Karen L. Hunt
1007 W. 3rd Ave. Suite 400
Anchorage, AK 99501

Non-Profit Organization
U.S. Postage Paid
Bulk Mail
Permit
No. 401
Anchorage, Alaska

The Alaska BAR RAG

Volume 4, Numbers 9 & 10 | Dignitas. Semper Dignitas | September, October Edition | $1.00

Wendell Kay Roast Planned

On October 22, 1981, in the Ballroom of the Sheraton Anchorage Hotel, members of the Bar and friends of **Wendell Kay,** including Senior Senator **Ted Stevens** and 8th Circuit Court of Appeals Judge **Robert Boochever,** will gather to roast and toast one of Alaska's outstanding trial lawyers. Wendell Kay has been an active force not only in the formation and growth of the Alaskan legal community, but also in the growth of the State of Alaska.

Kay's predisposition for success began when he played right-end on his college football team in 1933. The team won all 8 games and was not scored upon. The total score for the season was DePauw "128" — Opponents "0."

The Early Years

He graduated from Northwestern Law School in 1938 and spent a year with the National Labor Relations Board in the District of Columbia. After that he practiced briefly in Centralia, Illinois, with his brother **Jim,** who, according to Wendell, was so discouraged by the experience that he has taught piano ever since. Kay then spent 3 years in the Army, some with the 3rd Army in Europe, serving valiantly without being wounded or killed.

After taking a look around Centralia and deciding that there was no future there for him (he could not play the piano) Kay immigrated to Portland, Oregon, where he spent a year as a Staff Attorney for the Department of Interior.

His trek to Alaska began — as Kay tells it — when he met **George Sundborg** in an elevator in Portland. Sundborg had recently worked in Alaska and had just written a book called *Opportunity in Alaska.* Kay read the book and immediately immigrated to Anchorage. He took a job with the Territorial Housing Authority because it paid $6,600 per year, which was more than he was offered by **Ray Plummer** to be an Assistant U.S. Attorney.

The Practice

In January of 1948 he joined **Warren Cuddy** in the firm of Cuddy & Kay at 604 West 4th Avenue, now occupied by Woolworths. Shortly thereafter they were joined by **Dan Cuddy** and **Roger Cremo.** The firm split when Warren Cuddy found full-time employment as President of the First National Bank.

Kay joined Paul Robison in Kay & Robison and soon added **Ralph Moody,** with **Dave Talbot** as an associate. The firm dissolved in 1954 and soon Kay formed a partnership with **S. J. Buckalew** which continued for several years. **Gene Williams** was an associate with that firm in 1959.

In 1960 Kay formed Kay & Miller

[continued on page 2]

Alaska Court System Names New Chief Justice

Chief Justice Edmund Burke —*photo by Ken Roberts*

The Alaska Supreme Court Justices have unanimously elected Justice **Edmond W. Burke** as the new chief justice of the Alaska Supreme Court. Justice Burke will take over the duties of **Jay A. Rabinowitz,** the current chief justice, on October 1.

Under Article 2, Section 4, of the Alaska constitution, the chief justice of the Alaska Supreme Court is selected by a majority vote of the five Alaska Supreme Court Justices. Any justice may serve more than one term as the chief justice, but may not serve consecutive terms in that office.

Justice Burke said his primary objective as the new chief justice will be to make the litigation procedure affordable to the average citizen or businessman. According to Burke, "From what I have seen and experienced, the cost of litigating even simple issues has become so great that the great majority of citizens cannot afford to take their problems to court. Court action can literally bankrupt the average citizen left out in the cold, the small businessman or contractor with a problem, or a husband and wife in the midst of a divorce proceeding."

Burke said he plans to seek the advice of trial judges, lawyers, and court officials, both within Alaska and outside the state, with an aim towards streamlining existing procedures and perhaps developing alternative methods of dispute resolution used successfully in other jurisdictions.

Burke commented, "I am convinced the state's trial court judges and their support staffs are working extremely hard and are sincerely dedicated to making the system work to provide justice in every case that comes before them. I want to start with them, relying on their insight and expertise."

Burke said he also hopes to meet with court system personnel throughout the state. Justice Burke said he wants to "talk with the people in the trenches, particularly those in the rural courts. I want to do some traveling throughout the state, meeting with magistrates to learn firsthand the problems of the courts and then, after proper consultation, take whatever concrete actions are necessary to assist them in solving these difficulties."

Justice Burke is no stranger to Alaska's trial courts. Burke served as a superior court judge in Anchorage from 1970 through 1975, at which time he was appointed to the Alaska Supreme Court. Before that Burke served as an assistant attorney general in Juneau, and as an assistant district attorney in Anchorage.

Burke was born in Ukiah, California on September 7, 1935. His father was the late Wayne P. Burke, a California trial lawyer who also served as a California superior court judge for 10 years. His mother, **Opal K. Burke,** is a retired school teacher. Burke attended public school in Ukiah, and then went on to get his B.A. and M.S. degrees

[continued on page 2]

The Sunrise of the Integrated Bar

by Wendell Kay

The 1955 Territorial House of Representatives was an unusual bunch of legislators. Twelve out of the 24 members were lawyers, including four who were later superior court judges, and one who ascended to the U.S. District Court. The other half of the House represented the rest of the territory.

The roll call of the attorneys was as follows: **Joseph A. McLean,** Juneau; **Burke Riley,** Haines; **Thomas B. Stewart,** Juneau; **Seaborn J. Buckalew,** Anchorage; **Peter J. Kalamarides,** Anchorage; **Wendell P. Kay,** Anchorage; **Stanley J. McCutcheon,** Anchorage; **Raymond E. Plummer,** Anchorage; **Hubert A. Gilbert,** Fairbanks; **George B. McNabb, Jr.,** Fairbanks; **Robert J. McNealy,** Fairbanks, **Warren A. Taylor,** Fairbanks.

At that time there were probably about 150 lawyers practicing in Alaska, but the collective wisdom of the group had decided the time had come to integrate. The existing voluntary association didn't amount to much, and disciplinary proceedings in the hands of the Territorial judges tended to run toward the grosteque. One judge had caused a fairly prominent barrister to be escorted into his court in handcuffs, and another had prosecuted one of the brethren for allegedly overcharging a pimp on a procuring case.

So, House Bill 30, endorsed with the names of the 12-member legal eagles, was introduced and ground through the legislative machinery. Tom Stewart and Pete Kalamarides had done most of the original work, and the final version of the bill basically created the Bar Association as we know it today.

Eventually the bill arrived on the desk of the Clerk for final consideration. Debate was cursory, with only Warren Taylor, Bill's father, reminiscing a while about the "olden days." Yours Truly, as Speaker, directed that the roll be called, at which point it immediately became apparent that trouble was a 'brewin': all the lawyers were voting "Yes," and all the other folks were voting "No."

The Speaker instructed the Clerk, in a stage whisper audible in the rear row of the gallery, not to announce the result. Everybody just sat there for a moment or two, studiously examining fingernails, or the ceiling, or the wall behind the Speaker's desk.

Finally, Pete Kalamarides leaned over in his chair and got a firm grip on old **E. G. Bailey**'s arm. "E.G.," whispered Pete into the quiet chamber, "change your vote or I'll burn down your damned trailer court." Stan McCutcheon and S.J. Buckalew let out a whoop of laughter, all the laymen jumped up and switched votes from "Nay" to "Yea," and the sun rose over the Alaska Integrated Bar Association.

INSIDE

WENDELL KAY...

[continued from page 1]

with **Les Miller.** They were shortly joined by **Bob Libbey** and **Bill Jacobs.** In 1967 Bill left to run Legal Services and the firm added **Jim Christie** and **Bill Fuld.**

In 1972, the firm adopted the lengthy appellation of Kay, Miller, Libbey, Kelly, Christie & Fuld with **Milt Souter, Tony Smith, Bob Goldberg, Sandra Saville, Sue Ellen Tatter** and **Dan Coffey,** as associates at one time or another. Kay claims that this was the greatest aggregation of legal talent ever assembled under one roof in Alaska, although there are several people who dispute that claim.

Kay is now the senior partner of Kay, Christie, Fuld, Saville & Coffey which employs **Linda Wilson, Dave Schmid** and **Don Hopwood** as associates.

Wendell in the Box

Kay has frequently been referred to as the Dean of the Criminal Defense Bar in Alaska. His commanding presence in the courtroom has caused more than one prosecutor to comment that they can almost see Kay in the jury box with his arms around the jurors during their final argument.

At one time in 1963, Kay's amazing power of persuasion and physical stamina allowed him to try 6 felony cases between the morning of January 29th and 4:00 p.m. on February 19th without a single conviction. This and other amazing feats earned him the nickname of the "Silver Fox."

Kay is also known for his piercing cross-examination and impassioned final arguments. In recent years he has been seen frequently defending those accused of "white collar" crime. Not only has Kay been a prominent criminal defense attorney, but also at one point in time he held the record for the largest personal injury recovery to that time in the State of Alaska when he obtained a $120,000 judgment in 1953.

All was not victory, however, even for the "Silver Fox." One Christmas Kay received a Christmas card signed "Season's Greetings from all of your boys on Kay Row — McNeil Island."

Kay's participation in the Bar Association started when he helped form the integrated Bar Association in 1955. He served on the first Board of Governors and thereafter as Secretary of the organization. He was President of the Anchorage Bar Association at various times during the 1960's and one of the original members of NACCA (which is now ATLA) in Alaska.

Politics

Throughout the past 25 years, Kay has been active in politics, serving in the Territorial House of Representatives in 1951 and 1953, where he was Speaker of the House in 1955. He was State Chairman of the Democratic Party in the early '60's and ran for Governor in 1966 with the strong help of **Jack Roderick, Chancy Croft, Joe Josephson** and other Democratic stalwarts. In 1970 he was the Democratic candidate for the United States Senate, a race in which he was defeated by **Ted Stevens.**

The Professorship

In recent years, in addition to continuing an active trial practice, Kay has been a visiting professor at Arizona State University Law School in Tempe where he teaches a practical course in trial tactics during the winter. It is because of his association with Arizona State University that the dinner in his honor has been scheduled for October 22nd. This dinner, in addition to honoring Kay for his many years' contributions to the State of Alaska and to the Alaska Bar Association, is set as the time to turn over to Arizona State University Law School Dean, Alan Matheson, contributions which have been collected from Kay's friends, supporters and colleagues. These contributions will begin funding for a Professorship to be called the "Wendell P. Kay Distinguished Professorship" at Arizona State University Law School.

The purpose of this professorship will be to recruit distinguished trial attorneys from throughout the country, including the State of Alaska, to serve one-year professorships at the law school. This is the first time that an Alaskan lawyer has been so honored and the outpouring of support from the community has been impressive.

The Roast

The evening will begin at 7:00 p.m. with No-Host Cocktails and dinner at 8:00. Following dinner, a roast of Kay by various luminaries, including politicians, judges, and lawyers will be emceed by Judge James von der Heydt, Chief Judge for the U.S. District Court for the State of Alaska.

A symbolic check for the amount collected for the distinguished professorship will be presented to Dean Matheson and he will give a short talk about the plans that the University of Arizona has for this money.

Anyone who is interested in attending the dinner may make reservations by sending a check for $35 per person payable to Arizona State University, to Wendell P. Kay Dinner, 2550 Denali, Suite 1300, Anchorage, Alaska 99503. Reservations must be received by October 16, 1981.

Contributions to fund the professorship may be sent there also. Checks for that purpose should also be made payable to Arizona State University. The contributions are tax deductible to the extent permitted by law. The categories of contributors are as follows: Sponsor: $1,000; Patron: $500; Advocate: $250; and Contributor: $100. The names of the donors will, of course, be listed in the program at the dinner.

Taylor Reelected

CHICAGO — **Robin L. Taylor,** District Court Judge, Wrangell, was reelected to the Board of Directors of the American Judicature Society.

Founded in 1913, AJS is a national organization of more than 30,000 lawyers, judges and other concerned citizens — working to improve the courts.

Judge Taylor was president of the Young Lawyers Section of the American Bar Association, 1972-76; served on the Alaska Bar Association Ethics Committee from 1973-76; and was Alaska Coordinator of Emergency Services, Federal Disaster Assistance Administration. In 1975, Taylor was president of the Ketchikan Chamber of Commerce and served one term as vice-mayor of that city. He is a member of the American Bar Association and the Alaska Bar Association.

CHIEF JUSTICE...

[continued from page 1]

from Humboldt State College and his law degree from the University of California before coming to Alaska in the mid-sixties.

Justice Burke lives in Anchorage with his wife **Sharon.** Burke has two children, **Kathleen,** age 8 and **Jennifer,** age 7.

Anchorage Courthouse Begins Accepting Credit Card Payments

The Alaska Court System has begun a pilot program whereby VISA and MASTERCARD bank credit cards will be accepted to pay for courthouse fees, trust transactions and bail. According to the National Center for State Courts in Williamsburg, Virginia this is one of the first and most comprehensive credit card payment plans for any court system in the nation.

Part of the procedure has already been implemented, while other parts of the procedure will be put into effect later. At this time the court system will accept credit card payments for bail, *only during regular courthouse business hours.* Court system officials are working with the superintendent of the Sixth Avenue jail annex here in Anchorage to develop a procedure whereby these bank credit cards can be accepted to post bail at the jail at any hour.

Also for the time being, credit card payments *will not* be accepted to pay for traffic fines at the courthouse. The court system plans to accept VISA and MASTERCARD payments for traffic fines early next year, after the Anchorage courthouse remodeling project has been completed and the traffic division moves into its new offices.

Arthur H. Snowden, II, the Administrative Director of the Alaska Court System, said the credit card payment system was instituted for greater convenience to the public, especially for those who must post bail at odd hours of the day or night. Swowden said the procedure will also increase security at the Anchorage courthouse by reducing the amount of cash receipts that are taken in at the courthouse. Snowden said the VISA and MASTERCARD credit cards were chosen since they were the most commonly used bank credit cards, and because of the cooperation of the Alaska State Bank.

