

The Alaska BAR RAG

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Anchorage Bar Association Enters the Computer Age

By Diane Vallentine

The Anchorage Bar Association has taken over the contract for the WESTLAW computer terminal that is currently housed in the library in order to make it available to members of the Anchorage Bar Association and the public.

The following procedure has been set up. Anchorage Bar Association members will be charged \$2.00 per minute (\$120.00 per hour) for computer time. All others will be charged \$2.50 per minute (\$150.00 per hour).

Those firms that wish to establish an account should mail an initial deposit of \$120.00 to the Anchorage Bar Association at P.O. Box 3715, Anchorage, Alaska 99510, or bring a check to the law library. Each firm should also provide a short letter listing those members of the firm authorized to charge time on behalf of the firm.

Persons who do not have an established WESTLAW account at the library will be charged for computer time when the search is performed. Payment must be made in full at that time — by CHECK only.

Those of you familiar with the WESTLAW system should contact Cynthia Fellows at 264-0587 for information on performing the search yourself. Otherwise, the library staff will be assisting on search requests and will try and get requests back within 48 hours. If your firm wants to have someone trained to use the system, please contact Diane Vallentine at 277-1604 or Stan Howitt at 276-1246. The Anchorage Bar Association has made arrangements to have a WESTLAW representative here for an initial introductory training session slated for October 9th, 1982 (see our ad).

Search request forms may be turned in at the library between 8:30 a.m. and 4:00 p.m., Monday through Friday.

All Searches Will Be Kept Strictly Confidential

For those of you unfamiliar with the WESTLAW system, this is a short list of some of the many functions the computer can perform:

1. It can Shepardize cases in seconds. In this regard, it can also Shepardize for specific headnotes for information as to whether the case has been overruled or modified only.
2. It can search out forensic specialists and provide you with information regarding their qualifications, what cases they have been involved in, etc.

3. It contains a complete tax library, including IRS Rulings, Letter Rulings, Federal Tax Court Decisions, Treasury Department Orders, IRS News Releases, and Tax Notes.

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If you have any further questions, please contact Diane Vallentine, Stan Howitt or Cynthia Fellows.

Welcome to the Legal Beagle Computer Age!

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When Is a Fur Not a Fur? Part II

THE SUPREME COURT OF THE STATE OF ALASKA

JAMES F. STARRY,)
Appellant,)
v.)
HORACE MANN INSURANCE)
COMPANY,)
Appellee.)

File No. 6472
OPINION

[No. 2548—August 27, 1982]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Daniel Moore, Judge.

Appearances: Kenneth O. Jarvi, Anchorage, for Appellant. Kenneth P. Jacobus and Joe M. Huddleston, Hughes, Thorsness, Gantz, Powell & Brundin, Anchorage, for Appellee.

Before: Burke, Chief Justice, Rabowitz, Connor and Compton, Justices, and Carlson, Superior Court Judge.* [Matthews, Justice, not participating].

COMPTON, Justice.

Presented in the guise of a simple problem of insurance coverage, this peculiarly "Alaskan" controversy raises a profound, albeit hairy question: is a "bear hide wall mount" a "fur" within the scope of an insurance exclusionary clause? Difficult stated, "When is a fur not a Fur?"

I. Bear Facts

The bear hide wall mount in dispute was displayed on the living room wall in James F. Starry's home. The hide was prepared as a rug, in a stretched-out fashion with the head and claws attached.² A burglar, as it were, left the wall bare, as it wasn't. Starry filed a claim with his insurer, Horace Mann Insurance Co. (Horace Mann) to recover \$5,000.00, the value of the bear hide mount, and for incidental damages to the home resulting from the unlawful entry.

Horace Mann, baring claws of its own, invoked the policy's exclusionary clause and offered only partial compensation for the bear hide. The exclusionary clause provided:

This Company shall not be liable for loss in any one occurrence with respect to the following property for more than . . . (4) \$500.00 in the aggregate for loss by theft of jewelry, watches, necklaces, bracelets, gems, precious and semi-precious stones, gold, platinum and furs including articles containing fur which represents its principal value; . . . [Emphasis added].

Perhaps estimating the difficulty of convincing another brown bear to trade a life in the wilderness for posterity in the Starry home, Starry initiated this suit against Horace Mann, seeking recovery of the full value of the bear hide and an award of punitive damages.

The parties filed cross motions for summary judgment. In an affidavit in support of his motion, Starry contended that he did not obtain supplemental insurance for the bear hide mount, as he did for other items subject to the exclusionary clause, because he did not "understand a bear hide to be a fur." His understanding was that the bear hide mount was "a trophy, and not a fur."

Starry submitted the affidavit of

Perry Green, an Anchorage furrier, stating that "Brown bear rugs and mounts are not furs, anymore than a moosehead mounted on a board would be considered a fur. A Brown Bear rug is a trophy. . . . A Brown Bear is a hair animal and not a fur."

In contrast, Horace Mann submitted the affidavit of Gerald A. Victor, another furrier in Alaska, who stated in part:

It is well known that bears have fur. The quality of the fur on a bear rug is an integral factor in determining its worth. It is certainly true that the existence of fur on a bear rug represents its principal value. If one were to remove all of the fur from a bear rug it would be virtually worthless. It is well known that hunters who wish to bag a bear for the purposes of making it into a rug are very concerned with the quality of the bear's fur coat. For this reason bears who are being hunted for this purpose are often taken in the Spring when their coats are at their richest.

The court entered partial summary judgment on the contract claim in favor of Horace Mann. The judgment was certified as final pursuant to Civil Rule 54(b) and this appeal followed.

II. Bear Coverage

An insurance policy "is construed so as to provide that coverage which a layman would reasonably have expected given his lay interpretation of the policy terms." *Continental Insurance Co. v. Bussell*, 498 P.2d 706, 710 (Alaska 1972). We have also recognized "the rule that provisions of coverage should be construed broadly while exclusions are interpreted narrowly against the insured." *Hahn v. Alaska Title Guaranty Co.*, 557 P.2d 143, 145 (Alaska 1976). Ambiguities are resolved against the insurer. See *Puritan Life Insurance Co. v. Guess*, 598 P.2d 900, 904 (Alaska 1979). Of course, the preference due an insured's interpretation is only applicable where the insurance provision in dispute is ambiguous.

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Corporations Agency Expands Services

by **Willis F. Kirkpatrick**, Director
Alaska Department of Commerce
and Economic Development
Division of Banking and Securities

Willis F. Kirkpatrick, Director of the Alaska Division of Banking and Securities, has announced a project aimed at being more responsive to the needs of those who file under Title 10 (corporations and associations) of the Alaska statute and those who are users of the corporation's files.

A recent operational review has helped to determine ways to make the agency more efficient and responsive to public needs, and has already resulted in a reduction of the backlog of pending corporate review and certification.

Increased Communications

The next step will be to open lines of communication and develop an interchange of ideas or at least a dialog between the agency, corporate officers and legal practitioners in order to gain a better understanding of areas of need and problems that need addressing.

Corporate information is now available through the Banking Section's field office in Anchorage. This office has computer terminal access to the corporation files data base, which is currently

being increased to include officers, directors, controlling persons and alien affiliates. Filings for record must still be made in Juneau, but all necessary forms can be obtained at the Anchorage office.

The Corporations Sections of the Division of Banking, Securities, Small Loans and Corporations in Juneau currently has six employees with an additional clerical position soon to be added. Besides the supervisor, Jan Clemetson, there are two examiners, two document processors who review reports, process documents and maintain trademarks, registrations and reservations of names, and one person who processes mail, receipts funds, distributes correspondence, and responds to information requests.

One common plague of all State corporation agencies is the return of documents which have been submitted for filing. The return percentage in Alaska has reached as high as 75% and averages close to 50%, which means that at least every other document submitted does not meet the statutory provisions necessary for filing. It is anticipated that better communications with practitioners will substantially reduce the percentage of returns. Also, it is a two-way street, as submissions have sometimes been returned unnecessarily by the agency. This problem will be addressed as well.

Filing Guidelines

Some of the more frequent causes for documents being returned unprocessed are:

1. A name is not available or the

name is deceptively similar to one already on file.

2. The application or the document is not complete.
3. Signatures are missing.
4. Signatures are not notarized.
5. Articles are not in compliance with statutory requirements.
6. Required duplicate originals are not submitted.
7. Incorrect funds are submitted, in that fees do not match the required amount.
8. Documents received are classified as illegible. Because all corporate documents filed are microfilmed, it is important that original copies be typewritten, not on onion skin, or colored paper, and that the signatures be signed in dark ink. As microfiche jackets are utilized, paper size should be 8½"×11" whenever possible.
9. Lack of appropriate supporting documents as specified by the applicable guidelines.

Practitioners are urged, when working with their corporate clients, to have them review the reports and filings prior to sending them in.

Another Obstacle

Another obstacle to timely processing is the telephone. Even with the Anchorage field office, the Juneau staff devotes five to six man-hours per day to the phone. It is unfortunate that many of the callers wish only to determine if documents have been received, and if so, what the expected examination date is. If acknowledgment of receipt would be helpful, practitioners may wish to consider an enclosed stamped return card or return receipt, certified mail.

The section is currently working on an improved tracking system to advise status of documents in process.

Requests are received for special consideration in expediting the examination of documents ahead of others. This is allowed only in critical situations, otherwise corporations are processed in order of receipt. The Corporations Section will not discriminate in the processing of one organization ahead of another.

Over the past two years the agency has received an increasing number of "NSF" checks. Because of the amount of work in processing these, a requirement that corporate filing fees and taxes be paid by certified check or money order is being considered. This, of course, would not include payment for public documents.

Numerous Problems

Numerous problems occur with Service of Process procedures. The summons and complaint must be in duplicate and submitted with the service fee of \$10.00. As several State agencies handle Service of Process, it is requested that a cover letter be included advising the statute under which the service is requested and the name and address of the persons being served. Because the registered agent is the person upon whom service is made, the address of the registered agent must be a street address, as a post office box number is of little assistance when Service Process by a process server is necessary.

