

The Alaska BAR RAG

Volume 2, Number 6

Dignitas. Sempet Dignitas

July, 1979 \$1.00

Fourteen Resolutions Considered at Sitka Business Meeting

INAX Plan Passes Unanimously

At its annual Business Meeting in Sitka on June 9th, the Alaska Bar Association's membership in attendance considered fourteen resolutions dealing with such diverse topics as Bar sponsorship of a malpractice carrier for attorneys practicing law in Alaska; the establishment of an intermediate appellate court by constitutional amendment; tape recording of Board of Governors meetings; mandatory continuing legal education; and the prohibition of the practice of using secretaries, law clerks and others as standing masters, acting District Court Judges and Urban magistrates.

Election of Officers

The meeting was called to order by outgoing President Ken Jarvi who served as chairman for the proceedings with the assistance of Bill Erwin from Anchorage as parliamentarian. The convention approved the situs and time for the 1980 convention and business meeting as Anchorage, Alaska, June 12, 13 and 14, 1980. After introducing the members of the Board of Governors, President Jarvi announced the nominations for the Board Positions of President-Elect, Vice President, and Secretary for the coming year. The names of the nominees submitted to the membership for election were Bart Rozell of Juneau for the office of President-Elect; Johnathan Link of Fairbanks for the office of Vice President; and Ted King of Ketchikan for the office of Secretary. Ken Jensen of Anchorage inquired of the Chair why the membership was not voting for President as well as President-Elect. Jarvi ruled Jensen out of order explaining that in accordance with the By-Laws, the incoming president had already been elected in Fairbanks in 1978. Ken Jensen challenged the ruling of the Chair. Then Jensen and Dave Call of Fairbanks seconded his motion that the chair be overruled. This motion was defeated. Voting followed and the Board Slate of Candidates, Rozell, Link and King were elected to the positions of President-Elect, Vice President and Secretary, respectively.

Malpractice CLE Reports

Following the election of officers for the coming year, the meeting was turned over to Karen Hunt and Chuck Flynn of Anchorage who presented an extensive review of the year long study and findings of the Self-Risk Management Committee of the Alaska Bar Association. On behalf of the committee, Hunt and Flynn recommended the passage of Resolution Number 1 endorsing INAX as the Bar-sponsored malpractice carrier for attorneys practicing law in Alaska.

The next event was the report of the Continuing Legal Education Committee on their study of the

[continued on page 6]

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

In the Matter of the Establishment of a List of Attorneys Re: Appointments for Criminal Conflict Cases.

ORDER

The Supreme Court has announced that, effective July 1, 1979, counsel appointed to represent defendants in criminal cases in which the Public Defender has established a conflict exists will be compensated at the rate of \$40 per hour with a maximum of \$1,500 in misdemeanor and \$2,500 in felony matters.

The Alaska Court System expenditure transactions reflect approximately two hundred ten (210) appointments of counsel in criminal conflict cases during the calendar year of 1978.

As the Greater Anchorage telephone directory contains approximately four hundred seventy (470) names of lawyers engaged in the private practice of law,

IT IS ORDERED that a list be established which will contain the name of each lawyer above-described. The order in which the names will appear on the list will be from a drawing, and it will be the responsibility of each attorney so appointed to provide legal representation or to arrange for another attorney to provide said representation.

If, during the preceding six-month period, any lawyer has been appointed to represent a defendant in a criminal matter, and so requests, his name will appear at the end of the newly established list.

Any lawyer who has been admitted to practice in Alaska for less than one year may request and have only misdemeanor assignments for a period of not more than one year.

IT IS FURTHER ORDERED that similar lists will be established for Palmer, Kodiak, Kenai and Valdez. In the event that hardships result in small communities from the lack of adequate numbers from which to rotate assignments, with approval from this office, appointments may be made from the Anchorage list or other convenient locations.

DATED at Anchorage, Alaska, this 22nd day of June, 1979, with an effective implementation date of July 1, 1979.

Ralph E. Moody
Presiding Judge
Third Judicial District

Appointment of Temporary Bar Director Announced

John Lohff to Fill Post



The office of the Alaska Bar Association recently announced the appointment of John Lohff as temporary acting Bar Director until a replacement is found for the post recently vacated by Ronald Kull's resignation.

Lohff is working half-days in the Bar Office and half-days in his own recently commenced private practice in Anchorage, Alaska.

While filling the post of the Executive Director of the Alaska Bar Association, Mr. Lohff is working to find his own replacement. Mr. Lohff took the position on a temporary basis to help the Bar and to pay some rent bills while he starts a private practice in Anchorage. Before his present job, John spent four and one-half years in the U.S. Army Judge Advocate General's Corp., three of which were at Ft. Richardson. He worked there as defense counsel in sixty-five criminal cases and also worked a year as government labor counsel and administrative law advisor. Before that, he was on President Ford's Clemency Board Staff as Assistant General Counsel where he supervised a team of forty attorneys.

[continued on page 6]

13 Candidates for Superior Court Judge Slot

Thirteen candidates have submitted applications for the position of Superior Court Judge for the Third Judicial District at Anchorage. The Superior Court Judgeship has been vacant since Judge Kalamarides' sudden death. In alphabetical order, the candidates are:

Albert H. Branson, 44, born in Evanston, Ill. Received undergraduate degree from Northwestern University and his J.D. from the Univ. of Chicago. Since 1974 he has been in private practice with Branson & Gutschow.

Robert C. Bundy, 32, born in Long Beach, Calif. Received undergraduate degree from Univ. of Southern Calif. and law degree from Univ. of Southern Calif. and law degree from the Univ. of Calif.-Berkeley. From January, 1978 to present he has been assistant district attorney in Anchorage.

Harland W. Davis, 54, born in Highland Park, Mich. Received undergraduate and law degree from the Univ. of San Francisco. Since July, 1974 he has been in private practice and from 1967 to the present he has been the attorney for the Bristol Bay Borough.

LeRoy E. DeVeaux, 38, born in Evergreen Park, Ill. Received undergraduate degree from Dana College in Nebraska and his J.D. from Arizona State College of Law. Since 1974 he has been in private practice with Wanamaker & DeVeaux (as of 2-1-79—Wanamaker, DeVeaux & Crabtree.)

Sheila Gallagher, 39, born in Ottumwa, Iowa. Received undergraduate degree from Northwestern Univ. and J.D. from the Univ. of Michigan. From 1976 to present she has been in private practice.

Max F. Gruenberg, Jr., 35, born in San Francisco, Calif. Received undergraduate degree from Stanford Univ. and J.D. from Univ. of Calif.-Los Angeles. From 1976 he has been in private practice. Since Feb. 1979 has practiced as Gruenberg & Frenz.

Karl S. Johnstone, 37, born in Phoenix, Arizona. Received undergraduate and law degree from the Univ. of Arizona. From 1973 he has been in private practice in Anchorage.

Carolyn E. Jones, 38, born in Port Chester, N.Y. Received undergraduate degree from Stanford Univ. and law degree from Yale Univ. Since 1975 she has been legal counsel to various state agencies—Alaska State Commission for Human Rights, Dept. of Education, Dept. of Revenue and Alaska Transportation Commission.

Judge Laurel J. Peterson, 31, born in Roseau, Minn. Received undergraduate degree from Western State College of Colorado and law degree from Gonzaga Univ. Since 1975 he has been District Court Judge for the Third Judicial District at Anchorage.

[continued on page 6]

Inside

Wizard.....	4
Potshots.....	4
Roots.....	5
Winners.....	8
Nose.....	12

New Job for Former D.A., Joe Balfe

By Judith Bazeley

After six years as head of the District Attorney's Office in Anchorage, Joe Balfe started a new job this month. He will fill a recently created position in the Department of Public Safety, entitled either Departmental Legal Officer or Assistant Attorney General for Law Enforcement. According to Balfe, the Department of Public Safety has long wanted its own attorney, but the position was only recently funded, thanks in part to the efforts of Bill Nix, the present Commissioner of Public Safety.

Balfe's new duties will be varied, consisting of legal research, interpretations of rules and statutes affecting the Department and which it has to implement, interpretation of various new pieces of legislation that concern the Department, and work on changes to regulations and portions of the Alaska Administrative Code. In addition, Balfe will assist the District Attorney's Offices in certain major criminal cases, functioning as a liaison between the State Troopers and the District Attorney, but not as a substitute for the District Attorney. In particular, he expects to help in developing shooting policies for the police and troopers. Balfe also expects that he will be active in lawsuits in which the Department of Public Safety is a party, assisting the Assistant Attorney General responsible for the litigation and acting as a liaison between the Department and those attorneys.

One area in which Balfe hopes to be of considerable benefit to the Department of Public Safety involves the administration of the new Criminal Code which goes into effect in early 1980. Apparently, the Department anticipates a certain number of problems with the Code and its new attorney will probably work on developing both a Handbook on the Criminal Code for the police and in developing training programs for the police and possibly others.

Balfe anticipates that most of his time will be spent on problems arising with Troopers and the Department of Motor Vehicles with considerably less time devoted to such other branches of the Department, such as Weights and Measures and Fish and Wildlife Protection.

Balfe says he has had his eye on this position since it was first dreamed up in the early 70's during John Havelock's tenure as Attorney General. Lack of funding kept the position from becoming reality until this year.

His feelings about his change of job are positive. Having asked for

the job, he wants to give it his best efforts. Balfe sees it as an exciting new opportunity to get in on the ground floor, remarking that he will still be working closely with the D.A.'s office. His immediate supervisor will be Dan Hickey, as before.

Balfe professes few regrets about leaving his position as D.A. after six years of service. His new position, although not a promotion, will be far more diversified and less administrative. However, he maintains that he would have remained in the D.A.'s slot had this new opportunity not arisen. He feels the office will be left in competent hands when his successor, Larry Weeks of Juneau, arrives in Anchorage on July 2. Until that time, Balfe will alternate his time between the D.A.'s office and the Department of Public Safety's Office on Tudor Road.

When asked about his accomplishments during his six years tenure as D.A., Balfe cited the opening of District Attorney Offices in Kodiak and Bethel, increased service to bush communities with each attorney in the District Attorney's Office spending one week a month in a bush community. There are now three attorneys in the District Attorney's Office who do nothing but intake work. A paralegal position as a victim witness coordinator has been established. The District Attorney's Office assists in training the City Police; and the diversion program, designed to offer alternative solutions for first offenders in nonviolent crimes, is now operating with a reasonable degree of success.

In addition, over Balfe's six years, the District Attorney's legal staff has grown from 10 to 18 attorneys, and Balfe points to greater continuity of personnel, something which has hitherto been a problem. Several attorneys have been employed by the District Attorney's Office for slightly under five years and two have passed the five year mark. In all, Balfe has been responsible for overseeing 40 people in the District Attorney's Office and in remarking that the position is purely administrative, notes that he has only tried four cases in the past six years.

Prior to becoming District Attorney in Anchorage, Balfe was District Attorney in Juneau from 1971 to 1973 and was Assistant District Attorney from 1970 through June, 1971. An advertisement brought him to Juneau from Oregon where he had been a private practitioner since 1964. Prior to that time he was an Oregon State Policeman for eight years.

Wilma French Wins Legal Secretary Award

Wilma French of Anchorage was chosen Legal Secretary of the Year by the Anchorage Legal Secretaries Association at its meeting on May 3, 1979.

Ms. French has been a legal secretary for 32 years and is presently employed by the firm of Burr, Pease & Kurtz, Inc. Wilma has been a member of the Legal Secretaries Association both in Washington and Alaska for eight years. She held several positions in the Anchorage Legal Secretaries Association including President (two years); Vice President (one year); Recording Secretary (two years);

and she has also been the Chairperson for the Membership and Insurance Committees. She is presently the Chairperson of the Legal Education Committee. Ms. French has been a member of the National Secretaries Association for 32 years and has served and chaired on many committees within their organization.

The Legal Secretary of the Year award is made annually to a member on the basis of outstanding secretarial ability, service to civic, charitable and religious activities and the national, state and local legal secretary associations.

