clear choices of the Alaska Bench and Bar for appointment to the newly created Court of Appeals. On June 12, 1980, the Judicial Council released the results of its recent survey of Alaska attorneys and Judges which place Bryner, Singleton and Schulz first, second and third, respectively in order of their overall ranking in all categories in the poll.

### Top All Categories

The poll rated candidates in the following categories: Legal Reasoning and Knowledge, Basic Fairness, Freedom from Arrogance, Decisiveness, Willingness to Work, Integrity, Professional Competence, Good Character, Understanding and Compassion, and Reasonableness. Bryner, Singleton and Schulz rated consistently high in all of these categories. In **Legal Reasoning and Knowledge**, Singleton was rated first, with Bryner second and Schulz fourth. In **Basic Fairness**, Bryner was first with Singleton second and Schulz third. In **Freedom from Arrogance**, Bryner was first, Schulz second and Singleton fourth. In **Decisiveness**, Bryner was first, Schulz third and Singleton fifth. In **Willingness to Work**, Singleton was rated first, with Bryner second and Schulz third. Singleton was rated first in **Integrity**, with Bryner second and Schulz third. In **Professional Competence**, Bryner came in first, Singleton second and Schulz third. In **Good Character**, Bryner was rated first, Singleton second, and Schulz third. In **Understanding and Compassion**, Bryner was rated first, with Schulz second and Singleton fourth. In **Judgment**, Bryner was rated first with Schulz second and Singleton fourth. In **Reasonableness**, Bryner was rated first with Schulz second and Singleton fifth.

### Other High Scorers

Peter Michalski, who placed fourth place overall also ran consistently high in all categories of the poll. Other candidates whose overall scores were high include Robert Coats and Susan Burke.

Of 1,366 questionnaires sent out, 742 were returned for a rate of 54.3 percent returned.

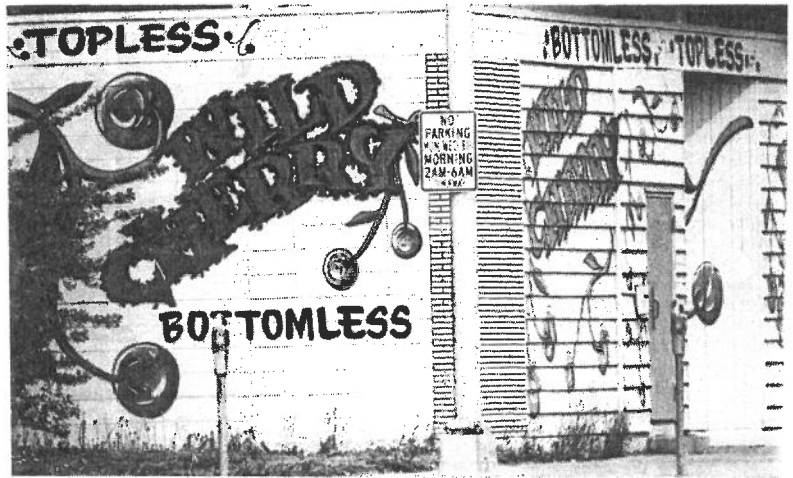


THE NEW ACT AT THE B.O.G.

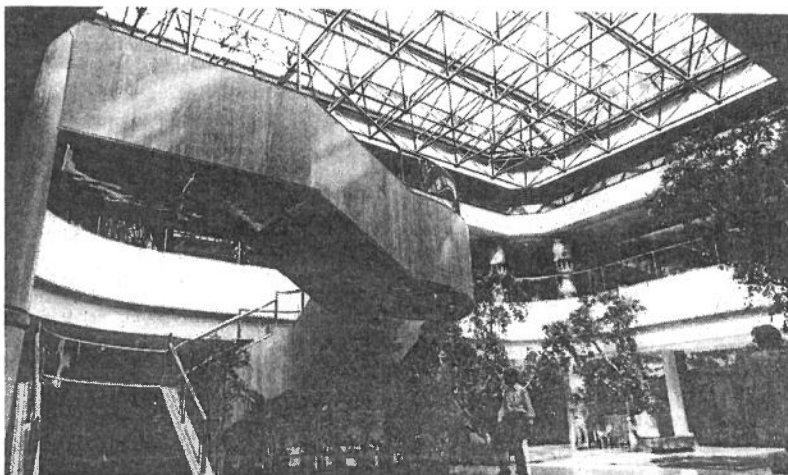
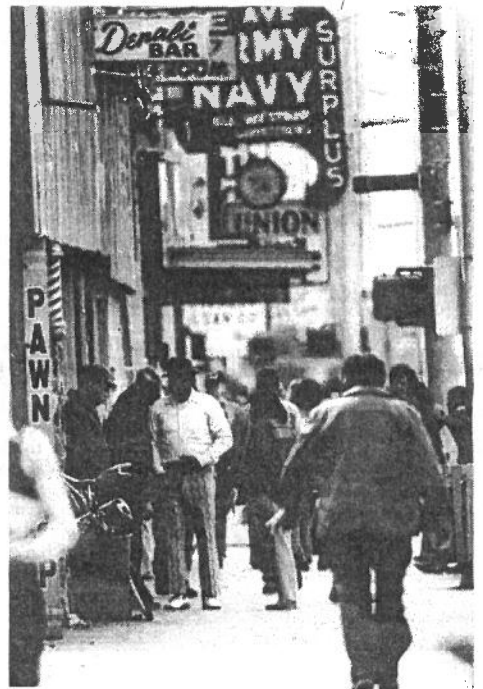


Cap'n Cook sez: "Don't leave home without your Bar Rag!"

# Anchorage: Baghdad on the Inlet



Photos  
By Ken Roberts





Editorial

# AFTERMATH

The Alaska Legislature adjourned without agreement between its two houses as to the future of the Alaska Bar Association. As a result of this failure to communicate, we may assume that the integrated bar has until June of 1981 to wind down its business before vanishing into the ether. On the other hand, we may also assume that the House and Senate will resurrect the statutes pertaining to the Alaska Bar Association at the next session. Other scenarios include integration by Supreme Court rule, or a voluntary organization wholly funded by its membership. Finally, it is possible that either the Legislature or the Supreme Court will reintegrate the Bar Association, but not provide it with sufficient funds to carry on its discipline function.

### A New Bill

The price of revival by the Legislature may include the appointment of lay members to the Board of Governors by a political process. New statutes may interfere with the administration of bar examinations and admissions standards, and breach security in discipline matters that do not result in public sanctions. Other onerous possibilities that may be forecast from this year's bill in the House include application of agency procedures to the Bar Association such as conflict of interest disclosures by Board members and APA hearings for disgruntled failing bar examinees, among others. A new bill in the House may revive the voluntary membership concept including police powers over non-members as well as members. The Legislature may refuse to fund discipline after requiring its administration by a voluntary Bar Association, thereby either forcing the Board of Governors to go to its membership with a bill it cannot afford, or to give up effective staffing to pursue discipline matters. If membership is made involuntary, and no funds are provided for discipline, the Board must still go to its members for more dues money for discipline or radically cut programs primarily benefitting the profession.

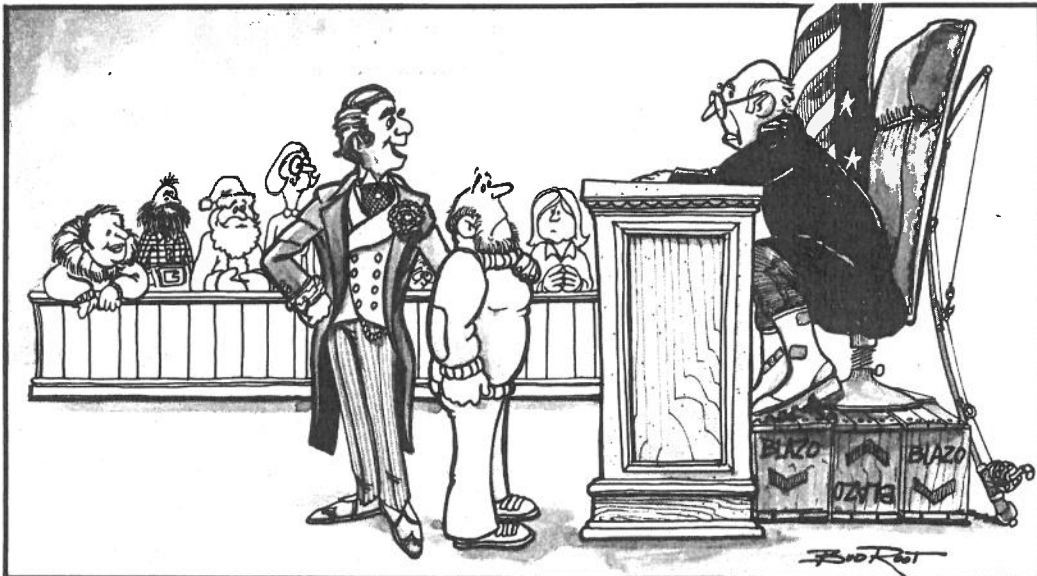
### Legislature Takes Over

If the Bar Association is not brought back to life, the Legislature may decide to establish a new bureaucracy to administer bar examinations, and possibly to handle discipline of attorneys. Based on the experience of other professions in Alaska, it is likely that the Legislature would ignore the discipline function entirely. It is interesting to speculate as to the standards that would be established, and no doubt modified, for admission to the practice of law in Alaska—given the propensity of legislators to respond to their constituencies' expressed desires for special treatment. In the past, some legislators have been known to show interest in the idea of admitting legislators to the practice of law by virtue of their membership in the legislature alone; on the premise if they make the laws, why shouldn't they be lawyers? The proposed House Bill from this session included language permitting lay persons to practice law with limitations, but no controls for the protection of the public.

Some legislators this session have expressed their feeling that attorneys in general and the Alaska Bar Association in particular are elitist. Perhaps the language in the bill permitting lay persons to practice law is motivated by that feeling. Certainly, protection of the public from incompetent practicing could not have been uppermost in the minds of the members of the House Judiciary Committee when they approved the bill they had drafted.

### Supreme Court Rescue

The Supreme Court may reintegrate the Bar Association by its own



"Surely the dignity of the judiciary rests on more substantial grounds."

rule, as it has an interest in continuing an integrated bar for purposes of maintaining at least minimal standards of competency among attorneys. Presumably this action would involve reasonable guidelines and rules already in force permitting the Association self management of its two public functions.

### Voluntary Bar

Finally, there is the voluntary Bar alternative, which is available if enough lawyers feel that the Bar's private professional functions are worth saving and affordable. It is reasonable to assume under this option that membership would be considerably reduced, dues would be lower than they are presently, and Bar staff would be drastically cut.

The Bar Association membership has the opportunity to review all of these options at its Annual Business Meeting on Saturday, June 14th at the Anchorage Sheraton Hotel. Somehow, inherent in all of these choices are these questions for the lawyers of Alaska:

- ▶ Why do we need a Bar Association at all?
- ▶ What can we reasonably expect from an integrated Bar Association? A Volunteer Bar Association?
- ▶ What kind of an association, if any, do we want? Can we afford what we want?
- ▶ Can we afford to support discipline without any outside help?
- ▶ What functions can we do without in order to keep dues down? Are they worth giving up?
- ▶ How effective is our present organization? How could it be improved?