In order to assist attorneys in dealing with the agency, seminars for secretaries are being considered, as are speaking engagements where exchanges can be made and complaints aired in order to better serve the public's needs. Mr. Kirkpatrick will be speaking before the Anchorage Bar Association at the October 1, 1982 meeting, where he will discuss the present and projected services offered by his agency.

ASSOCIATE with approximately one year's experience needed in medium-sized law firm. We need someone who can handle the basic day-to-day flow of pleadings and who can hold down the fort while partners are at trial. Our firm is primarily a litigation firm with emphasis in criminal, personal injury and business litigation.

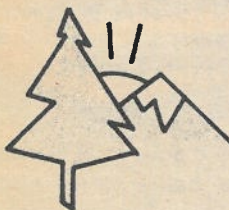
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The City of Brotherly Love

It seems such a long time ago
That my family and I decided to go
From Alaska,
To the City of Brotherly Love.

We packed the car and off we went.
Drove all the way 'cross the continent,
To the City of Brotherly Love.

We got there Thursday afternoon,
But couldn't find any breathing room,
In the City of Brotherly Love.

The buildings were tall, blocking out
the sky.

They look damn near three silos high,
In the City of Brotherly Love.

We finally pulled up to the hotel's
side door,

Only to be met by the bellman's roar
In the City of Brotherly Love.

"You must unload at the front door,"
he said.

I wondered why, I scratched my head.
I don't understand,
The City of Brotherly Love.

We returned to the car and drove
for days,
Through Philly's streets, a confused
maze

In the City of Brotherly Love.

We finally found the hotel's front.
To find a porter was another stunt,
In the City of Brotherly Love.

An Alaskan's money just won't last!
I saw my wallet dwindling fast,
In the City of Brotherly Love.

Seven-Fifty a day, they bill
To park my car; a bitter pill
From the City of Brotherly Love.

Thereafter to the front desk we went
To register and pay our rent,
for our room
In the City of Brotherly Love.

After standing in line half the
afternoon,
We finally were assigned our room,
In the City of Brotherly Love.

We ordered up a bucket of ice,
To have a drink, that would be nice;
A drink.
To the City of Brotherly Love.

In Alaska all the ice is free.
It's over four bucks a bucket in Phil-ly!
This City of Brotherly Love.

"Next time order your ice in the
morning!"
Our bellboy said with a stern warning,
In the City of Brotherly Love.

"Demand for ice exceeds capacity!
You're not at home, but in the big city!
The City of Brotherly Love!"

On Sunday morning, to church I went.
I asked directions of a local gent,
Of the City of Brotherly Love.

"Don't go that way, and this way,
Beware!

There's often muggers in the alley
there,
In the City of Brotherly Love."

I followed his directions to a T,
And wished I had my 45 with me,
There, in the City of Brotherly Love.

While returning to the hotel, through
city squalor,
Two separate panhandlers asked me
for a dollar,
In the City of Brotherly Love.

One night, I took the bride out to eat.
Alaskan hungry, I wanted meat.
served,
In the City of Brotherly Love.

I ordered prime rib from the
menu's fare,
And requested it juicy, tender,
and rare,
In the City of Brotherly Love.

An hour later, the waiter came back.
"Order something else; prime ribs
we lack!"
In the City of Brotherly Love.

While I really wanted his neck
to break,
I settled on a filet steak,
In the City of Brotherly Love.

My \$16 steak was kinda small.
It dented my hunger not at all,
In the City of Brotherly Love.

My wife had ordered spinach salad.
The waiter returned, his color pallid,
In the City of Brotherly Love.

"We're out of spinach salad too!"
In wondered if I was in Timbuktu,
Instead of
The City of Brotherly Love.

We changed her order and finally ate.
I wondered if I was starting to hate
The City of Brotherly Love.

We paid the bill and later

uttered damns,
When we found we'd been overcharged
20 clams,
In the City of Brotherly Love.

Now I've been in a lot of places,
Under various circumstances with
many races,
Different than
The City of Brotherly Love.

And there's no place more from which
I was glad to go,
Than Philly, before it got all my
dough. . . .
The City of Brotherly Love.

You can't wear a revolver on the street.
If you tried it, I'm sure a cop
you'd meet.

And yet there's a lot of those
who cheat,
In the City of Brotherly Love.

I didn't see a moose in an entire day.
It seems all I did there was pay
and pay.

I sure was glad when I was on my way,
From the City of Brotherly Love.

And tho I'm gone, I have one regret,
Aside from the prime rib I never et,
And that is that I still haven't met
Brotherly Love in the City of Brotherly
Love.

— Wayne Ross

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All My Trials

By Gail Roy Fraties

Our annual Bar convention has come and gone — and, as usual, hardly anyone attended. This is, of course, traditional with the Anchorage Bar, particularly when the convention is held in this city. I can't imagine how anybody with a moment to spare could pass up a hot item like "Off The Record" (videotape, 9:00 a.m. to 12:00 noon on Thursday, May 20), but there it is.

The Stuff to Give to the Troops

Some of my readers have suggested an agenda more closely attuned to the needs of the Alaska practitioner, and fortunately we have no lack of qualified instructors in a number of vital areas of interest at all. Consider the mass appeal of the following:

Proposed CLE Session

101 Unanswerable Arguments for a Continuance — Edward J. Reasor and Edgar Paul Boyko.
9:00 a.m. to 12:00 noon.

Intimidation Through Motion Practice — Phillip P. Weidner, Walter Share, David Manheimer (a panel).
9:00 a.m. to 12:00 noon.

Early Retirement Made Easy — Joseph D. Balfe
2:00 p.m. to 2:15 p.m.

Controlling Trial Counsel Through Body Language — Judges Victor Carlson and J. Justin Ripley (who will expand upon his recent article, "The Lifted Eyebrow as a Lethal Weapon").
2:00 p.m. to 5:00 p.m.

Similarly, our awards banquets fail completely to recognize those achievements which are truly meaningful to the trial bar. The present unfortunate propensity of the Department of Law to inhibit perjured testimony in the courts is going to have a dampening effect on criminal defense, to be sure, but the following categories deserve recognition, perhaps by a silk purse in the shape of a sow's ear:

1. Most imaginative alibi.
2. Most effective trial of investigating officer.
3. Most subtle cheap shot at prosecutor.
4. Most little old ladies with hearing problems seated on an individual jury.

The prosecutors, of course, would have their own categories:

1. Most red-necks and orangutans on a single jury.
2. Most outrageous appeal to jury prejudice.
3. Most incredible eye-witness identification.
4. Most imaginative argument for introduction of prior bad acts.

Of course, there are categories in which all trial lawyers may wish to compete, such as "most consecutive leading question successfully asked," and the civil bar would naturally favor such areas as "most outrageous recovery," "most penurious settlement," and "most vexatious discovery technique."

Law and Order Revisited

I don't know whether you watch television as much as I do, but you may have noticed that politicians have discovered that law and order is a popular issue. My favorite ad is the housewife seated behind a Gatling gun with a broadsword in her teeth, who wishes the voting public to know that if she is elected to the municipal assembly,

things are going to get a lot tougher for the Cosa Nostra. We are informed that the criminal population of the state is burgeoning, and it would be interesting to see what would happen if the crooks really got out and voted. Personally, I think it would be a refreshing change to see a gubernatorial candidate on television with a black mask, talking out of the corner of his mouth, and assuring the Underworld vote that if elected, he will eliminate the Department of Public Safety, hire less prosecutors, and see to it that criminals are returned to the streets as fast as possible. Don't think they're not capable of it — but not to worry, they wouldn't keep those promises any more than they do the ones about law enforcement.

The Electronic Age

My readers among the police agencies have requested another story about former Public Safety Commissioner James P. "Pat" Wellington — and I am happy to oblige with his infamous exploit at Juneau's B.M. Behrands Bank, which occurred when Pat was a lieutenant in the Juneau Police Department.

Chief of Police T. L. "Swede" Severson (March, April, 1982/ Alaska Bar Rag/ Page 5) left the police station one payday with the announced intention of cashing his salary check, and Pat decided to accompany him. It was a rare sunny day in spring, and both officers — clad in their full uniforms — made a brave and imposing sight as they strode through the city streets. The citizenry wasn't exactly stepping off the sidewalk, but you could tell that these men had the respect of the townspeople.

It was really too nice to go inside, and there being no one at the drive-up window, the two officers walked up to it and were served immediately by an imposing young lady of statuesque proportions. She took their checks into the interior of the bank for verification, and Pat swooned weakly against the chief.

"Chiefie," he croaked in a strangled voice, "Chiefie."

Chief Severson, as ever, was

President's Column

by Andrew J. Kleinfeld

Our continuing legal education program has grown over the years. Of course the scope and number of programs increased after the bar hired a salaried staff person exclusively responsible for continuing legal education. Now that we have a new staff person and extensive experience at providing CLE, it is an appropriate time for some thoughts on general policy and direction.

Expensive CLE

As good as many of the bar's CLE programs have been, many are expensive and difficult to attend. The money and time problems are especially severe for attorneys in small firms or solo during their first five years of practice and attorneys outside of Anchorage. For example, NITA is universally praised, but few can afford the tuition and time away from their office on their own nicker.

Young Lawyers

Both in Alaska and Outside, an increasing number of lawyers are going straight from law school into practice, without much intervening experience with law firms or government offices. When a young lawyer hangs out a shingle, solo or in partnership with a similarly situated lawyer, practice imposes tremendous daily time pressure and offers only moderate financial rewards during the first few years.

Editorial

Still Crazy After All Of These Years

One week late. No front page. Judgeship race stale news. No announcement likely. Gail Fraties, on trial, wants more time. Won't publish without "All My Trials." Set last. New Bar Assn. Board civilian members. Telephone interviews? No room for pictures. Lead story? Find out what they think about lawyers. If they think about lawyers. More than enough picnic photos. Two or four pages? Run balloon shot on front page? Profile story promised by Friday. May be a space conflict with Havelock piece. Run one in two segments? Have to remember to print second installment. Supremes came through with second fur piece. . . lovely timing. Last three-page jump. No filler. Belly dancer picture must go in—even without story. Need top caption. Check with lab for black and white copy. Call Miki on ads, copy deadline. Bar Rag four years old. Editorial?

by Harry Branson

impatient with any lapse from dignity. "What the hell is wrong with you, anyway, Pat?" He wanted to know.

