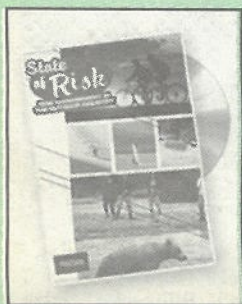


## Alaska attorney develops tool for outdoor recreation

With outdoor recreation industry guides and outfitters continually being challenged to provide a greater "thrill return on investment" for their clients, it has become imperative that the individuals and organizations providing such services are adequately prepared to manage the subsequent risks of their programs.



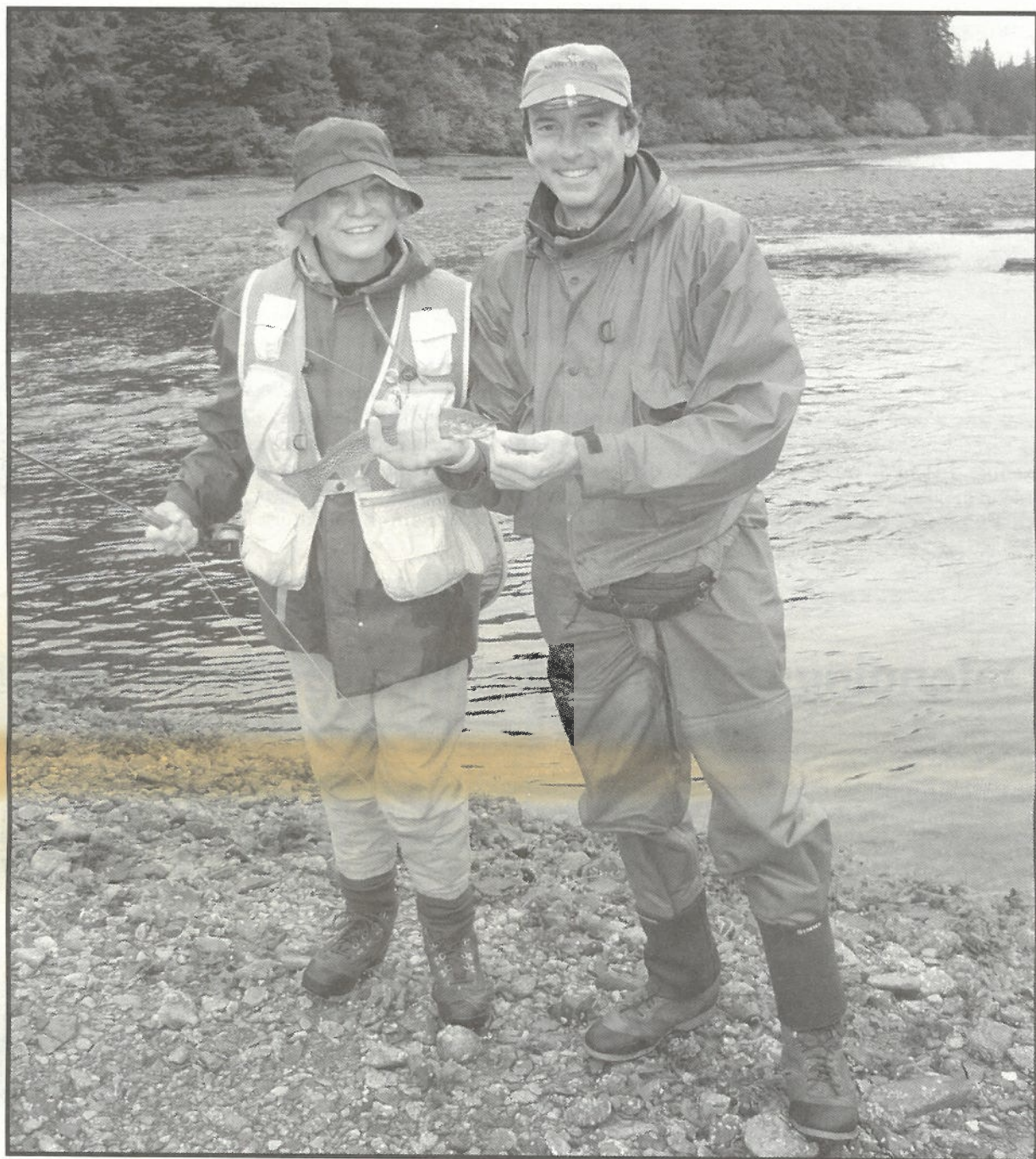
As a licensed attorney in Anchorage, Alaska whose primary practice involves working with recreation and adventure sports commercial operators, public land administrators and recreation-oriented educational groups, Tracey Knutson recognized a need for an efficient, cost-effective program that would help industry groups independently prepare themselves for managing risk.

"This product was developed to bring greater risk management awareness and training for recreation providers, educators and public land administrators" said Knutson. "Due to the prohibitive costs around staff training, it became obvious that there was a need for a product that provided a volume of risk management information and instruction in a take-home format."

The State of Risk and the accompanying literature were developed to aid outfitters and guides within the outdoor recreation industry manage the legal risks associated with their business. Combining footage from actual risk management seminars with action shots from Teton Gravity Research and other sports film groups, Knutson has created a dynamic and engaging way for owners and employees to educate themselves to improve their risk management practices.

"We fully support this project. Tracey has been our lawyer for years and we can honestly say that, having access to the kind of risk management programs and policies that she brings to our business has literally changed the way we operate," said Chris Owens, Owner, Chugach Adventure Guides. "Tracey has taken us through litigation, catastrophic accidents, challenges to our permits, etc. Her advice is sound and our insurance company treats us with more favor knowing she is involved in our programs."

*Continued on page 11*



Justice Sandra Day O'Connor & former Alaska Commissioner of Fish & Game Frank Rue enjoy a day of flyfishing on Sitko Creek outside of Juneau. (The rainbow trout was quickly released back into the stream.) Photo by Annalee McConnell

## Harry Branson retires from federal bench

*By Cate Davidson*

Born in Chicago, raised in Pittsburgh and other locations where his father, a Gulf Oil executive was stationed, Harry Branson attended undergraduate school at Northwestern University in Chicago.

Following college graduation, and a two-year stint in the Army, he went to San Francisco. While living there, a friend suggested he try law school--which he did at the University of Chicago. He hated every minute of it. Especially

"I found the right woman (Siri) 42 years ago and she kept me from floating off the planet. She kept me grounded"

— Harry Branson



the overbearing professors who thought they were better than everyone else, and wanted to "beat" students down.

*Continued on page 13*

## FEATURED IN THIS ISSUE

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## 'Wild Bill' and Joe O'Connell leave their own legacies

By Jonathon Katcher

Two important players in the Alaska justice system recently passed from our midst. They did not hold high office. They did not bring about great legal precedents. But in their own ways they showed us what justice was, and was not, all about. That their paths should cross and their demises coincide makes their examples all the more poignant and noteworthy.

William "Wild Bill" Nelson, an institution in the Mat-Su Valley and Anchorage, died in December 2004. The son of pioneers, he was born and raised in the Valley. He had won and lost several fortunes. He was more than a little odd, perhaps due to a horse kicking the top of his skull off at age 4. He was a friend of children and often gave them candy and money. He was prone to pinching women. He was known to buzz houses in his small airplane and try to hit the chimneys with beer cans.

