

# The Alaska BAR RAG

Volume 2, No. 8

Dignitas, Sempet Dignitas

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## Annual Meeting American Bar Association

by Keith E. Brown

The American Bar Association's 1979 Annual Meeting in Dallas, Texas, beginning August 14 produced few surprises. Renewing efforts last attempted at the 1978 Annual Meeting in New York, a reform group within the Bar sought to change the manner in which the president of the association is selected. Specifically, Proposal 12-2C would amend the constitution to change the time for the nomination of officers and the members of the board of governors and require that the state delegates nominate two or three persons for the office of president-elect. Traditionally, and pursuant to Section 9.2 of the constitution, the state delegates, of which there are only 50, convene not later than 120 days before the beginning of each annual meeting and announce "a nomination for each of the offices of President-Elect, Secretary and Treasurer, a nomination for each member of the Board of Governors whose term expires upon the adjournment of that annual meeting and, in each even numbered year, nomination for the office of the Chairman of the House of Delegates." Since the constitution was adopted in August of 1936 there has only been one instance in which the American Bar Association has nominated more than one candidate for the office of President-Elect. In that particular instance Leroy Jeffers of Texas was nominated by petition as provided in Section 9.3 of the constitution. While on its face the question of precisely how the President-Elect is nominated may appear to present a little more than passing interest, that procedure is of somewhat more than passing interest to the members of the House of Delegates. Sponsors of the proposal include Earl Hadlow, the Chairman of the Section of Bar Activities, Chesterfield Smith, former President of the American Bar Association, Leroy Jeffers and Blake Tartt, members of the Texas delegation and Michael Frank, the Executive Director of the Michigan State Bar and former delegate of the Section of Bar Activities. Proponents argued that the single purpose of the amendments set forth in Proposal 12-2 is to assure that the president of the association is in fact selected by the House of Delegates.

(continued on page 10)



Sheila Gallagher

## Gallagher Heads National Women Lawyers Group

Alaska attorney Sheila Gallagher was installed August 11 as President of the National Association of Women Lawyers at the group's national meeting in Dallas. Gallagher has served the group as a board member for about five years, and has previously acted as Recording Secretary, Corresponding Secretary and Vice President.

According to Gallagher, the existence and membership of the Women Lawyers' group shows women lawyers have been around a long time. Members include, for example, a Columbia Law School graduate of 1911, and a lawyer who was a district attorney in the 1920's. Some NAWL members perhaps better known to members of the local bar include Shirley Hufstедler, Ninth Circuit Judge, and Betty Fletcher of Seattle.

Over the years the group has been active in areas of interest to lawyers and women. One particular project has been promoting the Equal Rights Amendment. The NAWL voted to join the economic boycott of states which have not ratified the Constitutional amendment, and as a result had to change its policy of meeting in conjunction with national meetings of the American Bar Association last year. Gallagher says however, that she feels it may be useful for the Association to hold its meetings in non-ERA states in order to lend its support to local groups lobbying for ratification of the Amendment.

### Women Lawyers' Journal

The NAWL also publishes the *Women Lawyers Journal*, a law review type publication dealing with issues of interest to women. Gallagher will oversee the preparation of this publication during the coming year. Says Gallagher, "The distance from NAWL headquarters in Chicago to Alaska is one of the most serious problems. I feel I can best handle this publication if it is actually printed here in Alaska. But printing here is much more expensive." Gallagher would welcome articles on subjects related

## Bar President Sued

to women's issues for publication in the journal.

The NAWL has also been active in encouraging the application and selection of women as judges, particularly in the current selection of federal judges. Other Association projects include filing amicus briefs in sex discrimination cases and urging women lawyers to participate in local Bar Association activities.

As president, Gallagher is experiencing increased demands on her time. She has already been invited to two White House conferences. Though she says she would love to go, she has had to send others in her place because of the time and distance involved.

Gallagher has also received an enormous amount of correspondence since her selection as NAWL president. Many of the letters apparently resulted from a report in *Redbook* magazine (which Gallagher says she has not read.) Over 400 letters have arrived from persons wanting information about law school, and money. Gallagher says that she believes answering all those letters will be an impossibility.

In addition to answering letters and preparing the journal, Gallagher is now working to coordinate the next meeting of the NAWL, to be held in Denver in October.

Frank Flavin, Ombudsman for the State of Alaska, has brought proceedings in Superior Court to compel Donna Willard, President of the Alaska Bar to produce certain records.

The litigation had its genesis in complaints filed with the Ombudsman by at least one attorney alleging that the Bar has not adequately investigated or resolved grievances against attorneys and that the salary and vacation of Bar Counsel is excessive. Other charges include the contentions that excessive amounts have been expended for travel outside the State for activities not directly benefiting the membership and that expenditure of Bar Association funds for the guest speaker at the 1979 Hawaii midwinter meeting was improper.

Mr. Flavin has thus far failed to elaborate on either set of allegations despite requests from the Bar that he do so.

The Board's initial response, published in the last edition of the *Bar Rag*, was to offer Flavin, in his capacity as a member of the Bar, everything he requested while denying that the Ombudsman had jurisdiction over the Association.

Flavin's response was to serve Willard with a subpoena demanding the following items:

1. The Minutes of the meetings of the Board of Governors, together with the Annual Meeting Minutes, for the past two years, after excise of Executive Session materials relating to grievances concerning attorneys;
2. Statistical reports concerning the number and disposition of all grievances filed with the Bar Association for the past two years;
3. The financial records of the Association with respect to the 1979 Hawaii Mid-Winter CLE meeting and Board of Governors' travel and per diem expenses for fiscal year 1979; and
4. Brochures, pamphlets or other written materials describing any meetings attended outside the state of Alaska by members of the Board of Governors.

Willard, through special counsel retained by the Board, objected on the grounds that both the President and President-Elect would be out of state on Bar Association business, that no information could be released without Board approval and that the Ombudsman lacked jurisdiction. It was also requested that any further action be deferred until the Board had an opportunity to meet and consider the matter on September 6, 1979.

In the interim, as previously volunteered, all of the requested records have been turned over to Flavin in his capacity as a member of the Bar.

Further pleadings will be filed in the action on behalf of the Alaska Bar Association.

## Janofsky Appoints Hunt to National ABA Special Committee

Leonard Janofsky, President of the American Bar Association, has appointed Anchorage attorney Karen L. Hunt to the ABA Special Committee on Lawyer's Liability. The eight person committee is chaired by Donald Robinson, past-president of the California Bar Association. The purpose of this special committee is to investigate and report to the American Bar Association the status not only of current risk management alternatives but also to preview innovative solutions to malpractice liability problems.

Hunt will be attending a committee meeting in Kansas City, Missouri, September 20, 21, 1979. The other committee members are William Gates, Washington, Howard Braverman, Illinois, David Dykhouse, Michigan, Don Hefferman, Minnesota, S. Donald Peshkin, Iowa, Lester Rawls, Oregon, and Edward Walker, Illinois.

Hunt chaired the Alaska Bar Association Risk Management Committee which was charged with investigation of risk management alternatives for Alaskan lawyers. The committee reported the results of the investigation and recommendations to the membership in the May, 1979 issue of the *Bar Rag* and at the 1979 Annual Business meeting in Sitka.

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## Treatment Alternatives to Street Crime

By Marian Kowacki

Treatment Alternatives to Street Crime (T.A.S.C.) is a program operated by the Municipality of Anchorage which works with individuals that have substance abuse problems with either drugs or alcohol and are involved in the criminal justice system. TASC is funded by the Law Enforcement Assistance Administration and has been in existence in Anchorage since March of 1978. Any person that is involved in the criminal justice system, with the exception of persons charged with major capital offenses such as murder, kidnapping, rape, and OMVI/DWI offenders are potentially eligible for participating in TASC.

TASC will interview individuals at the Correctional Centers here in Anchorage, or accept referrals of individuals from agencies such as the District Attorney, Municipal Prosecutor, Public Defender, Magistrates, District and Superior Court Judges, private attorneys, social service agencies, to name just a few. TASC will conduct an assessment of the individual to identify the existence of any drug or alcohol problems, the nature and extent of such problems and will make recommendations and referrals to appropriate treatment programs or other social service agencies. TASC will also monitor the participation and progress of individuals and report to the appropriate agency of the criminal justice system regarding the individual's performance in these areas. TASC can best be described as consisting of three major functions or units: identification, diagnosis and referral, and monitoring.

**Identification:** TASC staff interview persons at Correctional Centers and persons referred by other agencies in order to identify drug/alcohol problems and determine eligibility and interest of individual to participate in the program.

**Diagnosis and Referral:** a comprehensive needs assessment and social and drug/alcohol history in order to determine extent of problem and identify appropriate treatment. This includes coordination with ongoing criminal proceedings that the person is involved with. Attempt is made to have the person released in order to participate in treatment.

**Monitoring:** a continuous process which includes periodic contact with the client and with the treatment program personnel. On drug involved cases urinalysis is required and can also be done on alcohol involved cases. Monthly Progress reports are submitted to the appropriate agency of the criminal justice system which includes: urinalysis

## Lawyers Warned

A note of warning to the nation's lawyers was sounded recently at the National Conference of Bar Presidents. In short, the message was that abuse of the free enterprise system and lack of fulfillment of the public's legal needs would inevitable result in government regulation.

It was urged that private sector initiative be directed toward the problem and that opposition to advertising, legal clinics and prepaid plans come to an end.

Emphasis was placed on both the public's need to know more about their rights as well as the intricacies of the legal process and the necessity for reasonable fees.

In an endeavor to reduce costs, word processing and computer legal research were encouraged.

results, attendance and participation in treatment and progress. Any violation of the program requirements are promptly reported to the Criminal justice system.

Clients enter TASC through a number of different points:

—pre-arrest: voluntary referrals by friends, family, attorney, etc.

—pre-trial: as a condition of bail

—pre-sentence: clients are referred by the Pre Sentence Unit or by the attorney

—post trial: as a condition of a sentence imposed or suspended, as a condition of probation or parole:

TASC has been utilized in bail setting, as part of a deferred prosecution, or other order or condition of the Court. TASC works with both adults and juveniles and has operating agreements with drugs and alcohol programs throughout the State. Persons involved in TASC are protected by Federal Confidentiality Regulations. TASC also conducts basic psychological and vocational testing that is utilized in the treatment planning. TASC also works closely with other programs such as the Pre Trial Intervention Project and the A.W.A.I.C. Male Awareness program.