The reply came immediately. "Chiefie, DID YOU SEE THE TITS ON THAT BROAD?"

Having completed the conversation, and oblivious to the fact that it had been transmitted all over the bank by the hidden microphone at the teller's window, Pat and Chief Severson waited patiently for the teller to return. She refused to do so, however, and her replacement was an outraged vice president who summarily ordered the policemen from the bank premises. Pat did try to go back to apologize, but they wouldn't let him in.

Zen in the Art of Defending DWIs

Anchorage attorney Roger H. Beaty recently confirmed a private theory of mine that success in defending criminal cases varies in inverse ratio to the amount of effort expended. We were waiting for a calendar call, and he told me about a client whose drunk driving case he had recently handled, with complete success.

"This dude calls me in the middle of the night," said Roger, "the cops

have him, he's drunk on his ass, and wants me to come down before he takes the breathalyzer. I agreed, but unfortunately fell back to sleep. An hour later, the cops called back, and I apologized all over the place — telling them that I'd be right down, but I fell asleep again."

Apparently, having waited several hours for the somnolent attorney, the police — after a heated argument with an Assistant District Attorney who didn't want to come down either — released the prisoner on a small bail. The next morning, he informed Roger that his arraignment had been set for 1:30 that afternoon.

"Was he upset?", I wanted to know.

"No," Roger replied, "he thought it was part of my defense strategy, particularly when I forgot to show up at arraignment. It was put over till the next day, and by that time, the case had been dismissed by the DA's office because the officer at the scene hadn't made very good observations, and somebody forgot to turn on the videotape in the station."

There was a pause. "I really hated to charge him," he added.

Too much of our CLE is out of range for this large group of attorneys, yet for no sector of the bar can CLE be so valuable. I want to make more of our program accessible to new lawyers without a lot of money.

Andy Inexperienced

When I hung out my shingle, I had clerked for two law firms and for the Supreme Court, but did not know how to do a routine motion, a routine divorce, or set up a bookkeeping system. Fortunately in those days, most of the lawyers in Fairbanks were in the Nerland Building, so I would ask Millard Ingraham, Tom Fenton, Dave Call, the assistant

PDs, and my other cotenants how to do things, and they generously taught me.

New CLE Idea

This kind of practice environment is scarcer now, and I think the relationships among attorneys are not as fraternal as they used to be. We can use CLE to help fill the gap.

I would like to begin periodic CLE oriented toward new attorneys' needs, not requiring travel out of town, and not requiring more than a couple of hours at a time out of the office. The programs would be oriented not so much to specialty areas, as to the routines of a fledgling law office. Local at-

[continued on page 5]

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When Is a Fur

[continued from page 1]

See *U.S. Fire Insurance Co. v. Colver*, 600 P.2d 1, 3 (Alaska 1979).

The question raised by Starry on appeal is whether a layperson, viewing the contract as a whole, would reasonably expect that a bear hide wall mount is a fur article "containing fur which represents its principal value" within the meaning of the exclusionary clause. In support of his position that a bear hide wall mount is not subject to the exclusion, Starry points to the definition of a fur animal by the Alaska Department of Fish and Game.³ Horace Mann, in contrast, submits that the phrase is not ambiguous and, by common understanding, would be read as including a bear hide wall mount. The insurer points to the dictionary definition of fur,⁴ the Encyclopedia Americana, and state and federal statutes and regulations allegedly including brown bear hides within the purview of a "fur."⁵

Horace Mann also refers to *Seeberger v. Schlesinger*, 152 U.S. 581, 38 L. Ed. 560 (1894), in which the Supreme Court decided that Chinese goat skins are furs for the purposes of custom duties, even though "goat skins are not ordinarily classified as furs—a term usually reserved for the short fine hair of certain animals, whose skins are largely used for clothing."

The other articles named in the exclusionary clause all consist of decorative personal apparel, and would suggest to a reasonable layperson that the scope of the clause is restricted to items of that genre. While the furriers' affidavits and the various references to statutory and regulatory definitions of the term "fur" suggest that the term may have a specialized meaning in a variety of other contexts, this case involves the interpretation of a homeowner's insurance policy, not a customs' regulation,⁶ fish and game laws,⁷ a workers' compensation statute,⁸ or a commercial trade dispute.⁹ We think a reasonable homeowner could view the exclusionary clause in question as restricted to common, everyday effects in the nature of jewelry and furbearing garments. With such an interpretation in mind, we think it plain that a reasonable person would not conclude that a bear hide wall mount is subject to the exclusionary clause. One, we suspect, would have nearly as much difficulty using the brown bear hide as a garment in its mounted condition as one would before the bear's demise.

In sum, we conclude that recovery for the bear hide wall mount is not limited by the exclusionary clause. We REVERSE and REMAND for the entry of summary judgment in Starry's favor.

* Carlson, Superior Court Judge, sitting by assignment made pursuant to Alaska R. App. P. 106(a).

President's Column

[continued from page 4]

I presented this idea to the Board of Governors at its September meeting and it was adopted. We have asked our new CLE coordinator Deborah O'Regan to implement it.

September Proposal

torneys would present the programs on a volunteer basis.

For example, experienced lawyers in small offices could lecture on how to set up a trust account, how to do a routine motion, how to handle a routine divorce, and how to handle a routine misdemeanor. It is embarrassing to ask how, but no one comes out of law school knowing.

Bar association staff would perform the administrative effort of arranging a location and making all the phone calls to line up lecturers. The bar association would also do the publicity. I would envision about a \$30 charge which, it is hoped, would cover the administrative expense.

1. We disclaim responsibility for this characterization. See 5 The Alaska Bar Rag, Nos. 5 & 6, at p. 4 (1982).

2. Another, albeit far different bear hide mount was described in *Green v. Koslosky*, 384 P.2d 951 (Alaska 1963). In that case a taxidermist attempted to prepare a full size standing mount of a polar bear. The flawed result purportedly bore no resemblance to a polar bear, and was instead described as an "albino grizzly."

3. 5 AAC 90.020(8) states:
(8) "fur animals" includes beaver, coyote, arctic fox, red fox, lynx, marten, mink and weasel, muskrat, land otter, sea otter, raccoon, red squirrel, flying squirrel, ground squirrel and marmot, wolf and wolverine, excepting domestically raised fur animals.

Elsewhere, a bear is defined as a "big game animal." 5 AAC 90.020(3).

4. According to Horace Mann, Web-

ster's Third New International Dictionary, defines "fur" as "the fine, soft, thick covering or coat of a mammal." However, several secondary dictionary meanings define "fur" with reference to garments. See Webster's New World Dictionary at 566 (2d Ed. 1980).

5. See AS 16.05.940(8); 15 USC § 69(b), 16 CFR § 301.0; 19 CFR § 11.12(a).

6. See, e.g., *Seeberger v. Schlesinger*,

152 U.S. 581, 38 L. Ed. 560 (1894).

7. See, e.g., *Barbour Fur Co., Inc. v. North Carolina Wildlife Resources Comm'n.* 253 S.E.2d 323 (N.C. Ct. App. 1979).

8. See, e.g., *Sprague-Dawley, Inc. v. Moore*, 155 N.W.2d 579, 581 (Wis. 1968).

9. See *Astor v. Union Ins. Co.*, 9 N.Y.C.L. 97, 7 Cow. 202 (N.Y. 1826).

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In Memoriam Gunnar Naslund 1950-1982

by Jack Duggan

On August 4, 1982, Gunnar Naslund, a seven-year member of the Alaska Bar Association, lost his life when he was struck by a collapsing cornice as he led a rope attempting the first ascent of Needle Mountain in the remote Alaskan Granite Range.

Gunnar moved to Anchorage, after his 1975 graduation from Marquette Law School in Milwaukee, Wisc., in response to local attorney Wayne Ross' request for a "mountain man-lawyer." His attraction to Alaska's mountain wilderness quickly turned to unfailing devotion when the climbing bug bit and he became an inveterate mountaineer and explorer almost from the state. After several years with Ross' firm both in the Anchorage and Glennallen offices, he left that employment to organize Wrangell-St. Elias Mountaineering, a mountain guiding business, and taught mountaineering and avalanche awareness classes at Alaska Pacific University and privately. For the last two years Gunnar worked "off season" with the Anchorage firm of Vince Vitale and Bill McNall.

Whether teaching, guiding or just climbing, Gunnar's star always shown

brightest in the mountains. We shared a 68-day Denali epic in 1977. That same year we were unsuccessful in attempting a winter ascent of Mt. Sanford (Gunnar returned twice more before finally reaching that summit), and were "earth-quaked" off the top of Bashful Peak in the Chugach Range. Subsequently, Gunnar guided four successful Denali Expeditions by three different routes. He climbed on Mts. Hunter and Foraker in the Alaska Range, Mts. Bona, Churchill, Drum, Blackburn, University, and many other peaks, named and unnamed, in the Wrangells, Mt. Hesperus in the Revelations, Mts. Newton and St. Elias in the St. Elias Range and skied 350 miles across the Bagley Icefield with a gang of us last spring.

Although he loved the beauty and challenge of Alaska mountains best, Gunnar visited many of the world's great mountain ranges. He completed ascents in the Central Andes of Bolivia and Peru on his first visit to South America and he trekked and climbed extensively the next year in Nepal and India. On his last visit to South America in 1981 he climbed alone in the Cordillera Darwin of Tierra del Fuego after he missed shipping out to Antarctica by one day. He then joined an Argentine expedition and made the second ascent of the beautiful Patagonian granite spire, Aguille de Poincenot. On the day I learned of Gunnar's death, I'd completed our application for a permit to climb a remote 24,000-foot peak in Nepal together next year.

A self-effacing "snow cave philosopher," Gunnar spoke little of his mountaineering adventures and often made light of the attendant hardships. His pack was never too full for one more piece of group gear and he was always the first one out to shovel snow from the tent during a storm.