The membership needs to address these issues—now more than ever. The place to do it is the Anchorage Sheraton Hotel this Saturday, June 14, 1980.

## INSIDE/ OUTSIDE

### Observations & Comments

by Karen L. Hunt

#### Fee Arrangement Unenforceable

In November, 1979, a New York trial court ruled that an attorney/client fee arrangement specifying an hourly rate of compensation was unenforceable because the attorneys failed to inform the client of the amount of costs until they far exceeded her ability to pay. The court permitted counsel to recover on a *quantum meruit*. The client engaged lawyers to represent her in an action seeking an injunction and damages by agreeing to pay a senior partner \$125.00 per hour and another partner \$70.00 per hour. Her annual income was \$35,000 gross and \$13,000 net. Her attorneys obtained the injunction, but the case was appealed all the way to the U.S. Supreme Court. The attorneys did not inform the client of the costs until their fees had reached \$35,000. She expressed concern at that time, but was not informed of additional costs until billed for another \$60,000. Counsel then voluntarily halved their requested fee and requested that she retain other counsel. She did so and the new counsel obtained a \$20,000 verdict on the damage portion of her claim. Her first attorneys then sued for attorney's fees.

The Court noted that attorney/client fee arrangements are subject to the court's supervisory power. It considered the agreement neither fraudulent nor illegal, but stated it was obligated

to determine whether the arrangement was fair, reasonable and fully comprehended by the client. The court did find that the attorneys were "well worth" their hourly rate. The court held, however, that the attorneys were obligated to keep their client regularly informed of the indebtedness she was incurring particularly because she was "unsophisticated in the ways of the law." The court further found that no one had anticipated the protracted appeal to the Supreme Court. The court held that failure to inform the client until the fees far exceeded her ability to pay rendered the \$95,000 fee unenforceable regardless of the fact that it had been subsequently voluntarily reduced. The attorneys were limited to *quantum meruit* recovery. It fixed the fee at \$35,000 plus reimbursements less payments already received for a total of \$32,624.00.

### Pacific Legal Foundation Comes to Alaska

A liaison office for the Pacific Legal Foundation has been established in Anchorage by the Resource Development Council for Alaska, Inc. The purpose of the liaison office is to make preliminary assessment of cases that may be handled by P.L.F. If P.L.F. decides to pursue a case, it uses Alaska lawyers as counsel in Alaska. The Sacramento based foundation opposes over-regulation by government regulatory agencies. It has been involved in over 300 lawsuits since founded in 1973. News reports indicate that the Foundation feels that Alaska's vast natural resources will serve as testing ground for precedent-setting decisions applicable to the development of energy, timber, harvesting and mining in all the states. The Pacific Foundation recently acted as co-counsel when the City of Haines successfully opposed a preliminary injunction of timber harvesting in that area. The Foundation is participating in the suit filed against EPA on behalf of Skagway, Wrangell and Haines challenging EPA's wastewater secondary-treatment requirements for those municipalities. The Foundation, with a national staff of 18 experienced trial lawyers, does not accept legal fees for its efforts and looks to financial support from voluntary contributions made by individuals, businesses, associations and foundations.

### Oregon Revises Bar Examination

After a year of evaluating bar admission policy, the Supreme Court of Oregon has announced changes in the bar exam. These changes include a requirement that the examinees pass the Professional Responsibility Examination beginning February, 1981. Students who fail the multi-state exam will now be permitted to inspect their answers. Essay exams will no longer cover conflicts of law and federal and state gift taxation but will cover civil litigation, commercial transactions, property, public law, business organi-

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# Supreme Court Opinion

## Coat and Tie Decision

Martin FRIEDMAN, Appellant,  
v.  
DISTRICT COURT, Appellee.  
No. 4004.

Supreme Court of Alaska.

May 16, 1980

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, J. Justin Ripley, Judge.

Appearances: Martin Friedman, Esq., In propria persona. Bruce M. Botelho, Assistant Attorney General, and Avrum M. Gross, Attorney General, Juneau, for Appellee.

Before: Rabinowitz, Chief Justice, Connor, Boochever, Burke, and Matthews, Justices.

CONNOR, Justice.  
RABINOWITZ, Chief Justice, dissenting.

Appellant Friedman is an attorney at law. He appeals from three contempt orders concerning his manner of dress during appearances in court.

The first incident occurred on January 11, 1977, before Superior Court Judge James A. Hanson, then sitting as a district court judge. The relevant order recites that Friedman appeared in court as an attorney, "not wearing an appropriate coat and tie after being advised on numerous occasions that such attire was to be worn on appearances before this court." A fine of \$100, suspended upon Friedman being properly attired in future appearances before the courts, was imposed.

The second incident took place before District Court Judge James C. Hornaday on February 8, 1977. The order of contempt recites that Friedman appeared in court on a case not wearing a coat and tie, that Friedman had been advised on numerous occasions that attorneys would be required to be attired in "appropriate conservative business dress which would include, but not be limited to, an appropriate coat and tie."

The order also states that Judge Hornaday has held court in numerous places and that Friedman is the only attorney who, in other than emergency situations, has appeared without a coat and tie. Friedman was ordered to pay a fine of \$25.

The third incident was before Judge Hornaday on February 14, 1977. The order makes similar recitals to that concerning the second incident, and imposes a fine of \$50.

Friedman contends that the imposition of a dress code violates his rights to personal liberty and privacy under the Alaska Constitution.<sup>1</sup> He relies in part on our decision in *Breese v. Smith*, 501 P.2d 159 (Alaska 1972), where we held that the hair length of a public school student could not be prescribed by school officials. He asserts that an attorney's style of dress, so long as it is not disruptive of judicial proceedings, is beyond the power of the courts to control.

In our view, a court may impose minimum standards of dress for the attorneys who appear before it. While a court cannot adopt a dress code which is unduly rigid or which attempts to dictate matters of taste and esthetic preference, the requirement of merely wearing a coat and tie is a reasonable one. As the court observed in *Sandstrom v. State*, 309 So.2d 17 (Fla. App. 1975):

"The wearing of a coat and necktie in open court has been a long honored tradition. It has always been considered a contribution to the seriousness and solemnity of the occasion and the proceedings. It is a 'sign of respect. A 'jacket and tie' are still required dress in many public places. The Supreme Court of the United States by 'Notice to Counsel' advises that appropriate dress in appearing before that court is conservative business dress. Would anyone question that includes a coat and necktie?"

In our judgment the court's order requiring appellant to wear a tie in court was a simple requirement bearing a reasonable relationship to the proper administration of justices in that court."

*Id.* at 23. On further appeal, the Florida Supreme Court held that it lacked jurisdiction over the appeal, although three judges dissented on the merits and would have held in favor of the attorney. 336 So.2d (Fla. 1976). Sandstrom appeared in court in a suit, clean and pressed shirt, and a hanging gold medalion. He thus wore a "string tie." He was held in contempt for not wearing a fabric tie. In *Sandstrom*, it could well be

contended that the trial court was attempting to adopt an unduly rigid dress code dictating matters of taste and esthetic preference. In contrast to Sandstrom, Friedman appeared in court without any suit coat or necktie.

Attorneys occupy a different position in relation to the courts than do ordinary citizens. Attorneys are officers of the court. The privilege of practicing law is subject to certain conditions, among which is that an attorney must observe reasonable rules of courtroom behavior and decorum. Courts have long controlled the manner in which attorneys may appear before them. Very few reported cases bear upon the question of proper dress.<sup>2</sup> The paucity of litigation on this point probably indicates the cooperation of most attorneys and the restraint of most courts in the matter of appropriate dress.<sup>3</sup> In *People v. Rainey*, 36 Cal. Rptr. 291 (Cal. App. 1964), the court upheld the authority of the trial court to ask a female attorney to abstain from wearing an inappropriate hat in court, and held that the control of the courtroom dress rests within the discretion of the judge. In *LaRocca v. Lane*, 376 N.Y.S.2d 93, 338 N.E.2d 606 (1975), cert. denied, 424 U.S. 968, 47 L.Ed.2d 734 (1976), an attorney who was also a Roman Catholic priest was ordered to change his clerical garb before appearing as defense counsel in a criminal trial. The order was sustained on appeal against the contention that it infringed upon the free exercise of religion. And *Champion v. State*, 456 P.2d 571 (Okla. Crim. 1969), also upholds a contempt finding against an attorney who appeared in court without a coat and tie.<sup>4</sup>

Thus we conclude that it was within the powers of the court to require at least the wearing of a coat and tie for court appearances by Friedman. Friedman argues that the requirement of a coat and tie impairs his ability to represent his clients effectively, because the coat and tie may be viewed by jurors with suspicion and may place the attorney at a disadvantage in dealing with the jury. We find no merit in his contention that this interferes with his duty to represent his clients zealously, as required by Ethical Consideration EC 7-1. Similarly, we find no merit in the contention that the coat and tie requirement amounts to impermissible gender discrimination because it applies to males and not females.<sup>5</sup>

This, however, does not dispose of the questions on appeal. Civil Rule 90 provides:

contributions from other local bar associations, I won't mention the \$400 contribution from the Juneau bar and the \$100 contribution from the Ketchikan bar. Needless to say, we are tapping every financial source and are presently laying plans to put the arm on the Anchorage Bar Association as well.

With empty palms outstretched,  
I salute you as brothers and  
sisters of the bar,  
Carolyn E. Jones, Chair  
Committee on Legal Educational  
Opportunities

Ms. Carolyn E. Jones  
Chairperson  
Committee on Legal Educational  
Opportunities  
Alaska Bar Association  
P.O. Box 279  
Anchorage, AK 99510  
Dear Carolyn:

Bob Groseclose, Treasurer Emeritus of the Tanana Valley Bar Association, forwarded to me your letter dated March 28, 1980. I am returning the Kleenex you courteously provided with your letter, since according to your description of monies received, you can hardly afford to waste them.

Be advised that the Association at its April 25, 1980, meeting, and after an inspired reading of your letter, voted to provide to the Committee on Legal Educational Opportunities the sum of \$401.00, exactly. You will find a check enclosed. I think it's good.

The Association did have one question regarding the applicants for Educational Opportunities. Where is Ouzinkie?

With empty palms outstretched,  
et cetera.

James D. DeWitt, Treasurer  
Tanana Valley Bar Association

"(a) Contempt in Presence of Court. A contempt may be punished summarily if the judge certifies that he saw or heard the conduct constituting the contempt and that it was committed in the actual presence of the court. The order of contempt shall recite the facts and shall be signed by the judge and entered of record."

The contempt citations here comply with the rule in one respect: the judge in each instance saw Friedman in court without a coat and tie. But the first and second instances, before Judge Hanson and Judge Hornaday, respectively, are dependent upon Friedman having been told on previous occasions that he should appear in a coat and tie. Nothing in the record on appeal establishes the fact of such prior warnings. As to this question, Friedman is entitled to a hearing. His contempt, if any, hinges on matters outside the record of what took place before the court on the two occasions in question.<sup>6</sup> Thus we must reverse and remand for further proceedings consistent with this opinion.