TASC serves as a linking mechanism between the criminal justice system and the drug and alcohol treatment programs. TASC is not a client advocate nor an element of the criminal justice system but rather a neutral third party which provides information and services to the Court and defense attorney. It can serve as an alternative to incarceration either at bail or at time of sentencing or as part of a deferred prosecution. Each participant is informed of the requirements of program participation and what the success/failure criteria are. To date TASC has worked primarily with felony offenders and has identified over 400 individuals that have either a drug or alcohol problem in this specific population. If you are interested in learning more about the TASC program and the services that we provide you can contact us at 264-4811 or write to us at 825 L Street, Anchorage, Ak. 99501 and we will mail you a description of the program.

## National Conference of Bar Presidents

Donna Willard, President, and Bart Rozell, President-Elect, represented Alaska at the National Conference of Bar Presidents held recently in Dallas.

Included among the programs were panel discussions on Changes in the Economics of the Practice of Law, Legal Clinics, Prepaid Legal Service programs, new plans for the National Legal Services Corporation, computerized legal research, court costs and delay, cameras in the courtroom, the Code of Professional Responsibility, legal ethics, conflicts of interest and client confidences.

Numerous exchanges and discussions with other state leaders were held both formally and informally. It is expected that many of the programs and ideas learned at the meeting will be studied and implemented in Alaska.

Of special interest were the sessions on legal clinics and prepaid plans. Also to be scrutinized is the model rule on specialization as well as changes in the Code of Professional Responsibility. Highlighted during the latter program was an Alaska Bar Association Ethics Opinion, #76-7, which was subsequently approved by the Supreme Court of Alaska.

## Chief Issues Challenge at Ninth Circuit Judicial Conference

by Warren E. Burger  
Chief Justice

For some years now many of us have raised questions concerning the quality of the professional performance of those members of the bar who come into the federal courts. I want to discuss this with you today. I have said, and I repeat now, that one of the highest obligations we owe to our profession—and to the public—is the duty to look at ourselves objectively, take note of our strong points and of our weak points, and then by constructive efforts try to improve the service of our profession to the public. This is one of a number of areas of "deferred maintenance" in our legal system.

Two years ago the dimensions of the problem were unclear. Now, however, a consensus has emerged as to the extent of the problem of courtroom performance. It is clear beyond debate that there is a poor quality performance by a substantial number of lawyers who come into our courts. The judicial conference committee—the Devitt Committee—which will soon complete its report on this subject brings this into sharp focus.

### Lawyers Have Monopoly

We must begin with the proposition that lawyers who are admitted to practice have a collective monopoly on that professional activity. I hardly think it is necessary to recall that monopolies must be regulated. Some elements of our economic life protest that they are overregulated, and that may well be so. But any notion that the legal profession has been overregulated has no basis whatever in fact or experience.

A good many studies, and the general observations of experienced practitioners and judges, and specifically the 1972 report to the American Bar Association by the committee chaired by the late Justice Tom Clark, make clear that the legal profession is vastly underregulated, both in quality control and in the enforcement of the standards of ethics and professional responsibility. Things have improved somewhat as a result of Tom Clark's report, but we have a long, long way to go to earn public confidence.

### Dissatisfaction Widespread

It is now more than two years since the judicial conference of the United States took note of what it believed to be widespread dissatisfaction with the quality of the professional performance of too many of the lawyers who come into the federal courts. Because the conference recognized at the outset that this performance varies a great deal from state to state and place to place, the conference authorized the creation of the "Devitt Committee" to analyze the problem and suggest remedies. That committee is composed of a mix of outstanding trial lawyers, law school deans, and trial judges, and it also includes a number of law student consultants. It has undertaken to sound out the views of a great many people throughout the country and has held hearings on five different occasions throughout the United States.

### Task Force Reports

Meanwhile, following the meeting of the American Bar Association in New York last August, the House of Delegates directed the ABA section of Legal Education and Bar Admissions to create a task force on lawyer competency and the role of the law schools.

Last month, that task force filed a report which reflects what seems to me a significant change in at-

## The Bar's Bar Well Tended

The 1978 convention in Fairbanks and this year's convention in Sitka had one thing (at least one) in common. Thanks to Leroy and Margaret Cook of Information Services and Bobby and Chuck Perkins of Subpoena Service Company they both had a well run hospitality room to retreat to. It all started in Fairbanks in the Spring of '78 when Leroy Cook, a well known Fairbanks investigator, offered his firm's assistance to the Bar Association for the upcoming convention. Tanana Valley Bar Members quickly grasped the idea that if someone else was pouring, it would free both hands to drink and the offer was promptly accepted.

This year the Cooks and Perkins traveled to Sitka at their own expense and kept ice fresh and the ash trays emptied until the not so wee hours of the morning all four nights. Leroy comments he has gained appreciation for the stamina of many Alaskan attorneys. Perkins and Cooks operate their businesses independently, but share their reception area and provide back-up manpower for each other when needed. Chuck and Bobby Perkins have been in Fairbanks since 1966. In the Fall of '77, Bobby says she wanted to get out of the house and do something challenging. Subpoena Services is the result and Bobby is finding it a treat now to get back into the house occasionally.

Leroy Cook had brought stability and professionalism to the legal investigation profession in Fairbanks. His nine years investigating insurance losses and claims give him the ability to understand what is needed and communicate his findings effectively. He is a certified flight instructor and holds a commercial pilot's license. He says he looks forward to the occasional bush assignment which requires putting his fold-up Honda in the back seat of the plane and heading out to some mining camp or remote village. Information Services has a second full time investigator on staff who brings criminal investigation experience to the firm to compliment Leroy's strong civil background.

Leroy says both Information Services and Subpoena Services are in business to help members of the Bar get the best results possible for their clients. "Tending the Bar's hospitality room yearly gives us a chance to know our customers better and let everyone know we are ready to help out any way we can."

titudes concerning legal education. The task force, chaired by Dean Roger Cramton of Cornell, states flatly that:

Law schools should provide all students with instruction in such fundamental skills as oral communication, interviewing, counselling and negotiation. Law schools should also offer instruction in litigation skills to all students desiring it."

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### Special Committee Formed to Solve Court Appointed Counsel Problems

As a result of a meeting between representatives of the Alaska Bar Association, Department of Law, the Court System and Governor Hammond on July 27, 1979, a special committee has been formed to investigate and recommend solutions to problems which result from court appointment of private counsel to represent citizens of Alaska. Committee members are Karen L. Hunt, chairperson, Rick Barrier, Grant Callow and Bob Fisher of the Court System, Will Condon and Brian Shortell of the Department of Law and Dick Savell and Donna Willard of the Alaska Bar Association, Board of Governors.

At the meeting on August 6, 1979, the committee recommended to the Court System that offers be solicited from private practitioners to provide legal representation for indigent criminal defendants who cannot be represented by the Public Defenders due to a conflict of interest. With Court System approval the committee drafted and distributed a proposed contract, reporting forms and transmittal letter to Alaska Bar Association members on August 15, 1979. Offers are being solicited for a four month contract period from September 15, 1979 through January 15, 1980. These offers are being solicited as an interim alternative to Administrative Rule 15 and mandatory appointments lists. Offers are being sought for eight separate geographical areas and are due to the committee by September 4, 1979.

The committee will review all offers and recommend that the Court System consider all responsive offers. The Court System has retained the right to accept or reject any and all offers. It will make its final determination on the basis of qualifications of the offerors and availability of funds appropriated by the legislature.

The long-range goal of the committee is to investigate the criteria for determining indigency and for determining conflicts. The committee will then recommend one or more methods for obtaining competent representation at reasonable cost in all cases where court appointed counsel is required. The committee hopes to have its report available for the Bar, Court System and legislature by February, 1980.

# 3rd Judicial District District Court Bar Poll

| REPORT FORM         | District         | Column 1 | Column 2 | Column 3 | Well Qual | % of Col 3 | Qual | % of Col 3 | Not Qual | % of Col 3 | Total of Well Qual. + Qual. Percents |      |
|---------------------|------------------|----------|----------|----------|-----------|------------|------|------------|----------|------------|--------------------------------------|------|
| Charles R. Avery    | 1                | 32       | 31       | 46.9     | 1         | 3.1        | 1    | 100        | 0        | 0          | 1                                    | 100  |
|                     | 2 & 4            | 31       | 29       | 93.5     | 2         | 6.5        | 2    | 100        | 0        | 0          | 2                                    | 100  |
|                     | 3                | 389      | 351      | 90.2     | 38        | 9.8        | 13   | 34.2       | 10       | 26.8       | 23                                   | 61.0 |
|                     | Out of St. TOTAL | 1        | 1        | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
| James M. Bendell    | 1                | 32       | 29       | 90.6     | 3         | 9.4        | 0    | 0          | 1        | 33.3       | 1                                    | 33.3 |
|                     | 2 & 4            | 31       | 31       | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 3                | 389      | 173      | 44.5     | 216       | 55.5       | 101  | 46.8       | 81       | 37.5       | 34                                   | 84.3 |
|                     | Out of St. TOTAL | 1        | 0        | 0        | 1         | 100        | 0    | 0          | 0        | 0          | 1                                    | 100  |
| Robert D. Frenz     | 1                | 32       | 29       | 90.6     | 3         | 9.4        | 0    | 0          | 1        | 33.3       | 1                                    | 33.3 |
|                     | 2 & 4            | 31       | 30       | 96.7     | 1         | 3.2        | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 3                | 389      | 187      | 48.1     | 202       | 51.9       | 46   | 22.8       | 96       | 47.5       | 60                                   | 29.7 |
|                     | Out of St. TOTAL | 1        | 0        | 0        | 1         | 100        | 1    | 100        | 0        | 0          | 0                                    | 0    |
| Lucy M. Lowden      | 1                | 32       | 15       | 46.9     | 17        | 53.1       | 6    | 35.3       | 7        | 41.2       | 4                                    | 23.5 |
|                     | 2 & 4            | 31       | 31       | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 3                | 389      | 361      | 92.8     | 28        | 7.2        | 2    | 7.1        | 6        | 21.4       | 20                                   | 71.4 |
|                     | Out of St. TOTAL | 1        | 1        | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
| Donald L. Starks    | 1                | 32       | 30       | 93.8     | 2         | 6.3        | 1    | 50.0       | 1        | 0          | 0                                    | 0    |
|                     | 2 & 4            | 31       | 31       | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 3                | 389      | 222      | 57.1     | 167       | 42.9       | 11   | 6.6        | 42       | 25.1       | 114                                  | 68.3 |
|                     | Out of St. TOTAL | 1        | 1        | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
| Elaine B. Vondrasek | 1                | 32       | 32       | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 2 & 4            | 31       | 31       | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
|                     | 3                | 389      | 320      | 82.3     | 69        | 17.7       | 6    | 8.7        | 23       | 33.3       | 40                                   | 58.0 |
|                     | Out of St. TOTAL | 1        | 1        | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |
| L. Eugene Williams  | 1                | 32       | 20       | 62.5     | 12        | 37.5       | 4    | 33.3       | 3        | 25.0       | 5                                    | 41.7 |
|                     | 2 & 4            | 31       | 21       | 67.7     | 10        | 32.3       | 5    | 50         | 1        | 10.0       | 4                                    | 4.0  |
|                     | 3                | 389      | 130      | 33.4     | 259       | 66.7       | 116  | 44.8       | 33       | 12.7       | 60                                   | 23.2 |
|                     | Out of St. TOTAL | 1        | 0        | 0        | 1         | 100        | 1    | 100        | 0        | 0          | 0                                    | 0    |
| George E. Weiss     | 1                | 32       | 30       | 93.8     | 2         | 6.3        | 0    | 0          | 0        | 0          | 2                                    | 100  |
|                     | 2 & 4            | 31       | 24       | 77.4     | 7         | 22.6       | 1    | 14.3       | 1        | 14.3       | 5                                    | 71.4 |
|                     | 3                | 389      | 305      | 78.4     | 84        | 21.6       | 10   | 11.9       | 18       | 21.4       | 56                                   | 66.7 |
|                     | Out of St. TOTAL | 1        | 1        | 100      | 0         | 0          | 0    | 0          | 0        | 0          | 0                                    | 0    |