When I stood on the summit ridge of Needle Mountain the week following the accident and watched his brother, Eric, cut the rope and my friend's body slide into a crevasse on an unnamed

glacier below, as Gunnar had once requested, I found, at least for myself, the answer to the perennial question, "Why do you climb mountains?"—For the good company.

*Here's to you my Ramblin' Boy
May all your ramblin' bring you joy
He left me here to ramble on
My ramblin' pal is dead and gone
If, when we die, we go somewhere
I bet you a dollar he's ramblin' there
Ramblin' Boy by Tom Paxton*

Minutes of July 9, 1982 Meeting of the Tanana Valley Bar Association Polaris Hotel, 12:00 Noon

T'was the Friday after the Christmas party,

*and all through the house,
not a creature was stirring,
not even a mouse.*

*President Jim called for order,
but nobody cared.*

*He asked if there were business
and everyone just stared.*

*Andy Kleinfeld stood up,
and unfolded a speech,
to introduce Leroy Cook.
The speech was a peach.*

*Our good old governor
has appointed Leroy
as a Bar Board lay member.
Could this be a ploy?*

*Lew Williams from Ketchikan
and someone whose name I forgot
were also stirred in,
to make a full pot.*

*Steve Call brought his daughter,
a neat young blond.
Stephanie was her name
It looked like Call's golden pond.*

*A CLE announcement,
though obviously late,
of a contemporaneous session,
to bring taxes up to date.*

*Joe Paskvan was modest
and took little credit.
The Christmas party worked
and he modestly said it.*

*The treasurer is missing,
we haven't paid the bills,
so the party was cheap
and it honed up our skills.*

*If Canarsky stays missing,
we never will pay;
so thanks to you Joe,
you showed us the way.*

*Paul Barrett spoke out,
re Dave Thorsness's joke.
Penny Harrison transcribed
though Paul foolishly spoke*

*And promised that he
would never release,
without Dave's permission,
that humorous piece.*

*Roger Brunner's copy
will, therefore, be made
a part of our minutes,
and to everyone displayed.*

*Justice Rabinowitz's report
was straight from British soil.
The trains are not running,*

*the trainmen won't toil.
Neisje Steinkruger moved,
that the secretary send
Judge Cline's order
and its rescision by our friend
To the State Bar Rag,
for publication of sorts.
The vote was unanimous
showing we're all good sports.*

*Oh, I forgot to mention
about Leroy Cook,
a unanimous associate member,
he's now in the book.*

*Then the panic hit
and inflation inflamed.
A new price of \$8.50
for luncheon was named.*

*Linda Walton became a committee.
President DeWitt did real neat.
John Franich was with her,
to find a new place to meet.*

*Since nothing had happened
and the meeting was a bore,
Judge Blair offered
congratulations
to the president once more.*

*And a shout from the crowd,
or possibly a snort
said without Dick Savell,
even the meeting was "short."*

*The appendix to these minutes
may seem unreasonably long,
but the TVBA is technical,
and definitely headstrong.
When you read all this through,
it's democracy at work,
we accomplished nothing,
but our duty didn't shirk.*

*Respectfully submitted.
S. Claus Robson*

Announcement

A vacant position in the Anchorage trial courts has been converted to a superior court master position which will be utilized to provide backup services to the current probate, juvenile and domestic relations masters. This position conversion is in response to the growing requirement for hearings before the masters due to increased case filings and recent legislation regarding domestic violence and civil commitments. The largest portion of the new master's time is expected to be spent in domestic relations matters, at least until the current backlog of dissolutions is reduced. The new position is expected to be filled not later than the end of September.

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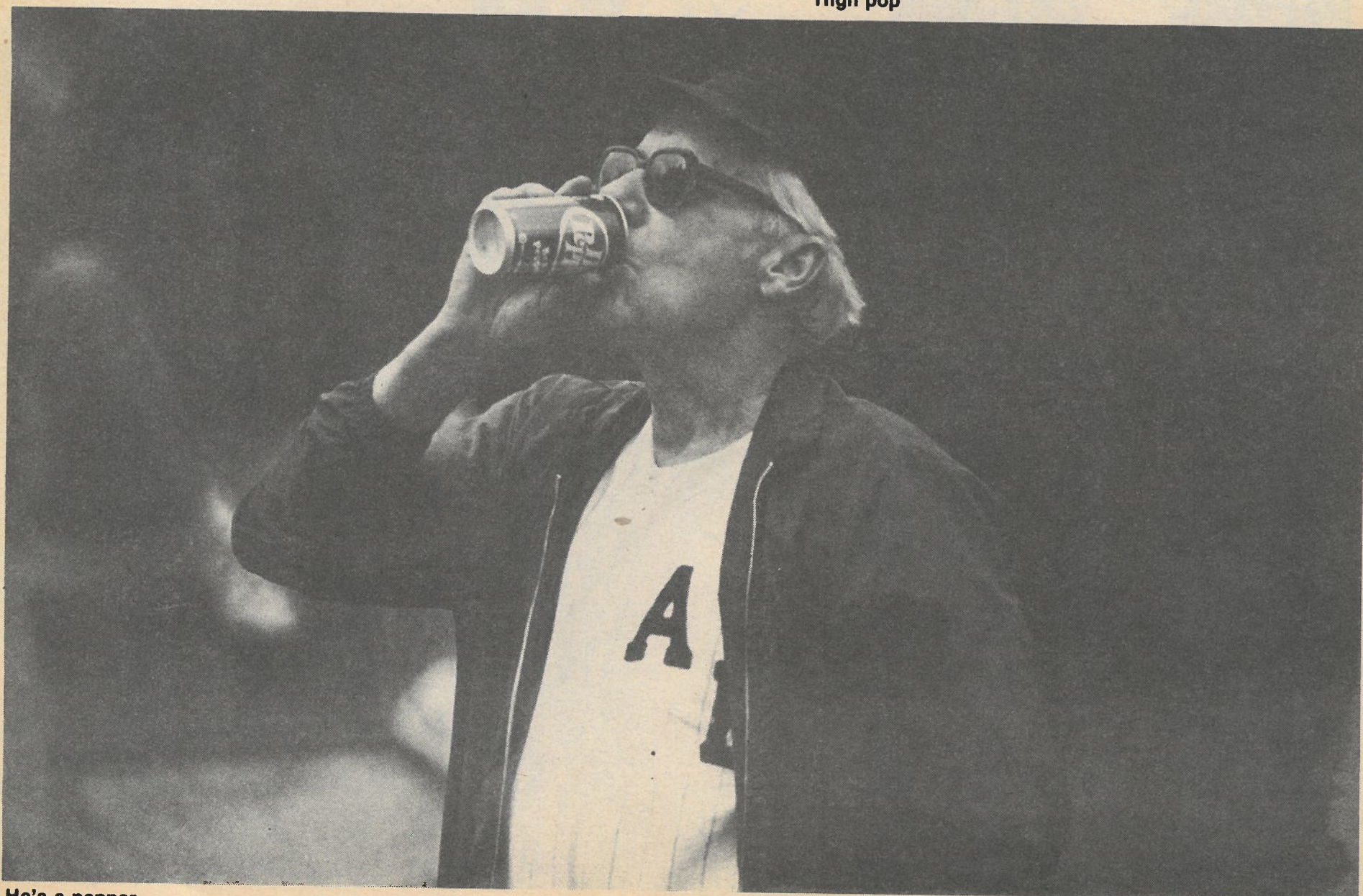
Thar she goes



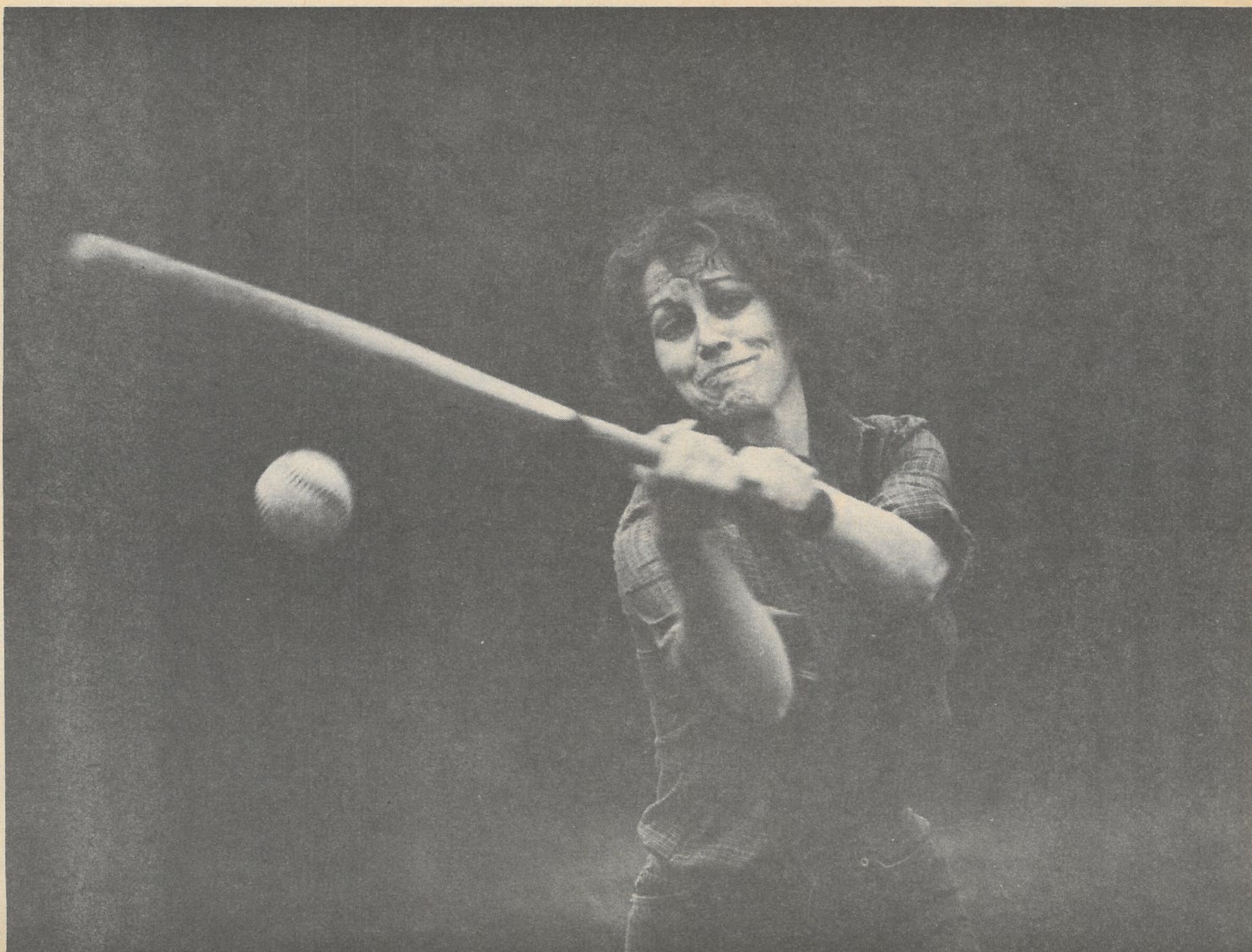
Line drive



High pop



He's a pepper.



