

The Alaska BAR RAG

Volume 4, Number 5

Dignitas. Semper Dignitas

May-be-by-June Edition

\$1.00

Speakers Highlight Convention

The Juneau and Alaska Bar Associations have worked hard and long to bring to this year's Annual Convention a number of well-known and highly regarded members of the legal profession to speak to the conventioners at the luncheons and banquet.

Professor James Adams, of McGeorge School of Law, who will speak at Thursday's luncheon (during the Professional Update Conference) comes highly recommended. An entertaining, thought-provoking speaker, Professor Adams' speech, entitled "Product Law: From Chrysler to Caterpillar II and Beyond," will continue Thursday's mind-expanding (educational) thrust. Professor Adams has also been tapped by the Alaska Court System to speak to the judges during their Judicial Conference in Ketchikan following the Bar's Convention.

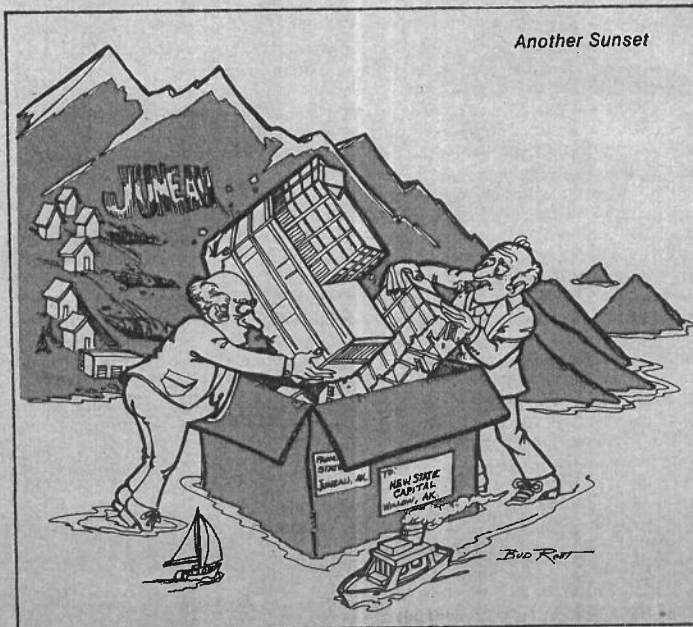
Following Jay Foonberg's law office economics and management seminars, Jane H. Barrett will address Friday's luncheon crowd. Ms. Barrett is current Chairperson of the Young Lawyers Division of the American Bar Association and the first woman ever elected to serve on the Board of Governors of the American Bar Association. Ms. Barrett will address "Changes in the Practice of Law in the Decade of the 80's," a subject with which she is very familiar, the Young Lawyers Division of the ABA having expended much of its effort in recent years to examining the profession, the developing concern for lawyer competency, and the piloting of peer review systems for attorneys.

On Saturday the Association will have the privilege of hearing directly from two of the Bar's most respected members: Chief Justice Jay A. Rabinowitz and Norman C. Banfield. The Chief Justice will address the Bar during the luncheon break on the day of its Annual Business Meeting, and Norm Banfield will enliven the Bar Banquet at Mike's Place with stories of those gone but not forgotten days when practicing law in Alaska was more of an adventure and less a profession.

In addition, rumor has it that Harry Branson, Editor Emeritus of the *Alaska Bar Rag*, will present the Stanley Ditus Merit Awards for Excellence in Journalism and/or for Writing for the *Bar Rag*, and will comment briefly on the "reason" for the awards.

INSIDE

Judgeships	2
Bar Rag Ripped	3
George's Complaint	4
Malpractice	6
Tracking	7



R & R at the Alaska Bar

Shielded with a protective coating of sun tanning lotion (courtesy of Alaska Airlines), Alaska Bar Association conventioners will be ready to brave the wind, sun, and (God forbid!) rain they may encounter during the exciting activities the Juneau Bar Association has in store for them. The events which will test Bar members' skills — other than advocating and the spelling of foreign and Latin names and words — include two marathon races, a fast-paced racketball tournament, a sweaty softball game, a tour of the awesome crevasses of the Mendenhall Glacier, and hardy fishing and sailing off the coasts of Juneau and Douglas. Members wishing to participate in these events must sign up during in-person registration on Wednesday and Thursday in the lobby of the Baranof Hotel. A bottle of sun tanning lotion and the Bar's best wishes will be handed out to participants at the time. No-host Ben Gay and bandages available at several Juneau stores.

The Bill Mellow Marathon Races (organized by Bill Mellow) promise to be anything but. Both will begin at 5:00 p.m. at the Basin Road Bridge, following Thursday's Professional Update Conference (what better way to unwind...). The first race (2½ miles) will go from the bridge up to Perseverance Trail to where the road ends. Runners will turn back at this point and trek down to the finish line at the Salmon Bake at End of Basin Road. The second race, open to serious runners only (which no doubt eliminates 90% of the Bar) will consist of a six-mile trek from Basin Road Bridge, up to the end of Perseverance Trail (all uphill), and back down to the Salmon Bake area. Both races start at Basin Road Bridge and end at the Salmon Bake area where prizes will be awarded to winners (survivors). Races are also open to non-Bar members and the public.

For Bar members wishing to skip

the rate, there will be express buses departing the Baranof Hotel to zoom them directly to the Salmon Bake. These buses will leave the Hotel at 5:30, 6:30 and 7:30 p.m. For those needing a fish story to take back to the office on Monday, the Salmon Bake should do nicely! Eleven dollars (\$11) will buy them all the delicious salmon they can pack in their pouches. No need to scale, cut or clean. All they need do is pull it in from the glowing coals, all soaked and drenched in a delicious lemon, butter and herb sauce!

The Jim Douglas Racketball Tournament (organized by Jim Douglas) will be held Friday, June 5th from 1:00 to 5:00 p.m. in the Juneau Athletic Club on James Street. Eight courts have been reserved. There is a \$5 entry fee which must be paid at the time of registration. For additional information (but not for registration) contact Jim Douglas at 789-3166.

The Tom Findley Softball Game (you guessed it, organized by Tom Findley) will be played on Sandy Beach at 2:00 p.m., Friday, June 5th. Teams will be organized from the list of registrants. Rumor has it that teams will end up something like Criminal v. Civil, Public Bar v. Private Bar, Reaganomics Fans v. A.L.S.C. Attorneys...Stringers welcome.

For fishing and sailing trips in the blue waters off the coast of Juneau, conventioners must also register at the door. The Juneau Bar will team up registrants with their captains/hosts, after a computer match-up has been completed. There is a limited number of boats, so the match-up will be on a "first-come, first-sail" basis.

Tours of the Mendenhall crevasses, and the historic city of Joe Juneau and Richard Harris are in the able hands of Tom Findley — just back from a tour of the land of Montezuma's revenge. For additional information on these, contact Tom Findley at 586-3811.

Senate Sunset Vote: Affirms Continuation, Adds Public Members

by Randall Burns

On Friday, May 8, the Alaska State Senate passed SB 392 on a vote of 12 to 8. SB 392 was introduced by Senator Pat Rodey, a member of the Bar since 1974 (the same year he first won election to the State Senate).

The bill, which continues the existence of the Board through June of 1984, states that three lay persons will be appointed to the Board of Governors of the Alaska Bar Association by the governor, subject to legislative confirmation. The bill does not provide that the appointed members come from any particular judicial district.

In addition, the bill, while removing the Board's ability to define the practice of law, seems to intend that the Board direct its attention towards the establishment of an effective CLE program, the bill adding language stating that the Board may approve and recommend to the Supreme Court rules concerning continuing legal education. Further, the bill gives the Board authority to establish a program for the certification of attorneys as specialists. It has long been argued that specialization can only come with the establishment of an active, on-going continuing legal ed program, and provisions in this bill seem to recognize that specialization is coming to Alaska.

The Board's own efforts to shape up its CLE program, including the employment earlier this year of a full-time, professional CLE coordinator, and the development of an ongoing CLE program coincides well with the responsibilities given to the Board in this area by the Senate Bill.

As is generally known, a thin majority of the current Board members support or accept the addition of lay persons to the Board, it also being generally agreed that involvement by lay persons on professional boards and commissions is an idea whose time — like it or not — has come. Reactions to the contributions of the non-attorney members currently sitting on the Bar's fee arbitration panels and area hearing committees have been positive, attorney members on both those entities having commented frequently on the advantages of lay persons.

During the actual Senate floor vote on SB 392, Senators Bennett (Fairbanks), Bradley (Anchorage), Dankworth (Anchorage), Eliason (Sitka), Ferguson (Kotzebue) and Parr (Fairbanks) voted against passage of the bill. Senators Colletta and Sackett were absent. The bill was not amended on the floor, although Senator Parr did offer an amendment concerning the procedures guiding the amendment or adoption of Association regulations and bylaws. That amendment was defeated 11 to 7. Senator Parr gave notice of reconsideration after Friday's vote.

Four Apply for Kenai Superior Court Judgeship

Three local attorneys and an Anchorage Assistant Attorney General have applied to replace Kenai Superior Court Judge James Hanson: Charles K. Cranston, who practices in Kenai and Anchorage; Charles Merriner, Office of Special Prosecutor, Anchorage; Timothy Rogers, Soldotna attorney and Andrew Sarisky, Kenai Borough attorney.

Hanson plans to vacate the Superior Court bench in October, but will remain as a part-time judge if the legislature agrees. In his retirement announcement he cited the increasing work load of the court, particularly in the criminal area.

Charles K. Cranston, 49, is a partner in the firm of Cranston, Walters & Dahl, with offices in Anchorage and (since 1977) Kenai. His practice is primarily civil, with heavy emphasis on municipal corporations, administrative law, business practice and litigation. He also has an extensive appellate practice, including criminal appeals. His firm handles all types of work including criminal defense, domestic relations and the representation of Native corporations.

A graduate of Carleton College (1953) and Boalt Hall Law School (1959), Cranston has practiced law for 20 years. He came to Alaska in 1968, worked for four years as Assistant Attorney General in Juneau and Anchorage before going into private practice. Since 1977, Cranston and his family have lived on Kalifornski Beach near Kenai. He commutes regularly to Anchorage via AAI.

"For several years I have considered the possibility of a Judgeship. I feel by virtue of my exposure to all areas of the law I am professionally as well as temperamentally suited for the position.

"Because of my residence in the Kenai area as well as having conducted a law practice there for the past four

years, I feel it is appropriate to apply for this position offers an opportunity for public service consistent with my background.