### FANTASY

It doesn't make sense  
Trying to describe you  
If you exist,  
Or were before I knew

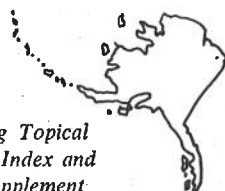
So many inches,  
So many pounds,  
So many hands behind  
A list of entries,  
Places and prices  
A lover, a daughter  
A sister, a mind.

You don't measure up.  
You don't measure down.  
You float like a gas,  
A smile or a laugh.  
You dance past my eyes  
Or glide down my spine  
Like an impulse gone daft  
Like the sun in my wine.

Leave me now, please.  
Only please, do not stay.  
Come back around four  
When my thoughts are away.

—Harry Branson

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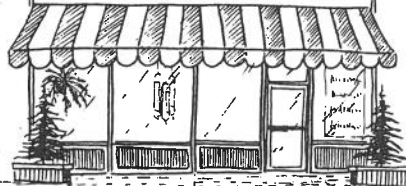


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## The President's Column

### An Invaluable Exchange

by Donna C. Willard

At a time when the Board is under attack for expenditure of funds on out of state travel, it might be well to reflect for a moment on the subject.

First, the meetings for which travel has been authorized are the American Bar Association annual and mid-winter meetings which include the sessions of the National Conference of Bar Presidents, the Western States Bar Conference of which Alaska is a member, the Bar Leadership Conference and the Ninth Circuit Judicial Conference.

With the exception of the last meeting, travel by bar officers, together with the Executive Director, has been traditionally authorized.

The persons currently having Board authority to travel are the President, President-Elect and Executive Director except in the case of the Ninth Circuit Judicial Conference in which, as a Lawyer Representative for Alaska, only the President participates.

Reimbursable expenditures are registration fees, travel and \$75.00 a day per diem. In that connection, it should be noted that rooms for these sessions generally start at around \$60.00 per day and the participants are personally responsible for any expenditures which exceed the \$75.00 limit.

The next question which is apparently being asked is whether the Bar Association benefits from the expenditure of these sums. But how does one define benefit?

Clearly, any such test must be purely subjective. Did the person listen attentively? Did he or she participate actively in the discussions? Were the materials distributed and the ideas engendered brought home? Were the experiences shared with other members of the Association? Did programs, policies and procedures result?

For each attendee the answers might well be different since each mind and its system of filtration will place different values on different proposals.

Nevertheless, in Alaska at least it would appear that neither the individual's time nor the Association's money have been ill spent. Allow me to offer a few examples.

The policy manual which the Board is in the process of ratifying, together with the personnel manual already adopted, are the direct results of attendance at such meetings. So too are the regular sessions with the Supreme Court which have established a closer rapport between bench and bar than ever before.

A Chairman's Handbook soon to be available to all Committees was prompted by one of the seminars and the Law Related Education Committee formed to educate both adults and school children about the law and legal processes was engendered by another.

The year long self-risk management study, continuing legal education, legal education opportunities, the addition of lay members to Bar Association committees, and amendments to the Code of Professional Responsibility have all been fostered by knowledge gained at such conferences. Moreover, other programs such as alternative disputes resolution which is just beginning, have had their genesis out of state.

Contact with other bar leaders, an essential ingredient in the learning process, has been a two way

# Anchorage Bar Association Poll

The Board of Directors of the Anchorage Bar Association are attempting to obtain some information as to the direction to take regarding the accumulated funds, and in no event would any of these suggestions increase the present dues. In an effort to manifest greater meaningfulness, create a critical relevance, and attract a few more members, the Anchorage Bar Association asks you, what do you want?

|   | Yes | No  |
|---|-----|-----|
| Social events, parties, picnics   | 58  | 72  |
| Political luncheon speakers   | 74  | 64  |
| Occasional CLE programs   | 145 | 8   |
| Day long CLE programs   | 105 | 27  |
| Support Bar Rag by donations  | 67  | 62  |
| Public Education project  | 72  | 63  |
| Lower dues  | 46  | 72  |
| Student scholarships  | 30  | 89  |
| Work with court to improve local rules  | 114 | 25  |
| Influence public expression of opinion on:  |     |     |
| Specific legislation  | 56  | 63  |
| General public issues   | 36  | 82  |
| Judicial Appointment  | 72  | 60  |
| Judicial Retention  | 73  | 59  |
| Hiring of part time Executive Director to assist the President & Board in organization of progress and day to day operation | 33  | 84  |
| Salaried Officers and slush fund  | 33  | 84  |
| Disband formal organization   | 13  | 103 |

### MEETINGS—YOUR PREFERENCE PLEASE (Vote only once if there is a chance you would attend)

|            |     |
|------------|-----|
| TIME:      |     |
| BREAKFAST  | 27  |
| LUNCH      | 110 |
| DINNER     | 10  |
| DAY:       |     |
| MONDAY     | 53  |
| TUESDAY    | 31  |
| WEDNESDAY  | 38  |
| HOW OFTEN: |     |
| WEEKLY     | 48  |
| BY-WEEKLY  | 47  |
| MONTHLY    | 44  |
| THURSDAY   | 21  |
| FRIDAY     | 23  |
| SATURDAY   | 2   |

Please return this poll to **Denis R. Lazarus**, President, Anchorage Bar Association, 750 W. 2nd Avenue, Suite 111, Anchorage, Alaska 99501, within ten days. Thank you for your cooperation.

### COMMENTS AND SUGGESTIONS:

street. Alaska has capitalized on programs instituted elsewhere and has by the same token been able to aid others in their endeavor to improve the profession.

Can any of this be translated in dollars? Can anyone realistically assess whether the funds expended have resulted in a just return? I would submit, once again, that any

such study would be purely speculative, fraught with all the dangers than any subjective analysis entails.

However, as one of those exposed to the experience, I will personally attest that the ideas obtained have been brought back to Alaska and, where practical, have been implemented. That, in and of itself, justifies the expense.

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## Anchorage Bar News

The Anchorage Bar Association has been seeking input from members in order to make itself a more effective body representing the interests of the Anchorage lawyers. To obtain the members' views a poll was conducted regarding what the members desired from the Anchorage Bar Association. Questionnaires were sent to each lawyer in Anchorage whether they were members of the association or not. Out of approximately 600 questionnaires sent out only 174 were returned and the officers and board of the association were somewhat disappointed.

The main response in the questionnaire was regarding the types of programs or activities that should become the focus of the association. Overwhelmingly the members indicated that the association should become involved in continuing legal education programs both in the seminar type format and in the luncheon mini-CLE format that has been used in the past. As a result of this response, the board of the association met and several mini-CLE programs for luncheons are being planned. The first of these will occur on September 10 and will deal with education of the Bar on the Uniform Jurisdiction of Child Custody Act. In the future, other mini-CLE programs will be provided and the plan is to try to have at least one CLE luncheon each month.

The poll indicates that the membership does not want the Anchorage Bar Association to engage in lobbying type activities. Slightly more than half of the members responding to the question desired public education projects and the association's officers and directors will be making proposals on public education matters to the association in the future. Although no lobbying will occur in the legislative area, the association will continue to deal with the court system for improvements in calendaring and rule making.

Many of those responding wished lower dues. Currently, the association dues are \$30 per year. However, some of the persons responding placed comments on their questionnaires about dues being mandatory and appear to have this confused with the \$180 annual Alaska Bar Association dues. The Anchorage Bar Association is strictly a voluntary organization. Also, members should be advised that all new admittees to the Bar residing in Anchorage are extended a courtesy membership in the Anchorage Bar Association for the remainder of the year in which they are admitted. The current administration of the association is continuing this policy with the approval of the members.

The time of the weekly luncheons was also a subject of the questionnaire. A majority of those responding wished to keep the meetings at a luncheon time; however, there was more variety of responses as to how often the luncheon should occur and on what date. Over 50 of those responding wanted the luncheons to continue on Mondays and we currently have a commitment to finish out the year on Monday luncheons. The members were split almost evenly on whether the luncheon should be held weekly, bi-weekly or monthly. For the present, the luncheons will continue on a weekly basis on Mondays.

Problems have occurred in the past in scheduling speakers for programs and providing adequate notice to the members of the programs. In the future, the schedule for the programs will be published in each issue of the Bar Rag and there should be

(continued on page 5)

# Formation of the Alaska Court System

by Russ Arnett

During Territorial days, Alaska had its own courts...sort of. Judges of the District Court for the Territory of Alaska were political appointees of the President for a four year term, one judge for each of the four judicial divisions. In the early days nearly all the District Judges came from Outside. One newly appointed judge who had previously held an administrative job in the Midwest surprised everybody by showing up at a Lincoln Day Dinner in his American Legion cap and giving a rousing Republican speech.

Appeals from the District Court were to the Ninth Circuit. Strict rules for printed brief plus the cost of going to San Francisco for oral argument made appeals costly and uncommon. The appellate judges disliked deciding local law questions. One of the judges said condescendingly of the Alaskan Lawyer that "They come here in their big shoes." Do our young lawyers today in hiking boots and duffel coats follow in this tradition?

## Law West of Pecos

The District Judges appointed United States Commissioners who were ex-officio judges for misdemeanors, civil litigation involving less than \$1,000.00, probate, and generally Law West of the Pecos. Some Commissioners were much beloved, like Rose Walsh in Anchorage, but few were legally trained. Once defense counsel argued to Rose that she should not accept an assertion of the prosecutor, "Why not," she replied, "He's on our side," isn't he?"