A piece of the action



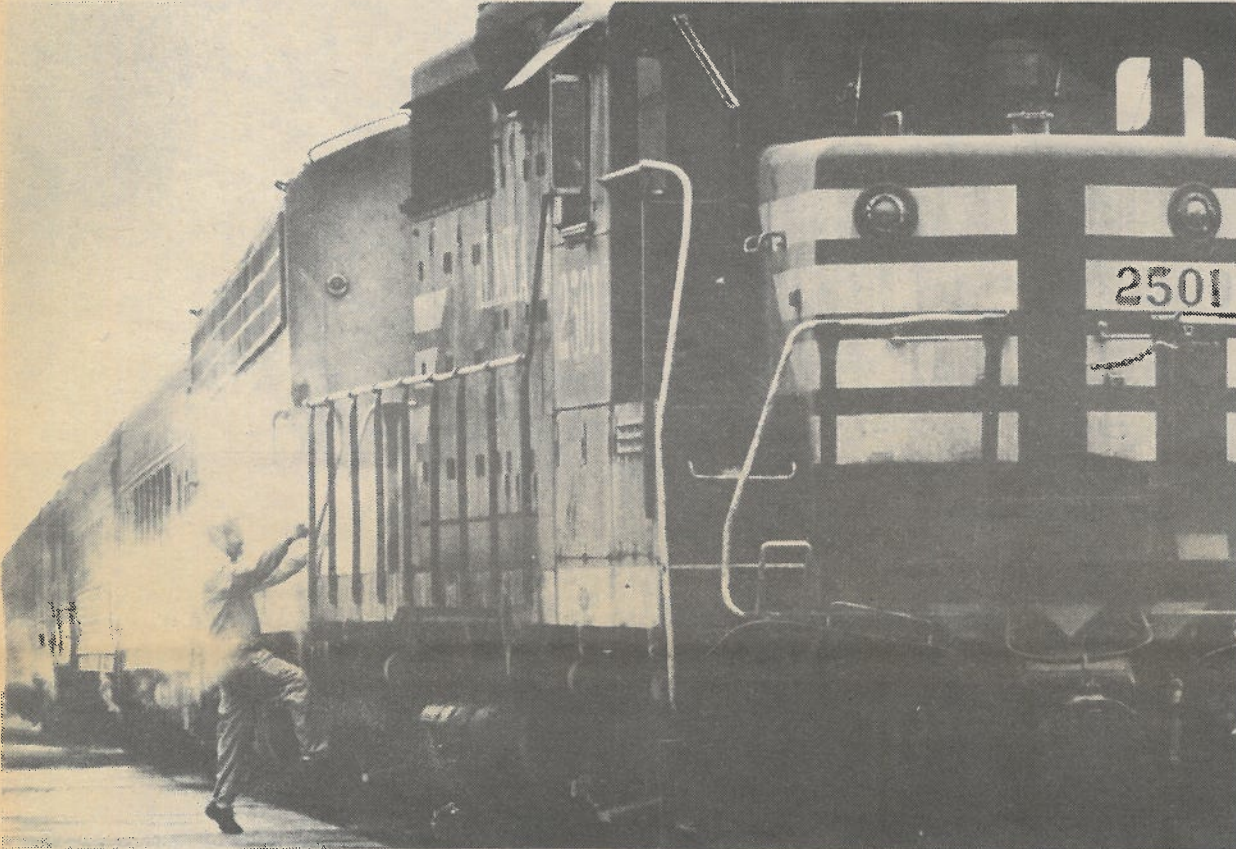
Reverie



Ground scene



Hot grounder



Choo choo



Madonna



Colloquy

An Interview with M. Ashley Dickerson

by Judith Bazeley

Current controversies over busing amuse her. "When I was a child, the white kids rode to school in a bus and the black kids had to walk." She is one of Anchorage's most well-known and controversial lawyers. Add to that the fact that she has been practicing continuously since prior to the time of statehood, she is black, and she is a woman, Mahalia Ashley Dickerson.

I love the practice of law. My tastes are simple. I've always had everything I wanted and I have never wished for anything. Ever since I moved to Anchorage, I have been working seven 12-hour days a week. My vacations are to go outside to attend American Bar Association conventions and National Association of Women Lawyers conventions every year. I get up at 5:00 a.m. every day and I quit at 5:00 p.m. I dictate early in the morning when it's quiet. My office hours are filled with telephone calls, interview and court appearances.

I have a homestead in the Valley, and I spend three nights a week there and four nights in town—I have followed this pattern roughly for the last 20 years. I have quite a few clients in the Valley.

M. Ashley Dickerson's parents were country school teachers and social workers. Her father inherited a large farm from his grandfather, and she grew up as one of three sisters.

My early life was very happy. We had a big farm with cows, horses, and chickens, and my dad drove us to school. I attended grammar school in Montgomery, Alabama, run by New England missionaries. It was called "Miss White's School." I went there for the first eight years, and then I went to public school for one year. After that I went to high school at Alabama State Laboratory School.

She attended college at Fisk University in Nashville, Tennessee, graduating in 1935 with a Bachelor of Arts *cum laude* in Sociology. After she graduated from college, she returned to Montgomery, Alabama, where she taught school and did sociological work and research for the next 10 years. She married for the first time in 1938, and her three children, triplets, were born in 1939.

I knew they were triplets before they were born, but the doctors denied it, but I knew because I could feel three little knots. It wasn't too



M. Ashley Dickerson

hard to manage with triplets in Alabama in 1939, because it was before the war, help was inexpensive, and I was able to have three nurses. But after 1942 when the war came, help was very hard to get and I was back at school teaching and making a very low salary. I survived because my neighbors pitched in and my relatives helped, and finally my kids grew to an age where they could care for themselves.

She stayed out of school for 10 years after college. Then in 1945 she enrolled in Howard University Law School in Washington, D.C.

I wanted to be a lawyer ever since I was a child, but other things got in the way. Howard was very expensive, but I had small scholarships, used my savings, and my parents helped. I graduated from Howard in 1948.

She worked for the United States Dept. of Labor in Washington, D.C., for nine months after graduation as a legal assistant, then she returned to Montgomery to start a private practice. When she first started, an old Alabama probate judge said to her, "Do right, be friendly, and you'll always have plenty to do." In July, 1949, she opened her office in Montgomery, Alabama, and maintained that office for three years.

Those were the years that anyone who was too active in civil rights lost their jobs. In Alabama, I handled a couple of peonage cases. My clients were sharecroppers who worked for farmers and who always owed more at the year's end. They were virtual slaves. I brought a *habeus corpus* action for the release of a couple with six children. The husband disappeared, but I was able to get the wife and children out.

Another case I handled involved a man, a good worker. His employer would not let him go to school, so he quit working for the farmer, his employer. The farmer got his wife over to the farm on a pretext and locked her up and said, "You can't get out unless your husband comes back." Effective-

ly he held her hostage. Her husband came back and replaced her. He was jailed for violating a labor contract. I was able to get him out on a *habeus corpus* action, but I could get no damages for him and the farmer kept all of their goods.

These were very depressing cases. When I lived in Montgomery before I became a lawyer, I didn't know that things like that actually happened. But as an attorney, you see the seamy side of life. Those years made me often feel guilty and ask myself what can I as one person do, and I would often think of Rosa Parks, who was a leader in the civil rights movement.

When asked about racial incidents in her childhood, Mrs. Dickerson indicates that by and large her childhood was happy, but that when she lived in Montgomery as a high school student, she had to pass by the white high school, and frequently she and her friends were called names and spat at.

In those days, people were cruel and barbarous. I recall one incident involving a white girl. She was skating, and she ran into me. I was 11 years old. I tripped her up, and I have no regrets for that, but I was also lucky that the girl's family didn't retaliate. After that I took another route to school. There was no point deliberately agitating.

I now look back on those days and ask myself how did we survive it. Then I think to myself that families were happy, the schools were good, and the teachers were well because of the burden of measuring up. People who think that education in segre-

gated schools is bad are mistaken. Nonetheless, I am glad my kids didn't have to go through this, by which I mean the southern experience and segregation.

When asked about the civil rights movement, she says:

The civil rights movement made me see things and wonder is there any way out. During WW II, I had a lot of friends who died. I had friends who were stationed at Tuskegee, which was a segregated airfield in Alabama close to Maxwell Field, which was the airfield for white people. Black pilots got to train on cast-off planes. Army pilots were segregated in the south whenever they were traveling during the war.

Mitchell v. United States was decided a little before I began law school. That case involved the serving of food on trains. I was in law school when the restrictive covenant cases arose in Washington, D.C., which said that no people other than caucasians could buy property. I remember the case of Lieutenant Henry who went to Atlanta on leave. He had to get back to duty, and there were segregated lines at the ticket counter at the train station. He ran to the white line to get his ticket because he had to get back by a certain time, but was turned away and missed his train. Fortunately, that case was dismissed.