In order to make payment with the VISA or MASTERCARD credit cards, an individual needs only to present the card to the cashier in the clerk's office, room 126, in the courthouse. Credit card payments will be accepted only for transactions of $10 or more, and the court system will not accept payment for an amount greater than the credit limit indicated on the credit card. The cashier will only be able to accept such credit card payments from the imprinted card holder or an eligible spouse. The cardholder will also be required to provide his or her telephone number to the clerk.

Snowden stated there are no plans at present to expand this credit card payment procedure to trial courts in other locations of the state, but he did not rule out that possibility in the future. Snowden said, "that will depend upon how successful both the court system and the general public find the procedure to be."

According to Jeanne Ito of the National Center for State Courts, a handful of such credit card payment programs are now underway in the nation's courts. The most extensive program is in Arkansas. This statewide procedure began in 1979 and allows the public to use credit cards to pay fines or to post bonds or bail in any court location in the state. Although the Alaska Court System plan is now underway only in Anchorage, where about half of the state's cases are processed, the Alaska program appears to be second only to that in Arkansas in its scope.

Less extensive programs are underway in Ohio, Pennsylvania, Hawaii, and Nevada. Since mid-1975 the Ohio courts have allowed any individual judge to establish a method by which a person can pay bail with the use of a credit card. However, no general procedure has been established by the Ohio Court System, nor can credit cards be used to pay fines. In Pennsylvania's Erie County, credit card payments have been accepted to pay for fines since 1977. Courts in Las Vegas, Nevada have accepted credit card payments for fines and bail since 1980. Finally, since early 1980, the Hawaii Court System has been accepting credit card payments for fines in criminal and traffic cases and for payments for bail forfeitures in traffic cases at one rural court location on the island of Oahu. The Hawaii Court System plans to expand that program to other rural court locations, along with the Honolulu District Court later this year; and plans to implement the program in all of the state's court locations in the future, expanding it to also allow credit card payments for all court fees.

So far no serious problems have been reported by the states using the credit card payment procedures.

Random Potshots

by John Havelock

"The Capital Location Conspiracy in the Expenditure Limitation Amendment"

In the last hours of the recent special session, a few old boys got their heads together to squeeze out a compromise resolution to be resolutely called a constitutional spending limit whatever the actual effect. Since the limit was the only game in town, it had to serve as a vehicle for the hopes and ambitions of a great many people who had, at best, secondary interest in closing down the no limit poker game that had forced Jay Hammond to call the session in the first place.

What emerged might better have been called the construction industry/capital anchor sausage amendment since, on the face of it, the most significant aspect of the resolution, if adopted, will be to turn this concrete and macadem leaning state to the same as a sole governmental preoccupation while protecting the capital site. Annual dedications of a third of the budget to capital projects and soft loans should in a few years assure that the balance of the budget is dedicated to preserving what has already been built.

One Amendment or More?

Though the undebated, pro-construction aspect of the resolution should give voters pause, the more intriguing aspect to what was wrought in the corridors of power relates to the influence of the resolution on the capital relocation movement. The question to be asked and answered is whether the Lieutenant Governor and his legal advisers and the court looking over their shoulder (see AS 15.50.027) will interpret the resolution as calling for a single constitutional amendment or more than one constitutional amendment. The argument from the text says not less than two. (Distinction is due here between what the legislature did and what it could do — no real argument that it could consolidate but see AS 15.50.010).

The Text Will Tell

The text of the resolution itself sets the stage and I hope typesetters will bear with me on some emphasis added. The resolution is entitled "Proposing Amendment*S* to the Constitution . . ." The Resolution has TWO Sections, one proposing an amendment to Article IX of the present constitution, the other proposing amendment*S* by adding sections to Article XV. Section 1 adds "*A* new Section 16 which imposes the limit, the dedication, and exceptions for permanent fund appropriation and for even more capital projects if the governor OK's it and (though only marginally related) sets a standard for investment of unappropriated funds.

It is of some significance that the amendment proposed in Section 1 (an added Section 16) (whatever its merits) stands on its own feet as an addition to the constitution. Section 2 of the Resolution says "Article XV . . . is amended by adding new section*S* 26, 27 and 28.

A Frank Hooker

Section 26 is the capital move hooker. It refers back to a statute passed in the preceding session of the legislature which was intended to resolve the "Frank Initiative" impasse. That statute calls for a new ballot proposition, to be voted on at the same election as the constitutional amendment, to approve the total cost (as decided by a committee) for relocating the capital. Proposed Section 26 of the Constitution says that Section 16 will not apply to the new referendum. However, inferentially it also makes clear that if the voters balk at the new gross capital move dollar figure, the constitutional expenditure limit will apply to any subsequent capital move effort. This, alone, constitutes a significant advantage to capital move opponents. If they can win once more on the modified Frank-type issue which is already on the '82 ballot, they have subsequent superior constitutional protection.

Closing the Capital Move Window

But if Section 2 of the special session resolution is actually proposing a separate, if related, constitutional amendment an intriguing option is opened for the capital move opponent. If Section 26 or 26-28 is (are) proposed to the people as a separate amendment(s) and fail, then the modified Frank initiative proposition will be nullified, even if adopted, since it will violate Section 16, so long as Section 16 passes on its own. Thus a good antimover will vote for the proposition imposing the lid (16) and against the proposition offering the one-time window for capital move appropriations (26).

Well, there's the conspiracy. As an added fillip to this constitutional amendment effort, the legislature is providing, in proposed Section 27 of the constitution, that if Section 16 is adopted, it goes back on the ballot for reconsideration in four years. Note that this reference emphasizes that Section 16 is a separate proposition. But also, the voters of southeast can vote against the Section 27 proposition in 1982 and assure that a super-majority would be required to ever reconsider the Section 16 limitation.

It remains only to look at the language of the existing constitutional article on amendments, Article XIII, Section 1: "Amendments to this constitution may be proposed by a two-thirds vote of each house of the legislature. The lieutenant governor shall prepare a ballot title *and* proposition summarizing *EACH* proposed amendment, and shall place *THEM* on the ballot for the next general election." The Supreme Court has already established a standard of literalism in such matters. Boucher v. Bomhoff 495 P.2d 77 (Alaska 19722). Now we can be sure the Anchorage folks will say they intended it all as one proposition, but is that really what was drafted?

Editorial

It is infrequent that a living member of any organization is honored in the manner in which **Wendell Kay** will be honored on October 22, 1981. It is even more infrequent when that person is a practicing member of the Bar, as opposed to, a judge or a political figure. We think that the fact that Wendell Kay has been an outstanding practitioner throughout his 43 years in the legal profession is a particularly good reason to choose him as an attorney who should be honored, not only at a dinner, but with the establishment of a distinguished professorship in his name.

Even though Arizona State University is not an Alaskan school, it is probably more of an honor to have a chair named in honor of an Alaskan trial lawyer in another state than if it were in our own state. According to the Dean of Arizona State University, **Alan Matheson,** many of Alaska's well-known lawyers are graduates of Arizona State University, including **Leroy "Gene" DeVeaux, Ben Esch,** and **Mel Evans.** Some new graduates are **Mark Barnes, Paul Troeh, Shirley Simpson, Jim Rhoads** and **Martha Neville.** Arizona State is a participant in the WICHE program which allows Alaskan residents to pay Arizona resident tuition.

Dean Matheson promises that the law school will recruit Alaskan students and that they will be actively considering Alaskan trial lawyers to participate as Wendell P. Kay Distinguished Professors once the chair is established.

We commend Arizona State University for choosing an Alaska trial lawyer of the caliber of Wendell P. Kay to honor in this manner and we heartily encourage members of the Bar, and Wendell's friends and supporters to support the establishment of a chair in his honor and to attend his dinner on October 22nd.

STAFF

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

Contributing Editors

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

Spiritual Advisor
James Blair

Ace Reporters
Kathleen Harrington — **Judith Bazeley**

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

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

The President's Column

? Competency or Complacency ?

Once upon a time **Chief Justice Burger** lashed out at the legal profession proclaiming that 50% of the trial bar at least was incompetent to represent clients in court. Berger's announcement coincided with several other events including the Federal Court Devitt Committee report recommending an admission procedure to practice in federal court; the American Bar Association appointment of the Kutak Commission to update the Code of Professional Ethics; the enactment by many state legislatures of Sunset Review statutes listing Bar Associations as groups to be examined; the FTC investion of Bar Associations; lawyer advertising prohibitions being declared unconstitutional; and an increased frequency of malpractice lawsuits against lawyers.

Some attorneys reacted to these charges and events by asking (1) is the charge true? and (2) if so, what, if anything, can/should be done? and (3) if anything can/should be done, who should do it?

Some lawyers reacted with outcries of "unfair" viewing the criticisms and recommended changes as lacking any data of provable incompetency in the profession.

Another reason was to point fingers: "It's the law schools; they let too many in and graduate too many without maintaining high performance standards. It's the Bar Associations' fault. Bar exams don't test for the right kinds of minimal competency; or Bar Associations don't crack down hard enough on lawyers who need to be disciplined or to be declared incapacitated." "New" lawyers blamed the "old" timers; "old" timers blamed the "new" lawyers. Meanwhile, the public blamed everyone.

Most attorneys, however, simply shrugged their shoulders, chalked it up to unpopularity, and ask: "So what? Lawyers have never been and never will be popular." These attorneys ignored it all and went about their business. As one of our prominent Alaskan lawyers remarked: "I have all I can do to keep body, soul, practice, partners and family together without worrying about whether I'm competent." The lawyer knocked on wood, thanked a supreme being that he'd not yet been sued for malpractice; charged with discipline violations; or hauled into fee arbitration.

Whatever our individual responses to these charges and events may be, I am absolutely confident that each one of us, consciously or subconsciously, say to ourself, "There probably are incompetent lawyers — but I am not one of them" as we toss aside the CLE announcement, the book, the article or the new decision that we haven't time to read. And we assume we will practice competently ever after, forever and ever.

Anchorage Bar Luncheon Speaker Schedule

MONDAY, Oct. 12, 1981 — Open date — to be announced later.

MONDAY, Oct. 19, 1981 — Annual Association election; detailed discussion of pending Amicus curiae brief.

MONDAY, Oct. 26, 1981 — Open date — to be announced later.

MONDAY, Nov. 2, 1981 — Bob Richards, local economist will discuss interest rates, inflation, and the local economy.

Letters

Dear Editor:

Mandatory CLE, like athlete's foot and herpes, never seems to go away Despite the sound defeat of a proposal at the Sitka Bar Convention, another one is now before us.

It is genuinely disturbing that there are members of the Bar who seriously believe that such compulsion will produce better lawyers. It seems to me that any attorney who has not already figured out that it is essential to remain up to date is hardly likely to do more than go through the motions of complying with mandatory CLE requirements.

In addition, I believe that a healthy educational environment is one in which everyone chooses to participate freely. It can only stultify Alaska's presently vigorous and diverse CLE to shoehorn unwilling participants into the various programs.

I strongly believe, on principle, that persons should be able to make their own choices and not be compelled to do things unless there is a powerful justification. If I believed mandatory CLE would genuinely improve the profession I might support it. Not only do I do not believe that, however, I believe it would actually be detrimental. I therefore urge all lawyers to join me (again!) in opposing this ill-conceived notion.

Sincerely yours,
Herb Berkowitz

Dear Editor:

The Board of Governors has published a proposed mandatory Continuing Legal Education rule. I oppose mandatory CLE. This letter is intended to stimulate discussion before the Board acts on adoption of a mandatory program.

CLE benefits the Bar and the public, but I think it should be voluntary, not mandatory. The benefits of increased attendance in a mandatory program are outweighed by the burdens of inflexibility, lack of individualization, discriminatory impact, expense and time burdens on attorneys, and administrative burdens. We can encourage broader use of voluntary CLE by making our programs cheaper and more convenient. At the June Board of Governors' Meeting, I suggested distribution of one-hour video tape programs to local Bars, to be played for a nominal fee after Bar lunches. The Bar Association is now making tapes available for such programs, on request of the local Bars.

A mandatory program takes away from individual attorneys and gives to the Board of Governors excessive power to determine how individual attorneys maintain their competence. Different attorneys' law practices, and also their personal styles of learning, differ too much for this to be desirable. For example, my own preferred style of learning is by reading, and I get bored and daydream when CLE lecturers read statutes and rules out loud or give inspirational sermons on the virtues of preparation. The proposed mandatory CLE rule would award credit for programs given by live instruction, audio-cassette, or video-cassette. No credit is given for programs presented by means of the written word. Those of us who prefer reading to listening or watching, and find it much faster, would be compelled by the rule to use programs not well adapted to our learning styles, and taking too much time for what we would learn.

The proposed rule is not written by illiterates, and the discrimination against the written word does not arise from a visceral preference for television, tape decks, or live entertainment. Abjuration of reading as CLE flows necessarily from the lack of testing. Mandatory CLE which allowed for lawyers' maintenance of competence by purchasing and reading legal literature would require some sort of testing program to make sure that they did so. The other forms generally allow for monitoring to see whether attorneys' warm bodies are planted in the rooms where live or electronic instruction takes place. This highlights a weakness of mandatory CLE as an assurance of competence. The assumed monitoring technique, physical presence of the attorney, does not ascertain whether he is intellectually present as well. Red-eyed drowsing before a video tape monitor, with the volume soft enough not to interfere with reveries about the pleasures of the night before, satisfies a mandatory CLE requirement. I do not advocate testing at CLE programs or mandatory periodic examinations for attorneys. Our stake in continuity of practice of our profession is too great for that to be practical. But without testing, a mandatory CLE program gives no genuine assurance of education to offset the burdens of compulsion. Taking roll is not only an indignity for the attorneys; it is also a poor means of measuring learning.

Although the use of tapes mitigates the geographical problem considerably, a mandatory CLE program would still be a greater burden for attorneys with low earnings or in low salaried positions. Some of our best CLE programs in Alaska, like NITA of the North, are attended mainly by attorneys who work for government agencies, because tuition and expenses are so high and the time burdens are so great that other attorneys cannot afford to go. We cannot predict whether a mandatory program would encourage cheaper and more convenient CLE by giving providers a captive market, or more expensive and burdensome CLE by removing the incentive to the providers to make it cheap and convenient. Either way, I doubt that mandatory requirements could ever be fulfilled as easily and usefully by attorneys in Ketchikan or Nome, as in Anchorage.