He also hated lawyers and publicized this hatred in a way that made the First Amendment about as real as possible. In the '80s and '90s Bill could be seen driving around the Anchorage and Palmer courthouses in a truck

covered with signs, among which "Lawyers Suck" was perhaps the most gentle. On the roof of his truck was a toilet labeled "The Throne of Justice." He honked his horn and gave everybody the finger. This hatred apparently arose from his belief that he had been done wrong by some lawyers in a business transaction. Bill got carried away in 1994 when he was charged with calling the Anchorage courthouse to warn that friends would dive bomb the courthouse with dynamite laden planes.

And yet Bill did not hate all lawyers. As witnessed by the photo, he was very fond of Joe O'Connell. Truer words were never spoken about Joe than that he had honor and integrity. Joe left us in early January 2005. His death was a shock to the many who knew and loved him. Joe excelled as a legal services lawyer, magistrate, municipal prosecutor and municipal attorney. His were not the big cases; they were the little cases that come in often overwhelming volumes. Small, volatile disputes, involving people at their worst and in need of



"I urge you take very seriously your duty to fairly and honestly respond to the bar poll."

calm professionals like Joe at their best.

So we may forgive Wild Bill's trespasses against the bar, particularly in light of his wise and widely publicized homage to the honor and integrity of Joe O'Connell.

### Juneau Convention Report

The 2005 Alaska Bar Association Convention was a spectacular success. Congratulations to Judge Keith Levy, who lead the planning of the convention, and to the Juneau Bar Association, for donating much toil and treasure towards the success of the event. And of course, many thanks to the Alaska Bar staff, particularly CLE Director Barbara Armstrong, for once again putting on an excellent convention.

United States Supreme Court Justice Sandra Day O'Connor was a truly inspiring guest. She was very gracious in her presentation of the American Judicature Society 2005 Herbert Harley Award to Judge Thomas Stewart for outstanding efforts and contributions resulting in

substantial long term improvement to the justice system at the state level. Her keynote speech was a timely and insightful discourse on the separation of powers. Her informal conversation with the very well prepared Justice Dana Fabe was informative and entertaining. I highly recommend that you view the videotape of the O'Conner-Fabe conversation recorded by Gavel to Gavel. Details are available from the Bar office.

Two stories say much about Justice O'Conner's charm and grace. The head table for the banquet included Justice O'Conner, her husband John, Judge Levy, his spouse Jan Levy, and Jan's father Doug Gregg, a member of the Bar since 1959. Mr. Gregg is reputed to be the last member to gain admission to the Bar by reading under the supervision of a lawyer rather than attending law school. Judge Levy advised the table that Mr. Gregg had played guitar with Ray Charles. When

Continued on page 3

## EDITOR'S COLUMN

## Defending the indefensible

By Thomas Van Flein

A former Bar Rag Editor urges me, whenever we meet, to make sure the Bar Rag is still "shaking things up." We published Mr. Kirk's article in the last edition, but it was not to "shake things up." Truth is, with the exception of one reviewer, no one had any real concerns about the article and the one person who did expressed not much more than a raised eyebrow. Of all the things we have published over the years, Mr. Kirk's article lacked any of the elements we typically see that cause controversy. But many current or former public defenders took issue with Mr. Kirk's article, and were further upset that the Bar Rag published it.

That fact that the piece created some controversy would be confirmation to most of the former editors that it was a good piece to publish. We could turn the Bar Rag, very easily, into a publication of press releases and "thank you" columns. Or a newsletter for pro bono activities. Some have fairly criticized us that the Bar Rag has leaned too far in that direction already. So we appreciate Mr. Kirk and others who take the time to

write a piece for us. Although some of the public defenders have called for a form of self-restraint or self-censorship by the Bar Rag on articles that could be offensive to others, doing so would ultimately limit us to publishing press releases, something I would find offensive.

Whether Mr. Kirk's article of fictitious satire was funny or insulting (or both) will remain a matter of opinion. I think it is beyond opinion, however, that public defenders have a difficult job, work under pressure, are underappreciated and underpaid. Both private and public defenders must sometimes defend the indefensible; that is, a defense must be provided to people who have committed heinous crimes against individuals and society. As lawyers we know the importance and necessity of that duty. Being a public defender is as much a patriotic duty in serving the ideals of this country as is serving in the military. Most people would disagree with me on that, but as I see it, public defenders



"Being a public defender is as much a patriotic duty in serving the ideals of this country as is serving in the military."

put into action what others have merely committed to on paper—paper sometimes labeled the "Constitution" or the "Bill of Rights."

Lastly, I take a moment to share my concern about publishing anything about "Wild Bill" in the Bar Rag (see Jon Katcher's article above). There is a natural tendency to view those who have passed away in a far better light than we did when they were alive. (You know, like saying Ronald Reagan saved the world or that Nixon was not really that bad after all). I am not out to change that practice and I am generally in favor of it. But I have strong reservations about publishing anything about "Wild Bill" in the Bar Rag since he publicly called for the killing of judges and lawyers.

The picture printed in this edition shows only a minor reference to this, but make no mistake: This man publicly and repeatedly called for the killing of judges and lawyers. We owe him no deference. We need not pay respect to a person who advocated unjustified violence and showed nothing but disrespect to our values, our courts and the people who serve them. It is only out of respect to Jon Katcher--the same respect shown all our writers--that the story and the picture proceeded to publication.

### QUOTE OF THE MONTH

"The women's rights wonderful campaign lasted a great many years, and is the most wonderful in history, for it achieved a revolution--the only one achieved in history for the emancipation of half a nation that cost not a drop of blood."

--Mark Twain, during his campaign for the Presidency, 1912

### Poll results from the March Bar Rag:

Are damage limits constitutional or unconstitutional?

76% Unconstitutional  
24% Constitutional

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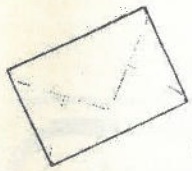
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April 26 - 28, 2006

[Editor's Disclaimer: As with all Bar Rag articles, advertisements and letters, we do not vouch for, stand by, or support most of what we publish. Nor have we cleared any of this with either the FDA or the Department of Homeland Security (fka Interior Ministry). We sure as hell won't be responsible for your hurt feelings or misguided reliance on anything we publish.]





## Letters to the Editor

### Health care directive clarified

Legislation I sponsored became effective that centralized and clarified advanced health care directives. Find a form with provisions in the law at: <http://www.alcrepublicans.org/Jweyhrauch/directiveform/weyh2004102001/php>.

One of the purposes of the law was to implement the "5 wishes" of individuals which are to define in writing:

1. Which person you want to make health care decisions for you when you can't make them.
2. The kind of medical treatment you want or don't want.
3. How comfortable you want to be.

4. How you want people to treat you; and

5. What you want your loved ones to know.

The legislation offers a simple, yet detailed list of options for individuals to request. In order to prevent the kind of nightmare that the nation witnessed with the Terri Schiavo situation, I urge everyone to fill out an advance health care directive and provide copies to their loved ones, their physician, and their attorney.