"Although I have not carried on a significant criminal law practice, I do not consider that a hindrance to serving as a Superior Court Judge in Kenai. I am familiar with criminal appeals as well as others. As in any area of the law, familiarity may be gained by studious attention to detail, statutes, and judicial precedents.

"I believe that I am capable of applying myself to the degree necessary to obtain that familiarity. Furthermore, the very fact of my not having any identification with either prosecution or defense will avoid any predisposition for either part."

Charles Merriner, 38, is an Assistant Attorney General working in the Office of Special Prosecutions and Appeals in Anchorage. Merriner has participated in over 50 superior court trials and approximately 40 appeals before Alaska's two appellate courts. He has also briefed and argued before the United States Supreme Court. Merriner has tried cases in numerous outlying areas and has participated in the only trials ever held in Saint Paul and in Atka.

Merriner obtained a B.A. degree from Harvard in 1964. Upon graduating, he married and immediately began two years of service in the Navy in Japan. He is now a Commander in the Naval Reserve. He attended the University of Colorado Law School (J.D. 1969), was an editor of the Law Review, and was appointed to the Order of the Coif. After law school Merriner began practicing in Juneau as an assistant attorney general. He has worked for the state since then, primarily in the criminal field. For the past seven years, he has been a member of the Law Examiners Committee. He and his wife, Carla, have four sons. They both came

from small towns and would like to settle in Kenai.

Merriner says, "My trial experience has caused me to spend much time evaluating what a judge should do. It also has given me an appreciation of the problems both private and government lawyers encounter in litigating. If appointed to the trial bench, my primary goals would involve taking sufficient care to make correct decisions, thereby avoiding needless reversals and controlling the courtroom without arrogance or favoritism."

Timothy Jay Rogers, 39, is a partner with the firm of Rogers & Cusak in Soldotna. Before going into private practice he served as Assistant Public Defender for the Kenai Peninsula and Kodiak. He is admitted to the Bar in Oregon (1973) and Alaska (1974).

Prior to practicing law he and his wife taught school in Bristol Bay where he also fished commercially in the late 1960's and 1970's. He has lived in Alaska for 14 years and practiced for eight years.

Andrew R. Sarisky, 57, has served as Kenai Borough attorney since 1975. His previous position includes private practice in Anchorage (with Robison, McCaskey, Frankel & Sarisky) and as general attorney and vice president of RCA Alascom. Before coming to Alaska in 1969, Mr. Sarisky practiced law in Cleveland, Ohio where he was special counsel to the Mayor. From 1959 to 1963 he served as an Ohio Assistant attorney general specializing in public utilities.

Sarisky was married in 1950 to Grace Mae. They have three children, all residents of Alaska. His two youngest children are presently attending the

University of Alaska at Fairbanks. He is a veteran, having served in the U.S. Coast Guard during WWII.

On his aspirations to the bench, he says:

"I can bring to the court a maturity in the law spanning almost 30 years and a lifetime of experience which has witnessed the devaluation of our judicial institution from a position of respect and preeminence. The litigation of rights must continue in the courts and not in the streets. I have participated in government, private enterprise, and the military establishments, and have a balanced perspective of the system we are to preserve.

"The Superior Court being of primary jurisdiction is in the forefront of today's social disillusionment with the role of the courts in protecting individual rights and the dispensing of justice. In my view, the single most important challenge to the court system is to restore its position in society as an institution which must be preserved for its meaning to democratic society and to those who seek justice through its processes.

"We cannot survive the continuing disparagement of courts (and lawyers); this basic foundation of our society must meet the test of the times and overcome the legitimate and illegitimate critical assessments. Justice delayed through congested dockets poses the largest challenge to the administration of the courts and must be attended to and resolved without the continuing delay. Improved pre-trial process, appointment of masters, shortening of trials through discipline, improvements in judicial notice of the law, elimination of delaying tactics and techniques and responsive decision making must be given the highest priority."

THE MOST TRANSCRIBER FOR THE LEAST MONEY.



New PearlCorder™ Transcriber for all Microcassette™ recorders.

The new Transcriber 1100 takes no more desk space than a book, yet offers more features than big, cumbersome transcribers. Features that make typing dictation from Microcassettes more efficient and less expensive than ever before.

- Plays back 60-minute MICROCASSETTE™ from all Microcassette recorders at 2.4cm per sec.
- Adjusts speed to match typing speed.
- Footswitch controls Playback and Backspace.

- Listen from either headset or speaker.
- Switch directly between Playback, Rewind and Fast-Forward without using Stop key.
- Erase both sides of tape at same time in Fast-Forward and Rewind.
- Has accidental erasure prevention.
- Convenient fingertip piano keyboard.



Transcriber 1100 teams up with PearlCorder Microcassette Recorders. Shown: pocket-sized D110 has a whole modular system; S202 is priced lowest of all.

PearlCorder
TRANSCRIBER 1100
BY OLYMPUS OPTICAL CO., LTD.

Only \$249.95



Yukon Office Supply, Inc.

3150 C STREET
POUCH 6622, ANCHORAGE, ALASKA 99502
TELEPHONE: (907) 276-5088

Sales • Service • Rental

ASSOCIATE POSITIONS OPEN

The law firm of Roberts, Shefelman, Lawrence, Gay, and Moch, with offices in Seattle and Anchorage, is seeking one or two additional associates for its Anchorage office to begin work as soon as possible. Candidates should have superior academic records and no more than two years of experience in the practice of law. The firm, whose Anchorage offices are located at 1500 Denali Towers North, provides a full range of legal services to a variety of business and non-business clients. Applicants are requested to send resumes to Robert G. Mullendore at 2550 Denali Street, Suite 1500, Anchorage, AK 99503.

EXAMINER of QUESTIONED DOCUMENTS (Court Qualified)

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

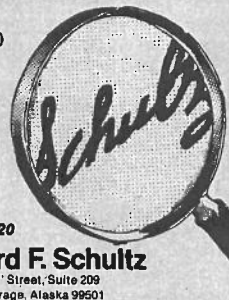
Record a Call for your convenience

Member
Independent Association of Questioned Document
Examiners, Inc.
World Association of Document Examiners

907-277-0120

Leonard F. Schultz

731 "I" Street, Suite 209
Anchorage, Alaska 99501



SERVING ALL STATE AND FEDERAL COURTS

"YOUR CLIENT'S RELEASE IS JUST A PHONE CALL AWAY"



PHONE 276-3443

Fred Adkerson-General Agent

FRED'S BAIL BONDING

2550 DENALI ST., SUITE 1302 (DENALI TOWERS)
ANCHORAGE, ALASKA 99510

BAIL BONDS
24 HOURS

Andrews, Gould, Nichols Top District Court Poll

Elaine Andrews, Anchorage Attorney, was the clear winner in the Anchorage District Court Bar Poll conducted by the Judicial Council. She was rated highest on all attributes and scored consistently well in all areas. Strongest were integrity and good character. Her ratings were clearly above the other candidates.

Kenai Magistrate Jess Nichols and Anchorage District Attorney James Gould also ranked very high. A non-attorney, Nichols was only down-rated for legal reasoning and knowledge of the law.

Gould ranked best in professional competence, legal reasoning, and knowledge of the law, and decisiveness. He did less well on willingness to work and compassion.

The overall ranking of the 12 candidates is as follows:

ELAINE ANDREWS

JAMES GOULD
JESS NICHOLS

STEPHANIE COLE
TOM TURNBULL

TOM BOEDEKER
BRIGITTE McBRIDE
JOHN SCUKANEC
DAVE TALBOT

JAMES WOLF
ROBERT REHBOCK
JAMES WOLF

Categories of evaluation are: legal reasoning and knowledge, basic fairness, freedom from arrogance, decisiveness, willingness to work, integrity, professional competence, good character, understanding and compassion, judgment and reasonableness.

The Bar Poll emphasized that even the lowest ranking candidate fell into the acceptable range of judicial candidates.

A complete copy of the evaluation is available from the Judicial Council Office.

MEMORANDUM

TO: Golden Goodfellow
AACA/Clerk of Court

FROM: Ralph E. Moody
Presiding Judge

SUBJECT: Preparation of Appeals to Superior Court

This is to advise you that I have reviewed and wish to continue the policy of March 31, 1976 regarding preparation of appeals to superior court. That policy is as follows:

1. Unless otherwise ordered by the court, the practice of transcript preparation of district court matters on appeal to superior court is hereby discontinued.
2. Effective immediately, counsel for parties on appeal shall, by identifying the appropriate log notes and related tape footage indicators, specify that portion of the trial court record which is relevant to the appeal.
3. These noted portions of the trial court record shall be reproduced from the original tape to cassette and forwarded to the appropriate superior court judge for audio review.

A lawyer and a wagon wheel must be well greased.

(Old German proverb)

ABA Study Published: Bar Rag Ripped

On March 27, 1981, Phillip Habermann of the American Bar Association submitted an extensive operational survey report on the Alaska Bar Association to President Bart Rozell. The report closely examined present bar structure, operations and policy and contained a plethora of recommendations and suggestions designed to improve the Alaska Bar Association programs and operations.

Habermann's report is the result of a three-day visit to the Bar office in Anchorage on March 4th, 5th and 6th, 1981. During this time he met the President, Bart Rozell, President-elect Karen Hunt, Treasurer Pat Kennedy, Executive Director Randall Burns, Bar Counsel John Lohff and members of the staff.

Discipline

In the area of discipline, the report recommends the use of volunteer lawyers to supplement the work of Bar counsel when necessary. Habermann

suggests the institution of a list of chronic repeaters and other malcontents, who refile the same complaints over and over again. He recommends amending the discipline rules to enable the auditing of an attorney's trust account where there is probable cause or reasonable suspicion to believe that they may be faulty. Finally the report recommends a revision of the Bar rules to provide for the levying of fines or the collection of costs in disciplinary matters.

Communications

Under the heading "Communication" Habermann discusses the Bar Rag and offers recommendation for its improvements. Pointing out that the paper suffers from a lack of rigidity in its publication schedule and costs too much money, Habermann recommends reducing the number of issues published each year to four or at most six. He also proposes that the Bar staff edit and publish a newsletter each month:

"Production and mailing of a pure four-page newsletter in self mailer form should not be excessively expensive. Composition should be done in the Bar office on an IBM typewriter, and the issues mailed regularly on the 1st or the 15th of the month. Each issue should be full of timely items of importance to the lawyers, and would very likely develop your most effective means of communication with the members."

In order to reduce costs and increase efficiency on the Rag, the report suggests bring the business aspects of the paper into the Bar office and making Randall Burns the managing editor of the paper.