A mandatory CLE program will require an expensive bureaucratic structure in the Bar office for approval of proposed courses for credit. I am not eager to see our dues money spent to have Bar office staff attempting to guess from promotional literature which to recommend to the Board of Governors for approval of the swarm of proposals likely to fly toward our compelled tuition money. I think attorneys can read the promotional literature themselves and make their own decisions without being compelled to pay higher dues or CLE fees to the Bar office to do it for them.

The system of Bar approval of CLE programs would create a problem of insufficient individualization as well as administrative burden and expense. As my practice has evolved, my clients benefit more from my readings in Harrison's Principles of Internal Medicine than from my studies of ALI-ABA materials, but the Bar office cannot take role and give CLE credit for my medical studies. The only CLE program I have attended fully worth the time it took was a week long program on international law held in Jerusalem. If Bar approval could be granted for something as irrelevant to my law practice and unamenable to monitoring (unless the membership wanted to fly Bar staff or members of the Board of Governors to Israel) as this, then Bar approval would be a meaningless formality. The program was not even published until a couple of days before the sessions began, when the sponsoring association learned which guest lecturers would accept their invitations. The value of the program was that it brought together a number of very good law professors from Harvard Law School and from Hebrew University Law School for the most stimulating legal debate and Socratic dialogue I had experienced since law school. But these valuable intellectual calisthenics, like individual reading programs, would not be practical for credit in a mandatory CLE program, because they could not be monitored.

CLE does not need to be mandatory in order for it to be deductible for all of us. The Regulations at §1.1625 (c) are liberal in allowing deductions, both for self-employed attorneys and for attorneys employed by others, for education which maintains or improves skills required by the attorney in his employment or practice, including travel. The regs do not require that the education be required by the employer or by a licensing authority. Government and other attorneys can deduct voluntary CLE expenses on form 2106. If any have been deterred by the questions on the form asking if the education was needed to meet basic requirements for the job, or if it would qualify them for a new job, they may be surprised to learn that "yes" answers are the ones that kill the deduction, under §1.162-5 (b). Voluntary CLE expenses are an easy deduction for everybody, not just attorneys in private practice.

The Board of Governors is split on this issue. I urge lawyers around the state to voice their views.

Sincerely yours,
Andrew J. Kleinfeld

Stephen S. DeLisio
943 W. Sixth Avenue
Anchorage, Alaska 99501

Dear Mr. DeLisio:

I read with interest your letter to the Editor in the last issue of the *Bar Rag*. There has been a gross misunderstanding as to the result of the Haberman Analysis of the Bar Office efficiency. At no time has the Board of Governors considered elimination of the *Bar Rag*. Our concerns with the *Bar Rag* have been purely monetary in that it is a very expensive project. Our concern with the expense has never meant that we wanted to eliminate it. We are just eager to help the *Bar Rag* be as economically efficient as possible.

Further, the Bar office originated newsletter that Haberman recommends is one that would not either replace or compete with the *Bar Rag*. As you know, **Harry Branson** and his staff have consistently worked very hard to publish the *Bar Rag*. It takes a tremendous amount of their time. Harry has indicated to us that he is basically "burned out" and would like a respite. We have confirmed with Harry that *when* the *Bar Rag* comes out is entirely up to him. We would rather keep him involved in the activity and put less pressure on him to do the number of issues he has done in the past than to lose his contribution altogether.

Nonetheless, there are official notices and pieces of information that must go out to the membership on a somewhat regular basis. That is the obligation of the bar staff and the BOG. It appeared to us that Haberman's recommendation for a bar office newsletter would answer both problems. We could use such a newsletter to get out the official information that the membership must be advised of, and, at the same time, free the *Bar Rag* staff of any time pressures that would otherwise be created because of our responsibility to get information to the membership on a timely basis.

I can assure that there is no one on the Board of Governors at this time who is interested in eliminating the *Bar Rag*. We are simply trying to make sure that the *Bar Rag* can produce at its comfortable pace and at the same time the membership is not deprived of necessary information.

I hope that the above explanation will relieve not only your concern but the anxiety of anyone else who may feel that somehow the bar staff and/or the Board of Governors is "threatening" the existence of the *Bar Rag*. It is not true at the present time; it has never been true in the past; and I see ab-

[continued on page 14]

All My Trials
by Gail Roy Fraties

Madera v. Miranda

Students of constitutional law will be interested in an entirely new variation of the Miranda waiver, recently utilized by the Prosecutor's Office in Madera County, California. Madera (as everyone knows) is a small community in the San Joaquin Valley. As is true of that area generally, it maintains a steady temperature of about 110° during ths summer and is, in the words of its Public Defender, **F. Earl Bande**, "where the elephants go to die." He and I were having a beer together a month or so ago — both having been engaged in felony trials during the day.

As Mr. Bande described it, he had been appointed to defend a young Mexican gentleman who had just been arrested on two charges of armed robbery, had waived his right to silence and a lawyer, and had given a videotaped confession.

"You should have seen it," Earl said. "On the videotape they had this kid, half the cops in the County, Paul [Assistant District Attorney **Paul Avent**, an amiable gentleman who was my opponent in the felony matter which brought me to that community], the police chief, the chief of detectives, and a couple of guys from the Highway Patrol. It looked like the signing of the peace treaty on the deck of the Battleship Missouri.

"Anyway, the Chief gives this kid his Miranda, explains to him that Paul is from the District Attorney's office, gets a waiver — and asks him if he wants to discuss the matter, which he does. He gives a detailed confession — and at some point, after about an hour, they decide to do it all over again because he hadn't waived each of his rights individually.

"They start another tape, introduce Paul again as the the District Attorney's representative, ask the defendant if he wants to waive each and every one of his rights (which he *still* does) and he gives his confession all over again. Then, at the very end of the tape (after about two hours of this) the Police Chief reminds the kid once more that Mr. Avent is from the prosecutor's office."

The dialogue continued.

"What does that mean, the prosecutor's office?" asked the young suspect.

"Well, you know, he's the attorney for the State — the people who are going to try to put you in jail," replied the Chief.

"Hey, man," blurted the defendant with alarm, "I thought he was my attorney, man?"

At that point, the videotape mercifully came to an end — but not without a final comment from the prosecution.

"I think," mused Mr. Avent, "we've got a problem."

Of course, this took me right back to my own early days as a prosecutor, in Salinas, California, where such misunderstandings were routine. I don't know who to blame, really; exotic behavior seemed to be about equally distributed between the D.A.'s office, the cop shop, and the criminal element. In retrospect, some of the things that we took casually are hard to believe — but they all seemed normal then. I suppose it was the temper of the times.

Lavarato Strikes

I and my old friend **Sam Lavarato** (an Al Pacino type) considered ourselves the backbone of the office. Between us we handled a lot of the felony work. Time weighed heavily on Sam's hands between trials, however, and he could usually be counted upon for some innovative conduct to keep up the general morale.

I remember the time when he appropriated a bunch of photographs that had been confiscated by the Salinas police department in the search of a local gay bar. These started to appear around the office, without causing much comment. We were all used to it. One day, however, he pasted one of them in the inside cover of my California Penal Code (each prosecutor had an individual copy) and after perusing it, I forgot it was there. It showed a rather languid young man standing in a pool of water with his back to the camera and his bathing trunks pulled down, while he peeked coyly over his shoulder at the photographer. A pinup, I suppose, in certain circles.

I was at my desk early one morning when Assistant District Attorney **Ed Barnes** (a formidable gentleman known to my readers from the November/December 1980 column) came in looking for his own penal code. He picked mine up, flipped open the cover — glanced at the photograph — and without any visible surprise, so far as I could tell, muttered, "No, that's not mine," and resumed his search. Sam, who was watching, was delighted — and I couldn't get him to explain.

Maybe it's me — but my life really hasn't changed all that much over the years. As sedate as I am, something is always happening. I came into my office the other morning to find a message, "Phone **General Mancado**" — and after returning the call to District Attorney **Tom Wardell** of Kenai, I reflected on the story that goes with it.

General Mancado D.B.A.
Equi Frilli Brium

When I first joined the Department of Law, I was given the "nut file" on the obvious grounds that I didn't have anything to do. As the present incumbents of our Attorney General's office undoubtedly know, there are a variety of people who get off on all kinds of exotic crusades, write letters, and copy in every attorney general in the United States. Those items were passed to me for my attention, and I always replied — copying in Tom (then the Deputy Attorney General) for his amusement and comment.

One of our favorite correspondents was General Mancado, a gentleman who styled himself the leader of the Filipino Liberation Army. They seemed to be a religious group of some sort, and their newsletter often had long and unintelligible free verse offerings by the General himself, which caught on with the Department of Law and became part of our ingroup communication.

When we received letters from other nuts, I would often reply posing as the General. We had xeroxed a supply of "stationery" bearing his legend, "Equi Frilli Brium," at the top, with a small inset of his revolutionary army and other exotic symbols. My secretary, **Judy Jones** (presently co-owner of a thriving secretarial service in Juneau, J&R Associates, "Your Place or Ours") took it all in stride, and became familiar with the General's literary style — which I, of course, copied. So did the rest of the people in the office, including **Joe Balfe** — then my assistant, and subsequently the District Attorney of Anchorage.

A typical offering from the pseudo General Mancado was his terse reply to **T. C. Green** of Abbyville, Alabama. Mr. Green had written a letter to the parish tax assessor, as follows (copy to every Attorney General in the United States, the U.S. Attorney General, and half the western world):

"Dear Sir:

I refuse to pay my tax assessment on the grounds that you have addressed your billings to 'T. C. Green.' I have not given you permission to use my initials, and I refuse to respond to such rudeness. My name is Terrence Cantrell Green — and you will address me as such, or suffer the consequences."

The letter, which was written on stationery bearing the title, T. C. Green & Associates," was signed "T. C. Green." Perfectly normal for the genre.

"General Mancado's" reply was as follows:

"Dear T. C.:

The tax assessor of your parish has brought to my attention the fact that you have referred to me as 'Equi Frilli Brium.' I have not given you leave to do so, and if you do it again — I won't let you ride in my ark. I'm watching you, boy."

Signed "Equi Frilli Brium," by General Mancado, copy to Tom Wardell.

Scaring Siangko

All of this was preamble to an unnerving incident in the life of **Richard N. Siangko,** then as now coroner/public administrator for the First Judicial District at Juneau. I was in the next room when Rick, whose family in the Hawaiian Islands had apparently been bothered in some way by the aforesaid religious group, entered Joe Balfe's office and asked, "Joe, have you ever heard of a guy by the name of General Mancado?"

Mr. Balfe instantly assumed a strange posture, standing on one leg with the other extended behind him while making "V for Victory" signs with both hands, and stated in a loud and threatening voice, "Equi Frilli Brium!" Judy, who was seated nearby, assisted with a quote from one of the General's more lucid free verse offerings, "My iron string vibrates to the deads of your iron string." It was a shaken Rick Siangko who appealed to me for some explanation of this bizarre conduct, and I'm not sure that he accepts to this day that we are not charter members of the cult.

The Kum Yee Moberle Affair

While on the subject of the Juneau bar, several of its members have requested me to reveal my insight into the **"Kum Yee Moberle"** affair, of which I had the honor to play a leading role. "Kum Yee," as we called her in the trade, had come to Juneau from Tacoma, Washington, for the avowed purpose of setting up our first massage parlor. In furtherance of that objective, she spent many thousands of dollars redecorating a suite of rooms at the Hilton. Her piece de resistance (if that is the expression that I want) was a "full body massage" for $75, which culminated with the massage of the male patron's sexual organs, and a relaxing ejaculation. She had been foresighted enough to have her Tacoma lawyer phone ahead to Juneau city attorney, **Lee Sharp,** to inquire whether local statutes forbade such activity. Lee, a thoroughly moral, not to say sheltered, individual, didn't have the slightest idea what the euphemism meant, and responded that so far as he knew, massages in Juneau were perfectly welcome and legal.

Ms. Moberle's first customer for a full body massage was a handsome policeman from the Juneau Police Department, coincidentally the son-in-law of Chief **Jim Barkley.** Not satisfied with the evidence gathered at his first treatment, in which — as he faithfully recorded in his police report — he was masturbated for $75, the young man returned for another engagement (this time with a tape recorder). It was this devotion to duty that inspired popular Juneau attorney and former Alaska Bar president **"Jungle Jim" Bradley,** to publicly nominate Chief Barkley as "father-in-law of the year." He can do that sort of thing, being not only a mordant wit but a powerful physical specimen, as well. Jim once told me an anecdote from his childhood, in which his father defeated a traveling circus strong man in a wrestling match — and I absolutely believe him.

A Medley for the Organ

It quickly became apparent that the small commercial tape recorder, concealed in the officer's pocket, had picked up enough surface noise to obliterate most of the conversation. Those familiar with the vagaries of tape recording are aware that the cheaper instruments record just about anything that tends to obliterate conversation — tapping pencils, shuffling feet, and so forth. In this instance, a small dog had been busy barking outside the window, a typewriter could be heard in a nearby room, and somebody had left a television turned on to a crime drama, replete with gunshots and sirens. A fair rendition of the quality of the tape is as follows:

Kum Yee: "Would you like me to —"
Dog: "Yap, yap, yap."
Typewriter: "Tap, tap, tap, tap, tap."
TV: "Bang, bang."
Officer: "Do it slowly when you —"
Dog: "Yap, yap."
Typewriter and TV: "Clackety, clack (sirens, gunshots)."
Kum Yee: "You like that, don't you? Now I'm going to (bark, bark, clackety, clack, gunshots, screams, sirens)."