ALASKA BAR ASSOCIATION ETHICS COMMITTEE OPINION 79-1

The question posed to the Committee is:

It is proper for an attorney to charge interest on unpaid portions of a billing?

There are three opinions of the American Bar Association Committee on Ethics which are pertinent to this inquiry.

Formal Opinion No. 151 (February 15, 1936) held that it was improper to offer a discount to clients for prompt payment of fees. The opinion was premised upon then-in-effect Canon 12:

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade...

Informal Decision No. 741 (March 31, 1964) held that it would be improper to include the following language on an attorney's billing form:

Interest at the rate of six percent per annum will be charged on all accounts not paid within thirty days.

The Committee's rationale for Informal Decision No. 741 was that the practice might constitute a bargaining weapon which the attorney might use in reaching an agreement as to the amount of fees where the fees owed were in dispute. Furthermore, the Committee contended that even where the fees have been agreed upon, the claim of interest would appear to be an inducement to pay promptly, similar in effect to offering a discount for prompt payment, a practice which was condemned in Formal Opinion No. 151, as discussed above.

On the other hand, Informal Decision No. 741 (1964) went on to state that in special cases it would be appropriate for an attorney to

accept a promissory note for the amount of a fee, with interest to accrue until paid, and with the provision that the client could prepay without penalty. This practice would be acceptable, according to the Informal Decision No. 741, only where the client was able to pay but desired that payment be deferred for his convenience rather than of necessity.

Formal Opinion No. 338 (November 16, 1974) dealt generally, and approvingly, with the use of credit cards for the payment of legal services; it also contains the following statement:

It is also the Committee's opinion that a lawyer can charge his client interest providing that the client is advised that the lawyer intends to charge interest and agrees to the payment of interest on accounts that are delinquent for more than a stated period of time.

The Alaska Bar Association Committee on Ethics notes in these opinions a definite liberalizing trend toward the allowance of interest on unpaid billings; more importantly, the Committee does not find any provision of the Code of Professional Responsibility which directly or indirectly prohibits or condemns the charging of interest on unpaid billings. The Committee believes that the public generally would in fact be surprised if interest were not charged on overdue billings as in the case of any other debt. If it is an attorney's intent to charge interest on unpaid billings, he should of course inform his client of that intent to avoid later disputes, but the Committee can find no reason either in logic or under the provisions of the Code of Professional Responsibility which would indicate that the charging of interest is improper.

House for Lease September 1. Prime location—Inlet View—Spacious Ranch style house on large corner lot. 3 large bedrooms, 1 1/2 baths, family room, deck, all appliances, drapes, hardwood floors, fireplace, partially furnished. \$750/month. Call 279-9336 or 276-0777.

Attractive office with view for one lawyer and secretary two blocks from Anchorage Courthouse. \$400 per month. Phone 272-4824.

T'Bal Investigations

P. O. Box 1162
Soldotna, Alaska 99669
(907) 262-5256

LEGAL INVESTIGATION - THE MISSING LINK?

DON'T LET IT BE: GET THE FACTS

BEFORE DISCOVERY
BEFORE NEGOTIATION
BEFORE TRIAL

Call Leroy Cook at **INFORMATION SERVICES**
529 Fifth Ave., Suite 2
Fairbanks, AK 99701

907 456-8205

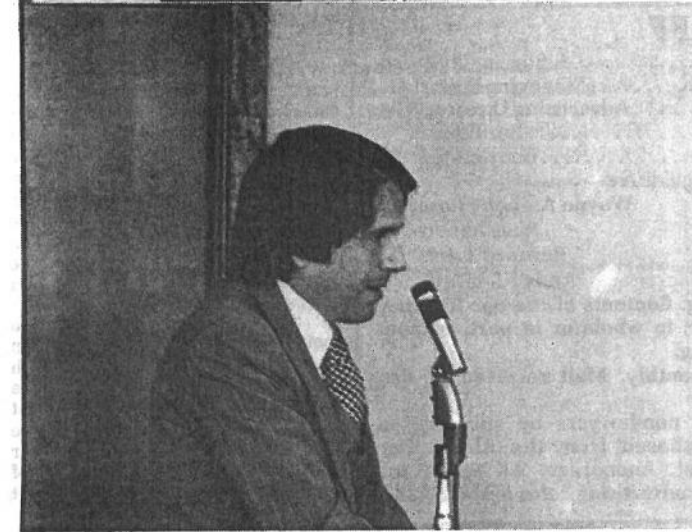
Eleven years of experience in investigation and trial preparation

We Can Handle It.



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

SITKA CONVENTION PHOTOGRAPHS



President's Column

Volunteers

As I stated at the recent Admissions Ceremonies and reiterated at Judge Kalamarides' Memorial Services, the backbone of the Alaska Bar Association is its volunteers.

To even begin to catalogue their number would be an impossible task. Suffice it to say that virtually every prominent member of our profession has, at one time or another, "paid his dues." Those who know me, have often heard that expression. For those who don't, it simply means pro bono contribution to the welfare and well being of the Alaska Bar and the public.

Those endeavors are varied, diverse forms but all are positive. They are the efforts of those who care about the profession, who want to see its image improved and who are willing to do so free of charge.

They are those who, over the years have served on the Board of Governors and the Committees of the Association, the lawyers who serve on charitable and non profit corporations, those who serve on public agencies and Boards free of charge and those who commit time and effort voluntarily to civic organizations throughout this State, not to mention on a nationwide basis.

Each is worthy of recognition because, in affirmatively serving, each enhances the profession and, ipso facto, an Association which has historically been an object of condemnation and vituperation.

Nevertheless, while individual recognition is impossible, I do want to thank, on behalf of the Board, all who have served, during the past year, on the various Committees of the Alaska Bar.

Moreover, I want to extend my personal appreciation for the response which we have had to this year's solicitation for Committee appointees.

Frankly, I had one hell of a time categorizing, analyzing and finally appointing. In fact, many of you, especially those not appointed, might consider me illogical and insane without venturing into the mental processes which contributed to the end result.

Thus, let me share with you just a little of what went into the final appointments. First, I had approximately 150 persons, available, by multiple designation, to serve in over 500 positions. In fact, the vacancies were 54 with perhaps eight others open by resignation or removal.

My initial action was to segregate the applicants by preference, thus compiling 18 lists representing the 18 standing committees of the Alaska Bar (since increased by one). If a person designated more than one committee, his name appeared on more than one list with his preference indicated, an exercise which fortunately most saw fit to pursue.

Next, came a study of the present composition of the Committees from a geographical context, as well as the youth, or lack thereof, of its members in terms of admission to the bar. Also of consideration was whether these were female participants.

With all this in mind, the end result is published in this edition of the Bar Rag. To some of you, it may seem arbitrary and capricious. For me, it is the end product of many hours of work with only one goal in mind; effective, highly organized highly productive committees.

Thus, to each of you appointed, you have your charge; you were selected because of your expressed desire. Don't fail in that commitment. More important yet, if you can't,

for whatever reason, fulfill it, ask to be relieved. Only through its committees can this Association function effectively.

To those of you who weren't appointed, as already related by letter, don't be discouraged. Apply again next year and, in the interim, offer

your services to the appropriate Committee Chairman. I doubt your pro bono services will be refused.

In any event, to each of you, whether appointed or not, I extend the Board's appreciation for your willingness to serve.

The Wizard of Id



The Wizard of Id by permission of Johnny Hart and Field Enterprises, Inc.

Random Potshots

The Business of Lawyers

By John Havelock

One had the sense at our recent convocation at Sitka that with a change of names and titles, we might as well have been attending the annual convention of the cosmetologists and hairdressers. In fact, that group might well conduct its business affairs with more efficiency and regard for form than our own.

With one notable exception, evidence of the craft which lawyers are supposed to demonstrate in the handling of human affairs was absent. The meticulous research which our profession is said to bring to the aid of the public was not in evidence. In short, lawyers do not seem to be able to handle their own business in any better fashion than the general run of mankind and perhaps do a

bit worse.

This observation is not intended to attach to any particular individual or to the board or its officers. With few exceptions, the board, the officers and the members of the association stumbled through the proceedings with the professional class of Inspector Clousseau. The membership is not excluded. In the preparation and presentation of their resolutions, their non-attendance and general floor participation, they, too, exhibited an unbecoming casualness towards the serious business of the bar.

The evidence for these observations lies both in what we did do and what we did not do. The handling of concerns regarding the management procedures of the board

was graceless. The proposed rule on reciprocity bordered on malpractice. The consideration of a rule amendment regarding the use of firm names bordered on the criminal.

Notable in our nonfeasance was the failure of the association to address many of the serious issues which are before the bar, both nationally and in the state. I offer a bill of particulars and some recommendations.

Floor Resolutions Fumbled

While the charge that members of the board of governors were using the bank accounts of the association as their own personal BankAmericards was undeniably entertaining to all but those facing the point of the spear, this phrasing laid the foundation for excesses of antagonism in addressing these issues. The group of resolutions addressing board procedures and practices were not drafted with great care as indicated by several comments and seat-of-the-pants amendments necessary to bring them up to some kind of shape. Some member of the board of governors could be found to respond to every suggestion with poor grace. The parties seemed automatically to fall into an adversary posture. The debate was sometimes one-sided as the presiding officer engaged in argument, mike in hand, with persons proposing and addressing resolutions, a practice frowned upon under Robert's Rules.

Admissions Reciprocity Ruined

A proposed rule on reciprocity in admission, which has specifically been declared unconstitutional under the due process clause of the Constitution of the United States in *Application of Houston 378 P2d 644* (1963), was advanced by one committee for final floor action.

Firm Names Flubbed

A proposed rule on firm names was proposed, apparently by an ad hoc committee appointed by the board. The rule displayed not only commerce clause and equal protection problems under state and federal constitutions but also demonstrated inept draftsmanship which may or may not reflect similar ineptitude on the part of the brotherhood in New Jersey from which it was said the language came. The proposed rule fails to reflect the fact that a large proportion of the bar now practices through professional corporations. By its special application to out-of-state firms, the proposal raises question whether the proponents are not more concerned about protecting themselves from competition than the protection of the public.

Apparently, despite the volatility of the question, the association did not see fit to have the draft rule change prepared by a committee representing several points of view on the matter. Nor, apparently was any member of this ad hoc committee present to state the committee's views as to the necessity or the form of the proposal. The board was left holding the bag and its handling was at best flustered.

Board Action Bobbled

The action actually taken by the board on the proposal was to recommend the rule for publication. But this fact, with the help of floor discussion, was soon completely lost. For most persons in attendance, the board's recommendation on publication became confused with the board's supposed unanimous endorsement of the merits of the proposal. The board had in fact been split on the merits.

Someone made a reference to a committee report. Another mention was made of the legal research done in support of the rule. There was neither. In possibly the most outrageous public statement of the entire proceedings, one lawyer seriously suggested that meetings of the board of governors should not

[continued on page 9]

STAFF

Harry Branson..... Editor in Chief
William T. Ford..... Managing Editor
Wev Shea..... Advertising Director
Wm. W. Garrison..... Bar Editor
Donna C. Willard..... Copy Editor

Contributing Editors

John Havelock
Rand Dawson
Barbara Schuhmann
Richard Whittaker
Wayne Anthony Ross
Russ Arnett
Bernard Trink
Andy Kleinfeld

Copyright 1979 by the Bar Rag. Contents of the Bar Rag may not be reproduced in any manner, in whole or in part, without written permission from the Bar Rag.

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

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

Bills and Notes

By Norman C. Gorsuch

June 20, 1979

Final Status Report

The Legislature adjourned on Sunday May 7, the 112th day of the session. During the final adjournment flurry, several pieces of legislation of interest of members of the association were left on the table.

SB 104, the bill which would create an intermediate court of appeals, never reached the House floor for a vote. The bill is currently pending in the House Rules Committee where it will be available for consideration by the House next year.

HB75, a bill by Representative Charlie Parr (D-Fairbanks) which would rewrite the State's access to public records statutes was left in limbo as the Senate never appointed a free conference committee to meet with the House for the purpose of ironing out the differences between the two versions of the bill.