## House Republicans

For lawyers statehood means above all that we would have our own courts. In the first state election Democrats were elected Governor, Secretary of State, both U.S. Senators and U.S. Representative, and to 51 of 60 legislative seats. Alaska Constitution provides judicial appointments are to be "without regard to political affiliation." Republicans argued that this required that at least some Republicans be appointed. Democrats countered that the provision did not mean that appointments should be "bipartisan" but that they should be "nonpartisan." "Nonpartisan" means that one must be blind to the appointee's politics. Therefore, the Democrats argued, if

## Anchorage Bar

[continued from page 4]

a monthly column to advise members of activities of the Anchorage Bar.

The schedule for the month of September is as follows:

|                        |  |
|------------------------|--|
| Sept. 3<br>(Labor Day) | No luncheon  |
| Sept. 10               | Mini-CLE. Speaker John Reese on uniform jurisdiction of Child Custody Act and similar related child custody issues |
| Sept. 17               | Speaker Attorney General, Avrum Gross  |
| Sept. 24               | Municipal Information Officer addressing the various bond proposals to be submitted to the voters in Anchorage.    |

Each of these luncheons will be held at the Anchorage Westward Hotel at noon. The price of the luncheon is \$6.50.

only Democrats were appointed it could neither be perceived nor criticized. Governor Egan appointed Walter Hodge as house Republican on a three judge Supreme Court. He chaffed in this role and after a year resigned to become in 1960 the first true Federal District Judge in Alaska. Governor Egan's later judicial appointments and those of most succeeding governors were of the governor's party.

## Trial Courts in Anchorage

Lawyers, particularly in Anchorage, were dying to get state trial courts, in part because one District Judge could not possibly handle the case load. Section 18 of the Statehood Enabling Act provided that the Territorial Courts might continue in existence up to three years after statehood. Lawyers feared that Governor Egan might not create trial courts for two or three years to let the Feds pay for the trial courts. When the bar realized Governor Egan indeed had no present intention of creating trial courts it first raged, then pondered what could be done. Baisey Lee Kilpatrick had been charged with the Federal crime of white slavery. Her trial was set after statehood before a hold-over Territorial judge whose four year term had long since expired. In April 1959 a petition in her behalf for writs of prohibition and mandamus was filed with the U.S. Supreme Court, and a comparable petition was filed with the Ninth Circuit in behalf of another Federal defendant.

## Petition Denied

The Statehood Act had struck various references in the U.S. Code to the Territorial court and to appeals from it to the Ninth Circuit. The constitutional questions posed were whether a Federal legislative court after statehood could try Federal cases normally tried by an Article III U.S. District Court and whether a right of appeal was a fundamental right. The U.S. Supreme Court denied our petition for leave to file the petition. We got zip from the Ninth Circuit. In 1961 the Alaska Supreme Court held that it had appellate jurisdiction over state cases brought in the Territorial court after statehood. I don't recall if any Federal appeals from the interim court were attempted after statehood.

## Rader Ripped

The main item of business at the 1959 bar convention in Fairbanks was to climb all over Attorney General John Rader who supported Governor Egan's delay in appointing judges.

Had the bar not brought this pressure the trial courts might not have been established until much later than they were, which still was more than a year after statehood. The Superior Court assumed jurisdiction February 20, 1960. The first judges of the Superior Court included James von der Heydt in Juneau, Walter Walsh in Ketchikan, and Hugh Gilbert in Nome. Ed Davis, Earl Cooper and James Fitzgerald were appointed for Anchorage and Everett Hepp and Harry Arend in Fairbanks. When the Superior Court opened for business we knew our troubles were over.

## Random Potshots

by John Havelock

### "What's Going On Out At The University?"

The current era of concern for legal education at the University of Alaska began when two sets of concerns converged back in 1975. First, state criminal justice administrators and the courts wanted a center for education, research and continuing professional development to meet institutional manpower development and applied research needs. Secondly, the Regents of the University were again being pressed to respond to requests that they consider starting a law school.

Studies were commissioned as a result of each of these concerns. A report known informally as the "Stretcher Report" addressed the criminal justice needs. A broader synopsis of general legal educational needs of the state was incorporated in the report "Legal Education for a Frontier Society." The latter report suggested that while the establishment of a law school was technically feasible from the perspective of student demand, the production of conventionally trained lawyers ranked low among priorities of state needs. Legal Education was important, but more JD's were not.

### Priorities of Legal Education

Among objectives given a higher priority than the establishment of a JD program were: (1) the establishment of a third year law school extern program in association with established Outside law schools; (2) the establishment of programs of legal education for persons entering law-related occupations but who were not necessarily interested in doing a three year graduate degree. Such professions included careers in law enforcement and corrections but also law-related emerging professions such as court administration, paralegal and legal assistant jobs and fields such as banking, land title administration, public entitlement administration and adjudication (welfare, health, unemployment and education) and insurance, which have a high law content. (3) A general program of law-related public policy research would serve important state interests with or without an educational component. (4) Education in legal process independent of any vocational emphasis is an important ingredient in general education for a society of liberties ordered under law. (5) Assistance to Alaska Natives in pre-law educational enrichment would, over the long run, help to increase the percentage of Alaska Natives making up the Alaska bar. The list goes on.

### The Requirements of Undergraduate Education

Today's Random Potshot will address the question of how the University, since the report, has responded to identified needs for undergraduate education in law. The Criminal Justice Center of the University of Alaska and the Office of the Director of Legal Studies for the University system were established at the direction of the President to give overall direction and coordination to the University's efforts to meet these responsibilities. Since the initial funding push, however, came from the Law Enforcement Assistance Administration, in the original undergraduate curriculum, a priority was given to establishing educational

support for the criminal justice vocations first. Serious problems were evident in the Division of Corrections resulting from under-education of personnel in that area. The Police Standards Council was moving towards establishing educational criteria for promotion and advancement in law enforcement careers in Alaska, in keeping with national trends. Accordingly, the first curriculum emphasis was on addressing these needs.

However, as the Stretcher Report recommended, the curriculum was developed in the context of an overall commitment to liberal arts education. Before a final curriculum was established, a careful study was completed by a statewide University committee and a report submitted by Dr. John Angell of UAA, "Justice Higher Education at the University of Alaska." The curriculum adopted was not a narrow training curriculum and the University has, at least so far, stayed clear of training type curricula. The overall discipline was identified as "Justice," the administration of justice in its broadest context, civil and criminal, formal and informal systems. Within that discipline, emphasis areas were designated for law enforcement, corrections, judicial administration and legal studies, the last emphasis area intended to include the emerging paralegal professions.

### The Attitudes of Lawyers

In the late 70's two separate surveys of lawyer attitudes towards and needs for paralegal services and education were undertaken, one by the Paralegal Committee of the bar and one by the Criminal Justice Center. These studies laid a foundation for the designation of the particulars of a legal emphasis area curriculum within the Justice degree. They also confirmed that the majority of the members of the Alaska bar wanted paralegal persons to achieve their paralegal educational qualifications through a four year degree. Some lawyers were willing to consider even graduate education in law as appropriate to paralegal practice. A small number also thought that a two year curriculum for paralegal training would be adequate, but the majority opted for a four year program within the context of a general liberal arts education.

The University, in those earlier years when the primary presence in Anchorage was a community college, had established a program of "legal studies" which attempted to address a paralegal constituency. Anchorage bar member Sylvia Short was a dynamic force in putting such a program together at a time before general recognition of the utility of such education had emerged. However, there had been no formal preliminary curriculum study and course content was left pretty much to the taste of individual instructors. Also the course topics followed the traditional law school format and law school texts were used which were inappropriate to the student constituency involved. Whether appropriate or not, practicing lawyers were skeptical of the abilities of students who had taken "torts," "contracts" and "civil procedure" to do paralegal work in the areas involved.

### Legal Studies Established

In 1979, at the Criminal Justice Center, using the curriculum studies and surveys of attorneys, a legal studies emphasis area curriculum was established which was intended to take a new approach in preparing students for paralegal operations. The curriculum requires that the student meet all the usual requirements for the baccalaureate degree, the requirements for the Justice discipline, four core courses in the legal studies emphasis area and nine legal studies electives. A tentative multi-year schedule has been established so that

[continued on page 6]

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## Havelock

[continued from page 5]

a person can meet the paralegal emphasis area requirements by taking two courses a semester over a two-year period.

Some students may wish only to take the Justice degree and emphasis area courses, particularly those who already have a baccalaureate degree or those for whom the liberal arts education is not relevant in their present life circumstances.

In order to assure the highest degree of relevance to real world concerns, the Center has made a special effort to attract active practitioners to teach in the paralegal area in topics of specialty experience and to use hands on and workshop learning techniques.

### Contents of the Core Requirement

The faculty identified six topics essential to the educational background of an effective practicing paralegal. Two requirements were met by the established Justice curriculum. First, the student must know something about the system. The previously established, standard course, Justice 110, "Introduction to Justice," with minor modifications, met this need. Secondly, students need to have an understanding of how law, civil and criminal, has developed historically, with special emphasis on the constitutional framework of law in our society. Justice 250, "Development of Law" has a content meeting this need. Some students would opt instead for Justice 330, "Justice and Society," which approached the role of law more from a sociological perspective, analyzing the institutional role of law in American society with comparative examples, looking, for instance, at the role of law in the family, in employment, in the economy, etc.

Justice 215, "Paralegal Studies," was established as the introductory course in the legal studies emphasis area. This course is intended to give a student an introduction to the prospects and perils of paralegal professionalism, to give the student perspectives on law office roles and management, and to explore the American system for delivery of legal services. Two or three types of work which are emerging as paralegal specialties such as investigation, probate, collections, etc., will be used as examples of paralegal work.

Justice 256, "Legal Analysis and Writing," is intended to give the student experience in the English composition needs of the law office, investigative report writing, interview technique, reporting and simple library research. Social science research technique, an increasingly frequent support for dispute settlement in litigation, will also be taught.

Rather than duplicating commercial topics in a law school style, the curriculum committee determined that an adaptation of the traditional business law curriculum used by business schools would make more sense for paralegal students. In Business Law I and II, an increased emphasis was given to hand-on applications—preparing commercial paper, designing forms of business, etc., an approach thought to be beneficial to both the Business majors and Justice majors. Justice 375, "Litigation," will introduce students to the modern dispute settlement process with special emphasis on support services to discovery techniques.

### A Variety of Electives

In addition to this core, a large number of electives have been identified in the existing curriculum or added to it which make sense to a person wanting a satisfying career in law-related work without undergoing the rigors and burdens of a graduate legal education designed to meet the more compre-

The Justice Center was established in 1975 to meet the State's need for an integrated, system-wide program of education, research and community support in criminal justice. The University of Alaska has assigned to the Center authority for planning and coordinating the University's responsibilities in law and justice statewide. The Center is located on the campus of the University of Alaska, Anchorage from which it receives administrative support.