This went on for several minutes, until it became obvious that there was no evidentiary value in the tape at all, one way or the other. Stan Edwards listened patiently to the end, and then remarked in his cool and professional style (for the benefit of the fascinated detectives), "It's worse than we thought, Gail. It sounds like an orgy of some sort — she's got a dog making it with a typewriter."

I want to thank my readers for the overwhelming response to my last column, concerning the drunks in Monterey County. So far as the families of Messrs. Fijikowski and Rojas are concerned, I invoke the *New York Times v. Sullivan* rule. I suppose people-watching is a family trait, however, and my father, **Roy Chris Fraties** — formerly chief of police of Carmel, California, and later an FBI agent, told me his own "drunk in public" story many years ago.

Moving Back

Dad had gone over to Monterey to call on Municipal Court Judge **Eugene Harrah,** now retired, a popular and long-suffering judge along the general lines of Judges **Machado** and **Stewart,** described in my last column. He waited patiently while Judge Harrah sentenced his own large quota of 347-F's (drunk in public), this particular group being denizens of Lower Alvarado Street in Monterey, rather than the equally productive Soledad Street of Salinas. After it was over, he called on the Judge in chambers.

They discussed whatever business had brought my father to Monterey, and then Judge Harrah, obviously still under the influence of the morning's rigors — looked pensively out the window at the blue outlines of the hills surrounding the Carmel Valley.

"You know, Roy," he said quietly, "someday I'm going to move back into those hills." He was silent for a moment, and then repeated, " 'Way back."

My father left the old gentleman, still staring out the window.

"Good-bye, Judge Harrah," he remarked as he closed the door.

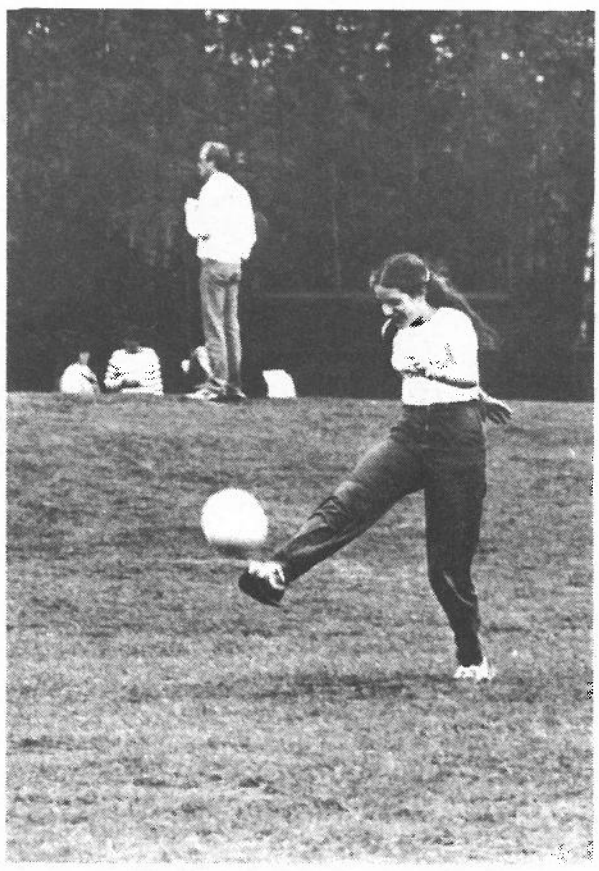
" 'Way back," said Judge Harrah, " 'way, 'way back."

Anyway, the young officer's second experience — which he dutifully taped — impelled me to pay a visit to the Chief of Detectives at the Juneau Police Department. I was accompanied by Juneau investigator **Stan Edwards.** Stan, a former Salinas police department night detective, and later a lieutenant of the Juneau police department, is a formidable type himself. We were invited into the inner sanctum, and the tape was put on for our edification.

Picture Story

Anchorage Bar Ass'n. Goes on a Picnic

Group portrait

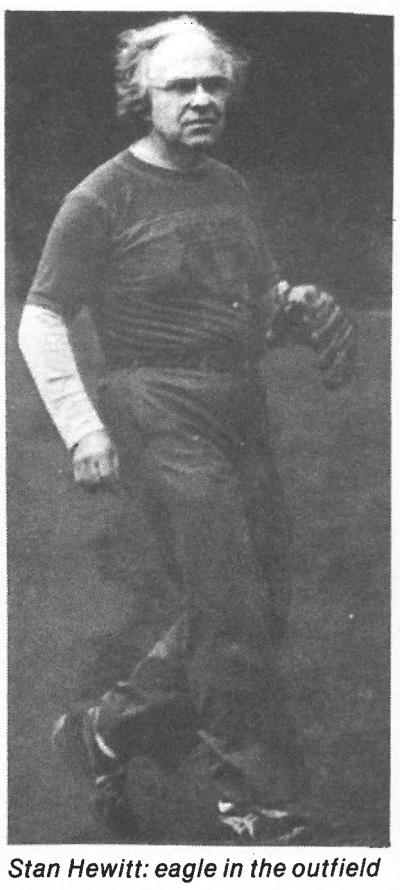


Meeting the ball

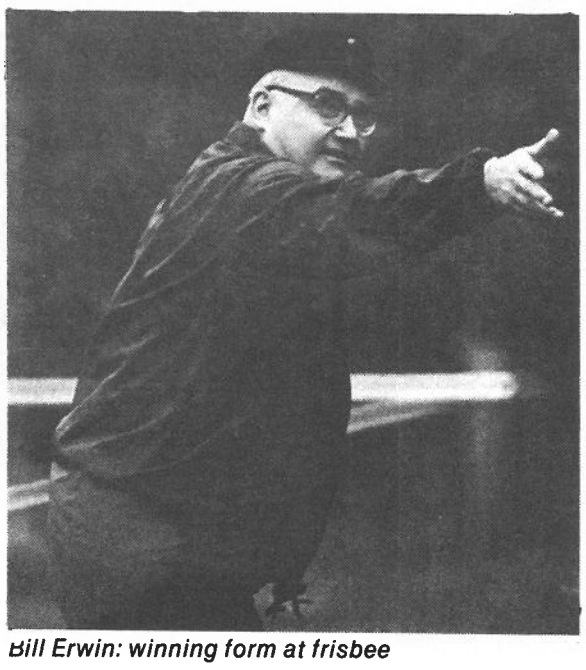
Photos by Ken Roberts

Taking a stroll

Strategy meeting



Stan Hewitt: eagle in the outfield



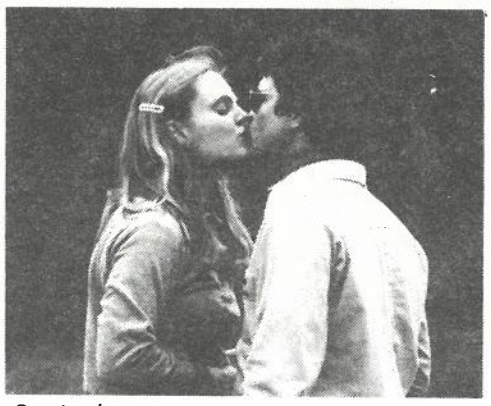
Bill Erwin: winning form at frisbee

Strike one!

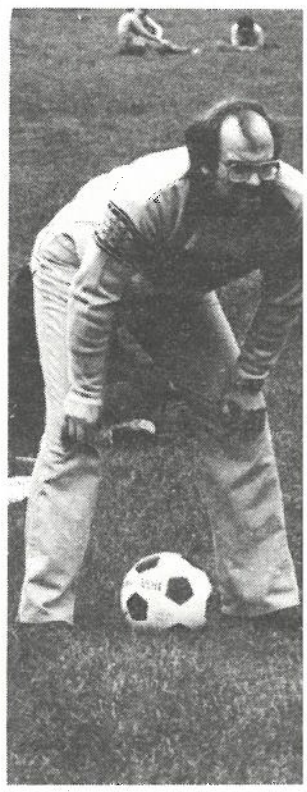
Vince Vitale hits his fourth home run

Vince Vitale at rest after hitting his fourth home run

Line drive



Contact



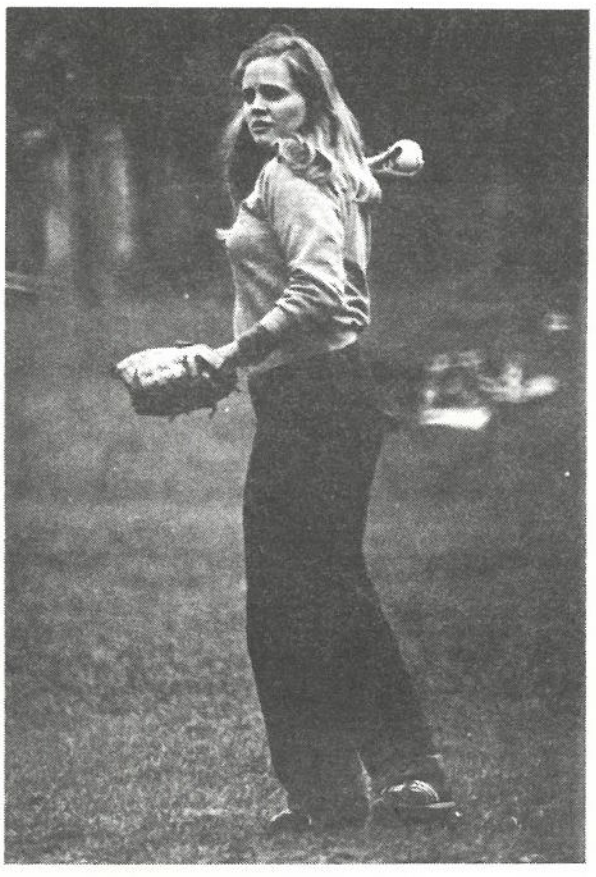
Wing vs. goalie

It's a hit!