HB101, introduced by Representative Joe McKinnon (D-Anchorage), would permit a corporation to represent itself in court if it could demonstrate that the person representing it was competent and that the corporation could not afford to hire an attorney. It is currently pending in the Senate Judiciary Committee chaired by Bob Ziegler (D-Ketchikan).

SB99, a bill which would allow individuals possessing a European style bachelor of laws degree to be eligible for admission into the clerkship program was held in the House Rules Committee by the Rules chairman, Representative Sam Cotten (D-Eagle River). The bill is still pending for consideration by the House next session.

HB85, introduced by Representative Joe McKinnon (D-Anchorage), which would alter the appeals procedure for persons who fail the bar examination is also being held in the House Rules Committee.

There were bills of more specific interest to members of the association which were introduced but did not move this session.

A bill introduced by the Governor limiting the State's liability for accidents caused by faulty highway maintenance is currently pending and did not move in the first session.

SB265, an act which limits product liability which was introduced by the Senate Commerce Committee by request is currently residing in that committee.

SB287, introduced by Senator Terry Stimson (D-Anchorage), which creates civil liability for shoplifting has been referred to the Senate Judiciary Committee where it now resides.

Representative Dick Randolph (L-Fairbanks) and others, introduced bills to direct the Code Revision Commission to undertake a series of policy reviews of state laws relating to gambling and gaming, drugs and narcotics and prostitution. Under the terms of the bills, the Commission is to make recommendations on whether those statutory schemes should be continued. The bills also provide that the laws would automatically be sunset on July 1, 1982 unless the legislature specifically continues them. (HB496, 497 and 498). These bills have been referred to the House Judiciary Committee.

Representative Joe McKinnon (D-Anchorage) also introduced a no fault insurance bill during the closing days of the session. The bill was referred to the House Judiciary Committee.

HB253, eliminating exemptions

Letters to the Editor

Dear Editors:

In the April issue I noted that the Alaska State Bar may soon receive a legislative audit (page 1, column 4).

This brings me to call your attention to the decision of the Supreme Court of the State of Washington in *Graham V. Washington State Bar Association*, (1976) 86 Wn. 2d 624, 548 P.2d 310. In that case the Supreme Court of this state held that the Bar Association was an agency of the Supreme Court and not subject to audit by the State Auditor. I had something to do with that case.

As one of the organizers of the Washington State Bar in 1933, I, with the other members of the first Board of Governors, retained outside auditors from the beginning and published the audit. The practice was continued throughout the years. This was probably a factor that may have assisted in getting the right decision two years ago. It was a power play by the state auditor, whose additional audit would have been a waste of the state's money.

On page 3, column 2, I note that the Board of Governors has extended until June 15 the by-law amendment made without notice in January, requiring non-resident members to maintain an office in Alaska, and evidently trying to apply it retroactively, even to lawyers who had already paid their dues for 1979. I have not to this date seen a copy of the amended by-law, or what the two conditions are. I have been a member of the Alaska Bar since territorial days. The new rule doesn't bother me personally because my partners and I always associate a lawyer actually resident in Alaska. I would think that would be sufficient in any case.

Alfred J. Schweppe
Seattle

Dear Editor:

Attached for your information in case you, too, do not know it exists, is a 1977 statute which has just been brought to my attention.

Please publish AS 25.30.080 in

from jury duty, is still pending in the House Judiciary Committee.

Some bills of interest to members of the association passed the legislature.

The legislature adopted the Free Conference Committee report for HB66 which created a public land disposal system. The bill also establishes procedures to be followed by the Division of Lands in disposing of the public land to citizens.

The legislature also passed an act revising the municipal code (HCS CSSB 137 and H). The bill makes several technical changes in the existing municipal code particularly with respect to elected local officials.

The legislature also adopted a Free Conference Committee report for SB236 which continued the existence of the Alaska Transportation Commission, amended its current statutory authority to exempt certain carriers from regulation and authorized the employment of staff legal counsel. The Governor vetoed the bill.

Both HB195 and HB196 passed the legislature. These bills provided for the creation of and an appropriation for an advisory committee on judicial sentencing practices.

The appropriation to the Bar Association for the prosecution of grievances survived the Free Conference Committee on the budget and is part of the Court system budget. A bill appropriating three quarters of the supplemental appropriation requested by the Court system to pay for attorneys utilized by it in conflict cases also passed the legis-

its entirety in the next issue of the Bar Rag. We would like widespread notification that we soon will require compliance.

Thanks.

Sincerely,

James E. Arnold

Area Court Administrator

Sec. 25.30.080. Information under oath to be submitted to the court.

(a) Every party in a custody proceeding in his first pleading or in an affidavit attached to that pleading shall give information under oath as to the child's present address, the places where the child has lived within the last five years, and the names and present addresses of the persons with whom the child has lived during that period. In this pleading or affidavit every party shall further declare under oath whether

(1) he has participated, as a party, witness, or in any other capacity, in any other litigation concerning the custody of the same child in this or any other state;

(2) he has information of any custody proceeding concerning the child pending in a court of this or any other state; and

(3) he knows of any person not a party to the proceedings who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

(b) If the declaration as to any of the matters specified in (a)(1)-(3) of this section is in the affirmative, the declarant shall give additional information under oath as required by the court. The court may examine the parties under oath as to details of the information furnished and as to other matters pertinent to the court's jurisdiction and the disposition of the case. All information obtained by the court shall be made available to counsel for the parties.

(c) Each party has a continuing duty to inform the court of any other custody proceeding concerning the child in this or any other state of which he obtained information during this proceeding. (§ 1 ch 61 SLA 1977)

ment rush was the failure of the Senate to concur in the House passed state employee pay increases. The State adjourned without taking a floor vote on the issue. The Governor is convening a special session on August 6th to deal with this pay raise impasse, as well as possible changes in the public employees collective bargaining act.

Probably the most important matter pending before the legislature is the commencement of its scheduled sunset review Bar Association activities and procedures with a view to the preparation of a report which will be utilized by the legislature in making the decision of whether or not to continue the existence of the Bar Association, amend the statutes which relate to the Association or allow the Association to be sunset. Under the terms of the sunset law, the Bar Association would automatically sunset on July 1, 1981 in the absence of a positive act by the legislature to continue its existence.

Director continued

[continued from page 1]

Mr. Lohff is sure that in spite of some friction within the Association, his college experience as a psychiatric orderly and his law school experience as a San Francisco policeman will see him through. If this doesn't work, he plans to find some quiet in the backcountry where he will spend weekends hiking and climbing.

Origins of the Alaska Bar Association

By Russ Arnett

The Alaska Bar Act was passed by the 1955 Legislature to a large extent because of two Anchorage disciplinary cases and some bar exam problems.

Herald Stringer was a lawyer and the Third Division's most powerful Republican at the time of the death of District Judge Anthony J. Dimond in 1953. Herald backed the appointment of J.L. McCarrey Jr. as his successor and told some of the Anchorage Bar they were going to get him whether they liked it or not. He was right. Not long afterward he found himself before Judge McCarrey on a disciplinary matter. Judge McCarrey disqualified himself and sent the case to Fairbanks. The Fairbanks judge sent the case back to Anchorage. Assistant United States Attorney Jim Fitzgerald prosecuted the case, and Judge McCarrey suspended Herald. In the Ninth Circuit "Stringer, represented by many attorneys (Grigsby, Kay, Davis, Butcher), vehemently complained of a procedure in which he acquiesced. In our judgment, once having disqualified himself for the cause, on his own motion, it was incurable error for the district judge to resume full control and try the case."

Bailey Bell was handcuffed in his office in the Central Building by a Deputy Marshal because of a disciplinary charge against him and marched across the street to the Federal Building. A Fairbanks judge who was new to Alaska and had spent most of his time in Fairbanks tried the case. He held that the prevailing ethical standards in Anchorage were so abysmal that it would be unfair to punish only Bailey. We now realized something had to be done, if only to quit referring Anchorage grievances to Fairbanks judges.

Three of the five unsuccessful candidates for the 1952 bar exam filed in re Fink, Hermann and Arnett, alleging that questions were given to some candidates before the exam and that secrecy system of grading was violated by at least one examiner. Judge Folta held that "If a member violates his oath, it is doubtful whether any system could be devised that would assure secrecy in the particular here under discussion. The remedy indicated is the administrative one of removal, rather than invalidation of the examination by judicial process." He also held that there was no showing of "a scheme or conspiracy, participated in by the remaining board members, or some of them, to flunk the patitioners." The smart flunkie instead of litigating went to work for the Attorney General, who ran the exam, and his score improved from the mid 60's in the 1952 exam to the mid 90's in the 1953 exam.

Others complained that the bar examiners did not expeditiously grade the annual exams because they took five months one year and eleven months another year to grade about twenty papers.

The 1955 Legislature had a good number of able lawyers. Lead by Representative Kalamarides, they answered the question of whether the lawyers themselves could do a better job on admissions and discipline with "Why not?" They passed the Bar Act.

The first convention of the Alaska Bar Association soon followed in Ketchikan. Earl Cooper asked the Convention how Arnett's wife could possibly be in Anchorage when he had seen a woman in his room only the night before. Ah, to return to those golden days of the bar!

Sitka

[continued from page 1]

feasibility and desirability of instituting a mandatory CLE program for all Alaska Lawyers. Terry Fleischer of Anchorage, the Statewide Chairman of the committee and Edward Stahla of Sitka, the South-eastern Regional Chairman presented a working model of a mandatory plan while indicating to the assembly that the committee took no position on the issue.

Reciprocity, Firm Name Limitations
Next, two special items were considered under the heading "New Business." These were two proposals sent to the floor of the convention for its consideration: Reciprocity for attorneys seeking admission to the Alaska Bar who had been admitted to practice in other states; and a rule banning the use of partnership firm names, or corporate names of persons not permitted to practice law in Alaska on letterheads, cards, stationary, signs or advertisements. The proposed rule on Reciprocity was tabled indefinitely by vote of a majority of the members present. The proposed Rule change affecting Firm Names was passed.

---Resolutions---

The INAX Resolution, mentioned earlier, was passed unanimously. Resolution Number 2 proposing the institution of a pre-paid Legal Services Plan was defeated after a stirring denunciation of the draftsmanship and lack of thought behind the proposal by Bill Erwin of Anchorage.

Resolution Number 3, advocating a Mandatory CLE Program for Alaska Attorneys was defeated after being amended, tabled, reconsidered and vigorously debated.

Resolution Number 4 resolving that the Alaska Bar Association send a letter to President Carter and Attorney General Griffin Bell urging the appointment of a qualified Alaskan to fill one of the vacancies on the Ninth Circuit Court of Appeals was passed despite the fact that such a letter had already been sent. Chuck Cloudy of Ketchikan moved an amendment to this motion providing that the letter be sent by courier. His motion died for lack of a second.

Resolution Number 5 advocating the amendment of the Alaska Legal Services Corporation Act to require ALSC Attorneys to provide representation to all divorce and bankruptcy applicants eligible for their services, was tabled indefinitely by majority vote of the membership in attendance. No action was taken

on Resolution Number 6 advocating the institution of a cooperative buying association for the benefit of Alaska Bar Association Members. Resolution Number 7, requiring the publication of Alaska Legal Services Board Meeting Minutes and schedule of meetings was passed unanimously. Resolution Number 8 calling for a reduction in dues for the first five years of membership in the association to \$150.00 died for lack of action.

Board Members Exposed

Following the Luncheon, Chuck Cloudy asked the Board Members to expose themselves to the Convention members present by sitting en masse at the Speakers' Table. Cloudy's request was ruled out of order by the Chair. The ruling was challenged and the Chair was subsequently overruled, whereupon the Board Members emerged from the body of the convention and exposed themselves. Reactions were mixed, although generally favorable.

Resolution Number 9 calling for the prohibition of the use of secretaries, law clerks and others as standing masters, Acting District Court Judges and urban magistrates, was tabled after spirited debate by the membership of the Tanana Valley Bar Association.