Lawyer Referral Service

Habermann review Lawyer Referral Service as a program that becomes self supporting, suggesting the possible adoption of a system whereby part or

[continued on page 5]

A Trial Advocacy Institute For Alaska



Sponsored by the Alaska Bar Association in cooperation with the National Institute for Trial Advocacy

August 15-23, 1981, Alyeska Resort - Girdwood, Alaska

An intensive nine-day trial advocacy program for Alaska attorneys. Classroom sessions will cover jury selection, basic and advanced direct and cross-examination, exhibits and demonstrative evidence, impeachment, adverse examination, expert witnesses, opening statement, and closing argument. During the final two days of the program each participant will team up with one other attorney to conduct a full civil or criminal jury trial.

COSTS:	Tuition:	\$1,000.00	(includes course materials and video tape)
	Room & Board:	480.00	(single with all meals)
		360.00	(double with all meals)
		320.00	(triple with all meals)

A \$300 deposit is required

Members of the Alaska Bar Association interested in enrolling in this Bar sponsored CLE program should contact the Alaska Bar Association (272-7469) for details and/or enrollment application. Enrollment closes July 1. Participants selected are expected to stay in Girdwood throughout the length of the Institute.

Editorial

It has been a tough year for the Bar Rag. Sometime last fall we were informed by our printer that quality paper was no longer available unless we stayed at 16 pages and possibly not even then. We were already having problems with the quality of the photographs when they were reproduced by this printer. One edition had to be printed over again because the subjects in the photographs were almost indistinguishable from the background. We had to pay more money to use the presses again. When the Bar Office complained about the cost, we decided to switch printers to save money and improve quality.

Production Problems

The first printer we went to charged us more money and said it would cost still more the next time because of costs he didn't take in to account when he gave his initial quotation. It took more time to put out the newspaper with this printer. When it was finally printed, there was no provision for folding the newspapers for mailing and the printer was reluctant to perform that service. The Bar Office complained about that cost. We switched printers again. With our third printer, the supply of high quality paper was guaranteed.

The photographic reproduction was excellent but delivery took forever — up to ten days from the time we delivered the page proofs from the typesetter. At about this time, we began encountering delays with the typesetter and problems with mailing. One issue took an extra week or two to reach Juneau. We understand the airlines re-routed it to Seattle.

Editorial Vagaries

Sometime around the beginning of the year, two letters arrived at the Bar Office in Anchorage expressing outrage over the use of certain Anglo-Saxon words instead of their Norman substitutes in two columns printed in one of our editions. We were put on the agenda of the Board of Governors meeting in January to discuss our lapse in good taste.

Advertising Lost

We are not sure when, but at some time during the spring of this year, our advertising salesman resigned. She didn't communicate the information directly to us because she hasn't been talking to us directly since she moved to Kodiak. We didn't mind as long as the advertising came in. There wasn't time to replace it before this issue came out.

Editors Sweat

The worse thing that has happened to us all year happened so gradually that we didn't realize it at first. The number of stories and articles submitted from persons outside the Bar Rag staff began to diminish. The editors began writing more and more copy. The same three or four people found themselves sweating over the production of each issue and discovered that attempts to recruit more help on the production side of the paper were futile.

We wrote to the Bar President and asked him for his help in soliciting stories and articles from the Juneau Bar Association for this issue since its focus is Juneau and the convention. He addressed the members at a Bar election in Juneau. Nothing was submitted. The executive director and the CLE director wrote the stories instead.

Inefficient Management

Although we didn't realize it at the time, a study of Bar Operations had been commissioned and was being conducted in early March of this year. The Bar Rag, as reported elsewhere in this issue was examined and found wanting. A newsletter was proposed. It was advanced as the solu-

tion to all of the Bar's communication problems. It was recommended that the Bar Rag be cut to four or no more than six issues a year. Using our January 1980 edition as an example, the examiner found that the Bar Rag costs too much money. It was clear from the report that its author felt that the Bar Rag takes too long to print and is inefficient in its management. The report recommended that the executive director of the Bar Association become the managing editor and that the paper be put inside the Bar Office so its business functions could be better controlled.

Editors Tired

We are tired. We don't want to be controlled by the Bar Office or the Board of Governors. We are willing to cooperate in every way we can with the Bar Association, but the Newspaper is not and should not become a house organ in the process. We have tried to keep costs down and put the Newspaper out in a timely fashion. Considering the problems we have had we think we have done pretty well.

This issue marks the return to our original printer. It is printed on cheap paper on a high speed press. There are not any photographs this time to go black. It should be out in time. It will cost less money because it's only 12 pages long. The editors have sold advertising in the past and will continue to do so in the future if we have a future, in the meantime, we are trying to find a new ad salesman.

It is obvious that we need our readers' help and support if we are going to survive. Presumably if we can solve the production problems and bring the cost of the paper down, the Board of Governors will continue to tolerate us. However, we will stop printing before we will let this paper become a house organ. We should not have to write the paper ourselves or expect the Bar Office to produce copy.

We need help with the production end of the paper in Anchorage. We need people in Anchorage, Fairbanks, Juneau, Kenai, Ketchikan, Sitka, Kodiak and anywhere else this paper is read to send us material, photographs and advertising. We would like to see the paper go on. With a little help from our friends maybe it will. Thank you.

—The Editors

Random Potshots

by John Havelock

"George's Complaint"

George Hohman recently introduced a bill requiring the state to pay the costs of defense of a person charged, and acquitted of a state crime. An Anchorage TV station recently dubbed "scandalous" a case in which a person, alleged to have substantial assets, used the (free) services of the public defender. Alaska Legal Services Corporation, whose resources have fallen far short of the promise of its charter to render a minimum level of access to justice to Alaska's poor, now faces cutbacks resulting from a shift in national administration policy.

Too bad George didn't see the light before the shadow of the gibbet crossed his shoulder. But his response, self-serving as it may be, together with these other current news stories, underlines a fact about our system of justice which lawyers should be concerned enough to act upon:

System Design Lags

The basic design of our system of legal administration was set in historic times (which we have no need to be ashamed of) in which recognition of the privilege of wealth was considered compatible with principles of justice. Our embarrassment, as lawyers, is that we have been so slow to recognize the necessities of change to accommodate the values of our times — values which, whatever may be the portent of the national hour, show no tendency to slip back to honor the privilege of wealth.

Even Burger Believes

The Burger Court in *Argersinger v. Hamlin* (407 US 25 [1972]) has surely emphasized the consensual nature of the view that access to justice should not depend upon economic condition, yet *Argersinger*, in proclaiming the

principle, could only expose the darker reality of the system: that access to legal right is still conditioned by the economic status of the seeker on a sweeping scale.

Unadjudicated Forfeiture

Who cannot have sympathy for the person who may have some middle income status, but who faces financial ruin in the defense of a criminal charge? Should it make any difference that she has some wealth? Should it make any difference that she may be guilty? Why should she suffer an unadjudicated forfeiture of her wealth as an additional penalty for misconduct?

Civil Justice Favors the Large Stakes Player

The same point can be made, in some cases with equal poignancy, on the civil side of the ledger. When the big fellow with the diamond stick pin in his tie bellies up to the poker table of justice, does not reasoned fear clutch at the heart of the small stakes player, even if he knows the dealer is pledged to be neutral and the deck is new?

A Modest Proposal

Lawyers are soliciting their legislators to build billion dollar projects, give billion dollar tax cuts, establish billion dollar loan programs and finance hundred million dollar celebrations. How about asking for a few crumbs for equal justice? While I would not bankroll George to the best that money can buy (Gail might retire and start writing full time for the Bar Rag; Wendell would be lost forever to Arizona), surely every citizen should be entitled to the minimum we give the indigent: representation by the public defender. Some, to be sure, may want more. Let them buy out of the system if they please, a constitutional right. But a societal minimum should be maintained by the state.

Legal Services: A National Model

Why should we stop at "full funding" for Alaska Legal Services? We do [continued on page 5]

STAFF

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

Contributing Editors

John Havelock Gail Fraties
Karen Hunt Robert A. Rehbock
Donna Willard Tom Schulz

Spiritual Advisor
James Blair

Ace Reporters

Kathleen Harrington Judith Bazeley

Copyright 1981 by Bar Rag. Contents of the Bar Rag may not be produced in any manner, in whole or in part, without written permission from the Bar Rag.

The Bar Rag is published monthly. Mail received at Box 279, Anchorage, AK 99510.

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

All My Trials

by Gail Roy Fraties

Spring has come to Alaska, and with it various annual migrations — including lawyers to our Bar convention. Typically, these gatherings take on some of the atmosphere of the sponsoring city — and it can be anticipated that the convention at Juneau will be a success, well organized and interesting, with plenty of educational opportunities for all. This is not to invidiously compare the efforts of the freer spirits in Ketchikan, for example, or Fairbanks — who present equally interesting, if crazier agendas. However, nobody goes to Nome anymore — and some of my readers have asked me to comment.

I think that most of the applicable statutes of limitations have run, and as a participant in the 1969 Bar convention at Nome, I do remember vividly what went on there, as does everybody else who attended. However, no one has chosen to talk about it until this moment — presumably because of the general "twilight zone" atmosphere that pervaded the whole strange affair.

The Departure of Fred

The Bar was much smaller then, and Fred Crane — District Attorney for Nome and the Second Judicial District — had prevailed upon the rest of us to honor his city with a convention. He promised a totally organized program, with many delights available only in the Far North. Unfortunately, he died during the winter — and according to Nome custom at that time — was stored in a warehouse awaiting, with the other residents who passed away during the cold months, the softening of the ground in the summer for burial. That didn't prevent him from attending the convention, however, as I will explain.

As I recall, Alaska Airlines had chartered a special flight that picked up many of the participants — originating in Southeast and proceeding north. It was a long trip, and most of the membership had seen the bottom of the glass long before we arrived. After we settled in, Tom Wardell (then Deputy Attorney General, and presently a District Attorney himself, at Kenai) invited me to accompany him to the Board of Trade, a bar on Main Street which was, and is, Nome's major attraction. Tom is a gregarious soul, who generally manages to conceal beneath an engaging exterior the fact that he — together with such other immortals as Bill Garrison and Stan Ditus — is one of the true bad actors of our legal community, and times.