The Center conducts a variety of programs in justice related activities. Students majoring in justice are encouraged to participate, with approval of advisors, in these programs. They include:

**Research**—The Center usually undertakes several projects each year which address practical problems in Alaska crime prevention and justice administration. From 1975-77, for instance, it provided staff services to the Legislature's Criminal Law Revision Subcommittee. Other efforts include statewide surveys on crime and justice.

**Bush Justice**—The Center recognizes a special dimension to problems of crime and criminal justice in cross-cultural and rural settings and is developing experimental models for the delivery of services and training under such circumstances. One recent project involved the improvement of justice and public safety in rural villages of Alaska.

**Continuing Professional Development**—In an attempt to meet specific

hensive and exacting requirements of the practice of law. These electives include (though they cannot all be offered every year) Juvenile Delinquency, Juvenile Procedure, Business Law II (principally corporations and real estate transactions), Social Service Law (law of social work, health care, welfare, etc.) Rural Justice, Indian Law and the Settlement Act, Legislation, Law of Government Regulation, Seminar in American Legal History and Natural Resource Law.

### Graduate Studies

Selected students may wish to combine work in Justice with other fields. It is possible at the University to pursue a Masters Degree, for instance, either in Social Science or Business or Public Administration which combines elements of both Justice and other disciplines. This approach may be particularly useful to a person interested in enhancing his or her education and credentials who already has a BA degree. At a level of student commitment less than the BA, the Center will issue a certificate to a student who completes the paralegal requirements without meeting the other degree requirements. Practicing paralegals may wish to take individual courses without a comprehensive program objective on a skill learning basis.

### Involvement of the Bar

We hope that this is a good beginning for a comprehensive program. We look to enhance the quality of the program, the content of the courses and curriculum and the quality of the teaching through the active participation and cooperation of members of the bar. A number of active practitioners have already participated in instruction and curriculum development in this program to its very great benefit.

We hope that the bar will see this educational development as enhancing its ability to provide lower cost and more efficient service to the Alaska public while recognizing the career satisfactions that may be available to non-lawyers in working in conjunction with the legal profession.

# Criminal Justice Center

needs for training and education and to provide in-service training for justice professionals who are not pursuing a course of study leading to a degree, the Center offers workshops, short courses, seminars, and correspondence courses to complement career development needs of people in justice and allied fields. These programs may or may not be for academic credit.

**Community Education**—The Center sponsors projects intended to improve the understanding of the public on issues in crime prevention and justice and the working of justice agencies. Many of the public service programs on justice aired on Alaska television and radio were produced by the Center.

### FALL 1979 COURSE OFFERINGS

JUSTICE 110 MWF 8:15-9:15 am  
CAS 211 Angell 9/10-12/22

**Introduction to Justice** (3 credits): Survey of philosophies, functions and methods of social control with emphasis on role of law and those involved in its administration—police, courts, corrections organizations. Includes study of history, organization, processes and problems related to law and justice agencies in a heterogeneous, democratic society.

JUSTICE 210 TR 1:30-3:00 pm  
CAS 211 TBA 9/10-12/22

**Principles of Corrections** (3 credits): An introduction to the basic concepts of probation and parole; the use of authority in corrective services; institutional methods, a study of popular and professional concepts in corrections.

JUSTICE 251 TR 9:45-11:15 am  
CAS 252 Endell 9/10-12/22

**Criminology** (3 credits): Survey of various philosophies, functions and methods of social control with emphasis on role of law and those involved in its administration—police, courts and corrections organizations. Includes study of history, organization, processes and problems related to law and justice agencies in a heterogeneous, democratic society.

JUSTICE 252 TR 6:45-8:15 pm  
CAS 123 Havelock 9/10-12/22

**Substantive Criminal Law** (3 credits) A study of the elements purposes and functions of the substantive criminal law with emphasis upon historical and philosophical concepts.

JUSTICE 330 TR 11:30-1:00 pm  
CAS 252 Conn 9/10-12/22

**Justice and Society** (3 credits): The evolutionary influence of ideology, technology and social interests on the justice system. The dynamic impact of long-term emerging concepts such as "equality" and "privacy" will be viewed against the background of requirements of political and economic organization.

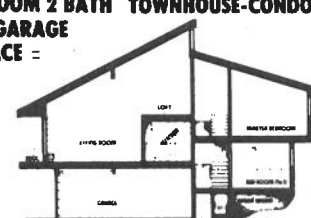
JUSTICE 331 TR 5:00-6:30 pm  
CAS 254 Conn 9/10-12/22

**Business Law** (3 credits): Survey of legal aspects of business problems, basic principles, institutions and administration of law of contracts, employment, agency and personal property.

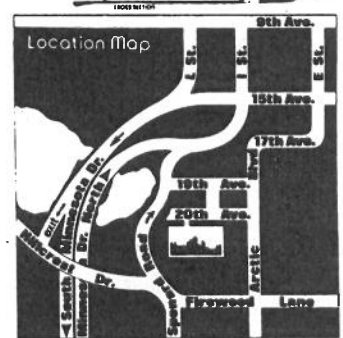
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tort claims and business crimes, forms of business organization.  
JUSTICE 350 W 6:45-9:45 pm  
WJH 108 Endell 9/10-12/22

**Contemporary Correctional Issues** (3 credits): A survey course designed to acquaint the student with policy formulation problems related to both traditional and modern concepts of correctional programming. The roles of the executive, legislative and judicial branches of government in determining correctional policy as well as the roles of the community, the media and special interest groups are examined. Rehabilitative program alternatives are explored in relationship to the need for protecting the public and deterring crime.

JUSTICE 360 TR 1:30-3:00 pm  
CAS 258 Angell 9/10-12/22

**Justice Processes** (3 credits): Study of processes and issues in police, court and correctional agency operations. Definition of goals; organizational design and development, organizing and managing financial, personnel and management processes; budget, union, communication, records; community-based programs; inspection, program assessment. Contemporary administrative process problems.

JUSTICE 370 S 9:00-12:00 pm  
CAS 251 Moninski 9/10-12/22

**Judicial Policy and Court Administration** (3 credits): A review of the Alaska court system, its problems, management policies and procedures. Analysis of issues related to court operations and policies and alternatives to the current situation.

JUSTICE 375 MW 6:45-8:15 pm  
WJH 113 TBA 9/10-12/22

**Litigation** (3 credits): Forms of dispute settlement with emphasis on negotiative processes, mediation, arbitration, settlement in the legal context, litigation, the management of discovery, trial and evidence.

JUSTICE 398 Hours Arranged  
Barry 9/10-12/22

**Research Practicum** (1-6 credits): The application of research skills to the study of a problem in the justice field. Involves field research and related independent study.

JUSTICE 435 MW 5:00-6:30 pm  
CAS 119 TBA 9/19-12/22

**Introduction to Constitutional Law** (3 credits): Growth and development of the United States Constitution as reflected in decisions of the Supreme Court. Federal system: executive, legislative and judicial powers; nature of the judicial process, regulation of commerce, taxation.

JUSTICE 440 MWF 12:00-1:00 pm  
CAS 224 Angell 9/10-12/22

**Police Administration** (3 credits): Focuses on critical issues and situations faced by police executives. Among the areas studied are decision making, organizational strategies and service mixes, citizen complaint systems, change strategies and models, information systems, personnel management, financial administration and productivity measurement.

JUSTICE 462 TR 8:00-9:30 pm  
CAS 251 TBA 9/10-12/22

**Indian Law and the Settlement Act** (3 credits): A study of the legal history and current legal status of Alaska Native people. Attention will be given to the social, cultural and legal history of American Natives in general and Alaskan Natives in

# Women & The Law

"On the Threshold of a New Decade - Approaching the '80s" is the theme chosen for the Ninth Regional Conference on Women and the Law to be held October 26-28, 1979, at Willamette University College of Law in Salem, Oregon. The purpose of the Conference is to bring together women and men concerned with the law as it relates to women and to promote solutions to problems encountered by women. Participants will be law students, lawyers, judges, and legal workers from the states in the Ninth Circuit.

### Conference Grows

The history of the annual conferences on women and the law is relatively brief. Approximately ten years ago a group of women law students in New York organized the first National Conference. From the initial 200-300 participants, the National Conference has grown to a size of approximately 3,000. Out of the first National Conference came the idea of separate regional conferences. It was felt that regions each have unique problems, and that a regional conference would allow women and men to explore the peculiar problems of their area in depth. Currently, the Far West Region is the only region still holding a yearly conference in addition to the National Conference. With the exception of 1975 when the Far West Regional Conference was held in Spokane, Washington, the conference has been a California affair. This year will be the first time the Conference has come to an Oregon school.

### Bid Accepted

In October of 1978, eight women from Willamette College of Law attended the Eighth Regional Conference which was held in San Diego, Cali-

fornia. It was at this Conference that Willamette's bid for sponsorship of the 1979 Conference was accepted by Conference participants.

Since that time, a Steering Committee comprised of one man and seven women law students has been formed to do the bulk of the work on the Conference. Three members attended this year's National Conference in San Antonio, Texas to gain experience for organizing this Conference. In addition to the Steering Committee, an Advisory Board made up of sixteen prominent citizens of Oregon and Washington has been formed.

### Board Guides

This Board guides the Steering Committee and some members are assisting with fund-raising efforts. Advisory Board members are: Oregon Supreme Court Chief Justice Arno Denecke, Salem; Judges Helen Frye, Lane County Circuit Court, Eugene (candidate for U.S. District Court Judge), and Betty Roberts, Oregon Court of Appeals, Salem; Attorneys Charles Burt, Edward Clark and Bruce Williams, Salem, Ruth Gundie, Portland, and Betty Fletcher, Seattle (recently nominated by President Carter for Ninth Circuit Court of Appeals Judge); Mrs. Hedy Parker, Salem; Professors Kathy Todrank Graham and Barbara Karmel, Salem, Linda Hume, Seattle, and Barbara Safriet, Eugene; Oregon Secretary of State Norma Paulus, Salem; State Representative Nancie Fadeley, Eugene; and Leroy Tornquist, Dean of Willamette College of Law, Salem.

### Core of Workshops

The core of the conference will be the workshops. There are approximately thirty workshops planned covering a variety of topics in the following areas: Social Change and the Law; Violence; Business, Careers, and Politics; Law and the Family; Health; Third World Women; and Alternative Practices. Potential panelists have been contacted and many have already confirmed their attendance. While some panelists are from California and Washington, a serious attempt is being made to utilize Oregonians as much as possible. Workshops will have a practical focus rather than presenting general overviews of subjects.