Resolution Number 10 urging the creation of a constitutional intermediate court was passed. Resolution Number 11 requiring that the Board of Governors tape record each meeting and preserve the tapes for a period of at least two years was passed by an overwhelming majority. Resolution Number 12, requiring the Board of Governors to keep and publish an annual line item budget was passed. Resolution Number 13 allowing reimbursement of Board Expenditures rather than per diem was tabled. Finally, Resolution Number 14 regarding the charging of Board expenses was defeated.

PRESIDENT TATE TO VISIT

S. Shepherd Tate, President of the American Bar Association will arrive in Alaska July 6, 1979 for a four day visit.

The official agenda includes a reception in Fairbanks hosted by the Tanana Valley Bar on July 8th, a press conference in Anchorage, a luncheon speech to the Anchorage Bar on July 9th, and a dinner with members of the Supreme Court and the Board of Governors.

Unofficial activities scheduled are a float/fishing trip, an airplane tour from Anchorage to Fairbanks courtesy of Judge Jerry Van Hoomisen and an excursion to Portage Glacier.

Candidates

[continued from page 1]

Arthur S. Robinson, Jr., 30, born in Washington, D.C. Received undergraduate and law degree from the Univ. of Calif. at Los Angeles. Since 1976 he has been in private practice in the Soldotna-Kenai area.

Douglas J. Serdahely, 33, Rhinelander, Wisconsin. Received undergraduate degree from Northwestern Univ. and law degree from Harvard Law School. Since 1978 he has been practicing with the firm of Birch, Horton, Bittner & Monroe in Anchorage.

Brian C. Shortell, 39, born in Bradford, Pa. Received undergraduate degree from the Univ. of Calif. at Berkeley and law degree from Hastings College of Law. Since 1975 he has administered the state's public defender agency.

Donald R. Stemp, Jr., 34, born in Rochester, Minn. Received undergraduate degree from Univ. of Minnesota and law degree from Washington Univ. From 1977 he has been in private practice in Anchorage.

Another judicial vacancy has resulted from the creation of an additional Superior Court Judge for the city of Kotzebue. According to the Alaska Judicial Council, no applications have been submitted for this position. The deadline for filing applications for this judgeship is July 9th.

Applicants for the District Court Judgeship for the Third Judicial District at Anchorage which will be vacated on August 15, 1979, by Judge Laurel Peterson, who has announced his retirement from the bench, include:

Charles R. Avery, 37, born in Atlanta, Georgia. Received undergraduate degree from Furman Univ. and law degree from Emory Univ. in Georgia. Since 1977 he has been attorney and advisor for the Alaska Native Claims Appeal Board.

James M. Bendell, 28, born in Camden, New Jersey. Received undergraduate degree from College of William & Mary and law degree from Rutgers Law School. From 1978 he has Municipal Attorney in Anchorage.

Robert D. Frenz, 33, born in St. Louis, Missouri. Received undergraduate degree from San Diego State Univ. and law degree from Western State Univ. Since 1978 he has been an associate of Max F. Gruenberg (since Feb., 1979—Gruenberg & Frenz).

Lucy M. Lowden, 32, born in Plymouth, New Hampshire. Received undergraduate degree from Plymouth State College and law degree from Franklin Pierce Law School. From 1978 she has been an associate with Ellis, Sund & Whittaker, Inc. in Ketchikan.

Donalds L. Starks, 28, born in Cadillac, Michigan. Received undergraduate degree from Michigan State Univ. and law degree from the Univ. of San Diego. From 1977 he has been Assistant Municipal Attorney in Anchorage.

Elaine B. Vondrasek, 40, born in Chicago, Ill. Received undergraduate degree from Roosevelt Univ. and law degree from California Western in San Diego. Since 1978 she has been Committing Magistrate, District Court in Anchorage.

George E. Weiss, 36, born in Los Angeles, Calif. Received undergraduate degree from Univ. of Alaska in Fairbanks and law degree from Hastings College of Law. Since 1978 he has been in private practice—George E. Weiss & Associates—and General Counsel for Alaska Pacific Assurance Co.

L. Eugene Williams, 51, born in Rochester, N.Y. Received undergraduate degree from Hobart College and law degree from Albany Law School. Since 1978 he has acting district court judge.

IN MEMORIAM THE HONORABLE PETER J. KALAMARIDES

Memorial services hosted jointly, the Alaska Court System and the Alaska Bar Association were held in the Supreme Courtroom, Anchorage, on July 22, 1979, for the Honorable Peter J. Kalamarides, Judge of the Superior Court.

In attendance were wife, Betty Kalamarides, sons Joe, Peter and George, together with a host of friends, colleagues and members of the Bar.

Monsignor Francis Murphy of St. Patrick's delivered an opening prayer after which Donna Willard, Mistress of Ceremonies, recalled Judge Kalamarides' services to the Bar Association both as Chairman of the Grading Committee and as volunteer Executive Secretary, a position since filled by a fulltime Executive Director.

The Honorable Jay A. Rabinowitz, Chief Justice, Supreme Court of Alaska spoke of Judge Kalamarides' contributions as an officer of the judiciary while the Honorable Ralph Moody, Presiding Judge, Third Judicial District, traced his relationship with Judge Kalamarides from October 1948 when they took the bar examination together.

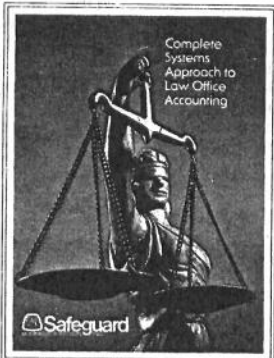
The Honorable Dorothy Tyner, District Court Judge retired, related vignettes from her partnership with Judge Kalamarides and the Honorable Bill Ray, Alaska State Senator recalled days of service together from territorial days forward.

The Honorable James Fitzgerald, District Court Judge, Edgar Paul Boyko, Esq. and Wendell P. Kay, Esq. all shared early memories of practice of law with Judge Kalamarides.

After serving in World War II as a Second Lieutenant, Judge Kalamarides served in the Anchorage Police Department, attaining the rank of Chief in 1945.

He graduated from the University of Idaho School of Law in 1948 and was admitted to the Alaska Bar in early 1949.

Judge Kalamarides served in the Territorial Legislature from 1954 and was "Majority Whip" in the first State Legislature. He was appointed to the Supreme Court bench in 1973 by Governor William A. Egan.



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."

Safeguard
BUSINESS SYSTEMS

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

Have Safeguard come to my defense.

Name _____
Address _____
City/State/Zip _____
Phone No. _____

ASSOCIATION OFFICERS

The following are the officers of the Association for 1979 - 1980;
Donna C. Willard, Anchorage, President.
William B. Rozell, Juneau, President-Elect
Jonathan H. Link, Fairbanks, Vice-President
Edward G. King, Ketchikan, Secretary
 Donna attained the Presidency by virtue of her unanimous election as President-Elect in Fairbanks at the 1978 Annual Meeting. The other officers were elected in Sitka at the 1979 Annual Meeting, in accordance with the By-Laws.

NEW BOARD MEMBERS

Elizabeth "Pat" Kennedy is the new Board member from Anchorage, replacing **Kenneth O. Jarvi** whose term as a member and President of the Association terminated at the close of the Annual Meeting in Sitka, June 9, 1979.
Wm. "Bart" Rozell of Juneau commences a second term on the Board after running unopposed for the Southeastern slot, traditionally allocated to Juneau.
Richard D. Savell from Fairbanks defeated **John Van Winkle** of Nome for the opening from the Second and Fourth Judicial Districts. He also commences a second term on the Board.

EXAMINATION REVIEW COMMITTEE

As a result of continuing controversy and comment concerning the composition and content of the Alaska Bar Examination, a special examination-review committee to study the subject has been authorized by the Board of Governors of the Alaska Bar Association.
Bruce Gagnon, Anchorage, a former member of the Committee of Law Examiners, had been appointed to chair the Committee. Also ap-

pointed to serve are **James N. Parrish**, Fairbanks and **Michael Thomas**, Juneau.
 The preliminary report of the Committee will be considered by the Board at its October 1979 meeting in Anchorage.

Board Meets in Sitka

At its regular meeting in Sitka on June 5 and 6, 1979, the Board of Governors dealt with a potpourri of subject including the usual number of admissions and discipline matters.
 Of note was the decision to release to failing applicants copies of the examination questions and their answers thereto, except with respect to the M.B.E.

The following members were appointed to the newly formed conciliation panels provided for in Rule 15 of the Alaska Bar Rules:

- First Judicial District: **Ed Stahl**, Sitka, **John Peterson**, Ketchikan and **Norman Banfield**, Juneau.
- Second and Fourth Judicial Districts: **Fred Smith**, **Dick L. Madson** and **William V. Boggess**.
- Third Judicial District: **Russ Dunn**, **James Gilmore** and **Dick Gantz**.

Also appointed were the following historians of the Alaska Bar Association: **Judge James Hornaday**, State Coordinator; **Norman Banfield**, Juneau; **Bill Stump**, Ketchikan; **William Boggess** and **W.W. Taylor, Jr.**, Fairbanks; **Stan Fischer**, Kodiak; and **Dorothy Tynes**, Anchorage.

A special committee to be known as the Alternative Disputes Resolution Committee was approved. Appointments will be made in the near future.

An extensive report on the last ALSC Board meeting submitted by **Ken Jarvi** included the fact that the ALSC staff at all levels is about to be subjected to drastic reduction, ALSC's potential future as a criminal conflicts agency and the ALSC Board's response to complaints by private attorneys.

The Board is investigating the possibility of offering a comprehensive insurance plan to Association members. In addition, it is actively seeking alternative life insurance programs in face of the rising rates from the present carrier. Finally of prime importance to the Bar, the Association is once again engaged in a nationwide search for a new Executive Director. All help is gratefully appreciated.

Book Review:

Frontier Politics: Alaska's James Wickersham

By **Evangeline Atwood Binford and Mort**
 449 Pages

Reviewed by
James C. Hornaday*

A biography of James Wickersham has been long overdue. **Evangeline Atwood's** effort is a valuable addition to the growing list of books about Alaskans. Writing from the viewpoint of a life-long Alaskan, the author vividly presents **James Wickersham**, who was proclaimed the leading figure of the American Alaska period by **Ernest Gruening**.

His accomplishments are endless. Husband, father, lawyer, judge, politician, bibliophile, prospector, conservationist, developer, **James Wickersham's** forty year attachment to Alaska provides an outline of Alaska history. It is difficult to describe the man who wrote the territorial Home Rule bill, introduced the first Statehood bill, organized the first ascent on **Mt. McKinley**, wrote the Alaska Railroad bill, and was a key figure in organizing the University of Alaska, a public school system in Alaska, the capital location in Juneau and the establishment of **McKinley National Park**.

Relying heavily on her subject's diary, **Mrs. Atwood's Wickersham** emerges a **Teddy Rooseveltian** figure strutting across the Alaska stage giving an outward impression of un-failing confidence. But his personal life was full of problems and tragedy. The stigma of the **Sadie Brantner** affair followed him through his career. The death of his first wife and son nearly destroyed him.

The contrasts are perhaps without parallel in Alaska history. While in **Tacoma**, he was a leader in the expulsion of the Chinese. Yet, in 1915, he conferred with the **Tanana Chiefs** on the effect of the railroad on native rights—one of the first meetings of its kind. His own earlier indiscretion notwithstanding, he refused to perform a marriage for a pregnant bride.

Manifest destiny blends well with the views of author and subject. **Frederick Jackson Turner's** emphasis on the frontier as a main theme of American development was well received by **Wickersham**, as he compared bringing justice to the frontier of Alaska with the efforts of his ancestors in the Revolutionary War. Although his first appointment to the bench was confirmed in 1900, his opponents prevented confirmation

thereafter. He depended upon interim appointments from **Theodore Roosevelt**. Traveling by dogsled, boat and on foot, **Wickersham** held court from 1900-08, built courthouses and edited the **Alaska Reports**. He is recognized as a founding father of Fairbanks by virtue of the construction of government facilities there.