— Representative  
Bruce B. Weyhrauch

### A work of pure fiction

I try to not take life, or the *Bar Rag*, too seriously. However, after spending 23 years working for our clients

in the company of many dedicated Assistant Public Defenders here in Alaska, I feel compelled to respond to Ken Kirk's "The Public Defender Diaries" published in the last issue of the *Bar Rag*.

Mr. Kirk or the *Bar Rag* should have thought it important enough to let the reader know that Mr. Kirk is not now, has never been, and hopefully never will be, an Alaska Public Defender. Then all of the members of the Bar would have realized immediately that they were reading a work of pure fiction.

As with most fiction, there was a grain of truth in the "diary": innocent people do get convicted; juries sometimes do appear to ignore the "burden of proof stuff"; and judges almost always believe the cops over your client. This is the hellish world public defenders inhabit.

However the bulk of this "diary" is a fantasy world where the PD can't develop a defense unless the client is actually innocent; the PD becomes incensed at missing television shows while working on a case because the client winds up admitting guilt; the PD just "mails in" his sentencing performance because of anger at the client; clients are urged to plead because the lawyer does not have time to do another trial although able to leave work early to get a "brewski"; clients who claim innocence are considered to be "slimebuckets" and are coerced to plead with threats of refusing to work hard on their cases; and where defense witnesses are not interviewed because the lawyer knows they are lying.

Portrayals of such unethical, unprofessional and untrue behavior as a public defender experience are insulting at best and libelous at worst. Mr. Kirk and the *Bar Rag* owe all current and former public defenders an apology. They owe a debt of gratitude to the people that toil in this line of work for insuring that everyone's constitutional rights mean something, particularly in this age of homeland security. They owe a debt of gratitude to the people that give up the generous financial benefits of private practice and most of their free time so that the criminal justice system in Alaska does not provide one kind of justice for the poor and a better one for the rich.

I am proud of the work they do, and proud to be among them.

— Barbara Brink  
Public Defender

### A work of bad fiction

I just finished reading Mr. Kirk's "Public Defender Diaries", a work of bad fiction by someone who has never been a Public Defender in Alaska. Fiction or not, it is insulting to the dedicated, hard working attorneys and staff of the Alaska Public Defender Agency who do all we can to protect the rights of our clients and achieve the best outcome for each of them.

All of us who work at the Alaska Public Defender Agency feel that the rights of every citizen are important and deserve protection. The hard work of Public Defenders and Public Advocates assure the continued vitality of the Alaska Constitution's Declaration of Rights and the U.S. Constitution's Bill of Rights for all. The burned out, disillusioned, jaded, "plead em out", fictional Public Defender Mr. Kirk imagines is not someone I recognize from 25 years as an Assistant Public Defender. I can only hope it doesn't mirror Mr. Kirk's view of his clientele or practice of law.

I am not in favor of censorship but I am in favor of at least a small amount of editorial responsibility. I realize you say in the fine print that "We sure as hell won't be responsible for your hurt feelings or misguided reliance on anything we publish." but it would have been more appropriate to include a disclaimer that Mr. Kirk has never been a Public Defender and his account is fiction. I could have sent my initial reaction after reading Mr. Kirk's article and we could have tested the limits of the no censorship policy.

— James Cannon  
Assistant Public Defender

### Too close to home

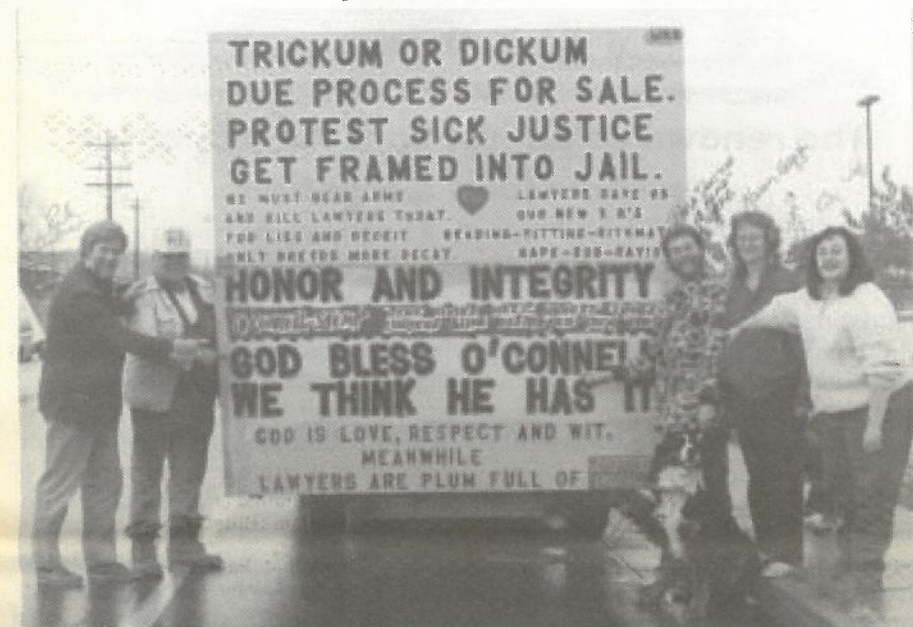
I read with (sad) interest Ken Kirk's satirical "diary" of a Public Defender, and although it was meant as humor, it struck close to home from my experience in that role.

Too often, when I first accepted the position, I felt that the individuals I was representing knew more about the law in the criminal justice system than I did. Or so it seemed. Too often, I saw little remorse for the violence that seemed to be breeding on the streets. Briefed on the seriousness of an offense and the consequences of a conviction, too often the response was "whatever"

Perhaps these defendants knew

*continued on page 4*

## 'Wild Bill' and Joe O'Connell



Gathering around Wild Bill's truck are (L-R) Rich Curtner, Wild Bill, Rob Herz, Karen Hegyi, Kathy Murphy (and Sterling the dog.)

*Continued from page 2*

I announced to the banquet that Mr. Gregg had played with Mr. Charles, Justice O'Conner shouted out, "No, Ray Charles played with him."

The evening after the convention many of us were fortunate to join Justice O'Conner on a fantastic whale watching cruise arranged by the Juneau Bar. Jeff Sauer and his wife Teresa Svancara served as our very able naturalists. We were blessed with sights of humpbacks, sea lions, and a pod of six transient orcas complete with a male bearing a six foot tall dorsal fin. The weather was great and the scenery was fantastic. Justice O'Conner warmly chatted with whomever came by, and sat for many photographs. Unfortunately, the dinner service did not go smoothly and we actually ran out of food. Upon realizing this I rushed to Justice O'Conner and her husband and urged them to go to the head of the line. She would have none of it, insisting that she wait at the end of the line like everybody else.

We were very fortunate to enjoy Justice O'Conner's presence. We are indebted to Judge Levy for arranging her visit and leading the organization of this very successful convention.

### Final Thought - The Bar Poll

There has been much of late about the Judicial Council and the judicial selection process. By way of full disclosure, I am now and have previously been a candidate for judicial office.