The Return of Fred

Most of the other lawyers had already preceded us to the "Trade," and it was a headstrong and spirited group that responded to the then Probate Judge J. Gerald Williams' stentorian cry (his normal speaking voice), "Let's bring out old Fred." A delegation was dispatched, and soon returned with the guest of honor — who although he did not leave his box, certainly contributed to the gaiety and spontaneity of the gathering. Many toasts were made to him, and it was decided that he be given an eternal (as opposed to "lifetime") position on the Board of Bar Governors. Things became a bit confused after that, but I seem to remember that Ditus offered to become the blood brother of one or more Eskimo gentlemen who were also in the bar, and inasmuch as they spoke no English, his picking up a knife for that purpose was misinterpreted and resulted in a certain amount of breakage.

It was a subdued group that met (in a quonset hut at the edge of town) for the business meeting the following morning. Anchorage trial lawyer Bob Erwin, seconded by his brother (later Justice) Bill Erwin, proposed as a first order of business that the Bar convention be shortened from four to three days, which was given unanimous con-

sent. The following seventy-two hours passed as in a dream, mostly in the Board of Trade, and I don't really recall going to any classes. I do remember seeing the King Island dancers, who performed "The Salmon Dance," "The Reindeer Dance," "The Sheefish Dance," and "The Walrus Dance" (in which they were accompanied by J. Gerald Williams, a comfortably fleshed gentleman who not only danced with vigor but turned an interesting shade of magenta in the process). I asked Attorney General G. Kent Edwards, who had accompanied me, if he could see any difference in the dances — and he replied that he couldn't. "They just do the same one over and over again, and give them different names for the tourists," he said.

The Stranger

During all of our activities and breakfast and lunch gatherings, I had noticed the presence of a friendly but rather quiet stranger, who was identified to me as a presiding judge of the Ninth Circuit Court. He was to be the keynote speaker at our banquet, and all of the lawyers were courteous to him — soliciting his opinion of various legal decisions of the day. He was nice, but noncommittal — and seemed to prefer to listen to everyone else rather than expressing an opinion himself. This was put down to judicial reserve, and we respected his professional reticence to give an opinion on matters which might well be before his court at some future time.

The evening of the banquet, the president of the Bar, Warren Christianson, presented the speaker by name. He rose, and with a shy smile, stated the following: "I had always heard that lawyers were clannish, but I want to say that I have never been treated with such gracious and courteous attention as I have received from the members of this group. Two days ago, when I arrived at the airport, I was greeted by a delegation of your members who — although they were drunk — were as hospitable a group of fellows as I've ever met. You've paid for my room, fed me three meals a day, and invited me to all of your lectures and discussions. I've been asked my opinion about the *Miranda* decision, whatever that may be, and I've answered as well as I could — and now you've invited me to be your keynote speaker. Why you should pay such tribute to a dried milk salesman, I am at a loss to say."

The Speech

By this time, various members of the Bar, particularly the welcoming delegation, were looking at one another with wild surmise ("silent upon a peak in Darien," as it were) and most of us are still wondering what became of the Ninth Circuit Judge that our colleagues passed over in favor of our new keynote speaker. However, our fears were quickly forgotten, because this gentleman proceeded to talk about the only thing that he really knew — selling dried milk in rural Alaska, and he gave the best speech that most of us have heard in a lifetime of going to Bar conventions. He got a standing ovation, as well. We determined on the spot to bring him back for next year's convention — where, I suppose, he was passed over at the airport under similar circumstances. Anyway, I never saw him again.

With that high point, any really clear recollection of the Nome Bar convention is at an end. I do remember everybody running out to cheer when the water truck came by, but I don't know why.

A Pilot's Tale

Recollections of the midnight visit with Mr. Crane bring to mind a problem described to me recently by my friend, Anchorage investigator Bob Mitchell. As I've tried to point out in this column before, we lawyers — although our lives are frequently lived on the razor's edge of disaster — are not the only professionals who have their little problems. Bob, a licensed

commercial pilot, is still concerned about an incident that occurred to him and his friend Dan Ludahl in the spring of 1969.

According to Bob, Mr. Ludahl was operating a small charter service called Glacier View Skyways, out of Flathead County Airport near Kalispel, Montana. Bob occasionally flew as co-pilot. One day a grieving widow appeared — prevailing upon both of them to scatter her husband's ashes over Glacier National Park. They agreed to do so, and accepted \$350 for the service. Over several drinks, Bob described the subsequent events as follows:

— Ashes Away —

"Jesus, Gail — I've always felt bad about it, but this is what happened. We took this Cessna 172, and while Dan was flying I sat in the front seat with this little urn and fed the ashes through the window vent. We really did try to find all the prettiest spots — and Dan flew over all these lakes and rivers while I continued to shove the gentleman's ashes through this little hole.

"However, when we got back down on the ground — I noticed that a back window had been partly open on the same side of the plane, and for some reason all of the ashes had blown right back in and were about a half an inch thick in the back seat. We were going to go back up, but the weather closed in — and Dan was leaving that night for a three week vacation. To make matters worse, we had to get the plane cleaned up in order that he could

BAR RAG RIPPED... [continued from page 3]

all of the fee paid by referral clients for the initial consultation be returned to the Bar. In order to advertise this service to the public he suggested the preparation and public sale of a director listing lawyers who agree to serve in the program.

CLE

The report named CLE as one of two areas offering greatest potential to the Bar Association. Describing the present CLE program as "modest," Habermann recognized the desirability of expansion including the recent addition of a new staff member skilled in communications and publications to concentrate on CLE programs. He notes "no other activity of a Bar association will involve so many members and produce so much member satisfaction" as CLE. He described CLE as the answer to the Bar members who ask "what does the ABA do for me?" The report recommends more video programs where live presentations are impractical and costly. Habermann suggests cost accounting and close monitoring of all CLE income and costs as well as realistic pricing for programs. Habermann states "it is not unrealistic to project an eventual gross income for your CLE programs of \$100 per member or more." He recommends that surplus money be expended on the following:

- (1) Developing special CLE materials;
- (2) Additional CLE activities;
- (3) Working capital;
- (4) The purchase of video playback equipment; and
- (5) Better materials.

Sectioning

The report recommends restructuring the bylaws to provide for changing committees to sections under the "bar tent." Habermann recommends that the sections be semi-independent so far as the members elect their own Boards and officers. This move, according to Habermann "will pay big dividends." He sees section activity as an important and effective means by which a Bar Association can involve large numbers of its members in bar activities.

Board Activity

The report finds that the burden of travel and meeting time on the officers has been excessive until recently. Habermann attributes this to a lack of

lease it to another company."

"What did you do, Bob?" I asked. "Ah shit — it was really tacky. I just took a whisk broom and swept the dude out on the ramp. It had oil all over it and everything," he continued, staring moodily into his glass.

I tried to comfort him. "Probably some of him got on the park anyway — and besides the wheels of the other planes must have spread him around some."

"I know, Gail — but he wanted to be part of Glacier National Park, not half the runways in the Rocky Mountain states."

I persisted. "Never mind, Bob, no one will care about it in a thousand years anyway."

"I will," he said.

POTSHOTS...

[continued from page 4]

not make the rich pay more for education. Is access to justice a lesser right that we may condition on wealth?

We have successful models in the legal service programs of several Alaska unions, granted that these examples demonstrate the need for refinements. A commodity that has no price nor limit tends to be abused. Accordingly, some part of that hourly rate should be provided by the consumer. But a society that has \$10 million to throw at a publicity campaign to tell America how wonderfully well we use our money might first appropriate the same sum as a sign that we love justice.

confidence in the ability of past executives and a belief by the Board that it needed to exert particularly close managerial supervision. Noting that frequent and lengthy Board sessions discourage regular attendance and qualified lawyers refuse to seek election or appointment or only serve one term because they cannot afford the time required for this kind of activity, he recommends that more power be given to the Bar Executive to act on almost all matters as they come up. He suggests that a Board committee be formed for fact findings, study and recommendations before any matter is put on the Board agenda and that all agenda items be submitted two weeks in advance after being broken down into an "action" agenda and "information" agenda. Habermann suggests that a fiscal note be appended to each proposal submitted to the Board which would require any expenditure of bar funds. Although he recognizes that financial responsibility would not be assured by the use of a fiscal note, Habermann states that the Board would at least be fully advised as to what any proposal would cost in terms of both money and staff involvement.

Habermann suggests the creation of a Budget and Finance subcommittee of the Board to assist the Treasurer and Executive Director inasmuch as he projects annual income and expenses soon to exceed the \$1 million mark.

Conclusion.

Habermann was impressed by the "simplicity and effectiveness" of the Bar Association's system of governing. He noted that the Alaska Bar Association is not overburdened by too many layers of authority. He found no crisis situation financial or otherwise with the exception of impending sunset legislation. He described Anchorage staff as capable and referred to them as a fine office. He described the officers that he met as able and dedicated.

Although Habermann did not find any evidence of true long-range planning or any formal priority list and projects for this year, he attributed this to the disproportionate amount of time that the officers had to spend on Sunset problems. Although Habermann declined to offer any suggestions as to how the Board should handle Sunset he noted that the Bar Associations that have gone through this legislative process have emerged from it in better condition than they went in.

M. JANE PETTIGREW
Attorney at Law

*Practice Limited to Bankruptcy
Referrals Welcome*

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

On the Board of Governor's Trail

Sunset

by Robert Rehbock

The Board of Governors of the Alaska Bar Association is at once an entity and a group of individuals. As an entity the Board determines policy, rules, and discipline which affect all members of the bar association and the general public. These decisions and actions result of the combination of individual efforts and philosophies of the members.

A noticeable feature of board members is their busy schedules.

"Time is an important factor for board members," said this year's president, Karen Hunt. "A couple hours a day for an Anchorage Board member." Accessibility means more work. Stan Fischer, interviewed between appointments, shared that view. Pat Kennedy finds herself working evenings and weekends to make up time spent on board activities. Adding a positive note, Pat feels that colleagues have been generally helpful, allowing leeway in setting cases and other deadlines. Even so, she feels it would be particularly difficult for practitioners in a small firm with no one to cover for them, to participate fully.

Karen Bubbles

While each board member in his or her own way felt that much time was needed, all seemed agreed that the effort was worthwhile. Karen Hunt, especially, seemed to bubble with energy and vigor as she further explained the additional work of the president. Obviously unaccustomed to worrying about the time commitment she casually tallied the days — "15 days for conferences out of the State and about another 36 days away from the office for the president's involvement in the discipline process."

A.W.O.L.