His introduction to the Alaska attitude toward judges and lawyers might have dissuaded a lesser man: After introducing himself to the first man he met as the new judge, the sourdough responded:

Well, the thing for you to do is get right t'all out of here... We've got a great country here and we don't want it spoiled with lawyers and judges. [Some might suggest that this attitude exists today.]

Whether he tired of confirmation struggles or just wanted a change, he resigned from the bench to run successfully for Alaska Delegate to Congress 1908-21, 1931-33. He was to run on nearly every political ticket in Alaska and maintained a "flexible" position on most issues. A fine orator and writer, his vigorous style propelled him into a brawl on the floor of the House from whence he had to be restrained from strangling a Congressman who suggested **Wickersham** was inflicting on the membership a position less than factual. In his 70s, he was injured in fight in **Valdez**, complaining he would have given a better account of himself had they not attacked on his blind side.

Wickersham applied the old rule of writing his own minutes so as to be properly remembered. He is considered a leader of the "traditional" school of Alaska history. **Old Yukon and Bibliography of Alaska Literature** are his best known works, each giving his view of the mistreatment of Alaska under American jurisdiction. Although he was active in the development of the mining industry, he loved the wilderness and was a leader in the establishment of national parks. His one unwavering political loyalty was to **Theodore Roosevelt**, even through his **Bull Moose** phase.

Wickersham's life and activities yearn for a response and further research. Surely the opinions of contemporaries (friend and foe), should be presented. Perhaps legal historians will be encouraged to come forth by this book. **Grigsby**, **Ray**, **Ziegler**, **Robertson**, et. al. must have fascinating tales to spin. The biography of **Wickersham** is only a beginning as we learn more about the lawyers and judges of the oldest and newest frontier on the North American Continent.

*District Court Judge in Homer, a founding member of the Kenai Peninsula Bar Association, author of numerous legal and historical articles, and recently appointed coordinator of legal history projects within the Alaska Bar Association.

Marine World Ltd.
 COMPLETE VESSEL DOCUMENTATION
 • Research
 • Bills of Sale Documentation
 • Preparation & Certification of Preferred Marine Mortgages
COLEEN L. MUELLER
 921 W. 6th Ave., Suite #1
 Anchorage, AK 99501 (907) 276-2866

GILMER COURT REPORTING
 3661 Hazen Circle
 Anchorage, Alaska 99502
 344-4837
 Transcripts • Depositions

PROVIDING A FULL RANGE OF PROFESSIONAL SERVICES TO THE ANCHORAGE AND FAIRBANKS COMMUNITIES
NORTHWEST INVESTIGATIVE SERVICES
FRANK P. YOUNG
 Private Investigator
 LICENSED AND BONDED

District of Columbia law office available to Alaskan attorneys for federal litigation and administrative practices.
 Write: **David J. Ontell**
 510 5th Street, N.W.
 Washington, D.C. 20001
 Call: 202-638-1696

Al's Detective Agency
 (907) 456-7274
 • Licensed and Bonded
 • Statewide Service
 • 7 Years Experience in Criminal Investigations
 Specializing in: • Criminal Investigations • Missing Persons • Skip Tracing • Divorce • Child Custody • Background Checks • Insurance Fraud • Property Recovery
 1919 Lathrop St. Suite 209 D-41
 Fairbanks, Alaska 99701

FORENSIC PHOTOGRAPHY
 MEMBER EVIDENCE PHOTOGRAPHERS INTERNATIONAL COUNCIL
 EVIDENCE PHOTOGRAPHY FOR CIVIL LITIGATION
RICHARD DAVIS SPECIAL SERVICES
 PHONE: (907) 279-8222

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

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

Williams Stenotype Reporting
 formerly Cummins Stenotype Reporting
NANCY K. WILLIAMS
 • Certified Shorthand Reporter
 • Registered Professional Reporter
 • Certificate of Proficiency
 • Quality Work
 P.O. Box 5025, North Pole, AK 99705
 in the Fairbanks vicinity
 (907) 377-2174

E'dal Investigations
 P.O. Box 1162
 Soldotna, Alaska 99669
 262-5256
Lemmie L. McNutt
 Bonded Process
 Legal Investigation

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
 Fairbanks..... 452-3589

Board Certifies 75 New Lawyers

At its regular meeting held May 17, 18, and 19, 1979 in Anchorage, the Board of Governors certified 75 persons admission to the practice of law. One hundred and fifteen applicants took the February bar examination.

Besides admissions and the concomitant inquires into character, the Board heard reports on and considered the following matters:

1) A resolution was adopted providing that the staff and officers of the Association will cooperate fully with the legislature during the Sunset investigation.

2) Extensive work was accomplished on a policy manual for use by the Board. Final ratification is expected in September.

3) Numerous rule and bylaw changes reported elsewhere in this issue were approved for publication.

4) Amendments to Rule 81 of the Alaska Rules of Civil Procedure were approved and forwarded to the Supreme Court with the recommendation that they be adopted.

5) A resolution was passed supporting an increase in the hourly rates for federal court criminal appointment cases.

6) A special committee denominated the Unauthorized Practice of Law Committee was formed. Its members are: Dan Gerety, Chairman, Keith Brown, Vice-Chairman, Bob Baker, Eric Wohlforth, Jim Powell, John Bradbury, Dick Thaler, Les Miller, Bob Mahoney and Fred Boness. Its charge is to investigate specific instances of the violations of the Code of Professional Responsibility and Alaska Rules by out of state nonadmitted attorneys.

7) The Legal Education Opportunities Committee chaired by Carolyn Jones was made a standing committee of the Alaska Bar. An optional dues check off for the Boney Memorial Fund will be a part of next year's statement.

Proposed Amendments to Rule 48, Alaska Bar Rules

Repeal present Rule 48(a) and re-enact it to read:

(a) The committee shall consist of six members of the Alaska Bar Association, appointed by the President, subject to ratification by the Board. The terms of all persons who are members of the committee on January 1, 1980 shall expire on June 30, 1980, and the terms of all succeeding members of the committee shall commence on July 1, 1980. On that date, the appointment of one member shall be for a one year term, the appointment of two members shall be for a two year term, and the appointment of two members shall be for a three year term. Thereafter, each appointment shall be for a three year term.

Rule 48(c) is repealed and re-enacted to read:

The chairman of the committee shall be appointed by the President. The Chairman shall serve for one year commencing on the 1st day of July, and until his successor is appointed and, the Chairman may be reappointed as Chairman. Should a vacancy occur in the office of the chairman, such vacancy shall be filled by the president.

Also, in Sections (b) and (c) of Rule 47, Section (a) of Rule 48, and Sections (b) and (c) of Rule 52 appear the words "the attorney selected pursuant to Rule 48(a)," which should read "the attorney selected pursuant to Rule 47(a)."

Record Attendance at Evidence Seminar

Some five hundred and twenty-five attorneys attended the Seminar on the Alaska Rules of Evidence held recently in Juneau, Anchorage and Fairbanks.

Modelled after the Federal Rules of Evidence which were adopted in 1975, after 13 years of work, the Alaska version will become effective August 1, 1979.

Alaska is the seventeenth state to follow the basic plan of the federal rules. Five others will shortly adopt similar proposals and it is anticipated, by the end of 1979 that at least half the states will have acted.

The work on Alaska's Rules started with the presumption that the Federal Rules were valid. Thereafter, those rules were compared with existing Alaskan case law and statutes and were modified where necessary.

The end result is that 75 percent of the Rules are very similar with most of the changes being additions to fill in gaps in the federal rules. An example of this is the rules relative to privileges.

The panelists presenting the Alaska Rules of Evidence were Professor Saltzberg, their drafter, Alex Brynner, Esq., U.S. Attorney. The Honorable Victor Carlson, Superior Court Judge for the Third Judicial District, The Honorable James Blair, Presiding Judge for the Fourth Judicial District, the Honorable Sam King, Chief Judge, Federal District Court for Hawaii, and Patrick Gullafsen, Esq., Attorney-General's Office.

Bar Examination Results

One hundred fifteen people took the February, 1979 Bar examination in Alaska. The final results showed that seventy-five passed for a pass rate of sixty-five percent.

By comparison, of the ninety-nine persons who took the examination in February, 1978, sixty-five passed. This is a pass rate of approximately sixty-five percent. The June, 1978 applicants had a higher pass rate of seventy-two percent. There were one hundred twenty-five persons taking the examination and ninety-one passed.

Adams, Lauri J. P.O. Box 850, Fairbanks 99707

Amendola, Gary I. General Delivery, Sitka 99835

Ames, Jeanne 537 E. 15th Terrace No. 3, Anchorage 99501

Berry, David G. 1710 Blue Spruce Lane, Eagle River 99577

Blanchette, David John 269A Gastineau, Juneau 99801

Bolger, Joel H. Box 181, Dillingham 99576

Bond, Marc Douglas 6110 E. 12th No. 8, Anchorage 99504

Bowen, Gary SRA Box 754, Anchorage 99507

Byers, Joyce D. P.O. Box 2288, Anchorage 99510

Campbell, Gabrielle R. 601 W. 5th Ave. No. 930, Anchorage 99501

Cohen, Nelson P. SRA Box 831, Anchorage 99502

Cook, Gregory F. c/o ADF&G Support Bldg, Juneau 99801

Corso, John R. Superior Court, Pouch U, Juneau 99811

Cox, Robert Alan 364 E. 6th St., Ft. Richardson 99505

Crispen, Steve 697 Plumer St. No. B, Costa Mesa, California 92627

Devine, David A. 230 W. 14th No. 224, Anchorage 99501

DeYoung, Jan Hart 1222 G St., Anchorage 99501

Duvall, James N. P.O. Box 758, Bethel 99559

Ford, William T. P.O. Box 3032, Anchorage 99510

Foster, Teresa L. SR Box 10842, Fairbanks 99701

Galus, John R. 1110 W. 6th No. 404, Anchorage 99501

Gibson, Charles M. P.O. Drawer 73968, Fairbanks 99707

Goldman, Kenneth J. 420 E. 15th No. 2, Anchorage 99501

Gorman, David Paul 342 E. 9th Ave., Anchorage 99501

Gorton, James Edward 1902 Alder St., Anchorage 99504

Granquist, Luther A. 4101 Harrison, Anchorage 99503

Halter, Vernon G. 1550 H St., Anchorage 99501

Hauver, Arthus R. 119 Foothill Dr., Eagle River 99577

Hemphill, Sara Schrock 119 Foothill Dr., Eagle River 99577

Janidlo, Thomas F. 4240 Reka Dr., Anchorage 99504

Knudsen, Kristine S. 1150 P St., Anchorage 99501

Kolkhorst, Kathryn P.O. Box 1312, Juneau 99802

Landau, Robert Walter 400 W. 11th No. 3, Anchorage 99501

Lawrence, H Van Z 1126 Galena, Fairbanks 99701

Le Doux, Kurt M. Box 1163, Kodiak 99615

Lewis, Albert Zelius, Jr. 926 W. 11th, Anchorage 99501

Liskow, George W. 6808 Roundtree (SRA Box 34M) Anchorage 99507

Lorman, John J. c/o Alyeska Pipeline Co., 1835 S. Bragaw, MS 569, Anchorage 99512