Moment of decision

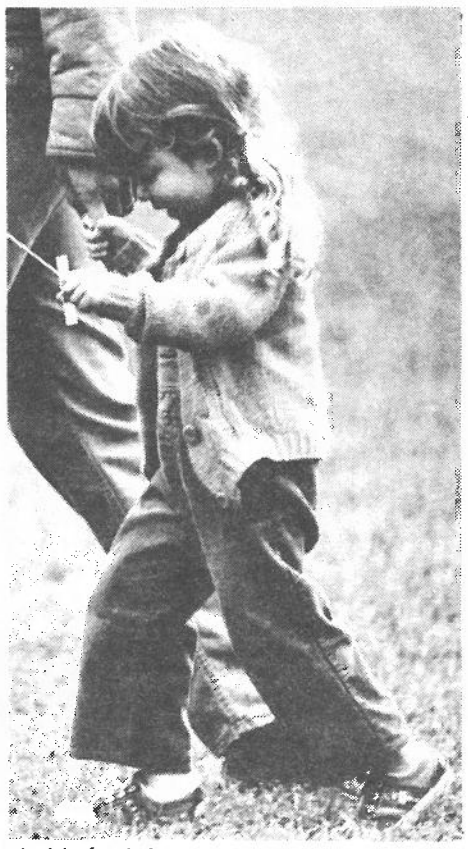
Coffee klatch

Contact



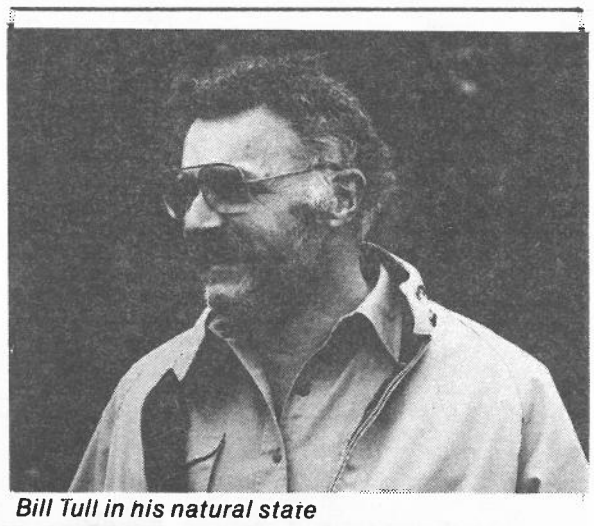
Winning form

Beauty queen

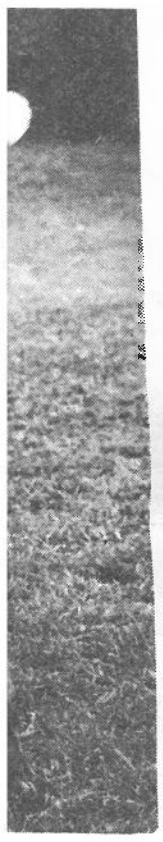


In his footsteps

Sandy Saville



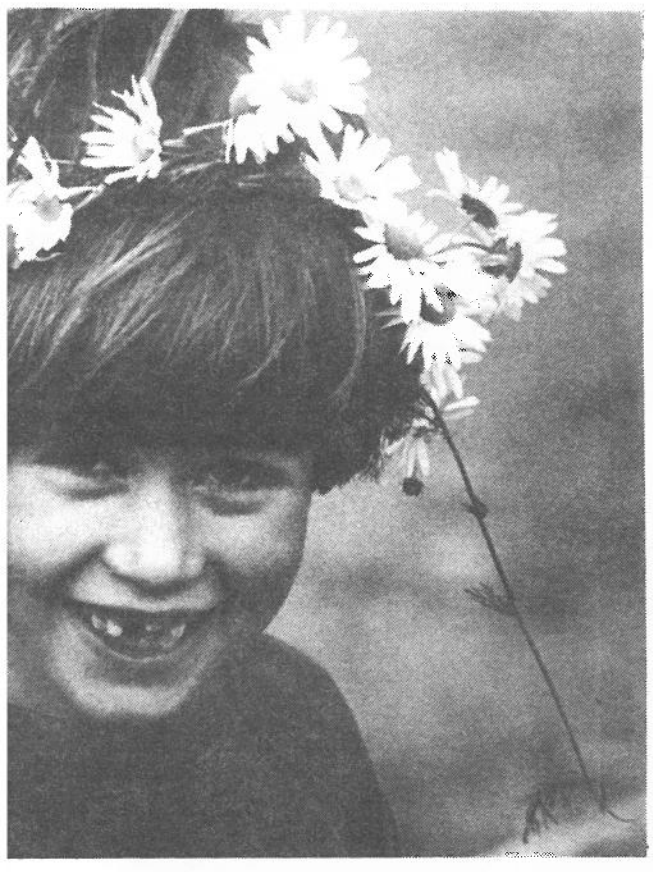
Bill Tull in his natural state

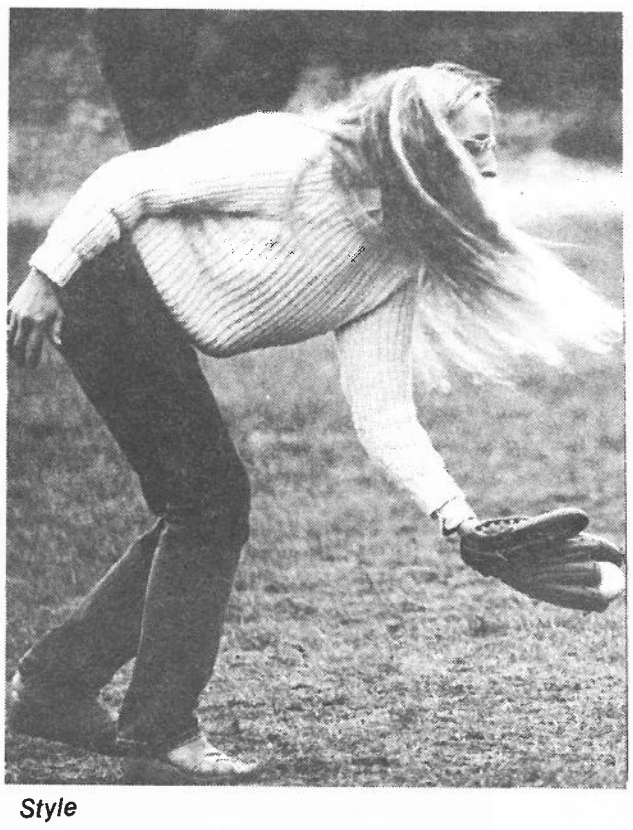


Sarah Garnett and Hanna Branson

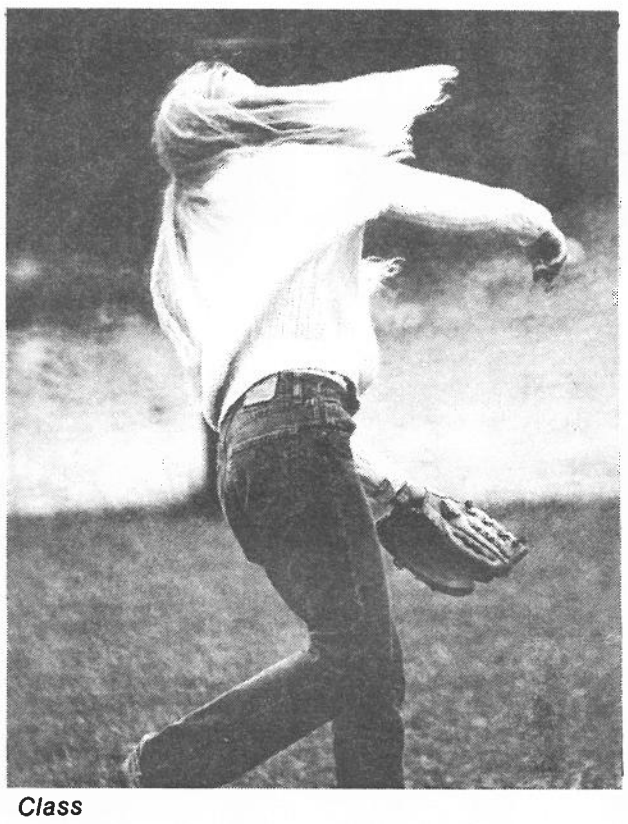
Daisies

Carlos in the outfield



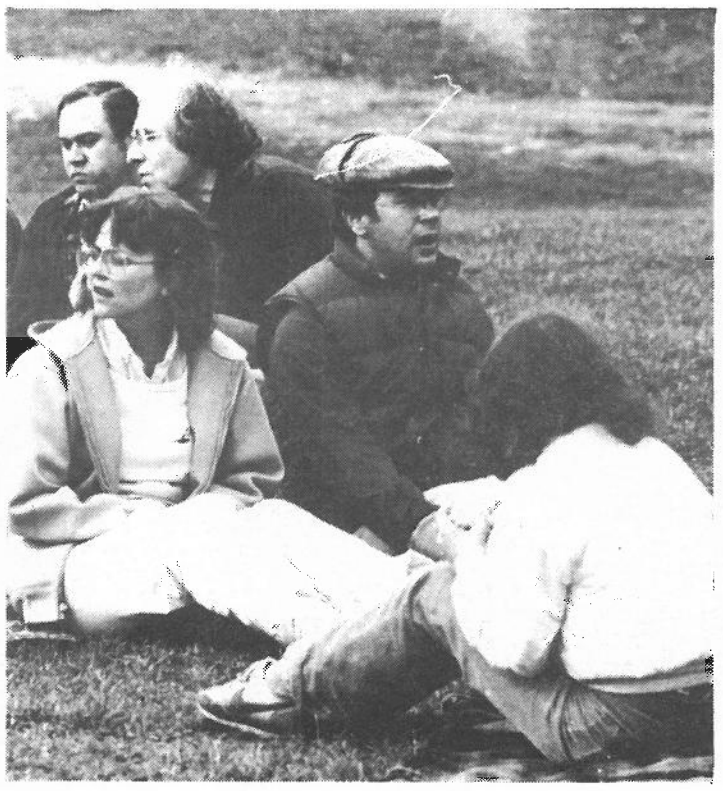


Style



Class

Still life

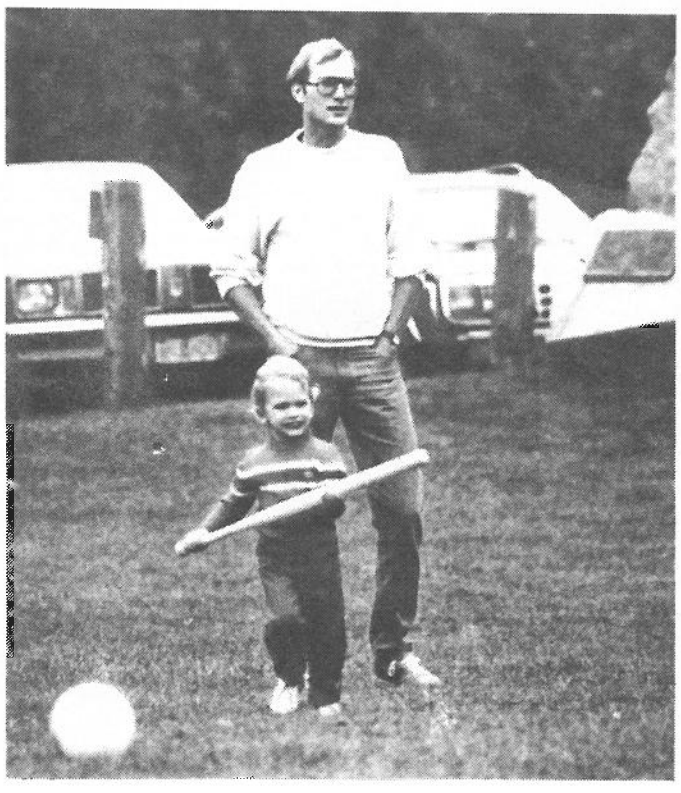


Picnic on the grass: Mr. and Mrs. Bob Frenz, Mr. and Mrs. Rick Garnett

Changing sides

Spectators

Laying down a bunt: Bill Bittner and son



Family

Setting the Record Straight

Friday, September 4, 1981, a news conference was held by a group identified as Equal Rights for Father's of Alaska (Alaskans for Children's Rights). Three television stations and both Anchorage newspapers covered the conference and accepted statements made by the participants alleging that father's rights were being violated in the Anchorage Court System. A document titled "Study of Anchorage Superior Court Child Custody Awards for the Calendar Years 1979 and 1980" was represented to show a number of contested child custody cases requiring judicial decision with the great majority of judicial decisions partial to mothers.

The study represented that 275 of 343 custody cases for the two-year period resulted in *court* awards of custody to mother. A figure of 80.25%. Thirty-nine of 343 to father or 11.4%. Twenty-five of 343 went joint custody or 7.3%. Four of 343 went split custody or 1.2%.

The following list numbering 335 cases represents all but eight cases used in the study. The list shows the status of the case at the time it went to trial. The remaining eight cases were not available to the reader at the time the list was compiled. A review of the list will show that there were actually 18 trials conducted, and the remainder, totaling 317 were either settled according to the parties' desires without judicial intervention or were uncontested.

Of the 18 trials conducted, two did not have custody as a issue. In two of the trials, fathers did not appear in court to contest custody, and in one of the trials it was settled by the parties during a recess. Of the 13 trials which actually can be called contested custody trials, there were nine awards of custody to mother and four awards of custody to father. The ratio would appear to be 70% of the adjudicated custody matters, custody went to mother and in 30% of them custody went to father, not the 80% used as award of custody to mother and 11% to father as the proponents of the study claimed.