As to the third instance, before Judge Hornaday, normally we would view the order entered in the second instance as supplying the notice of dress requirements which were not observed at the third instance. However, these two events were separated by only six days. Friedman asserts that he had no clear prior warning of the dress code requirements. In the circumstances, we think it best to reverse all three of the contempt orders, and remand for further proceedings. On remand, there must be proof of a court order establishing the coat and tie requirement, and proof that Friedman knew of it.

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

RABINOWITZ, Chief Justice, dissenting.

In *Breese v. Smith*, 501 P.2d 159, 169 (Alaska 1972), we recognized that the constitutions of the United States and Alaska "reflect a pluralistic society, grounded upon such basic values as the preservation of maximum individual choice, protection of minority sentiments, and appreciation for divergent life styles." In *Breese*, we further observed that "[t]here are few things more personal than one's body and its appearance, and there could be few laws more destructive of the notion that there is a range of decision making within which the individual is autonomous than a rule regulating physical makeup."

I think it clear that the courts of Alaska can require attorneys to dress in reasonable attire in order to preserve the dignity of the judiciary and judicial proceedings. Thus, I agree with the majority's conclusion that the courts of Alaska are authorized to impose minimum standards of dress for attorneys who make court appearances. My disagreement with the majority's opinion in the case at bar focuses on the holding that a dress code which requires the wearing of a coat and tie is reasonable.

In my view, Judge England's dissent in *Sandstrom v. State*, 336 So.2d 574, 578 (Fla. 1976), is particularly persuasive. In part, Judge England observed:

There are those who will fear that small incursions on the formality of courtroom attire might lead to an erosion of our ability to perform important public work and in time contribute to a wholly unacceptable courtroom atmosphere. This case does not in fact present an incremental change, let alone one which would inevitably lead to that situation. It is not unusual in the contemporary governmental world for men of high purpose to go about their affairs without a necktie, and it can pose no threat to our judicial system to permit attorneys freedom to adopt the reasonable clothing styles of the time. I reject any inference that respect for the judicial system is dependent upon male attorneys wearing neckties. Surely the dignity of the judiciary rests on more substantial grounds. 1/ (footnotes omitted)

1. Judge England's full dissent should be read.

Given the personal liberty interest involved, I am of the view that no attorney should be subject to contempt proceedings so long as her or his attire does not interfere with the judicial proceedings or manifest disrespect for the court. Distracting or bizarre attire should not be permitted to infringe upon the dignity of the judiciary and its proceedings. But where these interests are not implicated, it is my view that judicial infringement upon the personal liberty of counsel to choose their mode of attire is antithetical to Alaska's constitution.

[Footnotes continued on page 13]

## Inside/Outside

[Continued from page 4]

zations and torts. The requirements that the applicant be a U.S. citizen has been dropped but a law degree and Oregon residency is still required. Further, while previously the failure of three bar exams would prohibit re-examination in Oregon, under the new rules, only those applicants with three failures in Oregon will be disqualified from taking the test again.

The new rules adopted by the Supreme Court will permit that court to appoint one lay member to the Board of Bar Examiners, but that member will not participate in the preparing or grading of exams. An independent review board apart from the Board of Examiners will be established by the Supreme Court to look over essay answers and grades of the unsuccessful applicants who seek such a review. These changes come after input on proposed changes was considered by the court from attorneys, law schools, students and a court-appointed committee.

### U.S. Supreme Court to Rule on Televised Trial

Next fall the Supreme Court will consider a case which challenges the Florida Supreme Court camera rules adopted in 1977 and affirmed in 1979. Whatever the court decides will affect the Colorado rules in effect since 1956 and the California one-year experimental program which begins June 1 to televise trials. Given the high court's recent decisions regarding first amendment free press claims, those on both sides of the cameras-in-court issues foresee a majority of the justices substantially altering the trend to open up the courts to the electronic media.

## Letters Not to the Editor

Bob Groseclose  
(Barbara Schumann's husband)  
and Treasurer  
Tanana Valley Bar Association  
S.R. Box 40465  
Fairbanks, Alaska 99701  
Dear Bob:

This is a three-Kleenex letter because I am writing about a subject that will bring tears to your eyes: M-O-N-E-Y.

The Alaska Bar Association's Committee on Legal Educational Opportunities is presently sifting the 45 scholarship applications submitted to the bar. The applicants hail from such exotic Alaskan addresses as Anchorage, Ouzinkie, St. Mary's, Angoon, Skagway, Dillingham, Valdez and that flower of the north, Fairbanks. Twenty-eight applicants are male and 17 are female; 20 are already studying law.

The committee will recommend 10 names to the Board of Governors. The recommendations will be based on Alaskan residence, present intent to return to Alaska to practice law, admission to law school, evidence of ability to complete law school and practice law, and financial need. It is an unenviable job having to sift through the applications because they give impressive evidence of the potential legal talent in Alaska.

I realize that the Tanana Bar will soon be making plans for its annual Christmas party and I hope this letter reaches you in time to solicit your financial support. No amount will be unwelcome. Because it would not be fair to pressure you by mentioning

## MENSA

by Robert Rehbock

Although not a formal requirement for admission, it is probably a reasonable assumption that lawyers are generally intelligent people. It is not surprising, therefore, that a large number of attorneys are members of an international organization known as Mensa whose sole requirement for membership is a score above the 98th percentile on a standard I.Q. test. Mensa is a nonprofit organization. Its only purpose is to serve as a means of communication and assembly among members.

### Lawyers in Mensa

Within Mensa the lawyer members have organized a special interest group. "Lawyers in Mensa" publishes a monthly newsletter containing articles of interest to the legal profession. This publication, *Juris Mensa*, may be subscribed to by non-members for 15 dollars per year by contacting James C. Logan, Tenth Floor Walltower, Walnut at 9th, Kansas City, Missouri 64106.

In spite of the likely qualification of many members of our State Bar Association, this writer knows of only four Alaska Bar Mensans: Julie Clark, Gail Roy Fraties, Ken Jacobus and Robert Rehbock.

The Anchorage and Juneau chapters of Alaska Mensa hold monthly social meetings. The events vary widely but often consist of parties at members homes or restaurant gatherings. Some of these meetings are attended by guests offering special entertainment, or information. Recent meetings have seen participation of a professional hypnotist and wine experts.

### Looking for New Members

Alaska Mensa is actively looking for new members. Those interested may contact Mr. Rehbock at his Anchorage law office. Qualification for the organization may be established by submission of previous testing scores or by taking a standardized test locally proctored by Mr. Jacobus. All test results are evaluated by the National Organization in New York and results thereof are confidential. Alaska Mensa is advised of the names and addresses of these persons who qualified for membership and subsequently joined the organization.

### LSAT

Incidentally one of the tests which may be used to establish qualification for membership is the LSAT which many lawyers may fondly remember. The National Organization will make the determination whether an applicant's LSAT score is sufficiently high to establish qualification.

## New U.S. District Court Local Rules

The United States District Court is in the process of rewriting its local rules. When they are finished, copies will be made available to the Board and members of the Bar for perusal prior to printing. Copies will be placed in areas like the libraries where court counsel can go and view them.

*As to lawyers, their profession is supported by the indiscriminate defense of right and wrong—Junius.*

## Association of Family Conciliation Courts Conference

by Francis M. Stevens

### A Success

The 18th Annual Conference of the Association of Family Conciliation Courts recently held at the Westward-Hilton in Anchorage resulted in over 175 persons registering and attending the conference. Joseph Goldstein, co-author of "Before the Best Interests of the Child" and "Beyond the Best Interests of the Child" was a key-note opening up the Wednesday night program, which was open to the public, and again addressing the membership on Thursday morning. As anticipated, Mr. Goldstein's presentation was controversial and there were many disagreements among the participants as to the approaches used by him and his co-authors as to custody of the children.

Jim Guy Tucker, Chairperson of the White House Conference in Families, as the noon speaker on Thursday, did a review of the planning for the conference and clarified questions for the audience.

One of the most interesting speakers, in terms of bringing a viewpoint from another country, was the Honorable Jean Graham Hall, Judge from Sanderstead, Surrey, England. Judge Hall, a very forceful and dynamic lady,

gave a strong picture on how domestic violence can be handled.

Among our local participants, Harry Branson's presentation in Dealing with Difficult Litigants, has resulted in his being invited to speak at a later program in Denver, Colorado.

The program wound up Saturday morning with a presentation on the Use of Expert Witnesses in Custody Cases, and Bob Kaufman, Attorney from Los Angeles and Dr. Don Rife, Psychiatrist from Vermont, gave a very thorough and informative coverage of the role of witnesses, the role of the attorney in contested custody disputes. This was followed up by a summary of the conference with Steve Adams, Editor and Publisher of the Family Law Tax Report and the California Family Law Report, with the meeting adjourning 11:30 Saturday morning.

Judge Nancy Holman, Superior Court, King County Washington, adjunct professor of law, University of Puget Sound Law School is the new president of the Association and the change of leadership took place during the general meeting of the membership on Friday, May 23rd.

The Association will have its mid-winter meeting in Orlando, Florida and the annual meeting for 1981 will be in Indianapolis, Indiana.

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## Bar Exam Results

Of the 78 applicants who took the February, 1980 Alaska Bar Exam, 56 passed for a pass rate of 71 percent. The total number of applicants from this bar examination is the lowest number for the last three years.

Swearing in will be June 20 in the Supreme Court in Anchorage, Fairbanks and Juneau.

Agni, Stephen M., 2501 W. 100th Ave., Anchorage 99502  
 Barron, Kathleen C., 1419 Twining Dr., Anchorage 99504  
 Bastian, Constance A., 1504 W. 31st Ave., Anchorage 99503  
 Bixby, William, P.O. Box 3413, Kenai 99611  
 Black, Kathryn A., 2049 Cliffside Dr., Anchorage 99504  
 Bryant, Julianne E., Pouch U (Superior Court), Juneau 99811  
 Carr, Jacqueline K., 2501 W. 100th Ave., Anchorage 99501  
 Closuit, Alicemary L., 309 C. Wedgewood Dr. #17, Fairbanks 99701  
 Coons, Terri-Lynn, 333 Taylor St. #2, Anchorage 99504  
 Coughlin, Patrick J., Pouch U (c/o Supreme Court), Juneau 99811  
 Dennis, Dan E., 1860 Parkway Ave., Anchorage 99504  
 Dillon, Paul L., RR3, Box 3787, Juneau 99801  
 Dye, David G., 603 E. 4th Ave., Juneau 99801  
 Emley, Sharon J., Rt. 3, Box 3268, Juneau 99801  
 Flansburg, Ronald D., 529 W. 3rd Ave., Anchorage 99501  
 Gonzalez, Rene J., 6870 Burlwood Ave., Anchorage 99507  
 Gordon, Lewis F., 3308 C Lois Drive, Anchorage 99503  
 Grover, Parry, 510 L St. #310, Anchorage 99510  
 Hanssen, Gloria, P.O. Box 304, Kodiak 99615  
 Harpin, William C., 1041 E. 15th Ave., Anchorage 99501  
 Huntington, Karla F., 212 E. 6th Ave., Anchorage 99501  
 Hutchins, James E., 230 W. 10th Ave., #6, Anchorage 99501  
 Ingram, David A., Box 447, Douglas 99824  
 Isherwood, III, James H., 310 K Street #704, Anchorage 99501  
 Kibby, Richard D., SRA 1445-S, Anchorage 99502  
 Korecki, Richard J., 1323 Kalakaket Ave., Fairbanks 99701  
 Lynch, Kathryn, 3741 Parsons Ave., Anchorage 99504  
 Marshall, Gary L., 5079R Fairview Loop Rd., Wasilla 99687  
 Mery, James O., 763 7th Ave., Fairbanks 99701  
 Mills, Wallace W., Halibut Cove, Homer 99603  
 Miner, Edward L., 220 A W. 12th Ave., Anchorage 99501  
 Moss, Milton L., P.O. Box 10-1386, Anchorage 99510