There has been much criticism of the bar poll. There is the belief in

some quarters that certain groups are getting together to block vote in order to skew the results for or against candidates. The members of the Council have told us that they have means to identify and account for block voting. They also tell us they are not unduly influenced by the bar poll. Rather, they put much more stock in signed written comments, as well as the interviews and other more substantive means of assessment.

The bar poll is nevertheless an important element of the judicial selection process. It is expensive to undertake and publish. It takes considerable time and effort to study and digest the results. I assume the Council would not proceed with the poll unless it had at least some usefulness.

Alaska has a model judicial selection process. The public's confidence in the judiciary is undermined if it thinks that any part of the selection process is unfair. We must perform our responsibilities in the selection process with integrity.

Therefore, I urge you take very seriously your duty to fairly and honestly respond to the bar poll. The bar poll is not meant to be political. Bar poll responses should be intellectually honest, based upon actual knowledge. If you do not know anything about the candidates then visit the Council's website which contains the applicants' autobiographical statements and photographs. But whatever you do, give accurate responses. Anything less will undermine respect for the selection process, the judiciary and the rule of law.

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# Bar letters

*Continued from page 3*

no other life among their peers. Perhaps the adults in their lives took too little notice of the dangerous path that young people were walking as they grew into adulthood. Perhaps they were not taught to understand the difference between right and wrong by their parents, teachers, employers or other potential role models. And by the time they reached our office, perhaps it was too late.

On the other hand, there were those cases when I know I did make a difference in guiding a defendant to the right path, to straighten out a life in time. There were exhilarating cases when a wrongfully charged defendant was exonerated through the hard work and caring in the Public Defender's Office. Unfortunately, there were too few of them.

I can't say I regret my choice to move into other areas of the law for the State, nor that I'm not better for the PD experience. If Ken Kirk's article serves to sow empathy for the often-thankless job of Public Defender, he and the Bar Rag will have done a service to the community.

— A State employee who for obvious reasons chooses to remain anonymous.

## Offense taken, forced to comment

I am writing in response to the alleged "Diary of a Public Defender" printed in the last edition of the *Bar Rag*. There really isn't much that needs to be said. It's been my experience that the private sector knows what indigent representation is really like, and it doesn't require defending. However, a few entries in the "diary" so offended me, I am forced to comment. I'll begin by pointing out the obvious: it was written by someone who has never been and never will be a Public Defender.

I was shocked and disgusted by Mr. Kirk's ridiculous "diary". In my seven plus years with this agency I have had roughly fifty trials. I have lost trials I was certain I would win. I have won trials I was certain I would lose. I have never felt so discouraged by any verdict that I would compel future clients to change their pleas and I don't know any attorney so feeble minded. Indeed, there have been many times I wished I could have forced a client to accept a plea bargain, but I do not have that authority. Any lawyer who missed that part of the bar exam should hand in their bar card.

It's a good thing too that I lack such authority. There have been numerous times when my client insisted on trial against my advice and, despite my misgivings, won. So I was shocked and appalled by the thoughtless suggestion that somehow after one lousy trial any attorney, much less a Public Defender, would feel so compelled. I have yet to meet an attorney who signed on for this work with the expectation that the caseload would be light and the clients easy to manipulate. Anyone that witless is weeded out early on.

Mr. Kirk was correct in one small aspect. Public Defenders have far too many cases to sufficiently represent anyone client in the 7.5 hours they are paid to be at work each day. So they don't. Instead they work late. They work weekends. They work holidays. They give up precious time with their families so that each client is fairly and adequately represented in each

and every case.

I have been privileged to call myself a Public Defender for more than seven years. In that time I have worked with easily the most skilled, knowledgeable, inspiring attorneys in the criminal defense bar. Every Public Defender I know could get a better paying job in the private sector tomorrow if they wanted one. Public Defenders exist to help those that no one else will help. They pledge to zealously advocate for anyone who comes through their door, regardless of whether they are innocent or grateful or even polite. This is God's work and I am proud to have had the privilege of working with the dedicated few who are willing to take it on.

Being a Public Defender is often a thankless task. Our clients are not always guiltless or gracious and we don't have the luxury of walking away from cases we don't like. We work lengthy hours of unpaid overtime and we work against seemingly insurmountable odds against opponents who have nearly all the cards. This is not a job for the weak and Mr. Kirk is wise to steer clear of it.

— Abigail Sheldon

## Bar Rag column 'not funny'

I am writing to express my disappointment with the Bar Association's decision to publish Mr. Kirk's article entitled "The Public Defender Diaries: Law on the downhill slope" in the *Alaska Bar Rag*.

I have been a member of the bar since 1993. I have been a public defender since 1995. My initial reaction to Mr. Kirk's article was that it is inaccurate. I assumed, when I started reading the article, that it was written by a public defender. I have since learned that Mr. Kirk is not a public defender. This explains why the article does not in any way reflect the real life of a public defender. However, by publishing this article, the bar association has given Mr. Kirk a forum for providing a false but extremely offensive picture of the criminal defense bar generally, and of public defenders particularly. Worse still, Mr. Kirk's article places all lawyers in a bad light, suggesting that an attorney would treat his or her clients in the demeaning and unethical manner that is portrayed in the article.

Mr. Kirk's article may have been intended to be a parody or satire. It is neither. It is not funny and it has no basis in reality. It had no place in the *Bar Rag*. I hope you agree and that in the future you will screen the articles you publish more carefully. Surely the Bar Rag is not so desperate for contributions that it will publish anything that is submitted.

I would appreciate hearing the Bar Association's views on this subject and would appreciate a reply.

— P. Spalding,  
Assistant Public Defender

## Sound-off silence

Although many of our current and former co-workers have reminded us that the strongest form of disapproval is silence, we feel compelled to briefly respond to Ken Kirk's "diaries" of a public defender. Despite being longtime "career" public defenders, we failed to recognize the cynicism Mr. Kirk attributed to the attorneys in our office, and we deplored his portrayal of all clients in the article as guilty persons and of their public defender as a lawyer who would knowingly suborn perjury.



## The renown columnist finds his humor lost on some folks altogether.

The actual diaries of a public defender would contain a description of nights spent preparing for trial or appeal. The weight of the responsibility for a client whose future depends on your skills, and the deep strength of the bonds that develop between public defenders during their shared experience in representing poor and disenfranchised persons who have been accused of crimes against the State.

As strong believers in the First Amendment, we are willing to defend Mr. Kirk's right to say whatever he chooses about public defenders. But where, as here, an author's purported attempt at humor fails to such an extent that a reader might actually believe the events that are described, we think that some disclaimer by the *Bar Rag* is required. The reader should be informed that Mr. Kirk has no personal experience with indigent criminal defense and did not interview any public defender (past or present) for the article.

— Margi A. Mock & Paul Malin

## Get the facts straight

The next time you steal someone's identity you should, at the very least, get your facts straight. It is quite obvious that you are not a Public Defender and my guess is that you never will be because of the disrespect you show to indigent people and to Public Defenders everywhere.

I am an Assistant Public Defender. I work for the Public Defender Agency by choice, not as a stepping stone to something "better". I have worked in Kodiak and Nome and am presently in Barrow. In every place I've worked I've found that the people I represent are smart, honest, & honorable people. From your writing it is obvious that you are none of these.