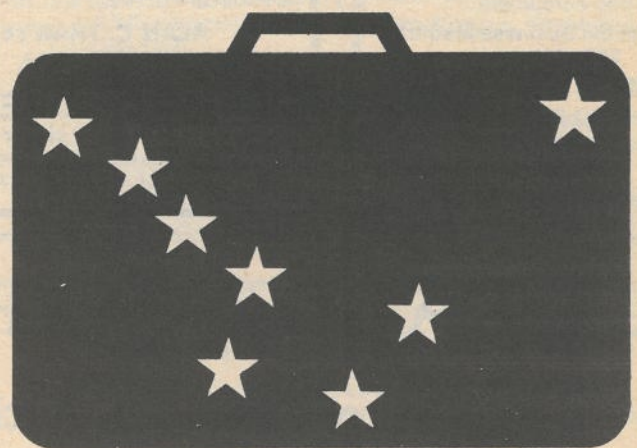
To Indiana

In 1952, Mrs. Dickerson remarried, her first marriage having ended in divorce. [continued on page 12]

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M. Ashley Dickerson

[continued from page 11]

voice. Her second marriage was to a lawyer who lived in Indiana. She moved there and opened an office, remaining there for six or seven years. Her husband was a black attorney who was 15 years older than she.

He knew Indiana law well. He didn't believe in research. He told me I would spend \$1,000 on a \$10 case. He said, 'You'll die young and poor.' He was amazing. He could tell me answers from his head.

In Indianapolis, I had a good general practice. I was living there when the civil rights movement began, and I kept in touch with people and with the movement in Alabama. In Indiana, I handled a lot of tax cases. One was a carry-over from Alabama. A young black couple, a teacher and a restaurateur had a good home on the edge of a white neighborhood in Montgomery. So they received threats and crosses were burned in their yard, and then finally the Internal Revenue Service assessed a large deficit with no reason. My clients won that case when the I.R.S. determined that they had overpaid.

Her marriage to a lawyer ended in 1952. "I was not meant for marriage. Marriage is not meant for some people."

To Alaska

She was living in Indiana when she decided that she wanted to come to Alaska. She had wanted to come here since she was a child—that year her sons were 19 and she decided to vacation alone. There had been a lot of media coverage on statehood, and she had seen many beautiful pictures of Alaskan scenery.

I arrived in Alaska on August 8, 1958, and I knew it was home. I stayed in room 49 at the Travelers Inn, and I knew it was a good luck omen. I only went back to Indiana for long enough to get my stuff together.

I knew I wanted to have my own practice in Alaska. I don't take orders

well. I find that men always want to be the boss, and I can understand their point of view, and would want it that way if I was a man. But, not everyone, myself included, is equipped to adjust to this.

She took the Alaska bar exam in 1958. While she was waiting for admission, she worked on briefs for attorneys, did temporary Civil Service jobs and substitute teaching. She was admitted in May of 1979. While waiting for admission, she worked for lawyers, and wrote briefs for Wendell Kay, Pete Kalamarides, and Stan McCutcheon. On one occasion, Pete Kalamarides made her raise her price. She said \$150, and he said, "Oh no, you should charge at least \$350." That case, a decision of Judge McCarey, was reversed.

The day after she arrived in Alaska, she signed on a homestead 11 miles from Wasilla. She did a prove up cabin and got a patent on the day of the earthquake. She is only now building a proper house. She spends weekends at her homestead because it is quiet. She dictates, jobs, friends come to visit and play badminton and horse shoes. She also has a small office at her homestead.

She started her own practice here in 1959 in a house on Seventh Avenue. The house is still in Anchorage, but it now houses Rent-A-Wreck and is across the street from the jail.

I always had a lot of business; the public has always been good to me. In my early years here, I had no real difficulties except little brush fires with other attorneys, but I found I was always able to hold my own.

When I was first in practice, Wendell Kay and I would joke. He would say, 'The black clients will pay you, Mahalia, and the white clients will pay me. So I'll send you the white clients, and you send me the black clients.'

At present, Mrs. Dickerson's home and office contain a summer intern, Rex Butler, an AIM student, a New York attorney waiting for results of the Alaska bar exam, Sheila Gaddis, and two secretaries. Soon her relative, Debbie Quinn Carpenter, a law graduate, will be joining her office. There are books and desks everywhere, phones ringing con-

stantly, and members of her office staff frequently and apologetically interrupted our interview to ask her questions on how to do things and what to do next. As Sheila says, "She will certainly be someone to go to and say what we do now when everything goes wrong again." Although Mrs. Dickerson's office has been larger at times, and she has had as many as three other attorneys working for her, she prefers her present set-up, which has been pretty much constant since 1973 or 1974. "At one time, Sylvia Short was my partner. She was a good attorney."

Also part of Mrs. Dickerson's home/office are three cats, one of whom is 19 years old and was six weeks old when President Kennedy was assassinated.

From her early years in Anchorage practice, a few cases stand out. One was a police case involving a young black couple who were arguing at home after a party. The neighbors called the police, and the woman went out for air. She went back in and saw the police had arrived and were dragging her husband downstairs by the feet, holding him around his neck. Her husband was yelling at the police, and so they beat him up.

When the case came to court, the judge dismissed the case and then spoke to the man's wife in chambers and gave her my name on a card. He suggested that she bring a civil suit. However, the people were discouraged and left Alaska.

I feel there is a lot of police brutality in Alaska.

Today Mrs. Dickerson's practice, as described by her, consists of about 50% male and 50% female clients, 75% of them are white, and 25% of them are black—as contrasted to the early days when 7/8ths of them were white and 1/8th of them were black.

I now have more P.I. and worker's compensation, and domestic relations cases than anything else, but I also have some criminal cases. I don't want to lose contact with the criminal law. I don't think of my criminal clients as criminals. I think of them as people who are thoughtless, heedless, or guilty of bad judgment. I feel you have to be willing to be embarrassed for your clients. For example, I had a

case involving some contractors. I did a lot of work in that case, only to have it fizzle because my clients had not obtained a contractor's license. Yet, I am glad I did that work.

In the past in Alaska, I think I have handled every kind of case. I've handled condemnation cases. I've always found domestic relations cases to be sad. I've obtained a few landmark decisions in worker's compensation, and, of course, I was involved in the Point MacKenzie case last summer. In addition, I have handled some sex discrimination cases, *Greta Brown v. University of Alaska*; and *Ronnie Bray's* sex discrimination case. She was a magistrate who was paid less than a male magistrate.

Two of her sons are still living. One son, Alfred, drowned in Goose Lake when he was 20 years old. Her son, Chris Dickerson, is a body builder who travels occasionally to Alaska to give demonstrations and spends the remainder of his time competing in body building competitions or judging body building competitions. Her other son, John Dickerson, is a masseur for professional athletes in New York City.

Presently, Mrs. Dickerson is a member of the N.A.A.C.P. She has always been involved in black civic affairs. She spoke at the Juneteenth celebration of the Shiloh Baptist Temple, although she is not a member of the Baptist church.

I am a Quaker—I'm not much of a churchgoer. I believe in personal responsibility for one's actions. I do not need a minister to preach to me.

When asked if she has had a difficult time practicing law in Alaska, Mrs. Dickerson responds:

My practice has never been as interesting anywhere else as it has been here. I don't pick the people I fight, but if you hurt my client, I'll fight you. Other lawyers don't like me because I've fought too hard. I'm glad I'm a lawyer, not a judge. A judge just has to sit there and wait for [continued on page 14]

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Alaska Bar Assn. Proposed Rule Changes

CANON 2—A LAWYER SHOULD ASSIST THE LEGAL PROFESSION IN FULFILLING ITS DUTY TO MAKE LEGAL COUNSEL AVAILABLE

DR-2101 Publicity.

(A) A lawyer shall not, on behalf of himself, his partner, associate or any other lawyer affiliated with him or his firm, use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive [, self laudatory] or unfair statement or claim.

[(B) In order to facilitate the process of informed selection of a lawyer by potential consumers of legal services, a lawyer may publish or broadcast, subject to DR 2-103, the following information in print media distributed or over television or radio broadcast in the geographic area or areas in which the lawyer resides or maintains offices or in which a significant part of the lawyer's clientele resides, provided that the information disclosed by the lawyer in such publication or broadcast complies with DR 2-101(A), and is presented in a dignified manner:

- (1) Name, including name of law firm and names of professional associates addresses and telephone numbers.
- (2) One or more fields of law in which the lawyer or law firm practices or a statement that the practice is limited to one or more fields of law, to the extent authorized under DR 2-105.
- (3) Date and place of birth.
- (4) Date and place of admission to the bar of state and federal courts.
- (5) Schools attended, with dates of graduation, degrees and other scholastic distinctions.
- (6) Public or quasi-public offices.
- (7) Military services.
- (8) Legal authorships.
- (9) Legal teaching position.
- (10) Memberships, offices, and committee assignments, in bar associations.
- (11) Membership and offices in legal fraternities and legal societies.
- (12) Technical and professional licenses.
- (13) Membership in scientific, technical and professional associations and societies.
- (14) Foreign language ability.
- (15) Names and addresses of bank references.
- (16) With their written consent, names of clients regularly represented.
- (17) Prepaid or group legal services programs in which the lawyer participates.

(18) Whether credit cards or other credit arrangements are accepted.

(19) Office and telephone answering service hours.

(20) Fee for an initial consultation.

(21) Availability upon request of a written schedule of fees and/or an estimate of the fee to be charged for specific services.

(22) Contingent fee rates subject to DR 2-106(C), provided that the statement discloses whether percentages are computed before or after deduction of costs.

(23) Range of fees for services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee within the range likely to be charged, in print size equivalent to the largest print used in setting forth the fee information.

(24) Hourly rate, provided that the statement discloses that the total fee charged will depend upon the number of hours which must be devoted to the particular matter to be handled for each client and the client is entitled without obligation to an estimate of the fee likely to be charged, in print size at least equivalent to the largest print used in setting forth the fee information.

(25) Fixed fees for specific routine legal services, the description of which would not be misunderstood or be deceptive, provided that the statement discloses that the quoted fee will be available only to clients whose matters fall into the services described and that the client is entitled without obligation to a specific estimate of the fee likely to be charged, in print size at least equivalent to the largest print used in setting forth the fee information.]