When asked about attendance and the commitment displayed by other board members, only Bart Rozell preferred not to comment. Karen Hunt had only limited comment. She felt there was no ongoing problem with attendance but added that attendance of one board member had been a problem, pointing out that records of attendance are available to the membership for those interested. Likewise Pat Kennedy noted that one member was missing a lot. She pointed out further that some board members tended to "drift off" during some of the more boring tasks before the Board. Dick Savell and Stan Fischer both felt that some members were doing more or less than their appropriate share. Dick, first noting that the question becomes difficult when one is asked to go beyond stating that the problem exists,

said the board has a problem both with the willingness of certain members to do their work and with the attendance of at least one member. On a lighter note he added, "never once has anyone, not even a member, sat through an entire complete board meeting." He further recalled that once several years ago a new member had sat through almost an entire three-day board meeting greatly impressing him and others with that showing of dedication.

These perceptions of the amount and quality of board involvement relate naturally to the members perception of their job. Dick Savell's perception, keeping in mind that Dick is in his second term, might be taken in several ways but was intended as a positive statement: "In a way it is like marriage — frustrating, rewarding, and takes a lot of work." Reflecting on his two terms he adds "times have been worse and times have been better." Stan Fischer took the point a step further. Serving on the board has provided him with "some of my best and some of my worst experiences. While it was for the most part a good experience, he felt "one such experience is enough." Likewise, Pat Kennedy doubted she would do it again, but didn't regret having served. In further description of their jobs, Pat Kennedy felt the job was similar to other boards or commissions. But Dick Savell cautioned against approaching the job with the notion that it would be like another board position. The apparent difference in perception seems to boil down to mainly a perception of other boards.

Advice to New Members

While the board members' perceptions of their jobs as hard, frustrating but rewarding work were fairly unanimous the board members differ more widely on what a future board member or potential candidate should consider as important in undertaking the position. While Pat Kennedy felt it would be difficult for a small firm practitioner to handle the job, Stan Fischer felt it important that sole practitioners be on the board. He would counsel potential board member with the sole word "Sunset." Karen Hunt felt that a potential board member should recognize "it is a large and unpopular business." Accordingly a board member must have the ability to compromise and work with others and be able and willing to spend the necessary time. Dick Savell and Pat Kennedy both also felt that such a new board member must be committed to work and to live up to the commitment that the board represents. Bart Rozell preferred to comment on specific commitments or directions, suggesting that the focus for a new member would be to make the discipline process rapid and fair and be

willing to deal with the issue of mandatory CLE.

While the difference between board members views of their job seem minor differences between board members were more accentuated on specified issues. One such issue is that of lay people on the board. Stan Fischer felt that lay people would be beneficial to the board and perceived the board's position in general in agreement with him. Likewise Bart Rozell pointed out that he had been in favor of lay people on the board even before the legislative sunset issue faced the board. He, however, did not believe the board had a consensus on this and further believed that the board's division reflected the division existing in bar membership at large. Likewise Karen Hunt perceived a strong division on the board. Her personal opinion was also positive but, perhaps only in this interviewer's interpretation, not quite so much as Bart or Stan. She pointed out that equally important to the question of civilians on the board was the question of how these lay people would be appointed. She favors appointment geographically by the board from a bar association list of recommendations. As an alternative she would prefer appointment by the Supreme Court from board recommendations. She seems to disfavor appointments by the Executive branch. Pat Kennedy likewise did not object to lay representation on the board, but noted that much board work may bore a lay person. In fairness, though, she added that many lay people would take the job very seriously and that the board and bar membership had to accept the probability lay representation would become a fact regardless of individual members' feelings. Dick Savell likewise noted that the Bar Association may have to accept lay membership but doesn't believe that the lay members will make a positive contribution. Emphasizing the inability of even attorneys to sit through an entire board meeting he speculated that the push for lay membership grew either out of an ill conceived desire for appearance or more likely out of a total ignorance of board function.

Closely related in several members' minds to the issue of lay representation is Sunset. This issue evoked spontaneous and lengthy discussion from most of the members questioned. Board members unanimously felt that an integrated bar is essential. No member felt that there was a consensus among the board as to the appropriate means to achieve this. The issue for all seemed to be what point along a spectrum of intervention the board should assume. Should the board leave the matter to the legislature without input or should the board take an active role in the legislative process? Should integration occur under a legislative control or court control. Dick Savell pointed most succinctly "a voluntary bar makes no sense." Bart Rozell felt that the board had tentatively reached a consensus as to approach, reflected by the decision to settle the legislative audit litigation. That position, according to Bart is that we must work with the legislature, that we don't have the option of merely ignoring them. While Bart admitted to disagreements among board members on this, he discounted that the Board would lack unity or was paralyzed by the process. Likewise, Stan Fischer felt that board members had strongly different views but didn't believe that this acrimony has paralyzed the board in making decisions. Karen Hunt saw the board as almost evenly split on whether integration should be under the legislature or under the court. She was able also to point out both positive and negative aspects to the Sunset controversy. While it allowed the Bar to review and examine its making of policies the uncertainty of the future interferes with planning. Pat Kennedy agrees that the board feels that the bar should not be unsanctioned, but finds no unity among the board as to what should be done. Pat feels that the board and bar must recognize that the legislature will not give us four more years unless the bar compromises on some issues. She feels that, at minimum, the Bar must be prepared to accept lay people on the board. Dick Savell is prepared to take a wait and see attitude. Nonetheless he

[continued on page 8]



Sunday
NEW YORK TIMES
Same Day!

FRESH HOT BAGELS
12 Varieties

VIENNA
All Beef Meat Products

CATERING
Deli Party Platters

SANDWICHES
Mile High

HUFFMAN BUSINESS PARK — OLD SEWARD & HUFFMAN ROAD — 345-3850
M-F 7:00 A.M.-8:00 P.M. — SAT. 7:00 A.M.-6:00 P.M. — SUN. 10:00 A.M.-5:00 P.M.

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



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

- Fifth Year Alaskan (Stability)
- Broad Coverages
- Competitive 1981 Premium Rates
- Full Underwriting Authority

Call us before buying Brand "X"

THE CLARY INSURANCE AGENCY

Your Full Service Insurance Agency

A Division of Bayly, Martin & Fay International

803 West Fifth, Anchorage

(907) 276-5454

with offices in Kenai and Seward.

We Can Handle It.



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

Administrative Law Committee

Important Administrative Law Decisions 1980-1981

by Mary K. Hughes,
Chairperson

Estes v. Department of Labor, State of Alaska, Supreme Court No. 2276 decided January 30, 1981. The Supreme Court of Alaska reversed the decision of the superior court upholding the decision of the Department of Labor denying appellant her appeal for failure to timely file. The court found that strict application of the ten day appeal period did not serve the purposes of the Employment Security Act [A.S. 23.20.340(e)] which provides that an appeal from a denial of unemployment benefits must be filed within ten days after the Notice of Determination is mailed unless good cause for late filing is shown. The court held that the liberal construction mandate of the Employment Security Act and the circumstances of this particular case yield a conclusion that good cause existed to allow Estes an appeal on the merits.

Sjong v. State of Alaska, Department of Revenue, Supreme Court No. 2269 decided January 23, 1981. The constitutionality of the Alaska Net Income Tax Act as applied to nonresident crab fishermen who fish off the coast of Alaska in international waters and sell their catch to Alaska processors was unsuccessfully challenged.

Van Hyning v. University of Alaska, Supreme Court No. 2267 decided January 16, 1981. Van Hyning sued the University of Alaska alleging violations of procedural due process in denying him tenure as a professor. Although he was informed of the Tenure Committee's decision in April of 1972, he waited until May 27, 1976 to file suit. The University's Motion to Dismiss under Alaska Rule of Civil Procedure 12(b)(6) was granted. The superior court found that the action lay in tort and not in contract and was thus barred by the two-year statute of limitations. The Supreme Court concluded that the judgment should be affirmed because of Van Hyning's failure to exhaust his administrative remedies — he did not appear before the Tenure Committee nor did he take his case to the president after the Tenure Committee had made its unfavorable recommendation.

North Star, Inc. and Chena Construction Corporation and William Rogge v. Fairbanks North Star Borough, Supreme Court No. 2258 decided January 9, 1981. Like the *Estes* decision, this case involved an administra-

tive appeal filed thirteen days late. The Supreme Court upheld the superior court's dismissal of the appeal for untimeliness. Alaska Rule of Appellate Procedure 45(a)(2) provides that appeal to the superior court from administrative rulings must be taken within thirty days of the date that the ruling is mailed or delivered to that appellant. However, North Star argued that the appeal period was tolled by the actions of the Fairbanks North Star Borough Assembly on an ordinance that would have mooted the appeal. North Star argued for relaxation of the rules pursuant to Appellate Rule 46. The court denied such relaxation.

State of Alaska v. Bowers Office Products, Inc., Supreme Court No. 2244 decided December 12, 1980. This case challenged administrative action of the State of Alaska taken in connection with bidding upon a state office supply contract. There were two issues before the court: (1) whether using regular mail to send an amendment to an invitation for bids was a proper procedure for notifying known bidders and (2) whether the bid in this case was rendered nonresponsive by failure to return an amendment. The Supreme Court held that the method of sending amendments used by the State was reasonably calculated to effect delivery in time for known bidders to respond to the amendment. The superior court held, as a conclusion of law, that the State had a duty to waive Bowers' failure to acknowledge an amendment as an immaterial defect in the bid. The court found that waiver of the defect would not have granted Bowers a preference or have been unfair or prejudicial to the State or to other bidders. The Supreme Court determined that the superior court erred in substituting its judgment for the State's Department of Administration. The court reminded the lower court that judicial review of agency actions should extend only to whether there was a "reasonable basis" for the agency to decide that the bid in question was nonresponsive.

Matanuska Maid v. State of Alaska; Arden-Mayfair, Inc. v. State of Alaska, Supreme Court No. 2223 decided November 21, 1980. On May 23, 1978, appellants were served with an investigative demand issued by the Alaska Attorney General pursuant to his authority under the Alaska Unfair Trade Practices and Consumer Protection Act and the Alaska Restraint of Trade Act. Appellants challenged the constitutionality of the investigative demand procedures. Their challenge was in the form of a petition to the superior court to modify or set aside the demand. After a full evidentiary hearing on the merits, the superior court signed a judgment ordering the requested documents be produced. The Supreme Court agreed with the rationale of the superior court and upheld the investigative demand procedures.

State of Alaska v. Thomas & Sims, Supreme Court No. 2115 decided June 27, 1980. The State of Alaska petitioned for review of the superior court's granting of a Motion to Quash the order of a hearing officer of the Alaska Guide Licensing and Control

Board allowing the taking of a deposition of an out-of-state witness. The Supreme Court reversed the superior court and held that A.S. 44.62.440(a) does not require that a hearing be conducted on the facts alleged in a petition before a hearing officer may order the taking of a deposition. The court indicated that petitions filed pursuant to Section 440(a) may be granted by hearing officers without a hearing.