### Skill Training

The Steering Committee believes that workshops are most valuable to the participants when skills training is offered, and are also more interesting. A good example is the workshop on Battered Women. Instead of being a broad discussion of the difficulties faced by battered women,

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particular; the U.S. policies concerning Natives and their rights; law of corporations and the corporate structure of the Settlement Act; and legal rights, money control, and land management under Alaska Native Claims Settlement Act.

JUSTICE 215 TR 8:00-9:30 am  
Havelock 9/10-12/22

**Paralegal Studies** (3 credits): A foundation course for the legal studies area. Explores role, responsibilities and ethics of paralegal activities and the relationship of paralegals to lawyers. Areas of paralegal responsibilities studied include statute and regulation formats, litigation, insurance, probate and real estate. Interviewing, investigation writing and the application of social science techniques to paralegal problems will be covered.

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## Women & The Law

(continued from page 7)

the workshop will be oriented toward the practitioner interested in litigating battered women's cases, or helping battered women gain their legal rights. Another example of a practical workshop is one on Lobbying. Panelists will be women and men who are actively lobbying for various causes. The workshop will be concrete training in lobbying skills, as well as advice from the experts.

### Opportunity Available

Saturday evening, October 27, the Conference will offer a banquet in honor of women judges at the Black Angus in Salem. The keynote presentation has yet to be finalized, but it is hoped several women federal court judges will speak.

The Ninth Far West Regional Conference on Women and the Law will provide the western legal community with an opportunity to receive unique legal training and to share in an uplifting experience. The Steering Committee invites you to attend.

For more information and/or registration materials, contact the conference office: Ninth Regional Conference on Women and the Law, Willamette University College of Law, Salem, Oregon 97301; (503) 370-6170.

## Burger

(continued from page 2)

### Awareness Increases

So far, so good. This alone is a large step and it comes from one of outstanding law deans. In recent years—and it is not too important whether we fix the period at five, ten, or fifteen years - there has been a steadily increasing awareness of the need to do far more to train lawyers in the skills involved in advocacy and courtroom performance. The National Institute for Trial Advocacy (NITA), and the rapid expansion in recent years of advocacy-related programs in the law schools, spurred by the Committee on Legal Education and Professional Responsibility, commonly known as CLEPR, are indications that our profession is awakening to its responsibility to the public. NITA programs are now available to bar associations - and many have used this program.

### Students Trained

Innovative programs on trial advocacy are going forward at Harvard Law School in a joint program with northeastern law school (2½ million-sacks); at Baylor, Georgetown, Cornell, Southwestern, Antioch, William Mitchell, and at other schools. Dean Cramton's Task Force report tells us that all students who want this training should receive it, and yet the testimony of law school deans before the Devitt Committee was that only one-third of the students who want such training can secure it at present.

It bears repeating that law schools alone cannot make trial lawyers, any more than medical schools alone can make surgeons. Law schools can help prepare students to become trial lawyers. They have done very well in preparing students in legal analysis and legal thinking, but where they have not performed well is in training in the elements of advocacy.

### Teach Advocacy

Courtroom advocacy must be taught by experienced trial lawyers and trial judges. Those of us who have pressed this point for years have

emphasized at all times that it must be a joint enterprise. The law schools must lay the foundation and the trial judges and the legal profession, through the Bar Associations, must work with law schools.

The Task Force report to the ABA also contains another very significant recommendation which represents a marked change in academic attitudes:

"although the law faculty must retain responsibility for course content and quality control, law schools should make more extensive instructional use of experienced and able lawyers and judges, especially in structured roles in which they utilize their professional knowledge and skill."

### New Relationship

In this process there must be a new relationship between the three branches of our profession. Trial lawyers and trial judges must work directly with the law schools. Whatever barriers exist to having practicing lawyers integrated into this aspect of law, teaching must be broken down. The Task Force report shows encouraging signs that some of the old negative attitudes on this score are changing.

The American College of Trial Lawyers, with over three thousand members, has pledged to support these efforts and to cooperate with the law schools. That means that some of the best trial advocates in the United States are prepared to perform these services - and a very good many are already doing just that.

### More Money Necessary

We know, of course, that the overwhelming proportion of the teaching that goes into the making of a doctor is performed by practicing surgeons and physicians who, for the most part, contribute their time as a professional obligation. We know, also, that no medical graduate can leave the medical school, hang up a shingle, and immediately begin treating patients or performing surgery. They must undergo a rigorous internship and a residency training, and, increasingly, they take graduate studies in specialties. In this respect, the medical profession is at least a half century ahead of the legal profession. Our problems are different and the solutions must be different. But we must learn from the experience and the techniques of medical education. We spend from twelve to fifteen times more public and private money to train a doctor than we spend to train a lawyer, and we must reconcile ourselves to spending more for the education of lawyers.

### Who is Responsible?

We are told by some legal educators that on their present budgets they cannot do much more than they are doing in their advocacy training. Some say they can do nothing. Other educators tell us it is not the education of a law school to provide such training. Still others suggest all specialty training is a graduate school function. Some leaders of the Bar tell us that all this is the responsibility of the law schools, not the Bar. To complete this vicious circle, some trial judges now tell the Judicial Conference Committee it is not the responsibility of the courts to assure that the advocates who appear before them are adequate. Whose responsibility is it then?

### Responsibility Shared

A cartoonist could well depict this situation by a cartoon with three figures - one in judicial robes, one in academic cap and gown, and a third lawyer with the symbolic brief case - each pointing to the other saying "It's not my responsibility, it's his."

But this is a responsibility shared by all three. Each segment must contribute what it can do best.

Law teachers are skilled at organizing teaching, trial lawyers are skilled in the arts of advocacy. Trial judges know what skills are needed and they are painfully aware that lack of skills can make a three day case run six, eight or ten days. There is one particular area which is the responsibility of the organized Bar - the State Bar Associations - and that is to see that law schools are provided with the necessary financial support. They must go to the legislatures in support of what the law schools need.

### No Status Quo

If some segments of our profession are prepared to settle for the status quo, there will be no alternative except to carry this debate to the public - the "Consumers of Justice" - the consumers of the services of our profession. They are the reason for our existence.

I am not willing to settle for the status quo.

I do not intend to abandon the efforts to fulfill our obligation to the public to see to it that qualified lawyers represent clients in the federal courts.

### Opinions Differ

At the outset opinions differed, as I said earlier, concerning the dimensions of this problem. The American Bar Foundation surveyed 1,400 state and federal judges. Those judges rated eighty-seven percent of the performances as minimally competent. Bill Spann, President of the American Bar Association in 1978, thought twenty or twenty-five percent of the lawyers inadequate. Attorney General Bell thought Bill Spann's figure was probably about right. Forty-one percent of federal district judges surveyed last year thought that there "was a serious problem" - a serious problem. An American Bar Association lawpoll of attorneys came up with the same forty-one percent figure - forty-one percent who thought there was a problem with the quality of trial advocacy.

### Education Inadequate

The 1978 law school admission council survey of 4,000 alumni of six law schools brought 1,600 responses and found that sixty percent thought that their legal education had not prepared them to deal with the practical aspects of a lawyer's work including preparation for trial and trial of cases.

We see that the figures from these surveys differ some, but the consensus is inescapable - there is "A serious problem." And who but the consumers are the victims?

Judge Edward Devitt, Chairman of the Judicial Conference Committee, sums up more than two years' intensive study:

"The controversy is not over whether we need to improve the quality of advocacy in federal courts. Rather, the focus of the debate is how we can best do this."

Implicit in his summary is also "who will do it?"

### Recommendations

The Judicial Conference Committee has considered, among many others, four basic steps for lawyers seeking admission to District Courts in the future:

(1) An examination on federal rules of evidence, civil rules, criminal rules, appellate rules and the code of professional responsibility;

(2) Defined prior trial experience in state courts;

(3) Peer review of trial performance in cases called to the attention of the Admissions Committee by district judges;

(4) Expanded training in the elements of advocacy in the law schools, including observation of actual trials and participation in simulated trials, and continuing education for lawyers.

These are the key proposals considered but there were others.

### Minimal Standards

These proposals would appear to be minimum standards if we are really serious about the "serious problem" identified by forty-one percent of the United States District Judges daily engaged in observing lawyer performance. The question I put to you is this: Can we conceivably fail to take positive steps to remedy what judges tell us is a serious problem?

### Excellence Necessary

We might paraphrase E.B. White's dictum that "noncommercial television should address itself to the ideal of excellence, not the ideal of acceptability." Had the Judicial Conference of the United States been interested primarily in the lowest common denominator of acceptability, we could simply have requested the Federal Judicial Center to take a poll and not disturb anybody by asking them to think. We could have stopped after we learned that forty-one percent of the District Judges thought the performance of lawyers in federal courts was a "serious problem." But I assure you we are not going to stop.

### Resolution of Problem

If the Bar, the judges and the law schools do not resolve the problem by joint efforts, there is one direct solution. The American Bar Association established its standards for accrediting law schools more than a half century ago. Those standards represent one of many great contributions of the Association to our profession and to the administration of justice. In that accrediting process, the ABA prescribes standards that law schools are required to meet. The Association can solve this problem by establishing what law schools must do in the field of enlarged training in the basic elements of advocacy for those students who want it. I would add that law schools have the right, for example, to prescribe some means to identify the aptitude of such applicants for trial advocacy.

### Ultimate Authority

The ultimate authority, therefore, rests with the American Bar Association and ultimate responsibility accompanies authority. But this by no means should be treated as an excuse for any segment of the profession to evade the collective responsibility of the profession as a whole.

Every segment of the organized Bar and we who are judges must share the responsibility to see that the public interest comes first. We must firmly reject any notion that the status quo is good enough.

### Duty to Public

As a learned, public profession, we must never be seen as a group chiefly interested in protecting our own turf. We have a duty to the public to fix high standards of professional excellence, and to enforce those standards. We have an obligation to set the highest standards of ethical conduct and professional responsibility, and to enforce those standards.

If we ever succumb to the idea that the organized Bar is a body established for the mutual protection of its own members, we will not deserve - and we will not have - the confidence of the American public.

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# Legislative Summary

## Natural Resources Committee

by Harris Saxon

**Subject:** Coastal Resource District Management Program.

**Legislative References:** Committee Substitute for Senate Bill No. 145 Amended, Chapter 66, SLA 1979.

**Statutory References:** AS 46.40.050 AS 39.50.200(9)

**Effective Date:** August 16, 1979

This bill permits the Alaska Coastal Policy Council to grant extensions for the submission of Coastal Resource District Management Programs.