[(C) Any person desiring to expand the information authorized for disclosure in DR 2-101(B), or to provide for its dissemination through other forms may apply to the Alaska Bar Association. Any such application shall be served upon the agencies having jurisdiction under state law over the regulation of the legal profession and consumer matters who shall be heard, together with the applicant, on the issue of whether the proposal is necessary in light of the existing provisions of the code, accords with standards of accuracy, reliability and truthfulness, and would facilitate the process of informed selection of lawyers by potential consumers of legal services. The relief granted in response to any such application shall be promulgated as an amendment to DR 2-101(B), universally applicable to all lawyers.]

[(D)] (B) If the advertisement is communicated to the public over television or

radio, it shall be prerecorded, approved for broadcast by the lawyer, and a recording of the actual transmission shall be retained by the lawyer.

[(E) If a lawyer advertises a fee for a service, the lawyer must render that service for no more than the fee advertised.]

[(F)] (C) Unless otherwise specified in the advertisement if a lawyer publishes any fee information [authorized under DR 2-101(B)] in a publication that is published more frequently than one time per month, the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such publication. If a lawyer publishes any fee information [authorized under DR 2-101(B)] in a publication that is published once a month or less frequently, he shall be bound by any representation made therein until the publication of the succeeding issue. If a lawyer publishes any fee information [authorized under DR 2-101(B)] in a publication that is published which has no fixed date for publication of a succeeding issue, the lawyer shall be bound by any representation made therein for a reasonable period of time after publication but in no event less than one year.

[(G)] (D) Unless otherwise specified, if a lawyer broadcasts any fee information [authorized under DR 2-101(B)], the lawyer shall be bound by any representation made therein for a period of not less than 30 days after such broadcast.

[(H) This rule does not prohibit limited and dignified identification of a lawyer as a lawyer as well as by name:

(1) In political advertisements when his professional status is germane

to the political campaign or to a political issue.

(2) In public notices when the name and profession of a lawyer are required or authorized by law or are reasonably pertinent for a purpose other than the attraction of potential clients.

(3) In routine reports and announcements of a bona fide business, civic, professional, or political organization in which he serves as a director or officer.

(4) In and on legal documents prepared by him.

(5) In and on legal textbooks, treatises, and other legal publications, and in dignified advertisements thereof.]

[(I)] (E) A lawyer shall not compensate or give any thing of value to representatives of press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. (Amended by Supreme Order 263 effective December 31, 1976; by Supreme Court Order 356 effective April 1, 1979; and by Supreme Court Order 377 effective July 1, 1979)

DR 2-102 Professional Notices, Letterheads and Offices

(A) [A lawyer or firm shall not use or participate in the use of professional cards, professional announcement cards, office signs, letterheads, or similar professional notices or devices, except that the following may be used if they are in dignified form.

(1) A professional card of a lawyer identifying him by name and as a lawyer, and giving his addresses, telephone numbers, the name of his law firm, and any information permitted under DR 2-105. A professional card of a law firm [continued on page 15]

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Seven-Up for New Judgeships

On Thursday, September 30th, 1982 the Alaska Judicial Council announced its choice of names to be submitted to the Governor in the latest Judicial sweepstakes.

For the new Superior Court seat in Palmer, the council recommended Anchorage District Court Judges Beverly Cutler and Glen Anderson. Leroy DeVeaux is an Anchorage attorney in the law firm of Wanamaker, DeVeaux and Crabtree.

Out of a field of two, the council

submitted the names of Michael Jeffery and Timothy Stearns for the new Barrow Superior Court position. Jeffery currently works for Alaska Legal Services in Barrow. Stearns is engaged in solo private practice in Anchorage.

District Court Judge Robin L. Taylor of Wrangell with District Court Judge Henry Keene, Jr. of Ketchikan were recommended for the new Superior Court position in Wrangell.

The Governor must make his choice within 45 days.

M. Ashley Dickerson

[continued from page 12]

things to come to him. As a lawyer, you can do so much more to help.

About being a black woman lawyer, she says she thinks she was the only one in Alabama while she was there and that there were one or two others in Indiana while she practiced there. "It was a built-in advertisement being a black woman lawyer."

Speaking of women lawyers in Alaska, she says that she feels they are more honest than men. When she arrived, there were not very many women lawyers here, Jan Wilson and Dorothy

Tyner were here, and Helen Simpson came five years later. "I think women lawyers are more reliable than male lawyers. Male lawyers won't even write back when you write to them."

Mrs. Dickerson is at present the president-elect of the National Association of Women Lawyers. The confirmation as president-elect became contested last month at the mid-year convention.

I didn't realize that they never had had a black president before. A lot of the old diehards said they would leave the organization if I was elected. They put up a candidate from Florida. It became a North-South battle.

Fortunately, Mrs. Dickerson was confirmed and will become president in August of 1983.

Are Male Lawyers Afraid of Her?

Mrs. Dickerson laughs. "I find it hard to believe that they could be. But I have been told that if I am on the other side of the case they'll charge twice as much." Certainly, everything in her conversation indicates that she is not especially afraid of men, but she alludes several times to the problems some men have, what she calls a "little man's complex."

Of male judges and attorneys in general, she says that she finds that a lot of them are not too courteous. She figures that this is because they have had poor home training. "Some judges are not particularly nice and should probably not have been made judges; they also had poor home training. On the other hand, I suspect a bit more ire may have come my way because I am a woman and a black."

One specific incident that stands out in her mind occurring several years ago concerns a judge. The judge's law clerk had approved a motion for a temporary restraining order that Mrs. Dickerson had brought. The judge, who was visiting from out of town and who was in a hurry to get home, decided that he would deny the temporary restraining order. He told her that he wanted to get back home and told her, "Goddammit, I'll deny your motion. You go on out of here." Mrs. Dickerson said, "Okay, I'll wait for the preliminary injunction hear-

ing." The judge said, "Goddam you." She said, "Goddam you back. If you want to be treated like a judge, you act like one." At that point, another judge appeared and the conversation ended.

Several years later, they found themselves in an elevator together and Mrs. Dickerson started a conversation about the weather. They now speak, and recently he ruled in her favor in a case. In recounting this story, Mrs. Dickerson commented, "All my travails have been interesting. They add spice to life."

Another colorful story Mrs. Dickerson recalls from the early years of her practice concerns a trial setting conference before an Anchorage magistrate. Opposing counsel did not show up, and the magistrate denied his pending motion. The lawyer showed up as she was leaving and met her at the elevator. She informed him that his motion had been denied, and he said, "I'll hit you," and made boxing motions at her. She said, "I'll kill you." He said, "I'll hit you." She took off her high heel shoe, shook it at him, and he ran.

He called later and apologized, and we were good friends after that. In fact, he was one of my best friends. As I said earlier, I'm a Quaker and a pacifist, but I will fight if I'm attacked.

Police Libel Suit

The police have recently sued Mrs. Dickerson for libel.

I have moved for a bill of particulars, and I will assert my First Amendment privilege as a private citizen to speak out on issues such as

police brutality even though I am an attorney.

All I said was that some policemen hate blacks and they will seize upon an opportunity to retaliate. Since I've been sued, I have had lots of phone calls from people indicating they share my point of view. I've had people who were or are close to policemen tell me about their brutality.

I have seen police brutality against blacks all my life. One particularly bad memory stems from my teenage years in Montgomery. A young friend was asleep on his front porch. A police car drew up and said, "Nigger come here." He couldn't hear them because he was asleep, so they shot and killed him. Later the police said he looked like a suspect they were searching for.

I just wish we could instill more humanity into the police, teach them some different kind of response. I don't have the answer. I wish I did. It's not Christianity—Christianity is very brutal, too.

Plans for the Future

Mrs. Dickerson intends to go on practicing law in Anchorage.

I would go crazy if I retired. I've been very lucky with my health. I've been completely illness-free for the last 30 years except for two episodes of upset stomach.

I will always have some minimum contact with the law. The closest I will come to retirement is taking longer weekends and longer vacations.

Nome lawyer killed in crash

Nome attorney John Van Winkle, 38, has been killed in an airplane accident while returning home from a moose hunting trip.

According to Sgt. Tim Litera of the Alaska State Troopers in Nome, Van Winkle departed his hunting site on the American River, about 80 miles northwest of Nome, last Wednesday. Van Winkle's wife Mary alerted troopers that her husband was overdue Friday evening, and a search was launched Saturday morning.

A search team composed of two Civil Air Patrol aircraft, a plane chartered by the troopers, and a number of private planes departed early Saturday. Pilot Jim Rowe spotted the wreckage of Van Winkle's plane late Saturday morning in Mosquito Pass. The plane had burned on impact.

A helicopter chartered by troopers lifted Van Winkle's remains to Nome.

Asked about the weather at the time, Trooper Litera said, "Lousy. There was a lot of fog, and when it

lifted, it rained. The winds were quite strong."


Van Winkle came to Alaska in 1971 as a VISTA lawyer. He later served on the staff of the Anchorage City Attorney and the Anchorage Public Defenders Office. He entered private practice in Nome in August of 1979.

Van Winkle was a partner in the law firm of Larson, Timbers and Van Winkle in Nome.

Van Winkle had gone hunting in the same general area for several years. He was accompanied last week by his cousin, Dennis Esslinger of Anchorage. Esslinger stayed in camp while Van Winkle returned to Nome with a load of moose meat when the crash occurred. He was scheduled to return to the camp this week with his two law partners.

Van Winkle is survived by his wife Mary, two children, his parents, a brother, and two sisters.

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New Code Delayed; Private Club Action Rescinded

by Donna C. Willard

Controversy keynoted the annual meeting of the House of Delegates of the American Bar Association which convened August 10, 1982 in San Francisco. The delegates, presented at the opening session with a plethora of last minute revisions to the proposed model rules of professional responsibility, balked at procedures drafted by the leadership to ensure expeditious consideration. As a result, only one rule, that dealing with

attorneys' fees, was fully debated.