Olsen, Dianne E., 9161 Claridge Pl., Anchorage 99507  
 O'Rourke, Ruth E., 736 G Street, Anchorage 99501  
 Otto, Laurie, 200 Denali St., Anchorage 99501  
 Parker, Steffanie D., 3120 W. 71st Ave., Anchorage 99502  
 Patel, Stephanie, P.O. Box 4691, Kenai 99611  
 Peterson, Matthew K., 843 W. 11th Ave., #309, Anchorage 99501  
 Ramage, Betty, 1527 H St., Anchorage, 99501  
 Rindner, Mark, 619 W. 18th St., Anchorage 99503  
 Roberts, Barbara D. L., 221 Ellingsen St., Fairbanks 99701  
 Robinson, A. Lowell, 836 O Place, Anchorage 99501  
 Rumley, Patrick, 6020 More Ln., Anchorage 99504  
 Schanen, Jean S., P.O. Box 1435, Wasilla 99687  
 Schuler, Brian E., 624 K St. #10, Anchorage 99501  
 Sherman, Bruce F., 820 I Street, Anchorage 99501  
 Stanley, Michael A. D., Box 973, Juneau 99802  
 Stinson, Gerald E., 109 Ina Street, Fairbanks 99701  
 Thomas, H. Connor, 1036 W. 10th St., Anchorage 99501  
 Wells, Lance P., P.O. Box 6003, Anchorage 99502  
 Wheless, Raymond G., 540 L St. #501, Anchorage 99501  
 Williams, Roy V., 25 Caribou St., Eagle River 99577  
 Winner, Carl, Box 679, Anchorage 99510  
 Wolverton, Michael L., 1408 W. 10th St., Anchorage 99501  
 Zobel, Ronald M., 2708 Forest Park Dr., Anchorage 99503

## Coming Events

June 9, 10 & 11 — Alaska Bar Association Board of Governors Meeting, Sheraton Anchorage Hotel.

June 12, 13 & 14 — Annual Meeting, Alaska Bar Association, Sheraton Anchorage Hotel.

July 31, August 1-6 — Annual Meeting, American Bar Association, Honolulu, Hawaii.

August 16-31 — NITA of the North, Alyeska Resort Hotel, Girdwood, Alaska.

September 26 — CLE Program presented by Alaska Bar Association's Natural Resources Law Committee in Anchorage.

October 1, 8, 15, 22 — Taxation Seminar presented by Alaska Bar Association's Tax Law Committee and the Alaska Society of CPAs. 5:30-7:30 p.m. each Wednesday evening for the month of October.

October 5-11 — INAX's Second Loss Prevention Seminar for Alaska, to be scheduled in Anchorage, Fairbanks and Ketchikan.

October 30 & 31 — Alaska Bar Association's CLE Program on Workman's Compensation.

## Bar Wars II: The Legislature Strikes Back

by Randall P. Burns

Last Sunday, while the god-fearing attended church and the innocent slept, the House of Representatives, by a vote of 26-7, passed HCS SB 588 amH, substantially amending the Integrated Bar Act (AS 08.08.010-250). The bill, to list a number of its most critical amendments, 1) makes membership in the Association non-mandatory, 2) creates the Bar Association as an agency of the State (with, it should be noted, no provision for funding this new agency, nor apparently recognizing that what has been created is a state agency with voluntary members, a precedent for which one should not bother to search, since this is the first beast of this mythic), 3) requires the Board of Governors to file conflict of interest statements with the APOC (an agency which, if the Senate has its way, would be done away with), 4) subjects the Association to the Administrative Procedures Act, and 5) requires the board to hear the appeal of any applicant receiving an exam score between 65 and 70.

### Recapitulate

Those of you who have followed the progress of the sunset activity in this paper may be unfamiliar with SB 588, as well you should. SB 588, your basic one-line bill, passed the Senate only a week ago. Let's recapitulate.

As of Friday, May 23, 1980, to pick a reference point, there had been no Senate action regarding sunset of the Bar Association. However, on the following Monday, May 26th, the Senate Judiciary Committee (chaired by Senator Robert Ziegler), reported out SB 588, continuing the existence of the Board of Governors for a period of four (4) years. There were no amendments to the Integrated Bar Act in this bill. On Tuesday, May 27th, SB 588—after Senator Mike Colletta "moved and asked unanimous consent that the [Senate] Rules be suspended"—was engrossed, advanced to a third reading, and passed (16-0) within a few minutes time. There was no debate.

### Do Pass

At the same time the Senate was acting on SB 588 that Tuesday, HB 984 (the House bill amending the Bar Act which, until now, had been languishing in Charlie Parr's committee) was reported out of House Judiciary with four representatives voting "do pass" (Barnes, Phillips, Brown and Malone), four recommending "do pass if amended" (Parr, Buchholdt, Martin, and Anderson), and one voting no recommendation (O'Connell). This bill, which retained mandatory membership (much to Chairman Parr's displeasure) and left a somewhat bastardized ABA law school accreditation requirement, was then referred to House Rules Committee (chaired by Sam Cotton) for calendaring for a floor vote of the House.

On Wednesday, May 28th, SB 588 was read in the House for the first time and referred, not surprisingly, to House Rules Committee. Although the usual and natural referral would have been to House Judiciary, since HB 984 was now in House Rules, and four of the seven members of the Rules Committee were also on House Judiciary (Parr, Brown, Anderson, and Phillips), it was referred directly to Rules where things could be "worked out" without inconveniencing the other members of House Judiciary.

On Thursday, May 29th, SB 588 was considered by the Rules Committee. HB 984 was, at that time, cleverly and expectedly attached to SB 588 as an amendment to the Senate bill, the Rules Committee going so far as to even cut back the four year extension of the board contained in the original version of SB 588 to only one year. In

effect, what you then had was HB 984 redesignated SB 588.

On Friday, May 30th, SB 588 passed out of House Rules with a majority of the Rules Committee members voting "do pass" (Cotten, Brown, Hayes, Miller and Phillips), with Anderson voting "do not pass without amendments" and Parr voting "do pass if amended" (which you will note, is the same thing). SB 588 became HCS (House Committee Substitute) for SB 588.

### Floor Fights

You should be aware, by the way, that Representative Parr, when the members of his Judiciary Committee bucked him and both refused to deintegrate the bar and retained some form of the ABA law school accreditation requirement, put the committee on notice that he planned a floor fight on those two issues, since he intended to attempt to amend the bill on the floor to do away with integration and accreditation.

On Sunday, June 1, Mr. Parr had his fight and won. By a vote of 21 to 15 (with Speaker Terry Gardiner providing the 21st vote) the House voted to delete the mandatory membership requirement from the Rules Committee substitute for SB 588. In addition, Representative Eliason moved that each member of the Board of Governors be required to file conflict of interest statements. His amendment passed unanimously. Then on a vote of 26 to 7, HCS SB 588 amH passed the House with the above mentioned amendments. Casting the seven (7) "Nay" votes were Anderson (because he disliked the bill: he had some political bargaining he wished to do with the bill), Carney, Fuller, Hurlbert, Meekins, Randolph and Rogers. Seven (7) were also absent: Bierner, Brown, Buchholtz, Guy, Miles, Parker and Schaeffer. In addition, since the bill amended a number of Alaska Bar Rules, the House voted separately on those proposals, to avoid possible technicalities. The House voted unanimously to amend the Bar Rules, thoroughly meeting the constitutional requirement that two-thirds of the Legislature vote favorably when amending Court Rules.

### Magnificent Seven

On Tuesday, June 3, HCS SB 588 amH was brought up for reconsideration. On a vote of 31 "Yeas" and 7 "Nays," and with 2 absent, the House passed the bill without further amendment. The Magnificent Seven voting against were: Fred Brown, Terry Gardiner (this time pleasing the other side with his vote; he wouldn't have a starring role if he didn't know how to play the fence down there), Vern Hurlbert, Terry Martin, Patrick O'Connell, Brian Rogers, and Fred Zharov. Absent were Joe Hayes and "Disco Ray" (Metcalfe).

HCS SB 588 amH was then sent to the Senate where the Senate had to decide whether or not it wished to ask the House to "recede" from its substantial amendments. The Senate did not ask that question. If it had, and if the House had failed to recede from its amendments, then the bill would have been assigned to a Free Conference Committee for a compromise bill. The result of all this, of course, is that on June 6th, while practically everyone else was sleeping (including the innocent, the churchgoers, most criminals—except those at play in Juneau—and the National Guard), the Legislature adjourned and the Board of Governors of the Alaska Bar Association slipped officially into a lengthy, one-year sunset. Yes, friends, since no bill passed the Legislature this session, the Board of Governors of the bar will cease to exist as a statutorily created entity on July 1, 1981. *Finis.*

### Comedy Relief

The cartoon accompanying this feature, in case you came in late, was the elimination from the budget for the Court System of the \$69,000 the board had requested for partial funding of the cost of the disciplinary functions of the Bar Association.

Hope you enjoyed the show, 'cause that's all, folks!

## AN INVITATION from the Anchorage Bar Assn.

The Anchorage Bar Association will host a reception for all new admittees to the Alaska Bar Association following the 3:30 p.m. swearing-in ceremony in Anchorage on June 20, 1980. The reception is for the new admittees, their guests and families, members of the bar, and court system employees. The reception will be held in the Captain Cook Hotel in the Fore Deck Room. Champagne punch, plain punch, cake, coffee, and chip and dip will be served.

The Anchorage Bar Association hopes you will take this opportunity to meet with the new members of the Bar.

/s/ Thomas R. Boedeker, President  
Anchorage Bar Association

**Jones**

(continued from page 1)

**District and Superior Court Cases Filed in 1979**

	Nome	Barrow	Kotzebue
Felonies	78	32	28
Other claims	33	10	10
Probate	57	20	0
Domestic Civil	74	30	0
(Superior)	44	6	1
Civil (District)	20	0	0
Children's Matters	92	34	0
Misdemeanors	310	347	480
Traffic	163	10	0
Small Claims	202	23	164

Although Jones has never lived in a rural or bush community he feels that he will be accepted by the Kotzebue community, which he believes, will have a positive reaction to having a Superior Court Judge actually reside in the community. Jones also feels that his permanent appointment there might serve to decrease the community's sense of isolation.

**Marriage**

When asked if residing in Kotzebue would increase his personal isolation, Jones answered that he would have to make adjustments but felt that his travel schedule to Nome and Barrow would keep him fairly busy. Jones also announced that he and his former law partner, Alexis Foote, were married on May 6, 1980 and that Ms. Foote may open a branch office in Kotzebue as well as circuit ride with him to Barrow and Nome, schedules permitting.)