Ma, Louise E. 2201 Romig Place No. 209, Anchorage 99503

Mason, Susan Wright P.O. Box 1033, Anchorage 99510

McConnell, Dwayne W. Routs 5, Box 5736, Juneau 99803

McCune, G. Blaire P.O. Box 72921, Fairbanks 99707

McGehee, Robert M. 60 S. Van Dorn St., No. F405, Alexandria, VA 22304

Medlar, Deborah Lee c/o Mary Nordale, 1919 Lathrop Dr. No. 33, Fairbanks 99701

Melvin, Ronald K. 112 E. 24th No. 307, Anchorage 99503

Miller, Lloyd B. 1122 H St., Anchorage 99501

Molenda, Mary Louise 836 O Place, Anchorage 99501

Monson, David L. 1550 H St., Anchorage 99501

Neville, Martha Francis 2810 W. 29th Ave. No. 3, Anchorage 99503

Odsen, Frederick Jon 317 A St. No. 515, Anchorage 99501

Parise, Michael J. Box 304, Kodiak 99615

Pleninger, Stanley B. 617 W. 18th Ave., Anchorage 99501

Pritchett, Russell Wm. 227 W. 11th No. 7, Anchorage 99501

Raif, Barbara N. P.O. Box 72921, Fairbanks 99707

Safire, Eric M. P.O. Box 3413, Kenai 99611

Salami, John Blase 2201 Romig Place No. 209, Anchorage 99503

Seaver, Mitchell A. Route 1, Box 444, Ketchikan 99901

Simon, Julie P.O. Box 316, Kotzebue, 99752

Smith, Alfred Toulon 4167 Hampton Dr., Anchorage 99504

Smith, Wm. R. 105 Maple Dr., Fairbanks 99701

Swiderski, Dennis M. 2518 Crestwood, Anchorage 99504

Tillery, Craig J. 763 7th Ave., Fairbankd 99701

Treiser, Richard M. 320 Bawden St. No. 404, Ketchikan 99901

Trotter, Lawrence Robert 581 Dowling Rd. No. 31, Anchorage 99502

Turner, Shannon D. Box 4026, Kenai 99611

Walker, Wm. K. 3200 La Touche Apt. D-3, Anchorage 99504

Walleri, Michael J. P.O. Box 1045, Bethel 99559

Welch, Edward J. P.O. Box 316, Kotzebue 99652

Westerburg, Daniel Wm. 4366 Spensard Rd. No. 218, Anchorage 99503

Wildridge, Geoffrey B. 1100 W. 20th Ave. Apt. C, Anchorage 99503

Wollenberg, Richard H. P.O. Box 4, Sitka 99835

Yoshida, Steve K. 1246 Crescent Ave., Anchorage 99504

Zahniser, Richard S. Box 94, Cordova 99574

Zervos, Larry 210 E. 7th No. 8, Anchorage 99501

Zobel, Patricia Box 1913, Anchorage 99510

WHY SETTLE for IBM

...or Lanier, Wang, Olivetti, or any other overpriced system for word processing?

CHOOSE OHIO SCIENTIFIC!!

We define the "state of the art" and offer the highest performance to cost ratios in the industry.

LEGAL BILLINGS? Yes, we offer it... along with a complete Data Management System for your general ledger, payables, and payroll. And the same equipment that handles your word processing handles your accounting chores.

PRICES? ...as we said, the industry's highest performance to cost ratio. Our C3 system, with 48K of memory, on-line disk storage of 1.15 million bytes (or characters), video terminal, and a 55 character-per-second typewriter quality printer is

\$11,040

... and that includes a complete legal billings system and word processing!!

GROWTH? Yes, our C3 systems can be expanded to 768K of memory, multi-terminals and printers, multi-tasking, and 300 million bytes of on-line data. For example, 144K of memory, three terminals running different programs simultaneously, 74 million bytes on-line, two printers and a complete accounting system, including legal billings and word processing is less than \$30,000!

SBI SCIENTIFIC
BUSINESS
INSTRUMENTS
LISA A. GOULD
Marketing

The Dimond Center Mall
800 E. Dimond Blvd., Suite 140
Anchorage, AK 99502 (907) 344-8352

Potshots

(continued from page 4)

be recorded lest better evidence should thereby be gathered of a criminal conspiracy in restraint of trade.

In retrospect, the board in fact erred in advancing this proposal for publication. When such obvious legal problems lie, where in fact the entire Bar Association may be laid open to potential civil and criminal liability, the board should do what its members supposedly recommend to their clients: seek prophylactic legal advice before doing anything.

Malpractice Mastered

These and lesser examples of merely sloppy draftsmanship and procedure stood in sharp contrast to the highly professional way in which the whole matter of malpractice insurance was handled. In that case, the homework had been done, the drafting was highly skilled as was the presentation. If anything, the issue suffered from overkill.

Though professional malpractice is of intense interest to the members of the association, other matters which surely should have received attention were totally ignored.

Intermediate Court Ignored

The establishment of an intermediate appellate court, which very nearly came to pass this last session of the legislature, certainly ranks among the top two or three innovations in justice administration proposed in this state over the last ten years. Yet there was no committee of the bar addressing this issue and the bar ended up adopting a major and perhaps fatal change in the court's proposal upon little consideration.

Some committees of the association, presumably set up to address serious concerns, did not report. Other committee reports were inconsequential to the point that one might wonder whether the committee need exist at all.

The committee on legal educational opportunities filed a distinguished report as early as March suggesting to the board that many of the matters in it were important enough to be taken before the convention. The report was considered by the board, but no report came to the convention.

Director Dumped

The board had no report on current or contemplated litigation. There was no report on a matter of major interest to the membership, the vacancy in the office of Executive Director. The membership was obliged to rely on published newspaper reports of dissension regarding that office. Conceding that detailed discussion of this matter might not be appropriate in the light of the possibility of litigation, nevertheless the membership is entitled to basic information regarding events and the board's position.

Sunset Silence

The Alaska Bar Association, under the "sunset" review law, is apparently soon to come up for consideration for continuance. It might be said that various matters arising at the Sitka convention gave

rise to a basis for special legislative interest. In fact, considering the popularity of lawyers generally, all members of the bar need to be better informed on this issue and an adequate position prepared for the association.

Proposals Proffered

A number of specific recommendations regarding both procedures by which the association conducts its business and the substance of it might merit consideration by the board.

1. The board should appoint a special committee, representing divergent points of view, to review the workload of the Supreme Court of Alaska, to measure the incidence of delay, the effect on the public, and possible solutions including but not limited to the establishment of an intermediate appellate court.

2. Most committees of the bar should be treated in the same manner as sections of the American Bar Association. Any member having an interest in the topic should be able to join (the establishment of a small, supplemental fee to meet committee expenses should also be considered). The chairman of such a committee (section) could appoint or the section elect an executive committee for management purposes. However, the participation of a wide group of members would be more likely to assure divergency in the points of view represented and would create opportunities, particularly for the newer and younger members of the bar, to contribute and get themselves better acquainted professionally and personally by a variety of colleagues. It is disappointing that the association, of late years, seems to have discouraged the participation of such members. Frequently these are the members who can do the research and who have the enthusiasm that assures an active committee. Membership on at least one committee of the bar should be a professional obligation of every member.

3. Any committee of the bar should be able to advance a resolution to the floor after its consideration by the board of governors. The board should notify the committee chairman in a timely fashion of action taken or to be taken on a proposal so members of the committee have the option, if they are dissatisfied, to move the resolution to the convention by petition.

4. All pre-filed resolutions should be referred to the appropriate, topical standing committee of reference. That committee should consider such resolution and report on it to the convention. This should be the first order or presentation if clearance is obtained from a committee on style and drafting.

5. Every committee of the bar, unless specially excused, should arrange to meet at the time of the convention. At least a two-hour period should be set aside at the convention on the first day for committee meetings. To the extent that its members are prevented from attending the annual convention, each committee should at least arrange for an authorized executive

committee of the committee to meet at the convention. Thus the committees would be in a position to give a preliminary review of extraordinary resolutions presented to the convention in addition to making their regular presentations to the convention. Each committee should be given five minutes to present its regular report to the convention.

6. There should be established, in anticipation of the convention, a committee on style and drafting (or on resolutions) authorized to discuss with proponents of various resolutions or actions drafting issues in the resolution and to report to the convention a substitute resolution reflecting the general intent of the resolution but not necessarily its particulars.

7. The chairman of the convention shall be nominated and elected from the floor of the convention by those in attendance. The chairman of the convention shall not be a member of the board, a current candidate for a board seat, a board member-elect, or a person who has served on the board within the preceding two years. This recommendation is not aimed at any particular presiding officer. It is clear that any member of the board is in an impossible position in refereeing floor resolutions relating to the business of the association when the board member is also duty-bound to respond on the merits to virtually every resolution.

8. The board should designate a disinterested committee to consider and report to the board on all matters relating to the Federal Trade Commission investigation, the application of anti-trust laws to the association and the rules and by-

laws of the bar association, with authority to review rules changes proposals and similar matters from this perspective. One would assume that the membership of this committee would tend to include people with more than ordinary experience in anti-trust litigation.

Attendance Attenuated

Actually, from a personal perspective, one might hope that the association make no changes in the way it goes about its business for these events and nonevents did provide a rich foundation for satire, whimsy, banter, gibe, and other forms of humor, such as is seldom displayed at, for example, the well-ordered affairs of the American Bar Association. It is unfortunate that a larger membership does not attend to revel in these riches.

Solicitor Suffocated

Attendance at the convention was subject to some hospitality room disagreement, but in this observer's soggy recollection, even while membership of the association has grown several fold, attendance at the convention (which has always rotated around the state) has held steady, at best, for a decade or more. Further, those who were around at the beginning of that decade or earlier seem to represent a disproportionate share of the attendance roster. The bar should take a more concerned and aggressive look at association participation, from the perspective of survival if not public responsibility. I am sure that it is understandable if many conventioners flattered by this month's column suggest that the ratio would be improved were the author drowned in a honey bucket before the next one.

Lanier announces No Problem™ typing.

Want your paperwork back faster than ever before? No Problem.

Want to make changes without starting from scratch? No Problem.

Lanier's No Problem Electronic Typewriter solves problems other typewriters—even mag-card models—cannot solve.

You get your work back faster because your secretary types rough drafts on a TV screen instead of paper. So no erasures. No false starts.

All changes and corrections are made right on the screen. Even whole paragraphs can be moved with the touch of a button.

Plus, No Problem can perform many different tasks simply by inserting Lanier's interchangeable Smart Disc™ software. Word processing. Sorting. Statistical typing. And more.

And because all commands are made in plain English instead of "computer talk," most typists will be turning out productive work after just a few hours of instruction.

Want to see the Lanier No Problem Electronic Typewriter in action? NO PROBLEM.

Send us the information below and we'll call for an appointment.

NAME _____
TITLE _____ PHONE _____
FIRM NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____

What kind of typing or word processing system are you using now? _____



The No Problem Electronic Typewriter from LANIER®
LANIER BUSINESS PRODUCTS, INC.

H&M Court Reporting

We specialize in recording and transcribing administrative hearings, depositions and statements, and transcribing court proceedings and proceedings on appeal.

We provide these services in an efficient, accurate and expeditious manner for a select clientele.

TECHNICAL, ENGINEERING & PUBLIC UTILITIES
SPECIALISTS, ADMINISTRATIVE HEARINGS, COURT
PROCEEDINGS, APPEALS, DEPOSITIONS AND STATEMENTS.
CONFERENCE ROOMS • DAILY COPY

1040 W. 4th Avenue Anchorage, AK 99501 274-5661

BARRETTS ← 276-6900

3330 Arctic Boulevard, Anchorage, Alaska 99503

Proposed Rule 14(f) Alaska Bar Rules

With the approval of one hearing committee member the Administrator may dispose of the Request for Investigation informally by letter of private informal admonition. In no event shall more than one Committee member be consulted. A Respondent-Attorney shall not be entitled to appeal an informal admonition by the Administrator (whether approved by a hearing committee member or ordered by the Board) but he may in any case demand as of right that a formal proceeding be instituted against him before a hearing committee in the appropriate Disciplinary Area. Such demand shall be made within thirty (30) days of receipt of an informal admonition. In the event of such demand, the admonition shall be vacated and the Administrator shall proceed as provided in (g), below.

Present s.(f) becomes (g), s.(g) becomes (h), s.(h) becomes (j) and s.(j) becomes (k).

Proposed Amendments to Rule 37 Alaska Bar Rules

(c) After April 1, 1976, each panel shall consist of the following persons:

(1) Six active members of the Alaska Bar Association, each of whom maintains an office for the practice of law in the fee arbitration area for which he is appointed. The attorney members of each panel shall be appointed by the president of the association, subject to ratification by the board of governors. The president shall designate three of these members to serve as regular panel members and three to serve as alternates to participate in the absence of regular attorney panel members.