Judge Victor Carlson

79-0029 **Walter vs. Francis Monegan.** Stipulation, custody to mother.
-003o **Pricilla vs. Michael Goins.** Stipulation, custody to mother.
-0140 **James vs. Barbara Eakin.** Stipulation, custody to father.
-0141 **Linda vs. Theodore Voss.** Stipulation, custody to mother.
-0158 **David vs. Christine Fant.** Stipulation, joint custody, physical w mother.
-0165 **Michael vs. Gail Scofield.** Stipulation, custody to mother.
-0234 **Pauline vs. Walter Moore.** Stipulation, custody to mother.
-0259 **June vs. Leland Knobel.** Stipulation, custody to mother.
-026o **Brenda vs. Donald Ryan.** Default, custody to mother.
-0264 **Cordia vs. Leo Fisher.** Non-contested, custody stipulated to mother.
-0332 **Joseph vs. Patricia Moore.** Appearance by father, non contested to mother.
-0390 **Marvin vs. Anna Grelich.** Default, custody to mother.
-0404 **Doris vs. Lawrence Sowell.** Stipulation, custody to mother.
-0440 **Morgan vs. Aaron Grounds.** Stipulation, custody to mother.
-0540
-0578 **Bridgett vs. James Roscoe.** Stipulation, custody to mother.
-0647 **Lorraine vs. Bruce Belgim.** Default, custody to mother.
-0696
-0814 **Lynda vs. Kermit Kynell.** Default, custody to mother.
-0828 **Diane vs. Fred Layland.** Default, custody to mother.
-0880 **Jeannette vs. Kenneth Adams.** Default, custody to mother.
-0970 **Paul vs. Ann Neal.** Stipulation, custody to mother.
-0988 **Sherry vs. Wayne Graika.** Default, custody to mother.
-1102 **Dorothy vs. William Breedlove.** Stipulated, custody to mother.
-122o **Marcia vs. Eddie Williams.** Stipulated, custody to mother.
-1228 **Leana vs. Dale Lofstedt.** Support litigated, custody to mother.
-14o1 **Tim vs. Debra Twitchell.** A. Brown hearing; custody study; temporary custody to father; went stipulated, custody to father.
-1474 **George vs. Caroline Fagan.** Stipulated, custody to mother.
-1511 **Lorin vs. Pamela Mikols.** Stipulated (but not awarded) custody to mother, no jurisdiction over custody.
-1512 **Francis vs. Percy Plummer.** Default, custody to mother; later father stole child, court upheld mother.
-1635 **Joan vs. Gary Poorboy.** Default, custody to mother.
-1757 **Carl vs. Agnes Mitchell.** Stipulated, custody to mother.
-1760 **Roberta vs. John Runke III.** Stipulated on record, custody to mother.
-1792 **Wayne vs. Cynthia Vurkel.** Stipulated, custody to mother; later, stipulated, custody to father.
-1812 **Susan vs. Henry Littlehales.** Stipulated, custody to mother.
-1870 **Norman vs. Raymond Roup.** Custody not an issue, custody to mother.
-1891 **Jarrene vs. Don Shaw.** Stipulated, custody to mother.
-1910 **Cloa vs. Clyde Woolen.** Stipulated, custody to mother.
-2002 **Deborah vs. Duane Ellis.** Stipulated, custody to mother.
-2110 **Charles vs. Margaret Hughes.** Stipulated, custody to mother.
-2170 **Mary vs. Dan Springer.** Non-contested, custody to mother.
-2185 **Sandra vs. Ken Carlton.** Stipulated, custody to mother.
-2244 **Michael vs. Armeda Booles.** Stipulated, custody to mother.
-2284 Roxana vs. Noel Bernaldo. Non-contested, custody to mother.
-2288 **Pearl vs. Thomas Wilson.** Stipulated, custody to mother.
-2345 **Marvin vs. Sarah Pelfrey.** Stipulated, custody to mother.
-2441 **Jacky vs. Ron Cowan.** Stipulated, custody to mother.
-2459 **Dorothy vs. Leland Cook.** Stipulated, split custody.
-2460 **Deeann vs. Larry Wiggins.** Uncontested, stipulated, custody to mother.
-2487 **Theresa vs. Chris Holm.** Stipulated, joint custody, physical w mother.
-2569 **William vs. Roslyn Creech.** Stipulated, custody to father.
79-2610 **Michael vs. Nancy Volentin.** Default, custody to mother.
-2643 **Dorothy vs. Michael Hansen.** Appearance & waiver, stipulated, custody to mother.
-2654 Barbara vs. Curtis Chalten. Stipulated, custody to mother.
-2659 **Catherine vs. Dan Wimbish.** Default, custody to mother.
-2781 **Lynn vs. Kenneth Tyler.** Default, custody to mother.
-2784 **Wayne vs. Rebecca Sweet.** Stipulated, custody to mother.
-2798 **Patricia vs. Rudolph Bowens.** Stipulated, custody to mother.
-2995 **Mary vs. Kenneth Rolling.** Uncontested, custody to mother.
-3043 **Michael vs. Renee Rand.** Default, custody to mother.
-3214 **Tommy vs. Jane Macon.** Uncontested, custody to father.
-3247 **Winnie vs. Paul Vaughn.** Trial, father no show, attorney present, custody to mother.
-3260 **Robert vs. Debra Langsdali.** Uncontested, custody to mother.
-3270 **Terry Lee vs. Terry Odell Cates.** Uncontested, custody to mother.
-3288 **Donna vs. John Hill.** Stipulated, custody to mother.
-3367 **Susan vs. Bob Cunningham.** Stipulated, custody to mother.
-3377 **Carol vs. James Duncan.** Stipulated, joint custody.
-3458 **Dimpsy vs. Chin Carruthers.** Uncontested, custody to father.
-3586 **Shari vs. Avrum Gross.** Stipulated, custody to mother.
-3588 **Patricia vs. Steven Sawyer.** Stipulated, custody to mother.
-36o6 **Jennie vs. Stephen Newman.** Default, custody to mother.
-362o **Patricia vs. Wallace Polute.** Default, custody to mother.
-3704 **Jackie vs. Mary Williams.** Stipulated, custody to mother.
-3740 **Geraldine vs. Malcom Fredstrom.** Uncontested, custody to mother.
-3767 **Jerry vs. Ann Sullivan.** Uncontested, custody to father.
-3835 **Karen vs. William Marcum.** Stipulated, custody to mother.
-3907 **Toni vs. Thom Kimbel.** Stipulated, custody to mother.
-3909 **Sylvia vs. Lawrence Smith.** Stipulated, joint custody, physical w mother.
-3925 **Jerome vs. Rebecca Ross.** Stipulated, custody to mother.
-4119 **Raymond vs. Deborah Brash.** Custody not at dispute, stipulated to mother.
-4189 **Nancy vs. Robert Navrat.** Stipulated, custody to father.
-425o **Katherine vs. Ben Long.** Default, custody to mother.
-4268 **Matthew vs. Kathleen Sullivan.** Stipulated, custody to mother.
-4o96 **John vs. Dixie Brodigan.** Uncontested, custody to mother.
-4824 **Thomas vs. Dorothy Frank.** Stipulated, custody to mother.
-5008 **Arnold vs. Evelyn Fleetwood.** Stipulated, custody to father.
-5125 **Vicki vs. Harold Slurgian.** Default, custody to mother.
-5153 **Russell vs. Rosella Snell.** Stipulated on record, custody to mother.
-5189 **Vera vs. James Sanchez.** Default, custody to mother.
-5201 **Shirley vs. Henry Forrest.** Uncontested, custody to mother.
-5234 **Mary vs. Robert Burne.** Uncontested, custody to father.
-5283 **Carol vs. Joel Collins.** Uncontested, custody stipulated to mother.
-5291 **Emery vs. Sandra Olson.** Stipulated, custody to mother.
-5354 **Karin vs. Roger Teply.** Was no issue as to younger girl (10-17-68) Trial, Judge Moody ordered custody to mother, Judge Carlson signed the order.
-5355 **Robert vs. Dorothy Armstrong.** Trial, Judge Carlson, custody to father.
-5433
-5477 **Larry vs. Edna Shive.** Stipulated, custody to mother.
-5550 **Hao Le Minh Thi vs. Duc Dang Toan.** Trial, father no show, custody to mother.
-5592 **Lloyd vs. Darcy Eggan.** Stipulated, custody to father.
-573o **Lucy vs. Ramon Garcia.** Default, also stipulated, custody to mother.
-5869 **Sandra vs. Rudolph Chase.** Stipulated, joint custody.
-5995 **Jack vs. Anna Corelli.** Trial, 17-year-old, custody to father.
-6010 **Nancy vs. Richard Hood.** Stipulated, custody to mother.
79-6120 **Donald vs. Cindi Illi.** Stipulated, custody to mother.
-6188 **Daniel vs. Joan Murdock.** Stipulated, custody to father.
-6328 **Marcia vs. Gary Gooden.** Default, custody to mother.
-6335 **Leda vs. William Harris.** Father in prison, father did not appear at trial, custody to mother.
-6529
-6574 **Clara vs. Len Hannaman.** Stipulated, custody to father.
-6724 **Carol vs. Trent Hanson.** Stipulated, custody to mother.
-6860 **Christy vs. Ron McKentry.** Uncontested, custody to mother.
-6889 **Cynthia vs. Willis Wagner.** Default, custody to mother.
-6902 **Janis vs. Norman Harris.** Stipulated, custody to mother.
-6954 **Geneva vs. Kenny Peart.** Default, custody to mother.
-6983 **Gertrude vs. Norman Miller.** Stipulated, custody to mother.
-7037 **Sandra vs. William Walker.** Stipulated, custody to mother.
-7048 **Rebecca vs. Stephen Knott.** Carlson, trial, custody to mother.
-707o **Bobby vs. Rachel Chilter.** Stipulated, custody to mother.
-7135 **Kathy vs. William Sutton.** Uncontested, custody to mother.
-7153 **Nancy vs. William Irby.** Stipulated on record, joint custody.
-7179 **Wendy vs. Paul Chapman.** Stipulated, custody to mother.
-7204 **Stanford vs. Rose Hill.** Default, custody to mother.
-7412 **Shan vs. James Toll.** Stipulated, custody to mother.
-7476
-7543 **Rose vs. William Turner.** Trial, custody to mother.
-7549 **John vs. Donna Douts.** Default, custody to father.
-7666 **Ninita vs. Andrew Johnnie.** Default, custody to mother.
-7815
-8005 **Barbara vs. Kenneth Brandon.** Stipulated, custody to mother.
-8122 **Julie vs. Kedron Schoming.** Stipulated, custody to mother.
-8242 **Celina vs. David Berlin.** Stipulated, custody to mother.
-8275 **Phillip vs. Terry Ellsworth.** Stipulated, custody to mother.
-8379 **Edward vs. Pamela Marsters.** Stipulated, custody to mother.
-8440 **Velma vs. Stephen Gordon.** Settlement on record, custody to mother.
-8580 **Edward vs. Rita Hakala.** Uncontested, custody to father.
-8612 **Bernard vs. Susan Miller.** Stipulated, custody to father.
-87o7 **Sonya vs. David Sanders.** Default, custody to mother.
-8782 **Mary vs. Warren Henry.** Uncontested, custody to mother.
-8811 **Mary vs. Willie Lenrear.** Default, custody to mother.
-8826 **Concepcian vs. Sofanias Heredin.** Default, custody to mother.
-8873 **Johnny vs. Laura Reyolds.** Stipulated, custody to father.
-8885 **Marjorie vs. David Summerfeldt.** Default, custody to mother.
-893o **Francis vs. Alfred Graham.** Default, custody to mother.
-8989 **Elaine vs. Laverne Mae.** Default, custody to mother.
-9060 **Mary vs. Howard Haley.** Trial, custody settled during recess, custody to mother.
-90o6 **Barbara vs. William Bagnon.** Trial, custody was not issue, custody to mother.
-1992 **Gerald vs. Eunice Courtney.** Joint custody.
-4868 **Carol vs. John Bowman.** Stipulated, custody to father.
-7863 **Pamela vs. Kenneth Mathing.** Default, custody to mother.
80-0039 **Ann vs. George Van Brunt.** Stipulated, joint custody, primary physical with mother.
-0067 **Archie vs. Betty Brown.** Stipulated, custody to mother.
-0075 **Shirley vs. Rick McElfish.** Stipulated, joint custody, primary physical with father.
-0134 **Margie vs. James Stokes.** Stipulated, custody to mother.
-0156 **Carol vs. John Trautner.** Stipulated, custody to mother.
-0169
-0190 **Dorothy vs. Columbus Johnson.** Stipulated, custody to mother.
-0221 **Niel vs. Carol Hann.** Stipulated on record, custody to mother.
-0237 **Barbara vs. Arthur Browning.** Appearance & Waiver, custody to mother.
-0249 **Elizabeth vs. Charles Spud.** Stipulated, custody to mother.
-0277 **F. V. Adkins vs. Bernice Adkins.** Appearance & Waiver, custody to father.
-0305 **Deborah vs. Granville Cates.** Stipulated, joint custody.
-0348 **Ramona vs. Charles Steinkilpert.** Default, custody to mother.
-0461 **Donald vs. Barbara Gettle.** Stipulated, custody to mother.
-0481 **Terrie vs. Michael Shay.** Defendant failed to appear, custody to mother.
-0594 **Henry vs. Linda Schach.** Default, custody to father.
-0682 **Karen vs. Carl Fickes.** Stipulated, custody to mother.
-0705 **Margaret vs. Ron Wielkopolski.** Stipulated, joint custody.
-0706 **Vicki vs. Jimmy Fleming.** Stipulated, custody to mother.
-0708 **Judith vs. Joseph Cahill.** Uncontested, split custody, girl to mother, boy to father.
-089o **Steven vs. Nancy Brown.** Stipulation on record, custody to mother.
-1004 **Sue vs. Richard Cooper.** Default, uncontested, custody to mother.
-1039 **Carol vs. J. D. Mullins.** Uncontested, custody to mother.
-1252 **Carol vs. Richard Guzy.** Stipulated, custody to mother.
-12o4 **Don vs. Katherine Wharton.** Stipulated, custody to father.
-1374 **Patricia vs. Charles Cober.** Judge Moody, uncontested, custody to mother.
-1395 **Raymond vs. Kathleen Hamby.** Uncontested, custody to mother, property issue.
-139o **Adline vs. Fred.** Stipulated, custody to mother.
-1444 **Marva vs. Dennis O'Keefe.** Stipulated, custody to mother.
-1473 **Leopold vs. Caroline Poirier.** Stipulated, custody to mother.
-1507 **Leola vs. Wilfred Ryan.** Uncontested, Appearance & Waiver, custody to mother.
-1535 **Michael vs. Elsie Grimes.** Stipulated, custody to mother.
-1720 **Pricilla vs. Claude Gear.** Default, custody to mother.
-1723 **Michael vs. Eileen Pavlick.** Stipulated, custody to mother.
-1773 **Sarah vs. Charles McGregor.** Stipulated, custody to mother.
-1799 **Gretchen vs. Michael Burdick.** Uncontested, custody to mother.
-184o **Irl vs. Nauada Stambaugh.** Stipulated on record, custody to mother.
-18o3 **Ken vs. Marilyn Mortenson.** Stipulated, custody to mother.
-2124 **Milton vs. Sandra Collison.** Stipulated, custody to mother.
-2130 **Kathy vs. David McConnell.** Stipulated, custody to mother.
-2332 **Wilma vs. Martin O'Connor.** Stipulated, custody to mother.
-2339 **Diane vs. Michael Buckles.** Uncontested, appearance & waiver, custody to mother.
-2355 **G. Lance vs. Lynn Isams.** Stipulated, custody to mother.
-2376 **Susan vs. Bobby Balay.** Default, custody to mother.
-2392 **Linda vs. Christopher Horton.** Stipulated, joint custody, primary w mother.
-2o29 **Ronald Bless vs. Sara N. Eaton.** Stipulated, custody to mother.
-2715 **John vs. Barbara Storrs.** Two-day trial, custody not an issue, custody to mother, visitation, property & support issues.
-3007 **Nancy vs. Donald Wilson.** Default, custody to mother.
-3031 **Theresa vs. Merlyn Shandley.** Hearing, defendant not present, agreement, custody to mother.
-3037 **Marchalie vs. John Scott.** Uncontested, custody to mother.
80-3043 **Morris vs. Johnny Brown.** Default, custody with Division of Family and Youth Services, then to father if DFYS relinquishes custody.
-3099 **Debbi vs. Robin Bernard.** Stipulated, custody to mother.
-3169 **Kathryn vs. Kenneth Palmer.** Stipulated, custody to mother.
-3945 **Elizabeth vs. Walter Alexander.** Stipulated, custody to mother.
-4053 **Mary vs. Paul Haradon.** Stipulated, custody to mother.
-4056 **Sandra vs. Richard Chilson.** Stipulated, custody to mother.
-4111 **Linda vs. Dennis O'Bannon.** Stipulated, custody to mother.
-4171 **Edward vs. Jennifer Hilliard.** Stipulated, custody to mother.
-4201 **Gerald vs. Kelly Ann Wolf.** Stipulated, custody to father.
-4339 **Deborah vs. Danny Martin.** Default, custody to mother.
-4490 **Elizabeth vs. Donald Guy.** Stipulated, joint custody.
-4404 **Knute vs. Mary Ann Anderson.** Stipulated, custody to mother.
-4504 **Linda vs. Lauri Manniko.** Uncontested, custody to mother.
-4585 **Tracy vs. Robert Worthington.** Stipulated, custody to mother.
-4o56 **Cheryl vs. Mark Hestes.** Default, custody to mother.
-4081 **Kathryn vs. Joseph Barcott.** Stipulated, custody to mother.
-4722 **David vs. Joy Resch.** Stipulated, custody to mother.
-4779 **William vs. Denise Norris.** Stipulated, custody to father.
-4883 **Teresa vs. Jerry Poindexter.** Default, custody to mother.
-5050 **Jeannette vs. Steve Carlson.** Stipulated, joint custody.
-5055 **Cindy vs. Dustin Lorah.** Default, custody to mother.
-5073 **Francis vs. Katie Tessoro.** Default, joint custody.
-5107 **Dawn vs. Geoffry B. Knight.** Appearance & waiver, stipulated, custody to mother.
-5330 **Clare vs. James Davis.** Appearance & waiver, custody to mother.
-55o1 **Guy vs. Nancy Stringham.** Stipulated, custody to mother.
-55o9 **Gary vs. Carolyn Terry.** Default, custody to father.
-5628 **Andayline vs. Gerald Goodrich.** Stipulated on record, custody to mother.
-5634 **Sandra vs. Jeff Ellis.** Stipulated, custody to mother.
-5736 **Geraldine vs. Robert Alrich.** Uncontested, custody to mother.
-6031 **Gary vs. Karen Lantrip.** Stipulated, custody to father.
-6180 **Merle vs. Francis Weeks.** Stipulated, joint custody, primary w mother.
-6391 **Delores vs. Everett Drashner.** Motion to modity, stipulated custody to continue with mother.
-6219
-6522 **Elaine vs. John Nelson.** Stipulated, custody to mother.
-6553 **Dickie vs. Pamela Scofield.** Stipulated, joint custody, primary w father.
-6589 **Kathleen vs. Tillman Caldwell.** Uncontested, custody to father.
-6604 **Brenda vs. James Gamblin.** Stipulated, custody to mother.
-6824 **Thomas vs. Leela Cooly.** Stipulated, custody to mother.
-6852 **Linda vs. John Feeney.** Default, custody to mother.
-7039 **Douglas vs. Susan Baily.** Stipulated, joint custody.
-7o11 **Lorraine vs. Francis Avezac.** Stipulated, custody to mother.
-7729 **Ronald vs. Rebecca Becker.** Stipulated, custody to mother.
-777o **Robert vs. Penny Simpson.** Stipulated, custody to mother.
-7781 **Hilda vs. Bobby Tigert.** Uncontested, custody to mother.
-8318 **Virginia vs. Marian Dean Sykes.** Default, custody to mother.
-8oo7 **Melinda vs. Craig Lyman.** Stipulated, custody to mother.
-6911 **Shirley vs. Paul Harden.** Trial, award to mother, issue seemed visitation.