**Somewhat Political**

Commenting on the political atmosphere that surrounded his appointment, Jones stated that he didn't believe the apparent political differences between Governor Hammond and Senator Frank Ferguson concerning his appointment over Ketchikan attorney applicant Richard Whittaker involved

him personally. However, Jones added that all judicial appointments are somewhat political but said that he had no idea that the Kotzebue appointment would stir up the "ruckus" that occurred and doubted that Richard Whittaker anticipated it either.

"Other than what was quoted in the newspapers about Senator Ferguson wanting to fill the position with Mr. Whittaker, I really do not know the politics of the situation."

Jones said that his prior judicial experience may have added to his selection for the Kotzebue post.

**Problems in the Courts**

According to Jones, he met Governor Hammond for the first and only time when he applied for the Kotzebue judgeship, with the discussion lasting about 15 minutes. During that time, the Governor and then candidate Jones discussed sentencing problems in the courts and what Jones thought he could bring to the bench. Jones stated that he was impressed with the Governor's very deliberate way of looking at judicial candidates and added that the Governor seemed very familiar with each candidate's background and prior experience.

He had read my application, I am sure, and obviously had talked to some people. He was very well informed," members on the questionnaire.

Jones originally came to Alaska in 1965 and worked in the Attorney General's Office for two years, primarily handling highway condemnation work. Later he worked as staff counsel with the Alaska State Housing Authority under then General Counsel Bill Fuld and he eventually succeeded Fuld as ASHA's General Counsel.

In December of 1968 Jones was appointed to the District Court bench for the Third Judicial District at Anchorage where he served until 1974. For the last six years Jones has been in private practice in Anchorage, initially with Hugh White and since January of 1979 with Alexis Foote.

**Nome, Anchorage Judgeships Available**

Applications are now being solicited for two superior court positions for the Third Judicial District at Anchorage, as well as for a single superior court position for the Second Judicial District at Nome. The Nome superior court vacancy is created by the retirement of Judge William H. Sanders, effective October 15, 1980. The two Anchorage positions are the result of new legislation.

A superior court judge must be a citizen of the United States and of the state, and a resident of the state for five (5) years immediately preceding appointment. An applicant must have been engaged for not less than five (5) years immediately preceding appointment in the active practice of law, and must be licensed to practice law in the state at the time of appointment.

The annual salary for each of the two Anchorage positions is \$63,120.00. The Nome superior court salary is \$74,166.00. Superior court judges are entitled to personal leave under the public employees leave system, state paid health and dental benefits and retirement benefits under the judicial retirement system.

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 superior court judge.

Completed applications must be received by the Alaska Judicial Council no later than 4:30 p.m. on June 27, 1980. Applications for the Anchorage judgeships have been extended to August 10.

Jay A. Rabinowitz  
Chairman, Ex Officio

**Fairbanks District Court Judgeship Available**

Applications are now being solicited for the position of district court judge for the Fourth Judicial District, at Fairbanks.

A district court judge must be a citizen of the United States and of the state, at least 21 years of age, a resident of the state for at least five years immediately preceding appointment, and (1) have been engaged in the active practice of law for not less than three years immediately preceding appointment, and at the time of appointment be licensed to practice law in the State of Alaska or (2) have served for at least seven years as a magistrate in the state. The supreme court may prescribe additional qualifications.

The annual salary for the office of district court judge in Fairbanks is \$62,107.20. District court judges are entitled to personal leave under the public employees leave system, state paid health and dental benefits and retirement benefits under the judicial retirement system.

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 district court judge.

Completed applications must be received by the Alaska Judicial Council no later than 4:30 p.m. on Friday, June 27, 1980.

Jay A. Rabinowitz  
Chairman, Ex Officio

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| 2 oz..... 3.85                          | Combination Louie.....\$7.95   |
| 4 oz..... 5.45                          | Alaskan Shrimp Louie..... 7.50 |
| 6 oz..... 6.80                          | Alaska Crab Louie..... 8.95    |
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### Proposed Amendments to Alaska Bar Rule 31

Alaska Bar Rule 31, entitled "Confidentiality," is amended to read as follows:

Section 1. All proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential at all levels of the proceedings, and members of the bar participating in those proceedings are required to keep them confidential; provided, that upon filing of the record in Court, the record shall be considered public information, except in cases involving allegations of disability. *The Administrator's* [BAR COUNSEL'S] files are also confidential, and are not to be reviewed by any person other than *the Administrator* [BAR COUNSEL] and members of the Disciplinary Board. This provision shall not be construed: (1) to deny a complainant information regarding the status and disposition of his complaint, and *the Administrator* [BAR COUNSEL] shall from time to time so notify complainants; (2) to deny to the Bar or to the public such statistical information, with the names of subject attorneys kept confidential, as *the Administrator* [BAR COUNSEL] is, by Rule 15 (b) (5), required to keep; or (3) to deny to the public facts regarding the existence or the nonexistence of a proceeding (investigation, hearing, etc.), and facts regarding the stage of any such proceeding, with respect to a specific, named, *Respondent* [RESPONDENT-ATTORNEY] when that proceeding is predicated upon that *Respondent's* [RESPONDENT-ATTORNEY'S] conviction of a crime, or when an inquiry is received regarding an attorney who has been convicted of a crime. In addition, the Board shall transmit notice of all public discipline imposed by the Court, and all transfers to inactive status due to disability, to the National Discipline Data Bank maintained by the American Bar Association. Nothing contained herein shall be construed to limit in any way the right of a *Respondent* [RESPONDENT-ATTORNEY] to a public hearing and to complete disclosure of all files pertaining to him to any person or persons or to the public.

Section 2. A summary of the facts, without reference to the *Respondent* [ATTORNEY] by name, may be publicized in all *disciplinary and disability proceedings* [CASES] once the action of the [ALASKA BAR] Association has become final.

Section 3. All records of the Association relating to applications for admission, admissions, and character of members and applicants shall be confidential.

### Proposed Amendments to Alaska Bar Rule #3

Sections (1), (2), and (3) of the Alaska Bar Rule I-3, entitled "Applications," is amended as follows:

Section 1. An application form shall be provided by the board upon request and upon payment of such fees as the board shall deem appropriate. *Bar examinations shall be held in the months of February and July of each calendar year.* The time, date, and place or places of each bar examination shall be announced by the board no fewer than 120 days prior to the first day of such bar examination, and prompt notice thereof shall be provided all applicants and persons who have been provided applications following the date of the last preceding bar examination. Application forms provided by the board shall be transmitted with a copy of the Alaska Bar Rules governing admission to the practice of law. The board may provide applicants with such other matters as it may deem pertinent.

Section 2. Any person seeking admission to the practice of law shall file with the Executive Director at the office of the Alaska Bar Association an application, in duplicate, in the form provided by the board. The application shall be made under oath and contain such information relating to the applicant's age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the board. Any notice required or permitted to be given an applicant under these rules, if not personally delivered shall be delivered to the mailing address declared on the application unless notice in writing is actually received by the board declaring a different mailing address. Any notice concerning the eligibility of the applicant sent by certified mail to the last mailing address provided shall be deemed sufficient under these rules. Every applicant shall submit a *certified transcript of his law school record, together with two two-inch by three-inch photographs of himself showing a front view of his head and shoulders.* The application shall be deemed filed only upon receipt of a substantially completed form with payment of all required fees. Applications received without payment of all fees or which are not substantially complete shall be promptly returned to the applicant with a notice stating the reasons for rejection and requiring payment of such additional fees as may be fixed by the board as a condition of reapplication.

Section 3. An application shall be filed not later than *March* [May] 1 for the July bar examination and not later than *October* [December] 1 for the February bar examination. In the event that an application is filed late an additional late filing fee of \$25 shall be paid

if filed no later than 14 days after the last day for filing a timely application, and a late filing fee of \$100 shall be paid if filed thereafter; provided, however, no application shall be accepted for late filing unless such application is filed at the office of the Alaska Bar Association not later than June 15 for the July bar examination and January 15 for the February bar examination. An untimely application shall be considered an application for the next following examination unless withdrawn by the applicant.

### Proposed Amendments to Alaska Bar Rules 13, 14 & 15

\*Subsection (c) (8) of Alaska Bar Rule 13 (entitled "The Disciplinary Board of the Alaska Bar Association") is redesignated (c) (9), and a new subsection (c) (8) proposes to amend Bar Rule 13 as follows:

(c) The Board shall have the power and duty:

... (8) In its discretion, and in those cases where the Board has entered an order that discipline as set forth in Rule 12 be imposed, to enter an order requiring the Respondent to pay reasonable costs and attorney's fees incurred by the Association in connection with the proceedings.

\*Subsection (a) (7) of Alaska Bar Rule 14 (entitled "The State Bar Disciplinary Administrator") is amended to read as follows:

(a)...The Administrator shall:

... (7) In his discretion, prosecute complaints and appeals; he may *advocate discipline other than that recommended or ordered by a Hearing Committee or by the Board.*

\*Section (j) of Alaska Bar Rule 15 (entitled "Steering Committee and Disciplinary Procedures") is amended to read as follows:

(j) If the Board has recommended discipline as provided in Rule 12(a), (b) or (c), the Board shall submit the record, which shall include a transcript of all proceedings before the Board, with briefs to be submitted in accordance with Appellate Rule 11. Unless the Respondent or the Administrator makes a written request to the Court for oral argument within the date established for the submission of briefs, oral argument shall be waived. If neither the Respondent nor the Administrator objects to the conclusions and recommendations of the Board, the submission of briefs may be waived by stipulation, subject to approval by the Court. The Court shall review the record and briefs and enter an appropriate order which may include a requirement that *the Respondent reimburse the Association for reasonable costs and attorney's fees incurred by the Association in connection with the proceedings.* Proceedings before the Court shall be conducted by the Administrator.

### Proposed Amendments to Alaska Bar Rule 43

Subsection 1 (a) of Alaska Bar Rule 43 (entitled "Waivers to Practice Law for Alaska Legal Services Corporation") is amended to read as follows:

Section 1. ELIGIBILITY. A person not admitted to the practice of law in this state may receive permission to practice law in the state for a period of not more than two years if such person meets all of the following conditions:

(a) The person is a *graduate of a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when he entered or graduated* and is an attorney in good standing, licensed to practice before the courts of another state, territory or the District of Columbia, or is eligible to be admitted to practice upon taking the oath of that state, territory or the District of Columbia.

### Proposed Amendments to the Bylaws of the Association

Article V ("Board of Governors"), Section 8 ("Meetings"), of the bylaws of the Alaska Bar Association is amended by adding a new subsection (c) as follows:

(c) MINUTES AND PUBLIC ATTENDANCE. All meetings of the Board shall be open to the public, except that the Board shall meet in executive session when considering the following: *personnel matters of the Association; litigation or other proceedings in which the Association is interested or a party; the admission of applicants to membership in the Association; and disciplinary matters of the Association.* After approval by the Board, minutes of all public meetings shall be available to members of the Association and to the public. All executive session minutes shall be separately maintained and shall be confidential.

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## More TVBA Minutes

Minutes of the May 2, 1980 Meeting of the Tanana Valley Bar Association

President Link, being embarrassed at not having paid for his lunch on April 25th, failed to show. Vice President Groseclose fled. Treasurer Jim DeWitt arrived late, and the only seat was at the head table, so he presided. The meeting occurred in the Grand Ballroom of the Tiki Cove high atop the Oakland Berkeley Hills, looking down on beautiful San Francisco Bay (only radio listeners vintage 1938-39 will comprehend this).