I am very glad that most of the people our Agency has represented or are representing will never see your article. If your drivel was meant to be funny it was not, if you wrote it as truth then you are a liar and if you wrote it to inform then you are ignorant and uninformed.

I wonder how your clients, assuming you have any, would feel if you wrote an article depicting yourself

and them in the same manner you depicted Public Defenders and indigent defendants. Here's an idea: change a few words so that your "Diary" applies to your practice and your clients and then publish those responses.

Unfortunately, there are no criminal statutes prohibiting your type of identity theft. Fortunately, all of us in the Public Defender Agency will continue working as hard as we always have for those who find themselves before the court and unable to afford private representation.

I am very proud of the work we do in the Public Defender Agency, the largest law firm in the state.

— Michelle Hall  
Assistant Public Defender

## The Editor's reply

Ms. Spalding requested a reply; and, in view of the criticism of the *Bar Rag* for simply giving space to Mr. Kirk, know this: We do not label any article as fiction, non-fiction, opinion or poetry. Often, one piece has all four elements. We expect our readers to discern the difference.

As for an unflattering portrayal "of the public defender 'experience,'" that too appears to be subject to debate, as the letter from the former P.D. implies. Is the *Bar Rag* "so desperate for contributions that it will publish anything?" One need only read one edition of the *Bar Rag* to know the answer to that. We do not fault public defenders for pointing out fictional inaccuracies. It is notable, however, that rather than address the events of Mr. Kirk's article, most letter writers preferred to attack Mr. Kirk personally, or the *Bar Rag* institutionally. Perhaps that is a useful tactic in court, but it is completely unimpressive in the forum of ideas.

— Tom Van Flein

## Re: Jeff Feldman & Texas pro bono

I just read your response to Drew Cox in the recent *Bar Rag*. I have rarely been prouder to be an attorney. Thank you for your efforts in that case, and for so articulately describing your motivations for undertaking to represent Mr. (Elroy) Chester.

— Jim Oswald



# Bar letters

## Kirk publicly defends article on public defenders

Thank you for the opportunity to respond to the many letters you received in response to my article entitled "The Public Defender Diaries". After reading them, I decided to bring in Garrett Morris to provide a translation for the humor-impaired. My response to these letters... "MY RESPONSE TO THESE LETTERS..."

All right, seriously people, get a life. Do you not get the style? If one is to present a piece in a diary format and have it be even remotely amusing, the diarist cannot be a normal, sane, rational person. Does anyone suggest Bridget Jones is a normal single Brit? The circumstances may be realistic, but the response has to be at least a little bit off or it's just another boring straight essay. Like this one.

But of course, I always try to have a serious point stashed away somewhere when I use humor, unlike some of the more wacky writers like, say, Molly Ivins. And the serious point here was, being a public defender is not an easy row to hoe.

Frankly, I was expecting I might have some PD's calling to complain that I was making it sound a lot tougher than it really is, and thus was hurting their recruiting goals. Yet not a one complained of this! Instead, the complainers pointed to

the reactions of my fictional young PD, who eventually becomes a cynical slacker who forces clients into plea agreements to avoid trials.

The complainers moaned that public defenders are all dedicated, hard-working people who would never do anything like that. Well, of course they wouldn't! If they did, it wouldn't be funny now, would it? Everyone knows PD's never get cynical or sell their clients short. Everyone recognizes that as simply absurdist humor, being used to make a completely different point. As quite a few of the letter-writers have insisted, there is nobody like that in the agency at all. So why would anyone take it seriously?

The point of the whole article was that there are a lot of unusual stresses on PD's. Like clients who are almost all guilty, but you have to defend them just as hard as you do the few innocents. Like clients who turn on you by claiming ineffective assistance of counsel. Like not getting enough time and resources to prepare for big trials. Like clients who lie to you. Does any

of this sound familiar?

So to make it clear to all those PD's whose feelings were hurt (one of them actually said that. Couldn't you just puke?), I decided to organize a big article, comprised of vignettes written by former PD's about their experiences in that service. The names were mostly suggested to me by a long-term PD.

I figured on a nice, big fluff piece with all these amusing stories by prominent attorneys and judges. Real feel-good stuff. I sent out 15 of these letters asking for contributions, and gave them more than a month to get them in. Want to guess how many responses I got? Bupkus. Not a one. Well okay, there was one guy who said he was too busy just then, and another who told me he didn't want to encourage my "journalistic career." Like today I'm just a struggling lawyer, but after a few years of writing these articles, I could land a cushy job down at the *Anchorage Press*. But I at least want everyone to know that I tried. Because I really,

actually, honestly do respect and like public defenders. I like other kinds of attorneys too, but that doesn't stop me from needling them now and again. C'mon, PD's, lighten up!

I would like to make one last point: most of these letters you editors received have as their primary point that I am not myself a public defender. It occurs to me that if your first instinct is to make an *ad hominem* attack on the messenger instead of addressing the message, maybe you've been a public defender too long.

*The Howard Cosell of the Alaska Bar, Kenneth Kirk*

(Man. Ed. Note: Just so that readers do not get the impression that the *Bar Rag* is engaging in sensationalist journalism by throwing fat on the fire of a controversy to boost its circulation and news stand sales, it should be known that the *Bar Rag* has a long-standing policy and courtesy to provide its authors with copies of letters to the editor to allow writers to respond if they choose.)

## LAW LIBRARY NEWS

• The Alaska State Court Law Library is pleased to welcome **Janai Powell Lane** as Deputy State Law Librarian. Janai joins us from Bellingham, Washington where she worked as a law librarian and a college professor.

Janai grew up in Anchorage, graduated from West High School and is excited about returning home after two decades in Oregon and Washington. Her father is recently retired attorney Jim Powell. She completed her undergraduate degree in Psychology at Whitman College, her JD at Willamette Law School, and her Masters of Library and Information Science at the University of Washington. When not engaging in her passion for legal research and helping people at the library, Janai enjoys running, bicycling, baseball, reading, and playing with her children. When in Anchorage, please come to the library and introduce yourself to Janai and let her know how she and the library can serve your research needs.

• Peggy Michielsen, Reference, Collection Development and Branch Supervising Librarian with the Alaska State Court Law Library for over twenty years, has completed a Masters of Science in Nutrition and is retiring her position to pursue a career in nutrition.

• Jessica Van Buren, former Public Services Librarian, has taken a position as Director of the Utah State Law Library.

• Cynthia S. Fellows, State Law Librarian, has been on part-time sabbatical, pursuing independent research at Oxford University, England and as a Visiting Fellow in Law Librarianship at the Institute of Advanced Legal Studies, University of London.

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## Board members pass the torch at the ALSC

With this issue, we note the departure of several ALSC board members who have come to the end of their terms of service. Members of ALSC's board serve without compensation, willingly give up four weeks a year to attend meetings, and provide oversight for an organization that — in spite of the changing winds of politics and the resulting financial challenges and policy uncertainties — is within striking distance of its 40<sup>th</sup> anniversary.