**Subject:** Methods of Leasing Permitted on State Oil and Gas Leases.

**Legislative References:** House Committee Substitute for Senate Bill No. 192, Chapter 65, SLA 1979.

**Statutory References:** AD 38.05.180(b) AS 38.05.180(f)(3)(6)(7)

**Effective Date:** May 19, 1979

This bill amends the existing provision for State oil and gas leases allowing a fixed cash bonus with a royalty share reserved to the State as the bid variable. In addition, the bill adds two new methods of leasing for State oil and gas leases.

**Subject:** Disposal of State Land Formerly Under a U.S. Forest Service Permit.

**Legislative References:** Committee Substitute for Sponsor Substitute for House Bill No. 33, Chapter 26, SLA 1979.

**Statutory References:** AS 39.05.068 (a)(c)(d), AS 38.05.087 (a)

**Effective Date:** July 1, 1979

This bill provides that land subject to a valid U.S. Forest Service permit or lease on the day before

the land is tentatively approved for patent to the State shall be offered first for sale to the permittee or his successor in title. Provision is also made for the cost of such land to vary depending on whether the land is used for recreation or for some other purpose.

**Subject:** Financial and Alaska Impact Plan of Alaska Gas Pipeline Financing Authority.

**Legislative References:** House Bill No. 438 Amended, Chapter 31, SLA 1979.

**Statutory References:** AS 44.55.100 and 110

**Effective Date:** April 27, 1979

This bill changes the date of a required submission of the financial and Alaska Impact Plan by the Alaska Gas Pipeline Authority from the 60th day of the first session of the 11th legislature to the first day of the second session and modifies the legislative approval requirements.

**Subject:** Management and Disposal of Public Land.

**Legislative References:** Free Conference Committee Substitute for House Bill No. 66, Chapter 85, SLA 1979.

**Statutory References:** See Individual Topics

**Effective Date:** July 1, 1979

This bill drastically revamps State land classification and disposal. Specific areas affected are discussed below.

**Municipal General Grant Lands -**

AS 29.13.100

AS 29.18.204

The municipal land selection law of the state is substantially modified by this bill. It provides that land grant entitlement selections must be made before October 1, 1980 or within one year after the entitlement is certified. The discretion of the Director of the Division of Lands, Department of Natural Resources is restricted regarding the approval of borough selections. The applicability of local platting regulations to subdivisions of state land in the municipality is limited.

**Land Disposal Bank -** AS 38.04.020 AS 38.05.045

A land disposal bank is established to contain state land available for disposal to private ownership. It is provided that at least 250,000 acres of state land shall be available by July 1, 1979. At least 100,000 acres of state land shall be made available for private ownership during the fiscal year ending June 30, 1981 and each year thereafter. Provisions are made for semi-annual public hearings to consider nominations of state land for private ownership by individuals and municipalities.

**Classification and Sale of State Land in Municipalities -** AS 38.05.047

The Commissioner of Natural Resources is directed to classify state land in each municipality for certain uses and establishes a schedule for such identification and classification. Procedures are established for the survey and sale of state land in each municipality which is classified as suitable for residential use.

**Sale and Disposal Procedures for State Land -** AS 38.05

The disposal of state land by lottery and at public auction is provided. The minimum price of land sold by lottery is set at the fair market value of the land but not less than \$400 per acre. The Commissioner is granted some discretion to sell below fair market value if scarcity of private land has led to inflated prices. The Commissioner is directed to classify state land suitable for disposal as remote parcels. An elaborate procedure for the conduct of lotteries and other methods of disposal is established.

The classification of land for surface use is required where the Commissioner considers it necessary and proper. A report must be submitted by February 1 or each year by the Commissioner to the legislature describing the classifications completed the preceding year. Classification, re-classification, or disposal requires notice to the regional corporation within the boundaries of

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Inquiries should be directed to Andrea McDonald, CLU, 278-9505, Advanced Studies Chairman for the Chapter.

which the land is located, the village corporation, and posting in three public places in the vicinity of the land. The Commissioner is directed to consider effect of land disposal on existing traditional uses by residents in the vicinity.

Current notice provisions relating to State land actions are changed. The publication requirement is expanded from three consecutive weekly publications prior to the action to four consecutive weekly publications. Methods of publication are to include electronic media. The period from initiation of publication to the disposal action is increased from 30 days to 45 days.

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## Annual Meeting

[Continued from page 1]

gates rather than by 27 state delegates. They point out that the votes of 27 individuals have been sufficient to select the president of an organization with a membership of approximately a quarter of a million. They argue that the adoption of the proposal would prompt a public campaign by those nominated which would serve to inform not only the members of the house but all the members of the association of the issues which face the legal profession and the approaches which the respective candidates might adopt to meet these problems. Those opposing the reform proposal argue that the present system is working well and has resulted in the selection of a number of outstanding presidents. While one might quarrel with the caliber of certain of the past presidents, the fact of the matter is the system has worked rather well since its adoption. The real opposition to this system is found within the 50 state delegates and the delegates from the smaller states. **Chesterfield Smith** and others arguing in support of changing the nomination process constantly hammer away at a one man, one vote theme. Obviously those in favor of the status quo argue that if the proposal were passed, the association would be governed by lawyers from California, Texas and New York with only an occasional concession to smaller states. In short, the present system gives Alaska and other small states far greater power than their votes would seem to justify. While from the objective approach there may be a great deal to be said for the reforms offered by the Section on Bar Activities, the parochial interests of this and other smaller delegations are best served by retention of the present system. Thus, for the second time in the last twelve months this proposal was defeated on the basis of a 111-152 vote.

It should be noted that this year's annual meeting was a pleasant surprise inasmuch as this was the first time in recent memory when the reports with recommendations to the House of Delegates were received in ample time to review them with the President of the Alaska Bar. In the past the reports with recommendations were often available only a day or two prior to the annual meeting and occasionally not available until the annual meeting. I expect that the present system will continue and that we will be able to discuss these proposals thoroughly with the state bar president prior to their presentation in the House of Delegates.

One of the more interesting proposals before the House of Delegates at this meeting was the presentation of the Section of Administrative Law which in its original form read as follows:

**RESOLVED**; that the American Bar Association opposed legislation which would amend the Administrative Procedures Act with respect to the judicial review of agency action by (i) requiring de novo consideration by the court of relevant questions of law in all instances; (ii) eliminating any presumption that an agency rule or regulation is valid; or (iii) requiring that, if the validity of a rule or regulation is challenged, the court shall not uphold its validity unless clearly and convincingly shown.

This particular report was submitted in connection with the Section of Administrative Law's consideration of legislation proposed by Senator **Dale Bumpers** of Arkansas in the form of S.111 which would broaden the scope of judicial review of administrative action. Supporters of Senator **Bumpers'** proposal moved to

amend the thrust of the resolution by inserting the word "favors" in place of "opposes" and adding a phrase to the effect that the American Bar Association recommend that lawyers further study the judicial review of agency action. The debate on the proposal as amended was heated. A consensus was available in the sense that virtually all concerned expressed frustration with the extent to which administrative action permeated the conduct of business in daily life. Virtually all who spoke on the issue were concerned with judicial review of agency action. Although in the minority, both **Dick Gantz** and I voted against the so-called **Bumpers'** amendment but in a demonstration of widespread dissatisfaction with the administrative process the resolution passed as amended on a vote of 446 to 116.

One of the more controversial items at this particular assembly was the proposed criteria for the imposition of death sentences which was proposed by the Section on Criminal Justice and would simply mean the American Bar supports S.114, 96th Congress, 1st Session, which is entitled "A Bill to Establish Rational Criteria for the Imposition of Sentence of Death, and other Purposes." Many persons opposed to the death penalty nonetheless supported the concept of the establishment of rational criteria for the imposition of the sentence with respect to certain federal crimes. However, the proposal was widely viewed by many as representing indirect support of the death penalty, on that basis the proposal was defeated.

In other action the House of Delegates approved the Model Plan of Specialization, dated June, 1979, prepared by the Standing Committee on Specialization. This particular model is a flexible one which can be adapted to the needs of different states and to different specialties. More importantly, is the realization that the plan need not be adopted by any state but to the extent that it will be utilized, it is expected to preserve the uniformity of standards from state to state.

A number of important proposals dealing with federal judicial tenure and disciplinary legislation, retirement for federal judges and the merit selection of federal judges were withdrawn by the proponents and expected to be seen again at the mid-winter meeting. The House of Delegates did approve in principle the procedure for selection of U.S. Magistrates by panel as set forth in legislation such as Section 3(d) of H.R. 1046 which provides for the appointment of magistrates selected by the recommendations of a Magistrate Selection Panel to be appointed by the judges of the district court.

Finally, one of the more controversial proposals before the House was the Section on Criminal Justice's proposal which would have the American Bar Association support in principle the first amendment Privacy Protection Act of 1979 introduced into the Senate as S.855 (96th Congress, 1st Session). In large part the inference of the Section on Criminal Justice seemed to be directed against the decision of the United States Supreme Court in **Zurcher v. Stanford Daily**, 436 U.S. 547 (1978). In **Zurcher** both first and fourth amendment issues were presented by the seizure of negatives, films and prints showing the demonstration at Stanford University Hospital in 1971. This particular proposal was supported strongly by the Section of Criminal Justice and by the Section of Individual Rights and Responsibilities. Unfortunately, debate on this issue demonstrated some serious problems when the resolution was drafted. It is questionable whether the measure was turned down because of the Board of Gov-

## NOTICE:

The following pretrial order by the presiding judge 3rd Judicial District became effective in August 1979.

ADDENDUM TO CR-332

(T-Anch.-2/1/78)  
PRETRIAL ORDER

(4)(a) If defendant determines that he has no omnibus motion to file, he shall notify the calendaring department by filing with them a written notice of no omnibus motion at least three (3) days prior to the date set for the hearing of said motions.

errors' recommendation that such first amendment issues be handled on a case by case basis or because of the demonstrably fuzzy language of the proposal. In any case the measure failed. In an editorial note I might observe that a better drafted proposal along similar lines might well ultimately receive the support of the House of Delegates.

On balance, the 1979 Annual Meeting produced few surprises, a considerable volume of resolutions ranging from cabotage traffic for non-U.S. air carriers to a number of resolutions dealing with the military justice system. The actions of this meeting suggest that the mid-year meeting will be an interesting one and is likely to consider in detail the work of the Devvit Committee relating to the advisability of additional standards for admission to practice in the U.S. District Courts and Circuit Courts of Appeal.

## Van Winkle Leads Kotzebue Classic

**John Van Winkle** led a field of four attorneys in the bar poll for the new Kotzebue Superior Court position with a resounding 84.8 percent vote of confidence in his judicial qualifications.