The treasurer's report was that we were not broke. On the other hand, how much money we had was a mystery. The minutes were of the same caliber, and we launched into a Law Day report. Paul Canarsky indicated that approximately 100 people took tours through the courthouse, and that Judge Blair went home early because his children were in bed. Judge Hodges made a remark which has been scratched from the minutes for fear of contempt by the secretary. Ron Smith advised that attitude adjustment would begin at 6:30 in the evening with dinner at 7:30, and the formal Law Day dinner with sort of Honorable Charles Cole speaking on the life of Thomas Jefferson. Ralph Beistline got really fired up and got his motion to thank Maureen (the librarian) with a gift for all her help with Law Day. Following time-honored tradition, he was appointed to figure out what the gift should be, purchase it, wrap it, deliver it and explain why it happened. Barry Jackson explained that he learned things he never before knew while joining a tour of little kids going through the courthouse. Various and sundry hints were offered as to where Barry was with the little kids when he found out these things. Your circumspect secretary censured the suggestions.

The legislative report included

Will Schendel's explanation of the teleconference with the free conference which showed that only Will and the press were interested. Judge Connelly reported that Clem Tillion was happy with the mental health report that we sent. There was some bill making people responsible for motor vehicle operation which supposedly "tightens the wording" of Title 28, but more probably authorizes motions for summary judgments in OMVI cases by the individual police officer should said officer not wish to attend the trial. The second injury fund bill was either clarified or obfuscated. The marijuana act bill explanation was the only item of the whole day which captured the attention of the chop suey swallowing crowd. A bill about minors and alcohol was discussed, and something to keep paroling prisoners. The meeting was adjourned eight minutes after it started. Shortly after adjournment, the meeting got interesting.

Barry Jackson moved, and Andy Kleinfeld seconded, that we communicate with the legislature and/or Senator Ferguson to tell him that we are upset at the prospect of the legislature eliminating the court position simply because they feel they may not like the person appointed. In return for refusing to include this in the minutes, the secretary was directed to send a telegram which, by the way, he did.

By executive fiat,

King Arthur

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JORNEDADAY

## Court System Administrative Office Moves

The first weekend in June, the Administrative Office will be moving out of the Anchorage court building. The Administrative Office currently occupies over half the fourth floor of the Boney Memorial Court Building. This space is needed by the Anchorage trial courts and by the three judges of the newly created Court of Appeals and their secretaries and law clerks.

Manager of Material Operations Gerry Dubie and Deputy Administrative Director Rick Barrier have been working for several months to find other space for the Administrative Office. They recently reached agreement with the owners of the Third and K Building (where the Elevation 92 Restaurant is located) across the street from the court building. After some remodeling, the Administrative Office will occupy the second floor of this building. Mike Wong, the court system's architectural consultant, designed the plan for remodeling the space.

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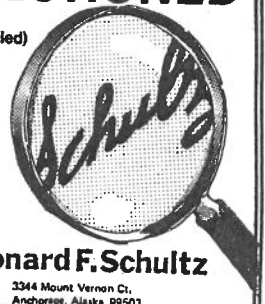
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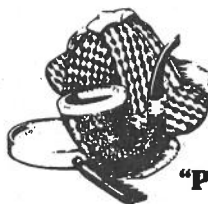
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## AAWL Meeting Minutes

The 1980 Annual Meeting of AAWL was held on May 7, 1980 at noon at the Tea Leaf Restaurant, Elaine Andrews presiding.

1. ANNOUNCEMENTS: (a) State-wide Human Rights Conference on Sexual Orientation will be held at ACC May 30-June 1. Free. Info at 278-1005. (b) Susan Burke, candidate for Court of Appeals Judgeship and Assistant AG from Juneau introduced herself to membership. (c) Elise Rose will report next time on effect on judgeship requirements on women candidates.

(d) Legal Resource: Working Women's Institute, National Sexual Harassment Back-up Center, 593 Park Avenue, New York, NY 10021 (212) 838-4420. (e) Far West Regional Conference on Women & Law to be held Oct 17-19, 1980, Washington School of Law, Seattle. (f) Women for Political Action, annual meeting, May 28, 6:30 p.m. (g) For more information on Women Lawyer Group in Juneau, contact Theresa Hillhouse, AG, Juneau.

(i) Marsha Vandercork, guest, from University of Berkeley, announced she is seeking employment in public practice. (j) Elise Rose volunteered to assist with Economics & Law CLE.

2. ELECTIONS: The following were elected to AAWL office by the membership for the 1980-81 year: *President:* Larry Spengler (formerly Vice President); *Vice President:* Kathleen McGuire; *Treasurer:* Karen Russell; *Membership Secretary:* James E. Fisher (incumbent); *Recording Secretary:* Susan Vaillancourt (incumbent). Congratulations to the officers, and very special thanks to outgoing President and Treasurer, Elaine Andrews and Linda O'Bannon.

3. NEXT MEETING: Program for next meeting will be panel addressing issues to be considered at Alaska Bar Association Convention in Anchorage, June 12-14. Panel will include Bar Association Executive Director, Randy Burns, and Board of Governors members Karen Hunt and Pat Kennedy. Program is designed to inform members about critical issues to be considered by bar convention. Members present at meeting will decide on whether AAWL should take a position on issues. Among issues: possible changes which could result in raising bar dues to \$350 per person; real effects of sun-setting bar association; resolution to restrict Board of Governors meetings to Alaska; see April and May issues of *Bar Rag* for specific resolutions to be addressed. Careful reading of *Bar Rag* before next AAWL meeting will facilitate discussion. Those who cannot attend this meeting are urged to submit their comments on the issues and on the question of defining an AAWL stand.

### Announcements

A. Dues: Dues for 1980-81 AAWL membership are now due. Checks payable to AAWL may be brought to next meeting, or mailed to Karen Russell, Treasurer, 425 G Street, Suite 510, Anchorage 99501. \$20, attorneys; \$2, non-attorneys.

B. Bar Review: BRC video program available for July Bar lectures. Contact Holly Ploog, 279-2526 for further information. Regarding other bar courses contact the Bar Association.

Respectfully submitted,  
Susan A. Vaillancourt  
Recording Secretary  
Anchorage Association  
of Women Lawyers

## House Bill #546

Original Sponsor: Judiciary Committee  
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FOR HOUSE BILL NO. 546  
IN THE LEGISLATURE OF THE  
STATE OF ALASKA ELEVENTH  
LEGISLATURE - SECOND SESSION  
A BILL

For an Act entitled: "An Act relating to offers of judgment and to prejudgment and post-judgment interest rates; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\*Section 1. AS 09.30.070 is amended to read:

Sec. 09.30.070. INTEREST ON JUDGMENTS. The rate of interest on judgments and decrees for the payment of money is 10.5 [EIGHT] percent a year, except that a judgment or decree founded on a contract in writing, providing for the payment of interest until paid at a specified rate not exceeding the legal rate of interest for that type of contract, bears interest at the rate specified in the contract if the interest rate is set out in the judgment or decree [ BUT IN NO EVENT MAY IT BE MORE THAN 10 PERCENT A YEAR].

\*Sec. 2. AS 45.45.010(a) is amended to read:

(a) The rate of interest in the state is 10.5 [EIGHT] percent a year and no more on money after it is due except as provided in (b) of this section. [THE RATE OF INTEREST IN THE STATE IS SIX PERCENT A YEAR AND NO MORE ON (1) MONEY RECEIVED TO THE USE OF ANOTHER AND RETAINED BEYOND A REASONABLE TIME WITHOUT THE OWNER'S EXPRESS OR IMPLIED CONSENT; (2) MONEY DUE UPON THE SETTLEMENT OF MATURED ACCOUNTS FROM THE DAY THE BALANCE IS ASCERTAINED; OR (3)

MONEY DUE OR TO BECOME DUE WHEN THERE IS A CONTRACT TO PAY INTEREST AND NO RATE IS SPECIFIED.]

\*Sec. 3. AS 45.45.010 is amended by adding a new subsection to read:

(i) On or before the 60th day following the filing of an answer in a civil action, and on the fifth day following the day discovery closes as ordered by the court, either the party making a claim or the party defending against a claim may serve upon the adverse party an offer to allow judgment to be entered in complete satisfaction of the claim for the money or property or to the effect specified in his offer, with costs then accrued. If within 10 days after the service of the offer the adverse party serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service, and the clerk shall enter judgment. An offer not accepted within 10 days is considered withdrawn and evidence of that offer is not admissible except in a proceeding to determine the form of judgment after verdict. If the judgment finally entered on the claim as to which an offer has been made under this section is more favorable to the offeree than the offer, the interest awarded under (a) of this section and accrued up to the date judgment is entered shall be adjusted as follows:

(1) if the offeree is the party making the claim, the interest rate shall be increased by two percent a year;

(2) if the offeree is the party defending against the claim, the interest rate shall be reduced by two percent a year.

\*Sec. 4. The interest rate provided in sec. 1 of this Act applies only to those judgments rendered after the effective date of this Act. The interest rate provided in sec. 2 of this Act applies only to cases filed after the effective date of this Act.

\*Sec. 5. This Act does not amend Rule 68 of the Alaska Rules of Civil Procedure.

\*Sec. 6. This Act takes effect July 1, 1980.

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## Job Vacancy Announcements

### Director of Allotment Litigation

Alaska Legal Services Corporation (ALSC) is seeking an attorney as Director of Allotment Litigation. Based in Anchorage, this person is responsible for coordinating and conducting all major litigation for ALSC clients relating to Native Allotments. Also must systemize the processing of all ALSC allotment cases on the administrative level and provide training and consultation to ALSC staff on allotment issues. Will supervise the work of the Allotment Coordinator (soon to be hired).

Must have substantial federal litigation experience and be eligible for admission to practice in federal court in Alaska. Salary \$23,000 DOE. Available June 13, 1980. Send resumes and references to Gordon Jackson, Alaska Legal Services Corporation, 736 G Street, Anchorage, Alaska 99501. Women and minorities particularly encouraged to apply.

### Director of Rural Litigation

Alaska Legal Services Corporation (ALSC) is seeking an attorney as Director of Rural Litigation. Based in Anchorage and responsible for providing litigation support to ALSC's 11 law offices. Requires travel to rural offices for monitoring and consultation with ALSC's staff attorneys on their legal practice.

Must be an experienced lawyer and familiar with Native American law and rural Alaska. Admission to practice in Alaska or eligibility for qualified admission under Bar Rule 43 required. Salary \$23,000 DOE. Available June 9, 1980. Send resumes and references to Gordon Jackson, Alaska Legal Services Corporation, 736 G Street, Anchorage, Alaska 99501. Women and minorities particularly encouraged to apply.

### Allotment Coordinator

Alaska Legal Services Corporation (ALSC) is seeking an attorney as Allotment Coordinator to work with the Director of Allotment Litigation to establish procedures for handling adjudication and administrative appeal of about 6,000 pending allotment applications. Legal research, caseload management, and training skills required. Some travel. Based in Anchorage.