Art Peterson of Juneau and Mason Damrau of Fairbanks have attended their last board meetings (at least for a while). It is with a sense of overwhelming gratitude for their service, dedication, and loyalty that we say goodbye to Art and Mason, who have a collective 49 years of board service. Art's service began in 1974 and Mason's in 1987. Over the years, these two gifted wordsmiths patiently helped craft countless policy statements and resolutions. Both served numerous terms on ALSC's Executive Committee, chaired ad hoc and standing committees, and graced our board meeting table for so many years. We also bid a belated farewell to member Adam Gurewitz of Fairbanks, who relocated to the Lower 48 to be closer to extended family following his second child's birth. Adam was instrumental in helping craft a long-overdue retirement plan for ALSC staff. Adam's mastery of Excel will be missed, as will his good judgment and sense of fair play.

We said goodbye this spring to alternate members Keith Levy of Juneau and Steve Cole of Kodiak, both of whom received judicial appointments early this spring. Keith was tapped for the Juneau District Court, and Steve was appointed as the Kodiak District Court magistrate. We are grateful for their service and dedication to ALSC and wish them well in their new roles.

A new slate of attorney board members and alternates joined ALSC at its May annual meeting. We welcome new attorney members Karen Lambert of Kodiak and Joe Miller of Fairbanks, and new attorney alternates Chuck Robinson of Soldotna, Alan Schmitt of Kodiak (Alan is a former staff member and board member with many ties to ALSC), and Janell Hafner of Juneau.

Coincidental with the numerous membership changes that took place among the attorney members and alternates, a number of non-attorney member and alternate changes will be finalized by the September board meeting. We'll provide an update in the next Bar Rag.

### Volunteers: Spirit in Action

We can't miss this opportunity to say thank you to four dedicated Corporation for National and Community Service volunteers who are helping increase access to justice to Alaskans in need. AmeriCorps\*VISTA member Joel Stitt recently completed his 12-month term of service in the Fairbanks ALSC office. After receiving his two-year Information Technology Specialist degree from UAF in May 2005, Joel intends to pursue a degree in electrical engineering at the University of Hawaii at Manoa. AmeriCorps\*VISTA member Tori Lentfer came on board in November 2004 and, like Joel, was headquartered in Fairbanks. A 2004 graduate of the University of Montana School of Law, Tori spent five months with ALSC before leaving the VISTA program to study for the July Alaska Bar Exam. Tori was responsible for implementing ALSC's earned income credit initiative, a project that partnered ALSC with the Legal Aid Society of Orange County. Joel and Tori assisted hundreds of visitors in the Legal Learning Lab, conducted outreach presentations and courthouse demonstrations, and developed self-help materials for the Alaska Law Help statewide justice community website project. In early May, AmeriCorps\*VISTA member Penny Baker joined the Fairbanks team. A May 2005 graduate of UAF with a degree in Paralegal Studies, Penny completed her practicum in the Fairbanks office in the fall of 2004. Since the first of the year, she has volunteered hundreds of hours to assist ALSC's legal and front desk staff, and we are thrilled that she has made the year-long commitment to help expand ALSC's pro se legal education and self-help resource projects.

AmeriCorps member Sarah McKinney joined the Juneau office staff in January. A native of Conway, New Hampshire, Sarah attended the University of New Hampshire studying outdoor education and social work. She is conducting a community legal

education outreach program in 13 rural Southeast Alaska communities. Following the completion of her project, she hopes to be accepted into the Peace Corps Masters International program through the University of Montana to study intercultural child and family development.

Thank you, Joel, Tori, Sarah, and Penny, for your dedication and commitment to national public service and to ALSC.

### An Unfortunate Milestone

For several years, Catholic Social Services has housed and helped fund legal assistance to undocumented non-citizens under the legal wing of the Immigration and Refugee Services Project.

Unfortunately, the cost of the program outstripped CSS's ability to continue funding it. As a result, CSS made a difficult decision to terminate the legal assistance portion of the IRSP. Meanwhile, ALSC passed a resolution at its March 2004 board meeting, as follows:

Whereas, the Alaska Legal Services Corporation (ALSC), as a recipient of funding from the federal Legal Services Corporation (LSC), is subject to several federally-imposed restrictions that preclude the provision of legal assistance to undocumented aliens; and

Whereas, Catholic Social Services created the Immigration and Refugee Services Program in 1987; and

Whereas, the IRSP created the Pro Bono Asylum Project in 1998; and

Whereas, over the years, thousands of indigent immigrants, residing within and outside of Anchorage, have had the ability to pursue critical immigration legal remedies due to the existence of this program; and

Whereas, in March 2005, Catholic Social Services has announced that due to funding constraints, it has to restructure the IRSP to maintain the provision of social services, but discontinue the provision of legal representation;

Now, therefore, it is hereby RESOLVED that ALSC wishes to express its appreciation to Catholic Social Services for having provided this vitally needed legal assistance; and to express its profound regret that Catholic Social Services is unable to continue the provision of legal assistance to immigrants in Alaska; and that ALSC wishes, within the limits imposed upon it by federal law, to work with Catholic Social Services and any other interested agencies to attempt to continue provision of this invaluable service.

ALSC cannot be much help in this situation, due to the restrictions noted in the resolution. However, the organization that "spun off" from ALSC in 2000, the "Alaska Pro Bono Program Inc.," does not receive LSC funding and is thus not subject to LSC restrictions. Unfortunately, APBP has been on an extremely tight budget for the past three years due to the impact that record low interest rates have had on IOLTA (Interest on Lawyers Trust Accounts) funds administered by the Bar Foundation, which is the principal source of APBP's funding. Thus, help is needed from any corner of our profession that can help in an endeavor to create a "new and improved" program like a phoenix rising from the ashes of the old.

### Unbundling and Pro Bono

The need for attorneys to volunteer time pro bono continues, as to indigent Alaskan citizens and indigent non-citizens.

The Alaska Supreme Court recently took a step with respect to "limited representation" which may make it easier for some timid attorneys to volunteer time pro bono to indigent clients in state court civil cases. Order No. 1544 amended Alaska Rule of Professional Conduct 1.2 and Civil Rule 81 to specifically allow "limitation of representation."

The change makes it clear that it is both permissible ethically, and practicable under the civil rules governing appearances and withdrawals, for an attorney to agree to represent a client for something less than an entire civil case.

The civil rule allows withdrawal upon expiration of a limited entry of appearance, if the withdrawal and the original limited entry of appearance meet certain conditions. The limited entry of appearance must have been filed and served before or during the initial action or proceeding, expressly stating that the appearance is limited and identifying the limitation by date, time period, or subject matter, with service on all parties of record.

Withdrawal is made by a notice, served on all parties of record, stating that the limited representation has concluded; certifying that the attorney has taken all actions necessitated by the limited representation; and providing a current service address and telephone number for the client. The withdrawal is then effective upon the filing of the notice, without need for court action or approval. (Although the rule doesn't specify whether the client from whose representation the attorney is withdrawing is included in "all parties of record," it would seem a good practice to include the client in the service of the notice.)

A note added to Rule 81 gives examples of the types of allowable limitation:

Note: An entry of appearance filed under (d) of this rule must identify the limitation of representation. For example, a limitation by date may state "representation is provided through December 31, 2004;" a limitation by time period may state "representation is provided through the end of discovery;" or a limitation by subject matter may state "representation is provided only for the purpose of drafting an opposition to summary judgment and appearing at oral argument on summary judgment."