Judge Ralph Moody

79-0853 **Debra vs. Nicholas Walleri.** Stipulated, custody to mother on recommendation of investigator.
-0986 **Theresa vs. Charles Roy.** Uncontested, custody to mother.
-13o3 **Karla vs. Joe Josephson.** Stipulated, joint custody.
-3212 **Ronald vs. Ruth Smith.** Stipulated, custody to mother.
-5026 **Barbara vs. John Windal.** Uncontested, custody to mother.
-6824 **Linda vs. Ronald Burris.** Stipulated, custody to father.
80-1990 **Diana vs. Clarence Hasbrouck.** Stipulated, joint custody.
-27o7 **Katherine vs. Bruce Reed.** Uncontested, joint custody, primary w mother.
-4133 **Cynthia vs. Robert Law.** Default, custody to mother.
-4620 **Sandra vs. Michael Greer.** Stipulation on record, custody to mother.
-4775 **Monica vs. Joe Ash.** Stipulated, custody to mother.
-5147 **Darlene vs. Torstein Nicolaysen.** Default, custody to mother.
-5246 **Andrew vs. Lee Aker.** Stipulated, custody to mother.
-5272 **Dennis vs. Cynthia Waffle.** Default, custody to father.
-5312 **Bud vs. Myrna Dial.** Custody Investigator recommended and it was stipulated, custody to mother.
-6376 **Jeanne vs. Harry Frank.** Custody Investigator recommended, and court awarded custody to mother.
-685o **Linda vs. Oscar Kawagley.** Default, custody to mother.
-6901 **June vs. John Miller.** Stipulated, joint custody.
-6910 **Paula vs. Tim Schely.** Default, custody to mother.
-7012 **Chester vs. Christine Zumba.** Dissolution, custody to mother.
-7017 **Madolyn vs. Racelille Bell.** Stipulated, custody to mother.
-7338 **Theresa vs. Wesley Myers.** Stipulated, custody to mother.
-7339 **Lee Ann vs. Mark Gallenberger.** Stipulated, custody to mother.
-7356 **Connie vs. John Shaw.** Stipulated, custody to mother.
-7517 **Anna vs. Lloyd Hughes.** Stipulated, custody to mother.
-7922 **David vs. Juanita Boyles.** Default, custody to father.
-7927 **Constance vs. Chris Lobato.** Stipulated, custody to mother.
-8117 **James vs. Jeri Beall.** Stipulated, joint custody, primary w mother.

Judge S. J. Buckalew

79-7385 **Colleen vs. William Foulois.** Contested, custody to father.
80-5113 **Sherry vs. Larry Bramel.** 1979 Default, custody to mother. Carlson, 1980, to set aside default; settled, 1981 on property.
-5829 **Denise vs. Walter Koltys.** Contested, custody to mother.

Judge James A. Hanson

80-3288 **George vs. Carol Freas.** Uncontested, custody to mother, 9 min. hearing.

Judge Jay Hodges

79-3020 **Ronald vs. Sharon Lowen.** Uncontested, custody to mother.

Judge Karl Johnstone

79-1534 **Gary vs. Mae Kelso.** By agreement of parties, custody to mother.
-2841 **John vs. Jay Lamasko.** By agreement of parties, custody to mother.
-3211 **William vs. Mildred Demeris.** No minor children, 1 retarded adult, no contest on custody to mother.
-328o **Judith vs. David Ebert.** Stipulated, custody to mother.
-4548 **Gregory vs. Lynn Frazier.** Stipulated, custody to mother.
-4855 **Nan vs. James Graham.** Trial, custody to mother, visitation defined.
-5623 **Jon vs. Linda Godfrey.** Stipulation on record, custody to mother.
-62o9 **Carl vs. Shirley Crauswell.** Stipulated, custody to mother.
-7183 **Gene vs. John Gentile.** Stipulated, custody to mother.
80-0502 **Teresa vs. Richard Whetstine.** Uncontested, custody to mother.
-0949 **Ronald vs. Rebecca Morrill.** Uncontested, custody to mother.
-53o3 **Pamela vs. William Wahrer.** Heard 1981, stipulated, custody to mother.
-8211 **Ruby vs. Thomas Wardlugh.** Stipulated, custody to mother.
-8422 **Deborah vs. John Fortier.** Uncontested, custody to mother.

Judge Eben Lewis

79-0323 **Leroy vs. Karen Harrison.** Stipulated, custody to mother.
-0879 **Judy vs. Ken Deardoff.** Stipulated, custody to mother.
-1311 **Ken vs. Janis Bartel.** Stipulated, custody to mother.
-1722 **Linda vs. James Brown.** Stipulated, custody to mother.
-1932 **Marta vs. Carl Ehelbe.** Custody to mother, custody not at issue, support litigated.
-9063 **Bruce vs. Brenda Smith.** Default, custody to mother.
80-2613 **Karen vs. Michael Fillingim.** Default, custody to mother, motion to set aside now.
-324o **Kathleen vs. David Mobraten.** Stipulated, custody to mother.

Judge Daniel Moore

80-1755 **Karen vs. Arnold Mueller.** Default, custody to mother.

Judge Justin Ripley

79-0888 **Donna vs. Raymond Johnson.** Default, custody to mother.
-4308 **Max vs. Susie Kees.** Default, child w mother four years of separation, custody to mother.
-5215 **Laura vs. Richard Allen.** Custody Investigator recommended joint custody; Court awarded custody to father.
-o155 **Robert vs. Patricia Koski.** Trial, custody to mother.
-6990 **William vs. Candace Farmer.** Stipulated, custody to mother.
-7560 **Susan vs. Ronald Pope.** Trial, custody to mother.
-7874 **Mary vs. John B.** Stipulated, custody to mother.
80-3578 **John vs. Cynthia Jordet.** Stipulated, joint custody.
-5092 **Christeen vs. Mark Martin.** Trial, custody to mother.
-8077 **Christopher vs. Judith Berger.** Stipulated, custody to mother.
-8153 **Sandra vs. Rijino Bonella.** Stipulated, custody to mother.

Judge Mark Rowland

79-0528 **Arthur vs. Pauline Roehl.** Stipulated, custody to mother.
-1390 **George vs. Judith Gevat.** Trial, custody not contested, custody to mother.
-1559 **Aaron vs. Patricia Dube.** Stipulated, custody to mother.
-209o **Velma vs. Marvin Olson.** Stipulated, custody to mother.
-2830 **Bethina vs. Robert Droege.** Trial, father unfit, custody to mother.
-3287 **James vs. Florene Coley.** Stipulated, custody to mother.
-414o **Dannie vs. Lelas Smith.** Stipulated, custody to mother.
80-1437 **Lorenz vs. Doris Carlson.** Uncontested, custody to mother, visitation at dispute.
-8082 **Carolyn vs. Donald Hestor.** Stipulated, custody to mother.

Judge Brian Shortell

80-4827
-5748 **Janet vs. James Bias.** Stipulated, custody to mother.
-72o3 **Gregory vs. Donna Lago.** Stipulated, custody to mother.

Judge James Singleton

79-1933 **Wanda vs. Wesley Williams.** Judges Moody, Schultz, and Singleton. Stipulated, custody to mother.
-3474 **Silvana vs. Thomas Gore.** Custody not at issue, custody to mother, support issue? Judge Carlson heard.
-3785 **Larry vs. Le Tsi Mohler.** Judge Carlson; Stipulated, custody to mother.
-o122 **Debra vs. Gordon White.** Unborn child, stipulated, custody to mother.
-7468 **Cathy vs. Robert Keyser.** Andy Brown, default, custody to mother.
-7o44 **Bert vs. Randie Gordon.** Andy Brown, Stipulated, custody to mother.
-7949 **Linda vs. John Morris.** Andy Brown, Stipulated, custody to mother.
79-2057 **Priscilla vs. John Jensen.** Stipulated on record, custody to mother visitation contested.
-8095 **Deborah vs. Dennis Ford.** Stipulated, custody to mother.
80-1877 **Louis vs. Betty Jean Corby.** Stipulated, custody to mother.
-1927 **Linda vs. Bill Lawrence.** Stipulated, joint custody.
-2240 **Leann vs. Michael Purse.** Uncontested, custody to mother.
-4265
-5421 **Kenneth vs. Doris Daugherty.** Dispute support, custody to mother.

Judicial Batting Averages: Appeals*

	No. of Appeals	Affirmed	(%)	Reversed	(%)	Other	(%)
Blair	84	53.5	(64%)	25.5	(30%)	5	(6%)
Bosshard	1	1	(100%)	0	(0%)		
Buckalew	90	48	(53%)	34	(38%)	8	(9%)
Burke	44	30	(68%)	13	(30%)	1	(2%)
Butcher	18	8.5	(47%)	9.5	(53%)		
Carlson	161	85.5	(53%)	67.5	(42%)	8	(5%)
Clayton	2	1	(50%)	1	(50%)		
Compton	28	21	(75%)	6	(21%)	1	(4%)
Cooke	11	6.5	(59%)	4.5	(41%)		
Cooper	17	10	(59%)	7	(41%)		
Craske	11	10	(91%)	1	(9%)		
Davis	142	87.5	(62%)	44.5	(31%)	10	(7%)
Fitzgerald	87	63	(72%)	21	(24%)	3	(4%)
Forbes	7	1.5	(22%)	4.5	(64%)	1	(14%)
Gilbert	130	65.5	(50%)	55.5	(43%)	9	(7%)
Hanson	68	46	(68%)	19	(28%)	3	(4%)
Hepp	135	82	(61%)	45	(33%)	8	(6%)
Hodge	2	1	(50%)	1	(50%)		
Hodges	53	35	(66%)	13	(25%)	5	(9%)
Kalamarides	100	65.5	(66%)	33.5	(33%)	1	(1%)
Kelly	5	3	(60%)	2	(40%)		
Lewis	118	68	(58%)	42	(36%)	8	(6%)
Madsen	20	14	(70%)	6	(30%)		
McCarrey	18	5	(28%)	11	(61%)	2	(11%)
Moody	225	132	(59%)	83	(37%)	10	(4%)
Occhipinti	110	61.5	(56%)	44.5	(40%)	4	(4%)
Rabinowitz	16	10	(63%)	6	(37%)		
Ripley	68	41.5	(61%)	20.5	(30%)	6	(9%)
Rowland	37	31	(84%)	6	(16%)	0	(0%)
Souter	14	9.5	(68%)	4.5	(32%)	0	(0%)
Schultz	69	47	(68%)	18	(26%)	4	(6%)
Singleton	87	53	(61%)	32	(37%)	2	(2%)
Stewart	58	36.5	(63%)	21.5	(37%)	0	(0%)
Taylor	176	98	(56%)	166	(37%)	12	(7%)
Van Hoomissen	127	67.5	(53%)	53.5	(42%)	6	(5%)
Von der Heydt	38	29	(76%)	8	(21%)	1	(3%)
Walsh	12	8	(66%)	3	(25%)	1	(9%)
Board of Govs. Alaska Bar Assn.	27	14	(52%)	6	(22%)	7	(26%)
	2,416	**1,451.5**	**(60%)**	**838.5**	**(35%)**	**126**	**(5%)**

* 1. The total number of decisions including only those where an opinion was written. Appeals dismissed without opinion were not included.

2. Appeals decided with unpublished opinions are not included.

3. A decision affirming, with remand, was included as an affirmation.

4. A decision affirming in part and reversing in part was calculated as ½ affirmed, ½ reversed.

5. A decision remanding a case without affirmation or reversal is an "other."

6. No attempt was made to study any individual opinion. All data was compiled solely on the basis of the material you provided us.

NOTICE

The proposed Bar rule amendments printed below were previously published in the *Bar Rag*. The Board of Governors of the Alaska Bar, during its August 27-29, 1981 meeting, proposed additional amendments to Bar Rules 27 and 31 which it believes necessitates that these proposed amendments be resubmitted to the membership for comment.

The Board, in discussing the Bar Rule 27 proposed amendments, questioned how it could objectively evaluate whether an individual seeking reinstatement after disbarment had adequately demonstrated that he or she evidenced the "learning of law" necessary to return to active practice. After substantial debate, a new subsection (3) of Section (c) was adopted. This new section states that retaking and passing the Alaska Bar shall be accepted as evidence of the adequacy of that individual's "learning of law." This new section does not *require* retaking the Alaska Bar Exam. It simply sets out one particular manner in which an applicant for reinstatement can clearly meet his or her burden.