One year's experience and eligible to practice before federal administrative agencies. Salary \$21,000 DOE. Available immediately. Send resumes and references to Gordon Jackson, Alaska Legal Services Corp., 736 G Street, Anchorage, Alaska 99501. Women and minorities particularly encouraged to apply.

### Allotment Coordinator

Alaska Legal Services Corporation (ALSC) is seeking an attorney to coordinate its effort to obtain land for Alaska's Indians, Eskimos, and Aleuts through the Alaska Native Allotment Act, 43 U.S.C. 270-1 to -3 (repealed with savings clause for pending applications, 43 U.S.C. 1617). The Allotment Coordinator will assist in establishing procedures for handling adjudication and administrative appeal of the approximately 6,000 pending applications. He or she will also review the allotment caseloads of all ALSC offices to identify common issues, assist in organizing caseload management systems and work with problem cases. The job will also involve legal research and the provision of training to ALSC staff. One-third of the Allotment Coordinator's time will be spent helping prepare and conduct administrative appeal hearings. See 43 C.F.R. 4.450-.452; *Pence v. Kleppe*, 529 F.2d 135 (9th Cir. 1976); and *Pence v. Andrus*, 586 F.2d 733 (9th Cir. 1978).

Will be stationed in Anchorage, Alaska. Must be an attorney with at least one year's experience and with a background in federal administrative law and procedure, preferably with the Alaska Native Allotment program. Must be admitted to practice in Alaska

or eligible for admission pursuant to Alaska Bar Rule 43.

The Allotment Coordinator must be familiar with issues pertaining to rural Alaska, be able to practice law in a multi-cultural setting, and have respect for and sensitivity to different cultural values. He or she must also have a demonstrated ability to work with other professional and paraprofessional staff. Will be supervised directly by ALSC's Litigation Coordinator. Salary \$21,200 DOE. Open May 5, 1980. Close when filled. Send resume and references to Don Clocksin at above address.

### Chief Counsel

Alaska Legal Services Corporation (ALSC) is seeking a Chief Counsel. That person will provide overall direct supervision of attorneys and paralegals and caseload management for the entire program. Specifically, the Chief Counsel is responsible for recruiting new attorneys, evaluating professional staff, reviewing and approving all major litigation and appeals, supervising and coordinating attorney and paralegal training, formulating and implementing litigation and legislative policy (in cooperation with Executive Director), insuring that supervising attorneys perform adequate office case reviews and implement effective management systems, prepare quarterly litigation reports for board and staff, and resolve all eligibility and ethical questions. Responsibilities vary slightly depending on whether a lawyer or non-lawyer is the Executive Director. (Executive Director is currently a non-lawyer.) Salary \$27,000+ DOE. Available June 1, 1980. Contact Gordon Jackson, Alaska Legal Services Corporation, 736 "G" Street, Anchorage, Alaska 99501.

## THE ALASKA BAR ASSOCIATION

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### ENTRY FORM

COMES NOW the ALASKA BAR ASSOCIATION, and states for its course of action as follows:

1. The aforementioned race will occur at 5:30 p.m. sharp on or about Friday, June 13, 1980.
2. The aforementioned race will occur at Anchorage Stadium (a/k/a Mulcahy Park). All portions of the aforementioned race will begin and end at this location.
3. The moving parties shall be four-member teams, each consisting of two males and two females.
4. The course of action shall consist of a four-segment relay, the portions of which are alleged to be as follows:
  - a. An initial portion from Anchorage Stadium along the Chester Creek Bike Path to Northern Lights Boulevard and back consisting of four (4) miles more or less.
  - b. An intervening portion of one (1) mile (four (4) laps) on the track at the aforementioned stadium.
  - c. A continuing portion from Anchorage Stadium along the Chester Creek Bike Path to Winchester Lagoon and back consisting of three (3) miles more or less; and
  - d. A concluding portion of one (1) mile (four (4) laps) on the track at the Anchorage Stadium.
5. Prizes in an amount and of a value yet to be determined shall be awarded to the top finishing team overall, the top finishing team consisting of members of the ALASKA BAR ASSOCIATION (including immediate family or office staff), and the top finishing teams in each of three (3) age groups based on combined ages of the entire team (under 80 years, 80 years to 140 years, over 140 years).
6. Entry into the aforementioned race will inflict damages on the organizers thereof in the amount of FOUR DOLLARS (\$4.00) per team for pre-registration or FIVE DOLLARS (\$5.00) per team on the day of the race (except that such fee is waived for any team with one or more member registered for the Bar Convention for whom far more grievous damages will be inflicted). Pre-race applications should be mailed or delivered to Hellen & Partnow, 425 G Street, Suite 710, Anchorage, Alaska 99501.

WHEREFORE, IT IS PRAYED that you enter a team as follows:

### ENTRY BLANK (Please print)

MAIL TO: Hellen & Partnow  
425 G Street, Suite 710  
Anchorage, Alaska 99501

Name \_\_\_\_\_ Sex (M/F) \_\_\_\_\_ Team Number \_\_\_\_\_  
Age (Nearest Year as of Race Day) \_\_\_\_\_

1. (Captain) \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

TOTAL YEARS: \_\_\_\_\_

Check here if entered as a Bar Association Team.

## ATTORNEY

(Judicial Education Coordinator)

The Alaska Court System is seeking an attorney. The position will be based in Anchorage with frequent travel throughout rural Alaska. Duties will include development and administration of correspondence courses in substantive and procedural law; lecturing on legal subjects at magistrate training conferences; assisting in preparation of material used in these conferences; and writing material for the Alaska Court System Newsletter. Incumbent will also be responsible for developing written and audio-visual material for training new magistrates at their locations.

ANNUAL SALARY: \$39,336.

MINIMUM QUALIFICATIONS: Applicants must have a JD or LLB from an accredited law school; be able to produce large quantities of written material in lay language to describe law and legal procedures; and be able to travel extensively to rural Alaska. Preferably applicants should have a minimum of two years of appropriate experience in such areas as legal research, teaching or the practice of law.

Send complete resume to:

Susan Miller  
Magistrate Systems Coordinator  
Alaska Court System  
303 'K' Street  
Anchorage, AK 99501

Resumes must be received in Anchorage no later than Friday, June 20, 1980.

APPLICATIONS FROM WOMEN AND MINORITIES ARE ENCOURAGED.

### 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, admissions to United States, adjustment of status to permanent residents, deportation hearings, and other proceedings before the US Immigration Service.

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## Proposed Resolutions

It is hereby resolved that no travel shall be made out of state on behalf of the Alaska Bar Association and at Alaska Bar Association expense unless it falls within the specific standing approval under this resolution or travel has been approved in advance by majority vote of the then serving members of the Board of Governors. The following will be standing travel and do not need the prior approval of the board for out-of-state travel:

1. Attendance at the American Bar Association convention for the president and president-elect of the Alaska Bar Association.

2. Attendance by the president of the Alaska Bar Association at the mid-winter convention of the American Bar Association.

3. Attendance by the president-elect at the conference for bar association presidents.

4. Attendance by the executive director of the association at the national conference of bar directors.

All other travel outside the state of Alaska shall receive prior approval as specified in the resolution. Said prior

approval need not be through a regular meeting but may be by teleconference so long as the votes of each individual member of the Board of Governors are recorded.

\*\*\*

It is hereby resolved that the Bar Bench Press Committee of the Alaska Bar Association shall be required to provide and have published no less than five articles in local newspapers in Fairbanks, Anchorage and Juneau or Ketchikan in any single calendar year. If the local committees fail to place such articles concerning the bar or the court system into the press, then the local chairman of the committee will be removed from that position and replaced so that articles will be published. The Board of Governors is directed to enact all provisions to the by-laws or rules, either new or changes, to carry out this directive.

\*\*\*

It is hereby resolved that no bar association funds be spent to pay for travel of a Board of Governors' members to CLE programs and board meetings being conducted outside of the state of Alaska.

\*\*\*

It is hereby resolved that the Alaska Bar Association shall conduct or

sponsor a minimum of five continuing legal education programs of different subject matter at locations within the State of Alaska during each calendar year. It is further resolved that the Board of Governors of the Alaska Bar Association shall implement all bylaw and rule changes necessary to effect this resolution.

## Supreme Court Coat & Tie Footnotes

- Alaska Constitution, Art. I, Sec. 1 and 22.
- See generally, Anno., 73 A.L.R.3d 353 (1976). Friedman relies on Peck v. Stone, 304 N.Y.S.2d 881 (N.Y. App. Div. 1969), Kersevich v. Jaffrey, 330 A.2d 446 (N.H. 1974), and Sandstrom v. State, 336 So.2d 572 (Fla. 1976) (dissent).  
In Peck v. Stone, 304 N.Y.S.2d 881, a woman attorney was found in contempt because the length of her hemline was unacceptable to the trial judge. This was reversed on appeal because the trial court had not articulated "suitable, conventional, and appropriate" rules concerning courtroom attire. Kersevich v. Jaffrey, 330 A.2d 446, concerns the attire of a party to a criminal proceeding, not that of an attorney.
- In England, and in many other nations, the question could hardly arise, as barristers are there required to appear in robes, so that the standard is most specific. As Cardozo, J., has noted, English barristers historically were regulated in minute detail, "even in matters so personal as the growth of their beards or the cut of the dress." People ex rel. Karlin v. Calkin, 162 N.E. 487, 490 (N.Y. 1928).
- The coat and tie matter in *Champion* must be gleaned from *Bearden v. State*, 458 P.2d 914, 919 n.2 (Okla. Crim. 1969).
- We presume, and appellant has not demonstrated to the contrary, that the courts' orders requiring "appropriate conservative business dress" applies to attorneys of both sexes. Though women need not be required to wear a coat and tie, they are required to wear conservative business attire. Such a dress code would not discriminate since the general standard is the same.
- Friedman recites in his brief on appeal, that Judge Hornaday had announced, eight months before, that a coat and tie would be required for all court appearances, but that he also stated that no coat and tie would be necessary if counsel opposing Friedman had no objection to Friedman's dress.

## Lawyer Referral Quarterly Report

The following listing is the calls received by the Bar Association for Lawyer Referrals for the period January 1, 1980 through March 31, 1980:

Family	265
Bankruptcy	27
Negligence	117
Environmental	1
Trusts, Wills	39
Patent/Copy	3
Commercial	113
Consumer	27
Tax	20
Landlord/Tenant	22
Administrative Law	32
Criminal	40
Immigration	6
Labor	33
Discrimination	10
Traffic	51
Admiralty	5
Community Legal Assistance	2
Mining	6
Public Interest	1
<b>Total Number of Calls in Quarter</b>	<b>820</b>
<b>Weekly Average</b>	<b>63</b>
<b>Daily Average</b>	<b>12.6</b>

## OHIO BAR MEMBER SEEKS EMPLOYMENT

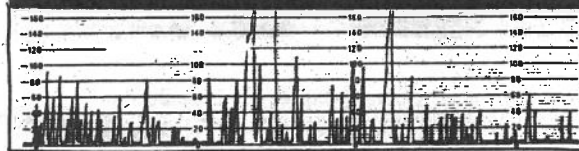
Female attorney, member of Ohio Bar, seeking legal position in Alaska with agency or firm. Will send resume. **Sally Ann Steuk**, 1017 Fremont Avenue, Sandusky, Ohio 44870 or 1-419-627-8201.