The change to Alaska Rule of Professional Conduct 1.2 adds some ethical responsibilities to the attorney. The rule is changed from allowing limitation of the "objectives" of the representation to allowing limitation of the "scope" of the representation, adding a requirement that the limitation be reasonable under the circumstances as well as client consent after consultation.

A written fee agreement, if one is required by Rule 1.5, has to describe the limitation on the representation. (Even if one is not required, any written agreement should probably describe the limitation.)

The lawyer is to discuss with the client whether a written notice of representation should be provided

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# Email etiquette will improve your efficiency!

By Mark Bassingthwaighte

As law offices grow and Internet access is available to all office staff, the time spent dealing with email quickly becomes substantial.

Unwanted junk email, personal email correspondence, and internal and external business email all add to the fray. The staff productivity costs are troublesome. The issue of unwanted junk email can be addressed via technological solutions, and the issue of personal email can be addressed via an office email use policy. This article addresses the issue of managing work-related email, which in and of itself can be a significant time burden.

Email is necessary and appropriate for today's law offices. However, if used inefficiently, internal and external work-related email can reduce productivity. The following email etiquette guidelines can help reduce the time spent with work-related email, and can restore efficiency.

## In all email:

### 1. Be concise.

It takes time to write unnecessary information as well as to read it. Multiply the small time spent on unnecessary information by the several hundred emails received in the office, and the wasted becomes significant. Keep it short and relevant.

### 2. Answer all questions and think ahead.

Minimize the need for multiple emails to resolve one issue. Answer specific questions raised, anticipate what the reader may need as a result of your reply, and provide the additional information up front.

### 3. Do not attach unnecessary files.

Large files take a long time to download via dialup connections. This can create problems for attorneys or staff working while "on the road." Personal file attachments coming in to the network from external sources create security issues, and therefore the firm network should not be used for personal attachments. If there is no legitimate work need for the attachment, don't send it.

### 4. Do not overuse the high priority option.

The repeated use of this option can come across as aggressive and self-serving. It will lose its functional value simply because others eventually begin to ignore it, thereby diluting its effect. Also, remember that email spammers use this function as they try to encourage recipients to open

the junk email. Because spammers overuse the "high priority" label, many individuals simply ignore the label without even opening the email. While there are times where this label is necessary, you can dilute its effect through overuse.

### 5. Do not write in all capitals.

In the virtual world, the "all caps" format is equivalent to shouting. If you have a need to shout, do it in person. Firm email is not the place to work out differences.

### 6. Ask yourself whether the message thread is necessary. If not, delete it.

The message thread often is necessary, but for extended conversations the thread can get quite long. The thread also takes up precious space on your firm's server. On replies, delete either the thread or those portions of it that aren't needed. If the thread is relevant, consider deleting earlier copies of the email if the thread stays active in a current exchange. Multiple copies unnecessarily consume significant drive space.

### 7. Do not overuse "Reply to All."

If this function isn't essential to your email's message, don't use it. No one in the firm has the time to read unnecessary email, and it wastes system resources.

### 8. Do not forward chain letters — delete them.

These letters almost always are a hoax. In any case, they have no legitimate business purpose and unnecessarily expose the network to viruses. If friends or family routinely send such email to your firm email address, kindly ask those persons to stop the practice, and have them send these emails to a personal or home email address.

### 9. Do not request "delivery and read receipts."

This request often simply annoys the person receiving the request. It also often doesn't work because the function can be easily blocked. Internally there are few situations that require this function. If you need confirmation that something was received and read, ask for it in the text of your email. This approach is more courteous and has become the accepted standard in the virtual world.

### 10. The firm network is not confidential. Do not discuss confidential information in email.

You may be comfortable having a confidential conversation over the firm network — but remember, the other person may not. If you avoid discussing confidential information in

an email, you avoid unintentionally worrying others.

### 11. Do not make or forward libelous, sexist or racially discriminating comments in emails, even if meant to be a joke.

This is a fast track to discipline, as the act exposes you and the firm to expensive law suits. What may be funny to you may be highly offensive to another. Don't assume otherwise.

### 12. Do not use "URGENT" or "IMPORTANT" in the subject line unless the matter truly and absolutely is urgent and important. Email seldom is that urgent or important.

Again, remember that "all caps" is the virtual equivalent to yelling. When you use "all caps" to emphasize urgency or importance, your email may not be well received. Further, remember that all of the work your firm does is considered important.

### 13. Do not reply to spam, not even in an attempt to remove yourself from the spammers email list.

Replies that request removal from a spammer's email list often will ensure that you will continue to receive additional spam. This is because your "request removal" email confirms that your work email address is operable. Just delete the spam, and remove it from your "Deleted Items" to save system resources.

### 14. Use cc: sparingly.

Many times the individual's receiving the cc: is uncertain as to why they were copied in. The email typically doesn't clarify who is responsible for taking action on the email or who is to receive the reply. What ends up happening is "reply to all" gets selected and unnecessary email volume grows. If you use cc: consider placing a concise statement as to why. Example "cc: to attorney as an FYI, paralegal will follow up."

### 15. If a reply isn't warranted don't send one.

It's all about time, and the fact that neither the sender nor the recipient has enough of it to tolerate waste. Don't waste such valuable time. A "thank you" reply followed by a "you're welcome" response wastes

time and system resources. In a law office setting, appreciation for each others' efforts is understood.

### 16. No Public Flaming. (Messages sent in anger.)

A "flame" is a message sent in anger, and usually is confrontational. Such email sent to a broad audience only exacerbates the situation, and in most instances the sender later regrets sending the "flame." Flaming serves no purpose, and does not contribute to a positive and productive work setting.

## For External Email:

### 1. Review for proper spelling, grammar and punctuation.

Email presentation reflects the firm's public image, so make it professional.

### 2. Consider creating templates or pre-formatted email for use with questions or issues that arise frequently. Share your templates with other firm members.

It's all about efficiency, and sharing time-saving ideas and knowledge is one of the simpler ways to increase efficiency.

### 3. Answer quickly or acknowledge receipt.

Typically, business customers use email because they want a quick response. You should either reply within 24 hours, or send an acknowledgement assuring the sender that you will respond within some given time period. Be certain to follow through.

### 4. If you are sending out sample forms, include a disclaimer!

The disclaimer will help protect you from liability. There are plenty of available Disclaimer samples. See your firm administrator if you don't know where to find them. For increased efficiency, you can insert the disclaimer language into a "macro" format command, which will allow you to quickly insert the disclaimer whenever you need it.

The author is risk management Coordinator for ALPS mbass@alpsnet.com

## Passing the torch

Continued from page 6

to other interested parties. This is important to the communications parameters under Rules 4.2 (Communication with Person Represented by Counsel) and 4.3 (Communication with Unrepresented Person). Rule 1.5 states that an otherwise unrepresented person to whom limited representation is being provided is considered to be unrepresented for purposes of Rules 4.2 and 4.3 unless the opposing lawyer knows of or has been provided with written notice, either stating that the lawyer is to communicate only with the limited representation lawyer as to the subject matter or the limited representa-

tion, or a written notice of the time period during which the lawyer is to communicate only with the limited representation lawyer concerning the subject matter.