Add a new section (g) to read as follows:

Section (g) The terms of all committee members serving as of July 1, 1979 shall be extended to the 30th day of June next succeeding the date upon which their terms would otherwise have expired. The term of any member appointed hereunder after July 1, 1979 shall commence on the 1st day of July of the year in which such member is appointed.

Re-designate the remaining paragraphs of Rule 37 accordingly.

TO: Alaska Bar Association Members
FROM: Board of Governors
DATE: May 22, 1979
SUBJECT: Amendment to DR 2-102(D),
Re: Firm Names.

The following amendment to Disciplinary Rule DR 2-102(D) was unanimously approved for publication by the Board of Governors in Anchorage on May 19, 1979.

The rule requires that all lawyers whose names are used in a firm name must have been or must currently be a member of the Alaska Bar Association.

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; provided, however, a firm name may not be used in Alaska unless all those named are or were members of the bar in Alaska.

Proposed Amendment to Rule 1, Alaska Bar Rules, Section 4

Repeal present section 4 of Rule 1 and re-enact it to read:

Section 4. There shall be appointed a Committee of Law Examiners composed of twelve members of the Alaska Bar Association. The appointments shall be made by the President, subject to ratification by the Board. Except as specified in this rule, members of the Committee shall serve for three years and until their successors are appointed. The terms of the members of the Committee shall be staggered so that the terms of four members shall expire on June 30 of each year. Members shall not succeed themselves, except that any person who has served on the Committee within the previous three years may serve as an alternate member in the event that one or more of the regular members is unable to participate in a portion of the grading process. The President shall designate the chairman of the Committee, who shall act as chairman for one year commencing on July 1, and who may succeed himself. The President shall also designate alternate members to serve, as necessary.

ADJUNCT MEMBERSHIP

PROPOSED SECTION 3, RULE 2 OF THE ALASKA BAR RULES

Section 3. An applicant who meets the requirement of (a) through (d) of Section 1 of this rule, who has established domicile in the State of Alaska, who meets the requirement of Section (a) of Section 2 of this rule, and who is admitted to the practice of law before the highest court of another state, a territory, or the District of Columbia, may apply to the Board for admission to the Alaska Bar Association as an adjunct member. In such application, in addition to providing such other information as the Board may require, the applicant shall certify that he or she:

- (a) (i) In the case of attorneys employed by the federal government, will not appear in any proceeding except on behalf of the federal government.
- (ii) In the case of all other persons, will not appear before any body authorized by law to settle disputes as an attorney or counselor in the State of Alaska;
- (b) Will not offer legal services or advice to the public or hold himself out to be so engaged or authorized, with or without compensation;
- (c) Is a full-time employee of a company, an association, a corporation, or an agency of the federal government, employed to render legal services and advice to his employer, and that his employer is not engaged in the business of selling or furnishing legal advice of services to others;
- (d) Has not been suspended or disbarred by any bar association.

Any person admitted to the Alaska Bar Association as an adjunct member submits to the jurisdiction of the Association for the purpose of such disciplinary proceedings as the Association shall determine to institute against him. No person admitted to the Alaska Bar Association as an adjunct member shall retain such status if he or she ceases to comply with the provisions of sub-paragraphs (a) through (d) of this section, or if any of the statements in the certification submitted with the application ceases to be correct.

Proposed Revisions to Article III of the By-Laws

PRESENT SECTION 3 TO BE RE-NUMBERED SECTION 4.

Section 3. ADJUNCT MEMBERS.

(a) Any member now or hereafter admitted to the Alaska Bar Association as an adjunct member and who maintains the requirement for adjunct membership status, set forth in the Bar Rules, shall be considered an active adjunct member of the association. (b) Active adjunct members shall have all the duties and privileges of active members of the association, except such members shall not vote, hold office or participate in polls. (c) Any adjunct member who fulfills the requirement of Section (a) above shall maintain active adjunct membership status unless transferred to inactive adjunct membership status by the Board of Governors, or unless the member is suspended, disbarred, or judicially declared incompetent, or disabled.

PRESENT SECTION 3 WILL BECOME § 4. PRESENT SECTION 5 WILL BECOME § 6.

Section 6, which is re-numbered Section 7, is amended to read as follows:

Section 7. TRANSFER FROM ACTIVE TO INACTIVE MEMBERSHIP, OR FROM ACTIVE TO INACTIVE ADJUNCT MEMBERSHIP. Only the following methods shall be effective to transfer from active membership or active adjunct membership to inactive membership or inactive adjunct membership:

Section 8, which is re-numbered Section 9, is amended to read as follows:

Section 9. TRANSFER FROM INACTIVE MEMBERSHIP OR INACTIVE ADJUNCT MEMBERSHIP TO ACTIVE MEMBERSHIP OR ACTIVE ADJUNCT MEMBERSHIP. (a) Upon written request, an inactive member or inactive adjunct member may be transferred to active status, if the following conditions are fulfilled:

- (1) In the case of members who have been inactive for one year or more, the Board makes the determination of good character;
- (2) The member fulfills the re-

quirements of Section 2(a) or (b) above, or the requirements of Section 3(a) above, as the case may be; and
(3) Full annual active membership fees, or active adjunct membership fees, for the current year, less any inactive fee previously remitted, are paid.
(b) The Board may transfer a member or an adjunct member from inactive to active membership or adjunct membership if the Board determines that the member is no longer eligible for inactive status.

Coming Events

Sept. 8—Institute on the New Bankruptcy Act, Anchorage.

Sept. 21—Stress Workshop, Anchorage.

Sept. 28—Institute on the Alaska Lien Law, Anchorage.

Oct. 12—Institute on the Alaska Lien Law, Fairbanks.

NOTICE OF MEETINGS

Pursuant to Article V, Section 8(a), the following is a tentative schedule of Alaska Bar Association Board of Governors' meetings for the coming year as established by President Willard.

September 6, 7, 8, 1979

Fairbanks, Alaska

October 25, 26, 27, 1979

Anchorage, Alaska

December 6, 7, 8 1979

Anchorage, Alaska

January 14, 15, 16, 1980

Kona, Hawaii

March 27, 28, 29, 1980

Juneau, Alaska

May 22, 23, 24, 1980

Ketchikan, Alaska

June 9, 10, 11 1980

Anchorage, Alaska

ANNUAL MEETING

June 12, 13, 14, 1980

This schedule will be published in each edition of the Bar Rag.

Support Our Advertisers

Can anyone use a good man?

cheerful and bright, conscientious and compassionate, tendencies toward work-aholism; formerly senior-most associate in the oldest, largest, most-respected patent law firm in Philadelphia, Pa.; recently returned from starvation-budget overland-travel around the world, including interludes as a diamond diver along the Orinoco river in Venezuela, Anaconda snake-hunter along the Amazon river in Brazil, English teacher in Thailand, and hired gun in Rhodesia.

Contact P.O. Box 3619, Anchorage 99510

STAFF COUNSEL

The Alaska Court System is presently recruiting for a Staff Counsel. Salary: \$38,868—\$46,716/year. Performs comprehensive, legal services for the Alaska Court System Administration Office. Minimum qualifications: are admission to state bar, plus 3 years of experience in an active law practice. Advance training such as an LLM may be substituted for up to 1 year of the required experience. Interested applicants should submit a resume to the Personnel Office, 303 K Street, Anchorage, AK, 99501. Applications will be accepted through July 6, 1979.

AN EQUAL OPPORTUNITY EMPLOYER
APPLICATIONS FROM MINORITIES ARE ENCOURAGED

ALASKA BAR ASSOCIATION

	APPROVED 1979 BUDGET
INCOME	
A. Members Dues	\$220,647
B. Admission Fees	51,925
C. Client Security Fees	12,833
D. C.L.E. Fees	30,000
E. Insurance Fees	1,550
F. Lawyer Referral Fees	3,000
G. Newsletter	N/A
H. Bar Convention	5,000
I. Hawaii Meeting	15,000
J. Contract: Anchorage Bar	4,200
K. Contract: Discipline	61,500
L. Interest	4,000
M. Miscellaneous	500
	\$410,155
Less Client Security Funds	12,833
Total Income to General Funds	\$397,322
EXPENSES	
A. Board of Governors	\$ 30,000
B. Admissions	35,886
C. Client Security Fund	N/A
D. C.L.E.	20,000
E. Committees	5,000
F. Legislative	10,000
G. Newsletter	4,000
H. Convention	5,000
I. Hawaii Meeting	15,000
J. Lawyer Referral	16,188
K. Discipline	100,000
L. UCLA-Ak Law Review	9,000
M. Administrative	126,000
N. Judicial Poll	N/A
O. Insurance	4,800
P. Fee Arbitration	N/A
Q. American Bar Association	5,000
R. Western State Bar Conference	2,500
	\$388,374
Excess of Income over Expense	\$ 8,948

Committees

COMMITTEE APPOINTMENTS

The standing Committees of the Alaska Bar Association for 1979-1980 are as follows:

1. ADMINISTRATIVE LAW:

Mary Patch, Chairmen, term end. 1981

David Marquez, Vice-Chairman, term end. 1981

Donn Wonnell, term end. 1980

George Weiss, term end. 1980

Roger Kempell, term end. 1980

Andy Hoge, term end. 1981

Andrew Sarisky, term end. 1982

James W. Reeves, term end. 1982

David Le Blond, term end. 1982

Pat Kennedy, Board Liaison

Member

2. BAR ROLLS AND ELECTIONS:

Ronald L. Baird, Chairman, term end. 1980

Elaine Andrews, term end. 1981

Ronald H. Jarrell, term end. 1982

Karen Hunt, Board Liaison

Member

3. BAR - BENCH PRESS:

Southcentral:

Chancy Croft, Chairman, term end. 1982

Charles Tunley, term end. 1981

Superior Court Judge, term end. 1980

Local Bar President - in accordance with term of office

Southeastern:

Judge Robin L. Taylor, Chairman, term end. 1982

Bart Rozell, term end. 1980

Mike Thomas, term end. 1981

Judge Allen Compton, term end. 1982

Geoffrey Currall, term end. 1981

Bill Royce, term end. 1980

Interior:

Will Schendel, Chairman, term end. 1982

Judge James Blair, term end. 1981

1981

1981

1981

1981

1981

1981

1981

1981

1981

1981

1981

Judge Hugh Connelly, term end. 1982

Mary Green, term end. 1980

Local Bar President, term end. 1980

1980

Karen L. Hunt, Board Liaison

Member

4. BUSINESS LAW:

Wayne Booth, Chairman, term end. 1982

Steve Hillard, Vice-Chairman, term end. 1981

Hoyt Cole, term end. 1982

J. Douglas Williams II, term end. 1982

1982

Raymond E. Plummer, term end. 1981

1981

Walt Garretson, term end. 1980

Ken Eggers, term end. 1980

C.L. Cavness, term end. 1980

Peggy Roston, term end. 1980

Stan Fischer, Board Liaison

Member

5. CIVIL RULES:

Don Clocksin, Chairman, term end. 1982

J.L. McCarrey III, term end. 1981

Vice-Chairman

Millard Ingraham, term end. 1982

Samuel Pestinger, term end. 1982

David Thorsness, term end. 1981

Karl Walter, term end. 1981

Susan Burke, term end. 1980

John Hellenthal, term end. 1980

Linda Swiderski, term end. 1980

Donna C. Willard, Board Liaison

Member

6. CONTINUING LEGAL EDUCATION

SOUTHCENTRAL:

ROBERT HARTIG, Statewide and Southcentral Chairman, term end. 1982

1982

Phil Nash, term end. 1982

Sandra Saville, term end. 1980

Michael Arruda, term end. 1980

Nancy Gordon, term end. 1981

Brad Owens, term end. 1981

1981

1981

1981

1981

1981

1981

1981

1981

1981

[continued on page 12]

Proposed Amendments to Rule 3, Alaska Bar Rules

Section 1 should be re-written to read as follows:

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

The fifth sentence of Section 2 of Rule 3 should be amended to read as follows:

Every applicant shall submit a certified transcript of his law school record, together with two-inch by three-inch photographs of himself showing a front view of his head and shoulders.