Vick v. Board of Electrical Examiners, Supreme Court No. 2320 decided April 3, 1981. The question in this case was whether an administrative agency properly refused to commence a license revocation proceeding against an electrical contractor. However, the more important administrative law questions were whether there should be a judicial review of the division's decision recommending that the board not process the accusation and whether a member of the public can compel the board to file an accusation. The Supreme Court rather hesitantly reviewed the division's decision and found that the board and the division did consider the matters put before them and that no abuse of discretion had been demonstrated. Further, the court found that a private citizen could not compel agency action by the filing of an accusation.

State of Alaska, Commercial Fisheries Entry Commission v. Polushkin, et. al., Superior Court No. 2300 decided February 27, 1981. The issue in these five consolidated cases was whether the right to peremptorily challenge a judge exists in an appeal to the superior court from a final administrative determination of the Alaska Commercial Fisheries Entry Commission. Petitioners, all of whom were parties to such appeals, attempted to peremptorily challenge the judge assigned to their particular case. Although the challenges were timely, they were denied as being unavailable in such proceedings. The provisions of A.S. 44.62.560-44.62.570 are applicable. The Supreme Court determined that a peremptory challenge of a judge does exist in an appeal to the superior court from a final administrative determination. The court was particularly swayed by the language of A.S. 44.62.570(c) and (d) which indicates that the superior court may exercise its independent judgment on the evidence before it and may augment the agency record in whole or in part or hold a hearing de novo.

[It is interesting to note that in *Halligan v. State of Alaska*, Supreme Court No. 2299, decided on the same day as the *Polushkin* decision, the Supreme Court did not allow a peremptory challenge to one petitioning the superior court for review of an order of the district court suppressing part of the State's evidence in a district court criminal prosecution. In that case the court held that the higher court was reviewing the subordinate's court ruling on the record of the proceedings in the district court and not exercising its independent judgment on the evidence. That distinction appears crucial in the court's interpretation of A.S. 22.20.022(a).]

BOARD OF GOV'S TRAIL...

[continued from page 7]

states his strong opposition to the legislature taking a role in the discipline and admission functions.

Board Effectiveness

The controversy over Sunset has raised the question in some of the bar membership's ranks of whether the board is effective. Board members were questioned as to their views of how well the board functions, and whether the board devoted adequate amounts of time to its various functions. Karen Hunt pointed to the controversy over Sunset together with the large amount of time devoted to Rule Making as possible reasons that the bar members might question board efficiency. She strongly suggests, however, that these doubts are misplaced. Rule making is a necessary function. She points out that the amount of time spent on the rule-making function is controlled by the need in recent years to update the rules. Nonetheless, Karen expressed concerns that the board must pay more attention to the questions of discipline and CLE. Since June 1980 she states that only two discipline matters have come to the attention of the board. The number of complaints coming in would seem to suggest that more board time would be necessary.

Not all members would agree with this analysis. Pat Kennedy claims that the board doesn't spend enough time on its rule-making function. She points out that gaps in the discipline rules (for example, no procedures for short-time suspension) may contribute to a perception that inadequate time is spent on discipline. She personally feels that there are no problems of getting the discipline matters resolved. While Dick Savell would agree with Karen that the amount of time spent on rule making was necessary (and he would go further noting that the unpleasantness of the rule-making function mitigates against this amount of time being spent in the future), he would agree with Pat Kennedy that the discipline function is also fully attended to. In another splendid analogy Dick says: "Discipline is like toast — it pops up. We can't define it in terms of too much. If it's there it must be addressed." Bart Rozell points out that the rule-making function does consume much time but agrees with Pat Kennedy that it is essential and aids the board in its other tasks such as discipline. While Bart felt that attention to the discipline process was an essential task for the future he pointed out that the bar had just reviewed all discipline cases and either set them for hearing or resolved them. This he adds was a direct result of rule changes. Stan Fischer though not negative to the allocation of time was not as definite in his conclusion. To him the question of whether of the board's procedures and the time spent on various matters were adequate was tough to answer. He noted that board matters other than rule making might on occasion be constructively delegated so that the board could spend an adequate time on the rule-making function.

Though the individual members differ in many respects, a clear consensus was reached that the Board of Governors is functioning viably. It is doing so as the result of much hard work by board members. Though the board members are not always certain why they commit themselves to the hours and the frustration those interviewed all did so in good humor.

LAW BOOKS FOR LESS

Pacific Law Books, Inc.
305 N. Main Street
Santa Ana, Calif. 92701

Phone: 714-543-1213
Ten minutes from
Disneyland

Jules Burstein Ph.D.*

FORENSIC PSYCHOLOGIST
3616 Sacramento St.
San Francisco CA 94118
(415) 567-4341

CONSULTATION & EVALUATION:

- Personal injury cases
- Worker's compensation
- Child custody
- Criminal responsibility
- Competence to stand trial
- Mentally disordered sex offenders

*Senior Clinical Staff — Alameda
County Criminal Justice Clinic

Will travel with advanced notice

Serving All Alaska

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

R & R COURT REPORTERS

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

New Procedures to Speed Judicial Process in Third Judicial District

With the hope of reducing the amount of time it takes to bring a civil case to trial, along with cutting the backlog of such cases awaiting to be heard, the superior court judges of Alaska's third judicial district have instituted new procedures. These policies will be fully implemented in late-February after the three new superior court judges here in Anchorage begin hearing their first cases.

After reviewing the problem for more than a year, the superior court judges have voted to change the Anchorage superior court case calendaring system, to speed-up the judicial process. It has been taking about eighteen months to dispose of a civil case, once an attorney has completed the initial preparations and asked the court system for a trial date. Judges and court administrators hope these new policies can reduce this time by four to six months, enabling citizens to have their cases heard faster, eventually leading to quicker settlements and decisions.

New Judges

To ease this problem, last year, at the request of the court system, the legislature created two new superior court positions in Anchorage, bringing the total to ten. There is also a superior court judge in Kodiak and one in Kenai. Beginning in mid-February Anchorage's superior court judges will be divided into two divisions: criminal, to hear criminal cases, and civil, to hear civil cases. Judges Seaborne J. Buckalew, Jr., J. Justin Ripley and Victor D. Carlson have been assigned to the

criminal division. Judge Carlson will also continue to handle family court matters. Judges Karl S. Johnstone, Milton M. Souter and Mark C. Rowland, along with the three new superior court appointees, Daniel A. Moore, Jr., Douglas J. Serdahely and Brian C. Shortell will be assigned to the civil division. Presiding Superior Court Judge Ralph E. Moody will continue to concentrate upon felony arraignments, most criminal pre-trial matters, and other duties as necessary. Judges are not expected to remain in the criminal division longer than two years, when they will be rotated into the civil division. An equal number of judges will then be rotated from the civil to the criminal division. Judges in the criminal division will also have the responsibility to travel throughout the district to hear criminal and some civil cases, since a superior court judge is needed in the district's rural courts about fifty weeks of the year. That duty will be rotated among the criminal division judges. Judge Ripley will be the first judge to travel.

Civil Backlog

Most of the judges have been assigned to civil matters, since these cases, excluding domestic relations, probate, and children's cases which are normally heard by special masters appointed by the court, make up about 88 percent of all superior court filings. Criminal matters amount to only 12 percent of total filings. Although there is a problem with the eighteen-month backlog of civil cases in Anchorage,

that isn't true for criminal cases, since state law requires them to be tried within 120 days, unless the defense

asks for a waiver of the 120-day time limit.

(continued on page 11)

BAR RAG Statewide Directory of Services

Anchorage

Pat Kling
Court Reporting Service
Suite 430, 11016 West Sixth Avenue
Anchorage, Alaska 99501
Telephones: 907-272-8445; 272-1060
Depositions • Hearings
Deposition room available
Xerox for copying exhibits

PHONE 276-2237
**ATTORNEY'S PROCESS
SERVICE INC.**
P.O. BOX 205
ANCHORAGE, ALASKA 99510
ROGER A. KANCHUK
PRESIDENT

Fairbanks

UNIVERSAL INVESTIGATORS
Have tow truck will travel
Property Recovery • Collections • Credit Reporting
Asset Locations • Background Investigations
Surveillance • Skip Tracing
Missing Persons
Child Custody
Tim Nowland
Sharon Nowland
Private Investigators
(907) 452-2820
1919 Lathrop St.
Suite 208 D-41
Fairbanks, AK 99701

Unalaska

ALEUTIAN MARINE
ACCIDENT
INVESTIGATOR

LICENSED PROFESSIONAL
ENGINEER

ROBERT A. MARMADUKE

Contact Unalaska Police Department

OUTSIDE

OPHTHALMOLOGIST
Experienced in Expert Review/
Testimony in Worker Compensation,
Product & General Liability,
and other Torts Litigation involving the Eye...
Eye Surgery Associates
2716 N. Upshur Street
Arlington, Virginia 22207
703-241-8878

info-search/n.w.
INFORMATION
ACCESS AND RETRIEVAL
Specializing in the
Health Sciences Literature
Jeanne B. Clark, M. Libr
P.O. Box 841
Bothell, Washington 98011
(206) 481-8410

IMMIGRATION
Keith W. Bell of the Alaska and Washington State bars, announces his availability to lawyers for consultations and referrals in US Immigration and Nationality Matters re: applications for non-immigrant and immigrant visas, admission to United States, adjustment of status to permanent residents, deportation hearings, and other proceedings before the US Immigration Service.
KEITH W. BELL
BURTON CRANE & BELL
1830 Bank of California Center
Seattle, Washington 98164
(206) 623-2468

POSITION AVAILABLE: Major U.S.-based, international general contractor seeks attorney possessing 5-10 years experience with an engineering or construction company. Background should include the review of pre-bid contracts, the preparation of non-standard contracts, and the resolution of claims arising subsequent to project start-up. Send replies in confidence to:

J.A. Jones Construction Co.
Box 31066
Charlotte, North Carolina 28231
An Equal Opportunity Employer M/F/H

WHAT IS A BUSINESS REALLY WORTH??