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# Marital Property Examined

## Philosophy of Marital Property is Examined

CHICAGO, April 21—Is a married couple's property "his and hers" or "theirs"? The difference in viewpoint is the difference between the two systems by which marital property is described, managed, and—at crisis points in the marriage—divided, in this country.

In the eight community property states, marriage is viewed as an economic partnership with equal sharing of assets and responsibilities, even though the two partners' efforts may be and usually are of a different nature. "There is no such thing as a non-working spouse," could be the touchwords of the community property system applied in principle if not always in fact in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas and Washington.

### Stranger Partners

In the other 42 states, common-law marital property systems tend to stress the individuality of the spouses who are treated more as strangers than partners when it comes to who earns or owns what. By acknowledging and rewarding the efforts of the "breadwinning" spouse and generally ignoring the contribution of the other spouse toward family income and assets, the common-law approach effectively erases any feeling a non-acquiring (or less-acquiring) spouse might have of having earned or contributed to marital property.

The irony of this system can be seen in the example of a thrifty wife who banks a portion of the money she saves out of the household allowance her husband gives her, only to find that the "savings" her efforts made possible "belong" to him.

### NCCUSL/UMPA

A committee of the National Conference of Commissioners on Uniform State Laws is reviewing all present and possible ways of handling, managing and dividing marital property in order to draft a Uniform Marital Property Act that will:

- Resolve inequities caused by a family's move from state to state where differing marital property systems and their variations exist;

- Address the problems inherent in a society where the average marriage now lasts 6.7 years;

- Help realize the common expectation of a "sharing" relationship that most couples have when entering into a marital or cohabitational relationship; and

- Erect devices by which couples may individually determine their respective rights of property ownership and control when these differ from the law of the state they live in.

The drafting committee on the Marital Property Act, chaired by William C. Hillman, a Providence, R.I., practicing attorney, held its initial meeting in New Orleans last month to begin shaping the philosophy for an act that would bring uniformity of intent and result to the confusion and disparity now existing. Current and proposed systems used or being explored in New Zealand, Canada, and certain innovative states were dissected and discussed, and various circumstances and situations advanced that could categorize property as "separate" or "individually held and controlled," or "marital" (equally owned and managed).

### Uniform Acts

The Uniform Law Commissioners (ULC) include about 250 practicing lawyers, law professors and judges who are chosen by their states to draft and urge enactment of legislation designed to solve problems common to all states, and to promote uniformity of law across state borders. They contribute thousands of hours of professional time and legal expertise to Conference legislative projects—meeting in drafting committees throughout the year, coming together annually to review and approve drafts as "Uniform" or "Model" ULC Acts, and then working for the enactment of these final well-honed acts by their own state legislatures.

In the area of family and estate law, the Conference has in recent years produced the Uniform Marriage and Divorce Act, the Uniform Parentage Act, the Uniform Adoption Act, and the Uniform Child Custody Jurisdiction Act (now the law in 39 states). A Uniform Disposition of Community Property at Death Act, completed by the Conference in 1972, was drafted to resolve problems of spouses moving from a community property state to a common law state, while the Uniform Probate Code was designed to simplify and reduce the costs of passing family wealth from one generation to another. While the last two deal with the marital crisis point of one partner's death, and the Marriage and Divorce Act clarifies property division at another crisis point reached when a relationship is dissolved, the Marital Property Act will attempt to define the rights of ownership and control during an ongo-

ing marriage, before it becomes pathological, while also including guidelines for crisis point divisions.

The next meeting of the Marital Property Act drafting committee will be at the Ambassador East Hotel here May 30-June 1. For further information, contact Suzy Randegger, of Communicate! (206) 888-3535.

# Veterans' Loan Transfers

It has recently been brought to the attention of the Division of Veterans' Affairs that property financed with funds from the Veterans' Loan Revolving Fund is being transferred or sold to nonveterans, or to ineligible veterans. These transfers are prohibited by both the statute and the trust deed. Any transfer of the property by means of an assumption, wraparound mortgage, or any other financing device to an ineligible party, will give the Division of Veterans' Affairs the immediate right to declare the entire balance of the loan immediately due and payable.

By statute, the Division of Veterans' Affairs has authority only to loan to eligible veterans as defined in AS 26.15.130 and AS 26.15.160. The Division of Veterans' Affairs may not finance purchases of property by non-veterans. The use of the funds advanced under the Veterans' Loan Revolving Fund is restricted to qualified veterans. The division takes the position that the party in possession or occupancy of the property is the interest holder of the loan. Therefore, a transfer of the property to a nonveteran will result in the use of these restricted funds by an ineligible party. This is not allowed by statute.

The language of the trust deed clearly states that any transfer of the property to an ineligible party will give the Division of Veterans' Affairs the right to foreclose.

Paragraph 11 reads:

Transfer of the property:

Should Borrower sell, convey, transfer, dispose of or further encumber said property, or any part thereof, or any interest therein, or agree to do so, without the written consent of Lender being first obtained, then Lender, shall have the right at its option to declare all sums secured hereby, forthwith due and payable. Lender shall have waived such option to accelerate it, prior to the sale or transfer, Lender and the person to whom the property is to be sold or transferred reach agreement in writing that the credit of such person is satisfactory to Lender and that the interest payable on the sums

secured by this Deed of Trust shall be at such rate as Lender shall request; provided, however, that there may be no waiver if the person to whom the property is sold is not eligible for a loan under AS 26.15.130.

## To All State and Local Bar Presidents

During my visits to bar associations around the country recently, it has been suggested that I write a letter highlighting the special events planned for the 1980 Annual Meeting to be held in Honolulu July 31 through August 6. This information could then be disseminated to the members of these bar associations through their publications thereby encouraging attendance. I am most pleased to follow up on that suggestion.

The Prayer Breakfast is the first traditional Association event Sunday morning, August 3. Former Secretary of State Cyrus R. Vance will address the Opening Assembly Monday morning. Assembly luncheon speakers are Honorable Sol M. Linowitz, Personal Representative of the President to the Middle East Peace Negotiations; Nobuhiko Ushiba, former Ambassador to the United States; and Rene G. Ortiz, OPEC's Secretary-General. Association social events include a Welcome Reception Sunday afternoon and the President's Reception Tuesday evening.

Finally, a beautiful end to an Aloha Annual Meeting—an informal Annual Dinner with prices designed for the affordability and enjoyment of the whole family. In fact, a family of two adults and two children can attend for the same price as two adults in recent years. We begin with a reception at 7:00 p.m. on the Ocean Lawn of the Royal Hawaiian and dinner follows at 8:00 p.m. in the Coconut Grove. After dinner entertainment promises to be the best available in the Islands. Don't miss it!

More than 100 major presentations have been developed by Sections Divisions and Committees, several of which have been designated "showcase" programs. Please refer to the May issue of the *American Bar Association Journal* which contains a complete preview of the program activities planned by Sections, Divisions and Committees.

Should you wish additional information, or if you have questions about any aspect of the meeting, please call the Meetings Department at ABA Headquarters.

Sincerely,  
Leonard S. Janofsky  
President

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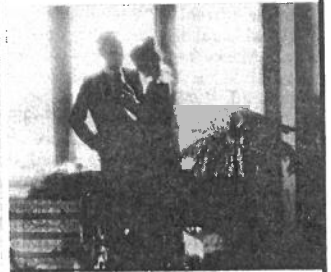
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# Alaska Legal Services Briefs

## National Legal Services Corporation Reauthorization

The current authorization for the National Legal Services Corporation of which Alaska Legal Services Corporation (ALSC) is a grantee expires September 30, 1980. Bills providing the \$321.3 million appropriation for FY81 are currently before the House and Senate and the vote is expected this month. While the bills passed out of the respective committees without substantive amendments there is a possibility of amendments being offered from the floor. There have been and will be efforts made to limit severely the services that can be offered by Le-

gal Services. Continued support will be required to guarantee passage of the appropriation without a cutting of funds and without harmful restrictions.

### Jackson to NAILS

Gordon Jackson, Executive Director, ALSC, has been elected as a member of the National Association of Indian Legal Services (NAILS) Executive Committee. This committee represents the programs before the National Legal Services Corporation on issues and funding questions dealing with Native American programs.



## A TRIAL ADVOCACY INSTITUTE FOR ALASKA

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**LOCATION:** Alyeska Resort - Girdwood, Alaska

**COST:** Registration: \$ 700.00  
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A \$300 deposit is necessary

Members of the Alaska Bar Association interested in enrolling in this Bar sponsored CLE program should contact the Alaska Bar Association's office in Anchorage for an enrollment application. Enrollment closes no later than July 16.

Please note: Participants selected are expected to stay in Girdwood throughout the length of the Institute.

See the April (No Frills) issue of the Bar Rag for details re: staff, program, etc.

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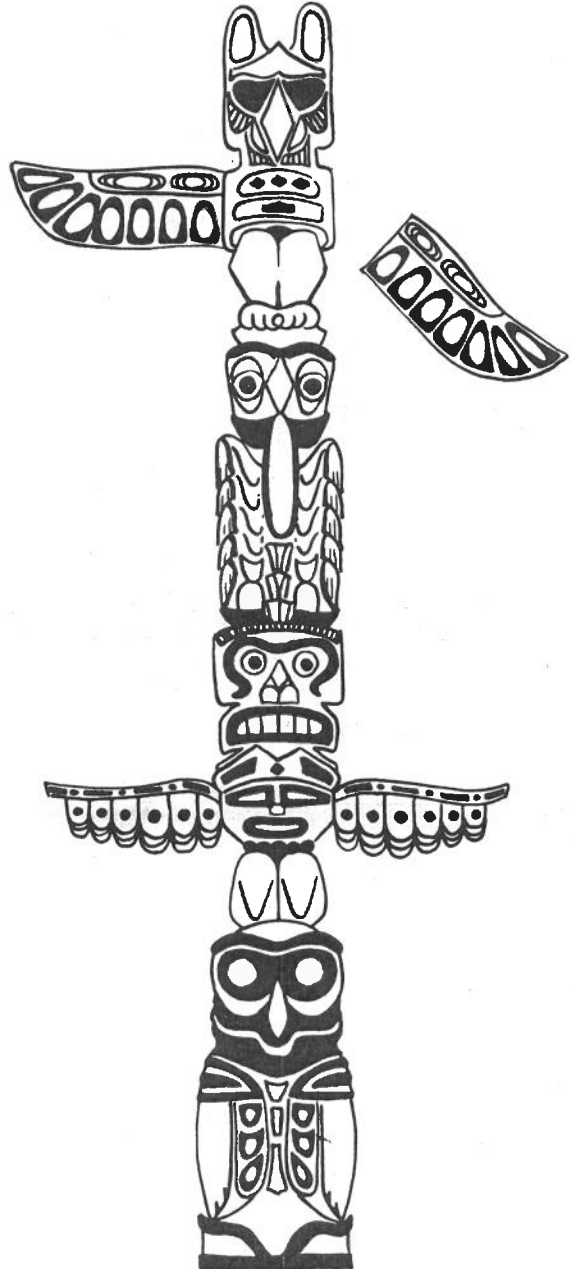
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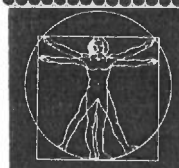
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