The amendments suggested to Bar Rule 31 are republished to specifically give notice of the new language proposed in Section 1. As originally published, specific information about a discipline matter would have been public (i.e., not published, but available). This document is notice to an Area Hearing Committee that a formal discipline proceeding shall be held in a particular matter. It was determined by the Board that this was too early in the discipline process to make the substance of a complaint public. Therefore, the proposed language was further amended to set back "sunrise" until after a discipline committee had held its hearing and served its findings and decision on the parties.

Comments on either of these new proposals would be appreciated and is encouraged. Only coffee survives best in a vacuum.

Proposed Amendments to Alaska Bar Rule 27

Alaska Bar Rule 27, entitled "Reinstatement," is amended to read:

(a) No attorney suspended *for more than six months* or disbarred may resume practice until reinstated by order of the Court. *An attorney suspended for six months or less may resume practice without order of the Court upon the expiration date of the suspension.*

(b) *An attorney* [A PERSON] who has been disbarred *by order of the Court* [AFTER A HEARING] or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(c) Petitions for reinstatement by disbarred [OR SUSPENDED] attorneys shall be filed with the Court and served upon the Board. Upon receipt of the petition, the Board shall refer the petition to a Hearing Committee in the disciplinary area in which the Respondent maintained an office at the time of his disbarment [OR SUSPENSION]. The Hearing Committee shall promptly schedule a hearing at which the Respondent shall have the burden of demonstrating by the preponderance of the evidence that he has the moral qualifications, competency, and learning of law required for admission to practice law in this State and that his resumption of the practice of law within the State will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive of the public interest. At the conclusion of the hearing, the Hearing Committee shall promptly file a report containing its findings and recommendations and transmit same, together with the record, to the Board. The Board shall review the report of the Hearing Committee and the record and shall file its own conclusions and recommendations with the Court, together with the record. The petition shall be placed upon the calendar of the Court for oral argument either at the next session of the Court sitting in the judicial district in which the Hearing Committee sat or, within 60 days, without regard for where the Court may then be sitting, whichever occurs first.

(1) [(d)] In all proceedings upon a petition for reinstatement, cross-examination of the Respondent's witnesses and the submission of evidence, if any, in opposition to the petition shall be conducted by the Administrator.

(2) [(e)] The Court, in its discretion, may direct that the necessary expenses incurred in the investigation and processing of a petition for reinstatement be paid by the Respondent.

(3) The retaking and passage of Alaska's general applicant bar examination shall be prima facie *evidence that the applicant for reinstatement possesses the learning of law necessary for reinstatement to the practice of law in Alaska.*

(d) An attorney who has been suspended for more than 6 months by order of the Court or by consent and who seeks reinstatement shall, ninety (90) days prior to the ending date of the suspension, or ninety (90) days prior to the date on which he seeks reinstatement, whichever comes later, file with the Court and serve upon the Board a petition for reinstatement. The petition shall affirm under oath (1) the names and addresses of all employers during the period of suspenson; (2) the scope and content of the work performed by the attorney for each such employer; and (3) the names and addresses of at least three character witnesses who had knowledge of the suspended attorney during the period of suspension. The attorney shall be reinstated by automatic court order unless a petition to extend suspension is filed by the Administrator with the Court and served upon the Board and the suspended attorney at least sixty (60) days prior to the ending date of the suspension. The petition shall state (1) the basis for the original suspension, (2) the ending date of the suspension, and (3) the facts which the Administrator believes demonstrate that the suspended attorney should not be reinstated. Upon receipt of such a petition, the Board shall refer the petition to a Hearing Committee in the disciplinary area in which the Respondent maintained an office at the time of his suspension or where the Respondent has resided for the majority of time suspended, if within Alaska. The Hearing Committee shall promptly schedule a hearing at which the Administrator shall have the burden of demonstrating by the preponderance of the evidence that the suspended attorney lacks the moral qualifications or competency or learning of law required for admission to practice law in this State and that his resumption of the practice of law within the State will be either detrimental to the integrity and standing of the Bar and the administration of justice or subversive of the public interest. The Hearing Committee, the Board, and the Court, when hearing or reviewing this matter, shall act in accordance with the procedures outlined in section (c) of this Rule.

Proposed Amendments to Alaska Bar Rule 31

Section 1 of Alaska Bar Rule 31, entitled "Confidentiality," is amended to read:

Section 1. *(a) Upon the filing and service of a decision of an area hearing committee, or upon the filing of a peti-*

[continued on page 14]

ATTENTION, any attorney who prepared a Will for George Willard Gray during the period between May 1, 1980 and August 28, 1980 please contact Sally L. Avera, P.O. Box 573, Dallas, Oregon 97338 immediately.

NOTICE

[continued from page 13]

tion for reinstatement, all pleadings, proceedings, and matters in evidence in any disciplinary matter shall be public except:

(1) deliberations of a hearing committee, the Board, or the Court; and

(2) any matters ordered to be kept confidential by the hearing committee, the Board, or the Court.

(b) In all cases involving allegations of disability, all pleadings, proceedings, and matters in evidence shall be confidential, and all participants therein shall preserve confidentiality with respect to such proceedings. [ALL PROCEEDINGS INVOLVING ALLEGATIONS OF MISCONDUCT OR BY DISABILITY OF AN ATTORNEY SHALL BE KEPT CONFIDENTIAL AT ALL LEVELS OF THE PROCEEDINGS, AND MEMBERS OF THE BAR PARTICIPATING IN THOSE PROCEEDINGS ARE REQUIRED TO KEEP THEM CONFIDENTIAL; PROMIVED, THAT UPON THE FILING OF THE RECORD IN THE COURT, THE RECORD SHALL BE CONSIDERED PUBLIC INFORMATION, EXCEPT IN CASES INVOLVING ALLEGATIONS OF DISABILITY.]

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

Memorandum

TO: Magistrate **Mark Ells,** Dillingham
Vicki Bukovick, Clerk, Kodiak
Magistrate **Charles Shawback,** Naknek

FROM: **Albert H. Szal**
Area Court Administrator

SUBJECT: Dillingham and Naknek Civil Cases

Since Dillingham now falls under the Anchorage judicial service district and Naknek will be under Anchorage commencing September 1, 1981, attorneys who anticipate civil trials in either Naknek or Dillingham should file the case with the Anchorage trial courts.

When a Memorandum to Set Civil Case for Trial is filed, attorneys must request in the memorandum that the trial be held in either Dillingham or Naknek. All civil cases presently filed in Kodiak which have been designated for trial in Naknek or Dillingham will have their venue changed to Anchorage shortly. Those cases will be reassigned to the assigned travel judge.

Effective July 1, 1981, Dillingham was designated by **Judge Moody,** Presiding Judge of the Third Judicial District, as a superior court filing location for family matters, i.e., divorces, dissolutions and adoptions only. All divorce, dissolution and adoption cases from either Naknek or Dillingham may be filed with the Dillingham court. The case will be processed there with Magistrate Mark Ells sitting as standing master. The case will receive a Dillingham case number and be retained in that court as a permanent record.

Antidote for Doldrums

Autumn trawls in its wake
regret at summer's end
and a prophesy of winter's
stillborn state
but bears its own beauty
scrubbed and lusty.

A crisp freshness fills
the early morning air
clean as termination dust;

the trees lounge subdued
warm autumn shades
even as flowers fade,
followed by the hills
taking on neutral tones
as they dress for hibernation;

the sky is notched with wide-angle
arrowheads of migrating birds
seeking a sun gone south.

Spring offers a promise
of the summer to come;

fall confers its own promise,
is its own reason for being.

Susan Hallock

LETTERS

[continued from page 5]

solutely no indications from anyone that it will become true in the near future.

Sincerely,
Karen L. Hunt
President

Re: Reflections of a Novice on the 1981 Annual Meeting of the American Bar Association — per suggestion of **Keith Brown**

Dear Editor:

My first reaction to the 1981 annual meeting of the American Bar Association in New Orleans was that of being overwhelmed with meetings and seminars. In the five days I attended and participated, each night I had the feeling I had missed a number of important meetings and programs although I attended meetings and programs generally from morning through evening. It was fascinating and interesting to observe the likes of **Vice President Bush, Secretary of State Haig, Attorney General Smith,** and **Supreme Court Justices White, Stevens** and **Powell.** The Judicial Administration Division held meetings in conjunction with the activities of the American Bar Association. The emphasis appeared to be on reducing delay and costs as well as keeping judges up to date on current developments.

My second reaction was a feeling of community with the thousands of lawyers and judges who were in attendance and where honestly trying to make the system work. A major portion of ABA President Reece Smith's address centered on the need for legal services to the poor. There was considerable politicking for offices within the Judicial Administration Division. I also had an opportunity to observe the debate on the accreditation of Oral Roberts University. The Alaska Delegates to the American Bar Association Assembly of Delegates actively participated in their many activities.

Judge Duane Craske and **Judge Ralph Moody** atttended the National Conference of State Trial Judges activities and I attended as many meetings as possible of the Special Court programs. As just an estimate, I would guess it would take at least five years of active participation in either the Judicial Administration Division and/or in other activites of the American Bar Association to really know what is going on. I did come away with a more optimistic feeling than I had going in. Participation in the American Bar Association and in the Judicial Administration Division would appear to be a good approach for Alaskan lawyers and Judges.

Sincerely,
James C. Hornaday
District Judge

Insurers' Defenses Against Arson Detailed in ABA Videotape Package

CHICAGO, Sept. 11 — The key to reducing the incidence of arson and the loss of thousands of lives and billions of dollars it causes annually is to challenge suspicious cases in court.

This is one of the points made in the videotape program "Arson for Profit — The Insurer's Defense." The availability of the videotape for purchase was announced today by the producer, the Tort and Insurance Practice Section (TIPS) of the American Bar Association.

The videotape is an edited version of an ABA National Institute, of the same name, cosponsored earlier this year by TIPS and the Young Lawyers Division of the ABA. The aim of the institute was to provide information to insurance company legal departments defending against suspected arson claims. Issues and specific points to watch out for from the time of the fire through trial were stressed by the speakers. The institute in Pebble Beach was attended primarily by insurance lawyers and property claims officers.

Among the specific issues addressed by videotaped national experts on arson defense are:

• Misrepresentations and concealment of facts — what to look for and do;

• Incendiarism defense — how to proceed and degree of proof necessary;

• Current fire loss reporting techniques to identify possible arsons;

• Fire evidence — use of scene investigators and lab evidence at trial;

• Arson defense opportunities based on insurance policy language;

• Examination under oath — when, why, how and how many times;

• Defense against arson based on concealment, breach of warranty or misrepresentation — what proof is required;

• How to isolate claim fraud in the course of examination under oath;

• The insurance company's gamble — cooperation with law enforcement agencies (immunity statutes); and

• The accountant's methods of proving arson and fraud.

An edited four-hour videotape version of the National Institute comprised of four one-hour modules is being offered for sale. The four one-hour modules may be purchased separately for $425 each or as a four-hour package at the discounted price of $1,500. The color tapes are offered in ¾-inch U-Matic. VHF or Beta format may also be requested.

Each module includes an edited version of the presentations of two to four speakers, interviews with each speaker — not seen during the original institute — and added graphics and visual footage pertaining to the arson topics.

Those purchasing the entire $1,500 videotape program will receive a binder containing all papers presented at the National Institute. The binder, more than 175 pages long, contains the original 11 papers, with specific case cites and references. Those purchasing individual modules will receive the particular papers pertaining to those modules.

A 15-minute demonstration tape is now available to preview the program. It contains excerpts from each of the four tapes. To obtain the demonstration tape or information about ordering the videotape packages contact **Nancy Parker,** TIPS Liaison, at American Bar Association, 1155 East 60th Street, Chicago, IL 60637, phone (312) 947-3868.

Bar Rag Editor Goes to Law School

Associate Editor **Deirdre D. Ford** has taken a leave of absence from her duties on the *Bar Rag* in order to obtain her law degree. She began her studies on August 12th at the University of San Francisco Law School.

Didi is also working in the Reference Department of the Ninth Circuit Court of Appeals Library. A professional librarian by training, she was most recently employed as administrative assistant at the U.A.A. Justice Center. She hopes to return to Alaska and practice law here.

A native of the Bay Area, she obtained her undergraduate degree in political science from Whittier College (1964); a Master's in library science from U.C. Berkeley (1966); and a second M.A. in political science from the University of Illinois (1972).

Didi was a willing worker who enjoyed putting the paper together, occasionally mediating disputes among the other editors. She will be missed.

Her husband, Bill, also on the *Bar Rag* staff, will continue to practice law in Anchorage. He joins law widowers, **John Hansen** and **Mike Barcott,** whose wives are also away at law school.

Deirdre D. Ford

Sema Lederman is a second-year law student at Oregon. And **Patty Barcott,** in her third year at the University of San Francisco, was recently elected to Law Review.

When You See

VECTOR

Think

ADCOM

(907) 278-3666

At ADCOM we believe word processing should offer more than just empty promises. It should offer features that are practical, easy to use, and easy to learn. It should have a price tag that is not only affordable, but downright compelling. And it should be versatile enough that it makes a substantial change for the better throughout your firm.

Memorite III offers automatic spelling verification, a 15-page memory, search and replace, cut-and-paste, phrase library, true proportional spacing, footnoting, and dozens of other features that allow delightfully flexible handling of large amounts of text. We might point out that these features are standard with Memorite III.

That's why Vector developed Memorite III Word Processing, and that's why ADCOM offers it to you. Combined with Vector's office information systems, it is probably the most flexible word processor you can find.

With ADCOM you have your choice of Vector's letter-quality printers. We also offer dual mode printers capable of draft printing at speeds up to 7,200 words per minute. For those who prefer it over the standard black and white screen, ADCOM offers you a choice of green or eye-saving amber video displays.

We offer a free comprehensive "seminar" every Wednesday for those who are seriously considering a word processor. Call ADCOM for an appointment and bring some of your own material, if you desire, for a hands-on experience you won't forget.

ADCOM, Inc. 4325 Laurel Street Anchorage, Alaska 99504