Action on the remainder was deferred until the mid-winter meeting, scheduled to be held in New Orleans February 9-16. It is currently anticipated that the House will be required to remain in session one day longer than usual in order to fully debate the model rules.

Private Clubs

In a vote of 178-130, the House rescinded action taken at the mid-winter meeting held in Chicago in 1982 which would have supported legislation amending the Civil Rights Act to include in the definition of public accommodation any private club or other establishment which derives a substantial portion of its income from business sources.

At issue were the rights to free speech and freedom of association. The opponents of the rescission action con-

tended that such rights are protected only where such association is purely social and does not involve business, professional or commercial activity to any substantial extent.

Oral Roberts

For at least the third time, the House considered what has been termed the "Oral Roberts" amendment to the ABA Standards for the Approval of Law Schools. In 1981, the House had adopted an amendment which would allow law schools having a religious affiliation to adopt policies of admission and employment furthering that purpose so long as notice thereof was given.

As most recently amended, the standard requires that the religious affiliation not infringe on academic freedom and that it not be applied to preclude a diverse student body in terms of race, color, religion, national origin

or sex. Moreover, the standard now permits religious policies as to admission and employment only to the extent that they are protected by the United States Constitution.

Nuclear Arms Control

It was strongly recommended by the House that U.S. policy with respect to nuclear arms have as its goals the ending of the race, reduction in the number of nuclear armaments, agreements to develop communications and coordination in order to reduce the possibility of war through error or misunderstanding, and avoidance of rhetoric and conduct which would invite their use.

International Airplane Accidents

A resolution which would have had the effect of abolishing Montreal Protocol 3, which would amend the Warsaw [continued on page 16]

Alaska Bar Changes

[continued from page 13]

may also give the name of members and associates. Such cards may be used for identification.

(2) A brief professional announcement card stating new or changed associations or addresses, change of firm name, or similar matters pertaining to the professional offices of a lawyer or law firm which may be mailed to lawyers, clients, former clients, personal friends, and relatives. It shall not state biographical data except to the extent reasonably necessary to identify the lawyer or to explain the change in his association, but it may state the immediate past position of the lawyer. It may give the names and dates of predecessor firms in a continuing line of succession. It shall not state the nature of the practice except as permitted under DR 2-105.

(3) A sign on or near the door of the office and in the building directory identifying the law office. The sign shall not state the nature of the practice, except as permitted under DR 2-105.

(4) A letterhead of a lawyer identifying him by name and as a lawyer, and giving his addresses, telephone numbers, the name of his law firm, associates and any information permitted under DR 2-105.] A lawyer's letterhead shall identify him by name and as a lawyer, giving his addresses, telephone numbers, the name of his law firm, associates, and any information permitted under DR 2-105. A letterhead of a law firm may also give the names of members and associates, and names and dates relating to deceased and retired members. A lawyer may be designated "Of Counsel" on a letterhead if he has a continuing relationship with a lawyer or law firm, other than as a partner or associate. A lawyer or law firm may be designated as "General Counsel" or by similar professional reference on stationery of a client if he or the firm devotes a substantial amount of professional time in the representation of that client. The letterhead

of a law firm may give the names and dates of predecessor firms in a continuing line of succession.

(B) [A lawyer in private practice shall not practice under a trade name, a name that is misleading as to the identity of the lawyer or lawyers practicing under such name,] A lawyer in private practice shall not practice under a trade name unless the trade name is registered with the Alaska Bar Association, which registration shall disclose the names of the lawyers practicing under that trade name. A lawyer in private practice shall not practice under a name that is misleading as to the identity of the lawyer or lawyers practicing under such name, or a firm name containing names other than those of one or more of the lawyers in the firm, except that the name of a professional corporation or professional association may contain "P.C." or "P.A." or similar symbols indicating the nature of the organization, and if otherwise lawful a firm may use as, or continue to include in, its name or names of one or more deceased or retired members of the firm or of a predecessor firm in a continuing line of succession. A lawyer who assumes a judicial, legislative, or public executive or administrative post or office shall not permit his name to remain in the name of a law firm or to be used in professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm, and during such period other members of the firm shall not use his name in the firm name or in professional notices of the firm.

(C) A lawyer shall not hold himself out as having a partnership with one or more lawyers unless they are in fact partners.

(D) A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on

those members and associates of the firm not licensed to practice in all listed jurisdictions, [however, the same firm name may be used in each jurisdiction].

(E) A lawyer who is engaged in both the practice of law and another profession or business shall not so indicate on his letterhead, office sign, or professional card, nor shall he identify himself as a lawyer in any publication in connection with his other profession or business.

(F) Nothing contained herein shall prohibit a lawyer from using or permitting the use of, in connection with his name, an earned degree or title derived therefrom indicating his training in the law. (Amended by Supreme Court Order 356 § 2 EFFECTIVE APRIL 1, 1979)]

DR 2-105 Limitation of Practice.

A lawyer shall not hold himself out publicly as a specialist, as practicing in certain areas of law or as limiting his

practice [permitted under DR 2-101(B)], except that

(1) A lawyer admitted to practice before the United States Patent and Trademark Office may use the designation "Patents," "Patent Attorney," or "Patent Lawyer," or "Registered Patent Attorney" or any combination of those terms, on his letterhead and office sign.

(2) A lawyer who publicly discloses fields of law in which the lawyer or the law firm practices or states that his practice is limited to one or more fields of law shall [do so by using designations and definitions authorized and approved by the Board of Governors. Such disclosures and statements shall] include the following statement: "The Alaska Bar Association does not certify that any attorney possesses specialized training or skill in a particular field of law." (Amended by Supreme Court Order 356 § 5 effective April 1, 1979)

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New Code Delayed

[continued from page 15]

Convention to insulate airlines in international service from suits for willful misconduct, failed. Therefore, as currently recognized, travelers injured or killed in international travel may recover up to \$117,000.00 but have no right to sue for anything in addition thereto.

Products Liability Legislation

In a close vote, an attempt to immediately change the American Bar's policy opposing uniform national products liability legislation failed. However, the subject will be once again debated at the 1983 mid-winter meeting. In the interim, the subject will be studied by a special committee.

Family Law

In order to achieve uniformity in treatment of pensions and retirement pay, a resolution was passed calling for legislation that would subject all such compensation to state property laws. The policy was adopted in response to the United States Supreme Court decision in *McCarty v. McCarty* which exempted military retirement pay from property division between spouses.

Equal Access to Justice

Unanimous approval was granted for support of amendments to the Equal Access to Justice Act which would provide that fees be paid by the agency which a party has prevailed, to conform the eligibility for fees awards in court proceedings to those applicable to formal agency adjudications and to classify the act to cover appellate proceedings seeking judicial review of agency actions.

It was also resolved to oppose S. 1223 that would have the effect of placing restrictions on the applicability of the Equal Access to Justice Act.

Habeas Corpus

In a close vote, the House voted to oppose habeas corpus reform legislation such as S. 653 and S. 2216. The proposed amendments would have the effect of defeating, inhibiting or minimizing an individual's right to a writ of habeas corpus.

Also supported was the adoption of procedures to expedite the legal steps which must be pursued between entry of a judgment of conviction by a state court and the resolution of federal habeas corpus proceedings including expedition of direct state appellate process, expedition of state post conviction remedies, prompt submission of all state court documents to federal courts, strict time requirements for submission of briefs and a prompt decision. In addition, the resolution called for competent counsel to be made available.

RICO

Sweeping amendments were urged to the Racketeer Influenced and Corrupt Organizations statute. While the Justice Department argued that the proposal would effectively gut the act, the proponents of the resolution successfully contended that the Act has been used to reach targets for which it was never intended.

Other Action

In other action, the House:

- 1) Deferred consideration of support for gun control legislation to the 1983 mid-winter meetings despite an impassioned plea from Mayor Feinstein of San Francisco for immediate action;
- 2) Created a Forum Committee on Air and Space Law;
- 3) Refused to create membership categories of Bar Admissions Associates and Legal Assistants Associates;

- 4) Abolished the award of merit programs for state and local bar associations after a survey indicating the bars were no longer interested;
- 5) Approved an amendment to the Code of Judicial Conduct recognizing cameras in the courtroom;
- 6) Supported an Internal Revenue Code amendment, S. 686, to provide for a deduction for expenses for legal services;
- 7) Endorsed legislation limiting the rule making power of the FTC;
- 8) Unanimously passed Standards for Judicial Evaluation and Training for State Trial Judges;
- 9) Supported amendments to the special prosecutor provisions of the Ethics in Government Act;
- 10) Urged legislation that would place discipline of attorneys practicing before federal agencies in the jurisdiction of the state bar associations;
- 11) Amended the Standards for Lawyer Discipline to provide for expunction of the record where a complaint has been concluded by dismissal; and
- 12) Referred to the National Conference of Commissioners on Uniform State Laws for study on a resolution urging the ability to remove life support systems from comatose, terminally ill patients without a court order where hospital, family and guardian have agreed.

More information on any of the foregoing, or any other action taken by the House of Delegates, can be acquired by contacting Dick Gantz, Keith Brown or Donna Willard, Alaska's representatives.

Letters

Mr. Harry Branson
Editor, Bar Rag
Box 279
Anchorage, AK 99501

Dear Mr. Branson:

Perhaps you have heard of me and my Statewide campaign in the cause of temperance. Each year, for the past 14 years, I have made tours of Interior Alaska and, in recent years, have expanded to include the coastal areas. In my travels I have delivered a series of lectures on the evils of drinking. On these tours, I have been accompanied by my young friend and assistant, Clyde Lindstone. Clyde, a young man of good family and excellent background, is a pathetic example of life ruined by excessive indulgence in whiskey and women.

Clyde would appear with me at the lectures and sit on the platform wheezing and staring at the audience through bleary, bloodshot eyes, sweating profusely, picking his nose, passing gas, and making obscene gestures, while I would point him out as an example of what overindulgence can do to a person.

Last spring, unfortunately, Clyde died. A mutual friend, your Spiritual Adviser, Judge Blair of Fairbanks, has given me your name and I wonder if you might be available to take Clyde's place during my 1982 fall tour?

Yours in faith,
The Rev. E. Jones
Elton Jones

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