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

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

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

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

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

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

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

(206) 454-4850

A & J Business Services
Professional Secretarial Services
Dependable — Accurate
Confidential
419 Atlantis Avenue Alice W. Hazel
Anchorage, Alaska 99502 274-5764

RIGHT OF WAY ACQUISITIONS • GOVERNMENTAL
ACQUISITIONS • TITLE & OWNERSHIP
RESEARCH • NEGOTIATIONS • OWNER & AGENCIES
LAND ACQUISITION •
APPRAISALS • LICENSED REAL ESTATE BROKER
ALAN C. TRAWVER
SR/VA CRA
TRAWVER LAND SERVICES
5923 ROWAN STREET
ANCHORAGE, ALASKA 99507 •
TELEPHONE (907) 344-2433

World Wide Travel, Inc.
The BAR's CLE agent
277-9571
P.O. Box 2305
4011 Arctic Boulevard
Suite 203
Anchorage, Alaska 99510

McHENRY
DETECTIVE AGENCY
D. Michael McHenry

3302 Strawberry Rd. Telephone:
Anchorage, AK 99502 (907) 243-1226

**Alaska Process
Service, Inc.**
P.O. Box 2502
Anchorage, Alaska 99510
All legal process asset reports
Diane Hinshaw/Bob York
279-8222

Ethics Opinions Available

Randall Burns, Executive Director, announced that updated binders with all ethics opinions adopted by Board of Governors are being distributed to law libraries throughout Alaska. Beginning with opinions adopted in 1968, the binder now contains forty (40) opinions.

68-1

Propriety of law office sharing of office space with insurance business. (Adopted 12/14/68)

68-2

Propriety of political advertising by attorney candidates. (Apparently not adopted)

69-1

Propriety of formation of partnership between lawyers admitted in Alaska and lawyers not admitted in Alaska. (Adopted 3/1/69)

69-2

Propriety of an attorney writing an article for a newspaper or magazine; appearance of attorney's name together with an indication that he is an attorney. (Adopted 10/31/69)

69-3

Propriety of lawyer publishing in a newspaper an announcement of the change in location of his office. (Adopted 10/31/69)

69-4

Propriety of lawyers owning or occupying space in "Anchorage Legal Center." (Adopted 10/31/69)

69-5

Responsibility of Alaska lawyers as regards their association with attorneys admitted in Alaska under Civil Rule 81. (Adopted 4/28/69)

71-1

Propriety of communication with an employee of a governmental entity by a lawyer engaged in litigation against that governmental entity. (Adopted 4/14/71)

71-2

Propriety of signs containing lawyers' or law firms' names which are visible from a public street. (Adopted 5/26/71)

71-3

Propriety of formation of firms between lawyers admitted in Alaska and lawyers not admitted in Alaska. (Adopted 5/26/71)

72-1

Propriety of use of attorney's name in student yearbooks, patron lists for concert series, and similar publications. (Adopted 1/30/72)

72-2

Interpretation of former Canon 9 of the Canons of Professional Ethics and the recently adopted disciplinary Rule 7-104(a)(1) of the Code of Professional Ethics (i.e., communication upon subject in controversy by opposing attorney with a party represented by counsel). (Adopted 1/30/72)

73-1

Use of Legal Assistant as constituting unauthorized practice of law. (Adopted 10/6/73)

74-1

Propriety of agreements between plaintiff and one of two co-defendants which changes alignment of one or more parties. (Adopted 5/15/74)

74-2

Propriety of "referral fees." (Adopted 5/15/74)

74-3

Propriety of a contingent fee contract where client can afford to pay for services at an hourly rate. (Adopted 10/11/74)

75-1

Propriety of name published in certain buyers guides, directories, etc. (Adopted 2/1/75)

75-2

Propriety of an attorney accepting private employment in a matter in which he had substantial responsibility while he was a public employee. (Adopted 10/17/75)

76-1

Propriety of an attorney who is a member of a legislative body or members of his firm practicing or representing clients before that legislative body. (Adopted 7/30/76)

76-2

Propriety of certain firm signs and the use of the name "Alaska Legal Clinic." (Adopted 6/1/76)

76-3

Propriety of an attorney in the public practice of law continuing to represent two defendants in a criminal appeal in which there is a substantial potential conflict of interest between the two defendants. (Adopted 6/1/76)

76-4

Approved and adopted as Ethics Opinion 78-3.

76-5

Attorney obligated to explain different types of fee arrangements to clients although attorney may only take cases under one or more of the arrangements. (Adopted 10/15/76)

76-6

No opinion with this number was ever issued by the Ethics Committee; apparent misnumbering error.

76-7

Ethical duty of attorney with respect to physical evidence coming into his possession during representation of a criminal defendant. (Adopted 10/15/76)

76-8

Propriety of an attorney in private practice representing clients whose cases were pending before a judge while he was the judge's law clerk. (Adopted 10/15/76, amended 3/31/79)

76-9

Unethical for attorney to instigate or participate in the employment of an investigator on a contingent fee. (Adopted 10/15/76)

77-1

Opinion withdrawn 6/6/79 (copy of opinion included).

77-2

May an attorney hold a client's papers pursuant to the attorney lien statute when the papers would be helpful to the client in pending litigation? (Adopted 12/2/78)

77-3

Propriety of an attorney or firm which represents a client in a civil case to collect a debt also initiating a criminal prosecution for violation of a statute which makes failure to pay a crime. (Adopted 12/2/78)

78-1

When may an attorney record a phone conversation? (Adopted 10/28/78)

78-2

Opinion not adopted 6/6/79 (Copy of opinion included).

78-3

Is there a conflict of interest if a

law firm represents a defendant in an action filed on behalf of a plaintiff by an attorney, that, before trial, joined the defendant's law firm? (Adopted 12/2/78)

78-4

Whether it is proper for an attorney representing the plaintiff, in a personal injury context, to directly contact the claims supervisor for the defendant's insurer, despite objections by defense counsel. Likewise whether it is appropriate for the plaintiff's attorney to continue a conversation with a claims representative of the defendant's insurer, when that contact is initiated by the claims representative. (Adopted 10/28/78)

78-5

Whether it is ethical for an employee of Alaska Legal Services to refer ineligible clients and fee-generating cases to individual lawyers within the community rather than to the statewide lawyer referral office in Anchorage. (Adopted 3/31/79)

79-1

Whether it is proper for an attorney to charge interest on unpaid portions of a billing. (Adopted 5/19/79)

79-2

Is it proper for an attorney or an attorney's agent to go to the trash receptacle used by opposing counsel and remove materials that were discarded in the normal cause of operation? (Adopted 9/9/79)

79-3

Can a law firm, regardless of its business form, ethically employ an accountant to perform services for the firm and for its clients? (Adopted 10/26/79)

79-4

Whether it is proper for the ALSC Board of Directors to review client eligibility determinations and whether a conflict of interest exists where a Board member and his firm represents an opponent of an ALSC client. (Adopted 5/1/80)

80-1

Propriety of attorney remitting to his client monies the attorney received on the client's behalf when the attorney either knew or should have known that there were liens on that money; propriety of an attorney filing a proper offer of judgment when that attorney is aware that there are not funds available to pay the judgment, if accepted. (Adopted 9/8/80)

How to protect the most valuable asset you'll ever own: your income



You may not realize it, but you're in two businesses. The first is the business you work in. The second is your home and family.

Your second business' most important asset is your ability to earn income in your first business.

Every four minutes some man, woman, or child is disabled for life, according to the National Association of Insurance Commissioners.

And in cases where the breadwinner is disabled, only 8% of all American families have \$2,000 or more in ready cash to see them through.

At Connecticut Mutual we provide for you when you can't provide for yourself. We don't want you to risk losing your greatest mainstay: your income. And nothing protects your income like one of our disability income protection plans.

For more information, please write or call me at:

**Bill Barnes, Box 8P, Anchorage, Alaska 99508
(907) 333-9218**

**Connecticut
Mutual Life**

The Blue Chip Company Since 1846

HOME FEDERAL introduces the OWNER/BUILDER PROGRAM

Home Federal's Owner/Builder Program offers you a chance to build your new home the way you always wanted it to be. Home Federal specializes in helping people build their own homes. Why not call the mortgage department today for more details on the Owner/Builder program, 272-1451.



FEDERAL
SAVINGS
AND LOAN
ASSOCIATION



535 D STREET ANCHORAGE, AK 99501 272-1451
ACROSS FROM PENNEY'S AND NORDSTROM'S

THE BAR RAG THANKS ITS CONTRIBUTORS

A list of People who have contributed their help to the BAR RAG

John Abbott
Russ Arnett
James Arnold
Richard Avery
Bob Bacon
Le Ellen Baker
William Barnes
Judith Bazeley
Allan Bailey
Joe Balfe
Ralph Beistline
Peggy Berck
Jim Bendell
Maureen Blewett
James Blair
William Boggess
Gunnar Branson
Joseph J. Brewer
Keith Brown
Ed Burke
Sharon Burke
Randall Burns
Dave Call
James Cannon
Henry Camarot
Ann Chandonnay
Diana Conway
Roger Connor
Chris Cooke
Craig Cornish
Beverly Cutler
James DeWitt
Stanley Ditus
Loren Donke
Robert Doss Jr.
Ken Eggers
Jim Erickson
Kit Evans
James Fitzgerald
Frank Flavin
Didi Ford
Gail Fraties
Jack Fyfe

William Garrison
Nancy Gordon
Norman Gorsuch
Mark Grober
Mark Gruenberg
Bernd Guetschow
Susan Hallock
Kathleen Harrington
John Havelock
Patsy Hernandez
Roger Holl
Stan Howitt
Karen Hunt
Ken Jarvi
Ken Jensen
Carol Johnson
Joe Josephson
Joe Kalamarides
Wendell Kay
Pat Kennedy
Andy Kleinfeld
Marian Kowacki
Ron Kull
Kristie Leitis
Mickie Levins
Karen Lew
Shirley Lotz
Ames Luce
Ronald Mallen
Richard Metcalf
Les Miller
Ralph Moody
Mike McHenry
Buck McLean
Joanne Myers
Sharon Naughton
John Norman
Richard Peter
Arthur Peterson
Laurel Peterson
Shirley Pitts
Jay Rabinowitz
Edward Reasor

Robert Rehbock
Jim Rhodes
Justin Ripley
John Roberts
Ken Roberts
Paul Robinson
Wayne Ross
Bud Root
Bart Rozell
Michael Rubinstein
Harris Saxon
Dick Savell
Mark Sandberg
Camaron Sharick
Dave Shaftel
Tom Schulz
Barbara Schumann
Tony Smith
Frank Smith
Ed Stahla
Francis Stevens
Bradley Stockwell
John Strachan
Al Szal
Robin Taylor
William Van Doren
Vince Vitalie
Ken Wallack
Larry Weeks
Lis Werby
Richard Weinig
Donna Willard
Doug Williams
Richard Whittaker
Terry White
Donn Wonnell
Bob Westmoreland
Thomas Yerbick
and not least:
Harry Branson
Rand Dawson
Bill Ford

Thank you!