**Richard Whittaker** received a total percentage of 72.3 percent qualified and well qualified votes. He was followed by **Timothy MacMillan** with 67.2 percent and **Marlin Smith** with 51.6 percent.

## Speedy Trials Mandated

Effective July 1, a person charged with a federal crime must be brought to trial within 60 days of arraignment or the case will be dismissed.

Numerous problems with the measure, more commonly referred to as the "speedy convictions act," are anticipated. Defendants often wait three or four weeks before retaining counsel who thereafter have insufficient time in which to prepare the case.

Also, the civil trial calendar will be adversely impacted.

In June, a bill passed the Senate to delay implementation for two years, retaining in the interim the old 120 day rule. That bill is currently pending in the House of Representatives.

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# The \$1,000 Mouse

by Wayne Anthony Ross

We were weathered in at a cabin along the Naknek River. The wind howled outside as I cut the pasteboards for it seemed the hundredth time. Three handed poker was becoming tedious not only to me but to my companions, Attorney Bob Griffin and Jerry Yeiter of the B.L.M. We had been weathered in for two days and it almost looked as if we'd never get out to hunt caribou.

"When do you think we'll be able to get out and hunt?" I asked Jerry.

Just then Jerry spied a movement along the floor near the Avon inflatable raft that was stored in the cabin.

"How about now?" Jerry answered. "I'll take you on a hunt right now and guarantee you a shot but it's going to cost you."

"Right now I'd pay anything to just go hunting!" I answered.

"All right!" I said unloading the jacketed bullets from the Colt revolver lying on the table and then reloading one of my special bird shot reloads so that (I thought) when I next cocked the hammer the bird shot load would rotate under the hammer.

"Are you ready?" Jerry asked.

"Ready." I answered cocking the revolver.

## Trophy Shot

Jerry jumped onto the Avon raft. Out of the raft came a trophy bull mouse. He ran down the rope of the raft to the floor. Halfway across the floor to the door he paused. I took careful aim trying to determine the best place to aim. I pulled the trigger.

Instead of the anticipated roar of the Colt I was greeted with a hollow "click." The trophy bull mouse stuck his tongue out at me, and ran out through a crack in the door.

"What happened?" Jerry asked. His questions could barely be heard above the jeers and catcalls of Bob Griffin.

At first I didn't know and then I examined the Colt. I had forgotten that Colt revolvers rotate to the right. I had been carrying a Smith and Wesson so long that I had loaded the cartridge in on the right side of the cylinder. I had anticipated that upon cocking the revolver the cylinder would turn left bringing the cartridge under the hammer. If the revolver had been a Smith that would have happened. Smith's rotate to the left. Since the revolver was a Colt however, upon cocking, the cartridge rotated further to the right and the hammer fell on an empty chamber. Needless to say, I took a lot of kidding the rest of the day.

## Second Chance

Determined to redeem myself, I practiced reloading the Colt the proper way.

I doubted if I would get another shot at such a trophy mouse but I wanted to be ready if the chance presented itself.

Towards evening, the trophy mouse slipped in at the crack in the door. He made it back to the Avon raft before I could even draw.

"Do you want to try again?" asked Jerry.

I allowed as I did.

"It'll cost you another \$1,000."

I agreed. Anything was better than to have to put up with the bantering that I had had to endure from Jerry and Bob all afternoon.

"Are you ready?" Jerry asked.

I checked the revolver, cocking

it to make sure the shot cartridge was under the hammer this time. It was. "Ready!" I answered. The adrenalin began pumping through my veins. I felt the awakening of buck fever. I sought to control myself. I forced myself to remain calm.

"Ready!" I answered again.

Jerry jumped into the Avon raft. Out of the raft came the trophy bull mouse. He ran down the rope of the raft to the floor. Again he paused halfway across the floor to the door. I took careful aim and fired. The big Colt roared.

The birdshot canister, which was supposed to break up in the barrel of the gun allowing the shot to spread, stayed together. Apparently I hadn't put enough powder in the cartridge. Thus the plastic capsule containing the birdshot hit a half inch behind the mouse tearing a big hole in the carpet. Upon hitting the floor the capsule broke up allowing the shot to escape. Shot bounced all over the room. All over, that is, except where the trophy bull mouse was standing. The mouse again stuck his tongue out at me, and nonchalantly scurried out the crack in the door.

## Friends' Admiration

The jeering and catcalls of Jerry and Bob are best left to your imagination, dear reader. My reputation as a hunter of big game was thoroughly soiled. I did not see the trophy mouse again that trip but vowed that I would return to the Naknek River next season for that trophy mouse.

During the intervening year Jerry and Bob never let me forget that trophy mouse. Jerry even had a cartoon drawn by a professional artist which hangs in my office showing me missing the trophy mouse.

The following fall I returned to the Naknek River determined to bag that wily mouse.

Although I hunted for several days no animal of his size presented itself and I was about to give up hope. Then one evening after supper, Jerry and I decided to go fishing.

Since it was cold and raining, I put my Woolrich coat on over my Smith and Wesson .45 that I carried in a shoulder holster. Then I put on a raincoat over that. Then I put on a life jacket since we planned to fish from the boat. We stepped out onto the porch.

I caught a glimpse of movement out of the corner of my eye. The trophy bull mouse lay crouched on the porch behind a brick by my foot. I grabbed for my gun but knew I couldn't get it out in time from under life jacket and raincoat before the mouse would spring. Apparently realizing instinctively that it was only a matter of milli-seconds before the bull mouse would be on me, I kicked the brick squashing the trophy bull mouse against the wall.

I managed to get my revolver out and we approached the trophy bull mouse from the down wind side. We both prepared to fire, should the mouse charge. Upon close examination however we discovered that I had gotten it with the first kick, or the first brick, or the first kick of the brick, and the trophy mouse was truly dead.

## Lawyer's Trophy

My hunting prowess was recognized from that day on.

The trophy bull mouse was never skinned or mounted. There were too many rub marks on its hide caused by the brick. We photographed it from all angles however and measured it for Boone and Crockett should they decide to open up a class for record trophy bull mice.

Jerry still hasn't sent me a bill for the hunt. I continue to do legal work for him from time to time but I haven't billed him either. When I get his bill, then I'll send him mine. I'm a firm believer of the old law school maxim "Always get the other guy's bill first!"

# 9th Circuit Judicial Conference

The Ninth Circuit is comprised of the Districts of Alaska, Arizona, Northern District of California, Eastern District of California, Central District of California, Southern District of California, District of Guam, District of Hawaii, District of Idaho, District of Montana, District of Nevada, District of Oregon, Eastern District of Washington and Western District of Washington.

Pursuant to order, the Judicial Council of the Ninth circuit promulgated the Ninth Circuit Judicial Conference whose purpose is to consider the business of the courts, advise means of improving the administration of justice and to assist in implementing decisions.

The conference is composed of all active and senior judges, five magistrates, seven bankruptcy judges, the United States attorneys and public defenders from each district, five law school representatives, the President of each state bar, and other lawyer representatives appointed among the districts in proportion to the authorized active district judgeships.

Alaska's delegation is currently comprised of Senior Judge Raymond E. Plummer, Judges James A. von der Heydt, James E. Fitzgerald, U.S. Attorney Alex Bryner, Donna Willard, President of the Bar, Everett Harris and Joseph Palmier.

Applications are currently being solicited to fill the position presently occupied by Joe Palmier whose term ended at the close of the 1979 conference in July of this year. The Bar will nominate, after an advisory poll, three persons to the district court. Thereafter, the judges will select the appointee.

Criteria for selection include both admission to and active involvement in federal practice, interest in the purposes and work of the conference, and a willingness to actively contribute and to assist in implementation of programs with the local bar. Term of office is three years.

The lawyer representatives annually elect a chairman who serves on the Executive Committee of the Conference. In addition, they elect six of their group to serve on the Committee.

The Executive Committee has the authority and responsibility, subject to review by the circuit council, to conduct the business of the conference. Meetings of the Conference are held annually the next being scheduled for July 1980 in Monterey, California.

# FRAP

Several important changes in the Federal Rules of Appellate Procedure (FRAP) were made effective August 1, 1979. These new rules will have a definite impact upon federal appellate practice before the U.S. Court of Appeals for the Ninth Circuit:

Significant changes include:

—Increased responsibility of the court reporter for filing the trial transcript. The appellant no longer must file motions for extension of time if production of the trial transcript is delayed.

—The Clerk of the U.S. District Court will submit the "Certificate of Record" rather than appellant. (This is actually a change in Ninth Circuit Local Rule 4(f).)

—The U.S. Court of Appeals docket fee of \$50 must be paid to the U.S. District Court Clerk upon the filing of the Notice of Appeal (The U.S. Court of Appeals docket fee will increase to \$65 on October 1, 1979).

—A clarification is provided of the criteria which will be used by the U.S. Court of Appeals when ordering a case submitted without oral argument.

—The mandatory \$250 cost bond for civil appeals has been abrogated. The cost is now discretionary with the U.S. District Court judge.

—A clarifying rule allows the Clerk of the U.S. Court of Appeals to act upon many procedural motions.

—The page length requirement for principle briefs is set at 50 regardless of whether the brief is commercially printed or printed by standard typographic printing. Reply briefs must be 25 pages or less.

—As a related local rule change, the attorney admission fee to practice before the U.S. Court of Appeals has been raised to \$16.

Copies of the new FRAP rule changes have appeared in several commercial publications. West Publishing Co. has printed the proposed changes in advance sheet form in the *Federal Reporter* and *Federal Supplement* issues of May 28, 1979, the *Supreme Court Reporter* issue of June 1, 1979 and the *Federal Rules Decisions* issue of May 1979. The complete set of appellate rules will be printed by West Publishing Co. as an addendum to "Federal Rules—Civil Procedure, Evidence, and Appellate Procedure." This addendum will probably be available in September.

Matthew Bender Publishing Co. printed the proposed FRAP changes in a "special alert" supplement to *Moore's Federal Practice*. That supplement was mailed to subscribers some weeks ago.

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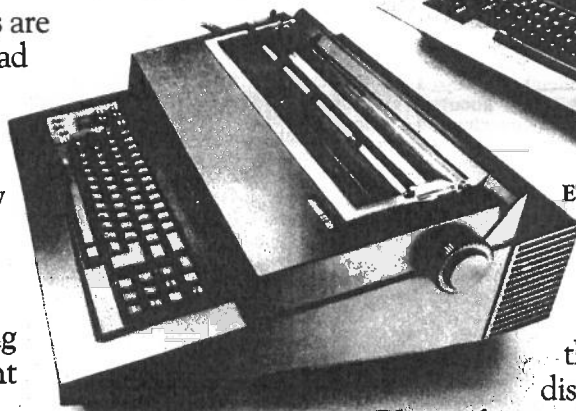
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