The first sentence of Section 3, Rule 3, Alaska Bar Rules, should be amended to read as follows:

An application shall be filed not later than March 1 for the July bar examination and not later than October 1 for the February bar examination.

Proposed Amendments to Section 1 of Rule 6 of the Alaska Bar Rules

Section 1. An applicant receiving notice that he has successfully passed the bar examination prescribed by the Board pursuant to Rule 4 hereof, and has been found by the Board to be of good moral character, and has in other respects been determined eligible shall within one year file an Alaska Bar Association registration card in the form provided by the Board; certify under oath that he is domiciled in the State of Alaska; and pay prorated active membership fees for the balance of the calendar year in which he is admitted, computed from the date of payment.

Section 2. The Board may conduct a character investigation of an applicant, or may continue such an investigation, after an applicant has been permitted to take, or has passed, the examination prescribed by the Board pursuant to Rule 4 hereof. The fact that the Board has permitted an applicant to take the examination, and has given the applicant notice that he has passed the examination, shall not thereafter preclude the Board from finding that the applicant is precluding from admission by lack of good moral character.

Proposed Amendments to Discipline Rules, Relating to Appointment of Hearing Committees

1. Repeal subsection (4) of Section (c), Rule 13, and re-number subsections of Section (c), accordingly.

2. Amend Rule 15(a) to add, at the beginning of that subsection, the following sentence:

Members of hearing committees shall be appointed by the President, subject to ratification by the Board. The term of any member serving as of January 1, 1980 shall be extended to the 30th day of June next following the date on which his term would otherwise have expired; thereafter all terms of members shall commence on July 1 of the year in which appointment is made.

3. Amend the last sentence of Rule 15(a) to read:

The President shall designate the chairman of the committee, who shall act as chairman for one year, and who may succeed himself.

Amendments to Article IV of the By-Laws

PROPOSED NEW SECTION 1(b)

(b) ADJUNCT MEMBERS. The annual membership fee for active adjunct members is \$147.50, \$10.00 of which is allocated to the Client Security Fund.

Section 1(b) through (f) should be re-numbered (c) through (g). Section 1(c), which is now to be (d), should read:

(d) INACTIVE MEMBERS. The inactive membership fee for an inactive member or inactive adjunct member is \$35.00. Section 1(f), now (g), should read:

(g) MEMBERSHIP CARD. The Executive Director shall issue to each active member or active adjunct member making payment of his dues an official membership card certifying that such member has paid his dues.

COMP • LEX

ANNOUNCES

Open House

Bring a research problem and

Discover WESTLAW.

*FREE DEMONSTRATIONS
REFRESHMENTS

Suite 205, 360 K St.

Phone 276-COMP

Open 8:30-12:00

1:00-5:00

Mon-Fri

*Limited time only.

MICHIE BOBBS-MERRILL

PUBLISHES OFFICIAL EDITION
OF THE ALASKA STATUTES
PROFESSIONALLY PRESENTED IN
11 VOLUMES

HIGHEST STANDARDS AND
TRADITION OF LAW PUBLISHING

PLEASE CONTACT:

TINA ALEXANDERSON, SALES REP.

P.O. BOX 682

BOISE, IDAHO 83701

TEL: 208-336-3630

[continued from page 11]

SOUTHEASTERN:

- Jim Douglas, Chairman, term end. 1981
Frank Rothschild, term end. 1982
Dennis McCarty, term end. 1980
Interior:
Art Robson, Chairman, term end. 1982
Rita Allee, term end. 1980
Niesje Steinkruger, term end. 1981
Harry Branson, Board Liaison Member
7. CRIMINAL LAW:
Mike Rubinstein, Chairman, term end. 1982
Bill Bryson, Vice-Chairman, term end. 1980
Edgar Paul Boyko, term end. 1982
William H. Babcock, term end. 1982
Kevin McCoy, term end. 1981
Jim Gilmore, term end. 1981
Rhonda Butlerfield, term end. 1981
Joe Balfé, term end. 1980
Judge John Mason, term end. 1980
Harry Branson, Board Liaison Member
8. ENVIRONMENTAL LAW:
John Reeder, Chairman, term end. 1980
Jane Pearia, Vice-Chairman, term end. 1981
Steve Volker, term end. 1980
Robert E. Mintz, term end. 1980
W.J. Bonner, term end. 1981
Paul Grant, term end. 1981
J.P. Tangen, term end. 1982
Ken Norman, term end. 1982
Steve Oliver, term end. 1982
Bart Rozell, Board Liaison Member
9. ETHICS COMMITTEE:
Chuck Flynn, Chairman, term end. 1982
Hugh Fleischer, Vice-Chairman, term end. 1982
Charles D. Silvey, term end. 1982
David Shimek, term end. 1980
Robert Mahoney, term end. 1980
Dennis Hopewell, term end. 1980
Bill Bittner, term end. 1981
Alex Bryner, term end. 1981
Carol Johnson, term end. 1981
Ted King, Board Liaison Member
10. FAMILY LAW:
John Reese, Chairman, term end. 1982
Tim Lynch, Vice-Chairman, term end. 1981
Max Gruenberg, term end. 1982
Michele D. Brown, term end. 1982
Bob Frenz, term end. 1981
Bruce Tennant, term end. 1981
Mel Evans, term end. 1980
Bob Rehbock, term end. 1980
Drew Peterson, term end. 1980
Jon Link, Board Liaison Member
11. LAW RELATED EDUCATION
Bill Choquette, Chairman, term end. 1982
Randy Farleigh, Vice-Chairman, term end. 1982
Keith Goltz, term end. 1981
John Ulyatt, term end. 1980
Carol Johnson, term end. 1980
Paul Waggoner, term end. 1980
Donna C. Willard, Board Liaison Member
12. LEGAL EDUCATIONAL OPPORTUNITIES:
Carolyn Jones, Chairman, term end. 1982
Pat Anderson, Vice-Chairman, term end. 1982
Chief Justice J. Rabinowitz, term end. 1982
John W. Peterson, term end. 1981
Robert C. Erwin, term end. 1981
Dennis Lazarus, term end. 1980
John Hedland, term end. 1980
Fritz Pettyjohn, term end. 1980
Norman Staton, term end. 1980
Pat Kennedy, Board Liaison Member
13. NATURAL RESOURCES:
Ron Birch, Chairman, term end. 1982
Carl Bauman, Vice-Chairman, term end. 1980
Robert Price, term end. 1982
John K. Norman, term end. 1982

- Cameron Sharrick**, term end. 1981
Harris Saxon, term end. 1981
Joseph Henri, term end. 1981
William Moses, term end. 1980
Garritt Von Kommer, term end. 1980
Bart Rozell, Board Liaison Member
14. PARALEGAL:
Steve Conn, Chairman, term end. 1982
Michael Jeffrey, Vice-Chairman, term end. 1980
James E. Fischer, term end. 1982
Joseph A. Kalamarides, term end. 1982
Chuck Dunnagan, term end. 1981
Eric Olson, term end. 1981
Steve Branchflower, term end. 1981
Sylvia Short, term end. 1980
Irene Jackson, term end. 1980
Richard D. Savell, Board Liaison Member
15. PROBATE
Peter Ginder, Chairman, term end. 1981
Ronald Offret, Vice-Chairman, term end. 1982
Jack D. Clark, term end. 1982
Trigg Davis, term end. 1982
George W. Skladal, term end. 1981
John Hughes, term end. 1981
Edward Garnett, term end. 1980
Doris Loennig, term end. 1980
Matt Jamin, term end. 1980
Ted King, Board Liaison Member
16. REAL ESTATE:
Frank Nosek, Chairman, term end. 1982
Peter Lekisch, Vice-Chairman, term end. 1982
Paul Jones, term end. 1982
John W. Abbott, term end. 1981
Tim Petumenos, term end. 1981
Michael W. Price, term end. 1981
Jan Van Dort, term end. 1980
Ted Burton, term end. 1980
Rich Huffman, term end. 1980
Stan Fischer, Board Liaison Member
17. STATUTES, BYLAWS AND RULES:
David Bundy, Chairman, term end. 1982
Judith Bazeley, Vice-Chairman, term end. 1980
Martha Mills, term end. 1982
Ben Esch, term end. 1982
Phil Weidner, term end. 1981
Paul L. Henderson, term end. 1981
Robert Downs, term end. 1981
Michael Flanagan, term end. 1980
Peter Michalski, term end. 1980
Donna C. Willard, Board Liaison Member
18. TAXATION
David Shaffel, Chairman, term end. 1982
Bernie Dougherty, Vice-Chairman, term end. 1980
Joseph A. Vittono, term end. 1981
Peter Bartlett, term end. 1981
Franklin Fleeks, term end. 1981
A. Fred Miller, term end. 1981
Thomas Y. Yerbich, term end. 1981
George Goerig, term end. 1982
Anthony Doyle, term end. 1982
Steve Pearson, term end. 1982
Ralph Duerre, term end. 1982
Stanley Reitman, term end. 1980
Peter Ginder, term end. 1980
William Van Doren, term end. 1980
Bill Lawrence, term end. 1980
Richard D. Savell, Board Liaison Member
19. TORT
Bernie Kelly, Chairman, term end. 1982
Wev Shea, Vice-Chairman, term end. 1981
Mark Sandburg, Vice-Chairman, term end. 1981
Samuel E. Vandiver, term end. 1982
Louis Agi, term end. 1982
Jan Ostrosky, term end. 1981
John Hendrickson, term end. 1980
Julie Clark, term end. 1980
William Pauzaskie, term end. 1980
Jon Link, Board Liaison Member

The Nose...knows the news

Dig out your first year law books everyone, it's assize time. Judges Singleton and Rowland are off to England on administrative leave to study, get this! Early English Common Law!

Speaking of Judges, the nose hears the Judge's sensitivity training conference in Sitka really showed how sensitive the Judges are to the lack of a pay raise. Most of the conference was taken up with that issue.

Word has it the District Attorneys are persona nongrata as far as the Trooper Academy people are concerned after holding their conference in that hallowed police shrine. Someone said you would have thought it was a Public Defenders' Conference, what the coeducational use of the sauna late at night, etc.

What happened to Lloyd Hoppner? He didn't show for the business meeting at the Bar. We know where Ken Jensen was, he was winning all the money in the poker game.

And speaking of the Bar Convention. Plaudits to the Sitka Bar Association. That small group of lawyers did a great job and their hospitality during the convention was outstanding.

The go-go place out the road, has been trying to get Will Condon Dep. A.C. to come back to Sitka for a repeat performance. Even his friends didn't know he could dance like that.

In addition, the Channel Club has invited Sharon Burke to a special "All you can eat" salad bar. Seems she just couldn't get enough while she was there.

Gene Wiles and a few of the boys were whooping it up in the Hotel Coffee Shop at about 6:00 A.M. one morning of the convention, while next to them was a group holding, or at least trying to hold, a prayer breakfast. All Gene could say when they confronted his group for their continued expletives was, "Well, Pray For Me Too."

Lanier gave Arnold Palmer three tips to improve his timing.



#1 Talk your way through paperwork.

Maybe you can't picture me behind a desk, but I've got one. And between my golf and business commitments, the paperwork can really pile up on it. That's why I have the attractive, easy-to-use Time Commander™. It's Lanier's full-featured desktop dictating system. I use it to talk my way through stacks of letters, memos and reports.

#2 Keep your paperwork moving when you are.

When I'm traveling, I keep ahead of paperwork with the Attaché™, Lanier's smallest standard-cassette portable. I take it with me everywhere to dictate letters, memos and record ideas. One-button operation makes it easy.

#3 Call Barretts

Since I started using Lanier, I have more time to spend on the golf course. Take a tip from Arnold Palmer. If paperwork is interfering with your timing, give Lanier a try. They have a wide variety of desktops and portables at prices you can afford.

Send us the coupon or call 276-6900

Please contact me with more information.

Name _____ Title _____
 Company _____ Phone _____
 Business Address _____
 City _____ State _____ Zip _____

LANIER
BARRETTS ← 276-6900

3330 Arctic Boulevard, Anchorage, Alaska 99503