NEW PROCEDURES... [continued from page 9]

Judges have implemented other changes, which they think will also speed the process, help to eliminate unnecessary delays, and increase the likelihood that civil cases can be settled out of court. That has required a change from the master calendaring system, where court hearing dates and judges are centrally assigned and scheduled. In the past a judge was first assigned for the pretrial matters on a case. At the time of the trial itself, another judge was assigned to hear the case. That sometimes resulted in a duplication of effort and unnecessary delays, since several judges and their respective staffs would have to research and review the same case and motions.

This master calendaring system caused other problems, although not as serious, which caused the possibility for fewer pretrial settlements and more delays. Attorneys on either side, seeing that the judge handling the pretrial matters wasn't really sympathetic to their side, could hope that a more favorable judge would be assigned to conduct the trial. Therefore there was less incentive to settle the case outright. That caused the potential for abuse, in both delaying tactics and in so-called "judge shopping." Attorneys could try various legal maneuvers to try to postpone their case, hoping that they could thereby wait until the normal rotation of judges assigned to various cases would take them to the exact judge they wanted to hear the matter. Therefore attorneys for both sides often had little inclination to settle the case during its early stages, hoping they could get a more favorable outcome for their client by getting another judge. Therefore with one judge handling the issue from the beginning to the end, it is felt cases will be completed quicker, since attorneys will spend more time trying to settle their case with the judge who has the ultimate authority and familiarity with the matter.

The final major change involves the calendaring system itself. Criminal case motions, hearings, and trial dates will continue to be set by the Anchorage trial court calendaring department. The judges handling civil cases will set their own calendars. This individual calendaring system will enable judges to manage their own caseload. The judge is most knowledgeable about which cases can be settled out of court and which might have to go to trial, and if so, how long and complicated the proceeding could be. Therefore the judge can best schedule these matters, so that they don't interfere with each other, and cause unnecessary postponements and delays. Cases that are likely to be settled out of court, can be scheduled near those cases which are more complicated and which will probably require a trial to resolve the issue. Likewise difficult cases won't be scheduled around the same time, so that the judge and his staff have adequate time to prepare and conduct the case.

This new system does provide more accountability about how the judge and his staff are handling their caseload. With one judge managing the entire case from start to finish, he will have a greater responsibility for how long the matter is taking. It thereby becomes much easier to determine how efficiently he and his staff are disposing of their caseload. This provides a fairer method for fellow judges and the court system itself to evaluate a judge's performance, and to make suggestions for improvement, if necessary.

The judges and magistrates of Alaska's third judicial district are located in Anchorage, Homer, Kenai, Kodiak, Valdez, Cold Bay, Cordova, Dillingham, Glennallen, Naknek, Palmer, St. Paul Island, Sand Point, Seldovia, Seward, Unalaska, and Whittier, and serve their surrounding communities.

Did you know
that
SECURITY TITLE
now has sale guarantees?

For further information

Call Bill McCampbell
or Carolie Bangs

276-0909



711 "H" STREET
ANCHORAGE, AK 99501



GUILTY!!

CHARGES:

1. Chargeable Time Not Being Billed
2. Inadequate Maintenance of Client Information
3. No True Accounting Control

DEFENSE:

1. Safeguard Time Control System
2. Safeguard New Matter System
3. Safeguard Accounting System

SENTENCE:

Suspended! Call local Safeguard rep for information and FREE LITERATURE on "Complete Systems Approach to Law Office Accounting."



2028 E. Northern Lights Blvd.
Anchorage, Alaska 99504
(907) 276-3434

☐ Have Safeguard come to my defense.

Name _____

Address _____

City/State/Zip _____

Phone No _____

Rabinowitz Delivers State of Judiciary Message

The judiciary is in good shape, Chief Justice Jay A. Rabinowitz assured the Legislature in his annual State of the Judiciary message on May 7, 1981.

Expressing gratitude for the new Judgeships, Court of Appeals, and Judicial Salary increases, Rabinowitz noted that morale is high, backlogs are down, and recurrent problem of calendaring, case management, and sentencing are being successfully addressed.

Court of Appeals

He particularly emphasized the creation and successful organization of the Court of Appeals, both in dealing with backlog of criminal appeals and with freeing the Supreme Court so that it might concentrate on its civil caseload. As of September 1981, Supreme Court cases should be decided shortly after oral argument, since the backlog will be virtually eliminated.

Judicial Council

The Judicial Council was praised for its work in evaluating the candidates for the numerous judicial vacancies filled in 1980, as well as the retention elections. The Council's research function is also important, and there continues to be a need for such studies as those recently done on racial bias and length of sentences. He lauded outgoing Anchorage businessman Ken Brady for his 12 years of service to the Judicial Council.

New Courthouse

Next year's Court System Budget request is for \$32 million, an increase of 6% (after inflation). The most important request in the capital budget is for funds for site acquisition and planning for an addition to the existing Court complex in Anchorage. The time is right for acquisition of the land in question, and there is a genuine need for the additional space, Rabinowitz said.

The new Court building should be completed in 1986 and will allow for the return of the Judicial Council, the Administrative Office of the Alaska

Court System, the Attorney General's Office and the Public Defender's Office as well as for new Courtrooms and offices for judicial support personnel.

Conclusion

In the public perception, judicial delay and too lenient sentences are chiefly responsible for the breakdown of order and erosion of public safety. While admitting to a need to streamline the criminal justice system, Rabinowitz emphasized that harsher sentences were not the answer to the problem of crime.

Chief Justice Burger in this same address made the significant point that the "war" on crime will not be won simply by harsher sentences, nor by harsher mandatory minimum sentences, nor by abandoning the Bill of Rights. Similarly, I am convinced that the roots of crime lie in sociological, psychological, and economic causes, including the breakdown of restraints formerly imposed by the family, the community, and organized religion. Thus, I think it a somewhat superficial analysis of the complex problem of crime to assign primary blame to the judicial branch of government.

What Alaska's courts can provide within our system of constitutional guarantees is to accord to society and the accused both a speedy trial and an expeditious appellate resolution of the case. The causes of crime and its elimination are complex and call for reasoned responses from all branches of government, from our religious and educational institutions, and from our families, particularly in the directions and values which Alaskan parents transmit to their children. I can assure you that all of us in the Alaska judiciary, our spouses and children, are part of the fabric of Alaska's society and that we also desire and are deeply committed to the attainment of a free and secure way of life in Alaska. Despite that fact that solutions are not readily apparent, we in Alaska's judiciary will continue our efforts to improve the criminal justice system.

WILL OF HERMAN OBELWEISS

An Actual Will Filed For Probate in Anderson County, Texas

I am writing of my will mineselluf that dam lawyer want he should have too much money, he asked to many answers about family, first think I want I dont want my brother oscar have a dam ting what I got. he done me out of forty dollars fourteen years since.

I want it that hilda my sister she gets the north sixtie akers of at where I am homing it now. I bet she dont get that loafer husband of hers to broke twenty akers next plowing time. she cant have it if she lets oscar live on it i want it i should have it back if she does.

Tell mama that six hundred dollars she been looking for for twenty years is berried from the backhouse behind about ten feet down. she better let little frederick do the digging and count it when he comes up.

Paster lucknitz can have three hundred dollars if he kiss the book he

wont preach no more dumhead polotics. he should have a roof put on the meetinghouse with (it) and the elders should the bills look at.

Mama the rest should get but i want it that adolph shud tell her what not she do so no more slick irishers sell her vokum cleaners dy noise like hell and a broom dont cost so much.

I want it that mine brother adolph should be my execter and i want it that the jedge make adolph plenty bond put up and watch him like hell.

Adolph is a good business man but only a dumkoph would trust him with a busted pfenning. i-want dam sure that schlemic oscar dont nothing get. tell adolph he can have a hundred dollars if he prove to jedge dont get nothing. that dam sure fix oscar.

(signed) Herman Obelweiss

January Iowa Bar Association, "The News Bulletin."

ESTATE PLANNING SEMINAR

Plans are underway for an all-day seminar Tuesday, May 19th at the Captain Cook Hotel, sponsored jointly by the CLU Society and the Estate Planning Council. Nationally acclaimed speakers William Lynch, Esq. and Robert Grieg, CLU will be in town for the occasion. Details regarding topics and registration will be included in the next newsletter.

Andrea MacDonald
Estate Planning Council
274-3392

I think we may class the lawyer in the natural history of of monsters.

(John Keats: Letter to George and Georgiana Keats, March 13, 1819)

Whether you're an honest man or whether you're a thief, depends on whose solicitor has given me a brief.

(W.S. Gilbert: Utopia Unlimited, I, 1923)

POSITION OPEN

Alaska State District Council of Laborers needs a young attorney with labor law experience for full time staff position. Salary negotiable. Contact Jim Robison, P.O. Box 899, Anchorage, Alaska 99510. AC 907-276-1640.

This newspaper printed by

CLAY'S QUALITY PRINTING

specializing in

- ✓ Legal Briefs
- ✓ Letterhead Stationery
- ✓ Forms
- ✓ Envelopes
- ✓ Brochures
- ✓ Pamphlets
- ✓ Business Cards
- ✓ Invoices

etc.

Free pick up and delivery in Anchorage area.

243-6178

SMALL TALK.

New Microcassette recorder fits both your hand and your wallet.

Smallest of the famous Pearlorder recorders, the S202 is also priced the lowest! It tucks into a shirtpocket, measures only 4.8" x 2.6" x 1" and weighs just 8.5 oz. with batteries, yet belts out 60 minutes of heavy-weight sound per Microcassette. Travels anywhere with you for office memos, recorded letters, interviews, etc.

The beautifully engineered controls can be operated simply with a fingertip to Play, Record, Stop, Rewind, Cue/Fast Forward. Volume control and red Record button are top-mounted to avoid errors.

Standard features include Recording Indicator/Battery Check Lamp (LED), flip-open cassette compartment, external mike and earphone jacks. Optional accessories let you record from your telephone, plug into car or speakers, even your hi-fi system. Come try the S202, let your ears (and your wallet) convince you.

Only \$119⁹⁵

MICROCASSETTE[™]
AN OLYMPUS DEVELOPMENT

Pearlorder[™] S202
BY OLYMPUS OPTICAL CO., LTD.



Yukon Office Supply, Inc.

3150 C STREET
POUCH 6622, ANCHORAGE, ALASKA 99502

TELEPHONE: (907) 276-5088

Sales • Service • Rental