Although the new rule change has obvious application to fee-for-service clients, it also should make it easier for an attorney to volunteer time pro bono to help a needy client, on a limited basis, as to a particular motion, or discovery problem, or hearing. The flexibility the rule changes allow should make it easier for all of us to fulfill our professional obligation under Rule of Professional Conduct 6.1.

Contributing writers: Andy Harrington, Beth Heuer, and Vance Sanders



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## The wisdom of crowds: How reliable are juries?

By Rick Friedman

"[I]f you can assemble a diverse group of people who possess varying degrees of knowledge and insight, you're better off entrusting it with major decisions rather than leaving them in the hands of one or two people, no matter how smart those people are."

— James Surowiecki, *The Wisdom of Crowds*, p. 31

The jury is the most populist and democratic of our institutions. It is not surprising that those with power rail against the prospect of facing a jury's judgment. How dare this rabble make important decisions about the quality of engineering, or medicine, or the propriety of complex business deals? Important societal decisions should be left to those with the training, education and expertise to understand the complexity involved.

Of course the same arguments have been made against democracy itself. Why allow the unwashed masses to determine the course of a nation?

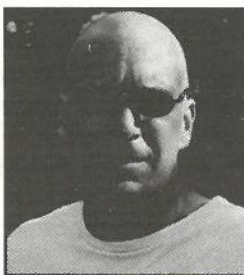
Those seeking unbridled power and control always have and always will seek to weaken the jury system.

But what of those of us entrusted with protecting and defending the jury system, the judges and lawyers? Many of us regard the jury the way an ancient aboriginal priest might regard a ceremonial mask—a necessary symbol and tool to assist in achieving his own ends. Maybe we recognize that a judicial system totally controlled by judges and lawyers would command less respect without the window-dressing of a jury.

Should the jury be more than window-dressing? I am afraid that deep in our hearts many of us don't really believe it should. We pay lip service to "the wisdom of the jury" while acting like we don't believe in it for a minute. "You never know what a jury will do," we say knowingly to each other. The implication is not that we are too stupid to figure out the jury, but that the jury is too stupid to be reliably predicted by us.

The unstated intellectual premise of many judges and lawyers is that having faith in a jury—or the jury system—is like having faith in Santa Claus or the Easter Bunny—silly and not worthy of an adult intellect.

And so, we trial lawyers try to flatter and trick our juries, while making cynical comments about them among ourselves. Meanwhile, our judges limit their power and lie



**"What should attract us to democracy, populism, diversity, and the jury system, is not sentimentality, but a pragmatic interest in efficient and accurate decision-making."**

to them about it. *Kodiak Island Borough v. Roe*, 63 P.3d 1009, 1016-17 (Alaska 2003) (improper to tell the jury the truth about the limits on its ability to award damages).

Two recent books should be read by anyone who works with the jury system. The first is by famed Texas plaintiff lawyer Jim M. Perdue. Some of you may have read his classic book on personal injury closing argument, *Who Will Speak for the Victim?* Mr. Perdue has now written *I Remember Atticus; Inspiring Stories*

*Every Trial Lawyer Should Know*.<sup>1</sup> In this short book of essays and stories, Perdue covers subjects like the biblical bases for modern tort law and trial procedure; landmark desegregation cases; and the Bill Haywood trial. But the most compelling story in the book involves a case many judges and lawyers have never heard about. In 1999, when the New York Times asked legal scholars to identify the most significant legal case of the millennium, they picked the case of Edward Bushell, a case more than three centuries old, from the summer of 1670.

This case stands for the proposition that it is the judge's responsibility to decide the law, the jury's responsibility to decide the facts. But the story of the case tells us much more; it shows the importance of jury power in protecting us all from authoritarian government impulses.

This story has it all: idealistic self-sacrificing heroes and heroines risking torture and death, overbearing villains, dramatic courtroom scenes, prison scenes, chase scenes, and of course, sex scenes. In fact, it is surprising it has not been made into a movie. I was lucky enough to hear Jim Perdue tell this story to a crowd of lawyers about a year ago, and it gave me goose-bumps.

The jurors in this case *were* imprisoned and tortured as they tried to protect their verdict. One died.

Today, of course, we don't imprison jurors until they return the correct verdict, we just undo their verdict after they leave the courtroom. *Evans v. State*, 56 P.3d 1046 (Alaska 2002).

The Bushell case should give us all pause. As Perdue points out, the principle of jury independence was brought to the colonies. When England attempted to control the colonies through refusal of the right to jury, this became one of the specified causes for the revolution listed in the Declaration of Independence.

People have died to protect the right to jury. Like Thomas Veer, the juror who died in Bushell's case. They were willing to risk their lives, not out of sentimentality, but from a pragmatic understanding that the

jury system is one of the most effective obstacles and deterrents to the abuse of power. And danger from the abuse of power will always be with us.

That we need the jury tells us nothing about the quality of jury decisions. Perhaps juries are necessary, but do their decisions deserve our respect? Life is more complicated than in Bushell's time. We are no longer arguing about whose cow ate whose cabbage. Wouldn't we be better off with professional decision-makers or expert panels making decisions for us? How can a group of unsophisticated lay people be trusted with the important and complex problems presented in today's courtroom? *New Yorker* staff writer, James Surowiecki, has written an entertaining book which provides much food for thought on this subject.

In *The Wisdom of Crowds*, Surowiecki compares the quality of group and individual decision-making in a variety of contexts. Reviewing scores of social science studies and experiments, as well as real world examples of individual and group decision-making, Surowiecki comes to some counter-intuitive conclusions. Among them:

- Expertise is over-rated and over-valued in the context of decision-making. Experts of all types routinely believe they know and understand more than they do.

- In almost all decision-making contexts, groups are "as smart or smarter" than even the most talented individual decision-makers.

- The smartest groups are made up of people with diverse perspectives who are able to stay independent of each other.

- A group of "experts" usually makes poorer decisions than a group including people from diverse backgrounds.

There is much more. The book is light and easy to read, but the information is important and compelling. While Surowiecki barely mentions juries, when he describes the "ideal" conditions for human decision-making, he is describing the conditions that exist in an American jury room. Anyone seeking scientific support for the jury system—or Affirmative Action for that matter—need look no further than this book.

In the end, Surowiecki shows that in a culture that exalts the "excellence" of the individual, the "excellence" of the specialist, the "excellence" of the elite, the best decisions are made by groups of ordinary people from a variety of backgrounds. In short, what should attract us to democracy, populism, diversity, and the jury system, is not sentimentality, but a pragmatic interest in efficient and accurate decision-making.

(Footnotes)

<sup>1</sup> Published by the Texas Bar Association.

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# New changes in child support laws & numerous family law forms

By Steven Pradell

For the Alaska Family Law lawyer, child support laws change more frequently than any other aspect of our practice. This is true, in part, because Federal law mandates periodic review of child support laws. Effective April 15, 2005, numerous changes to Civil Rule 90.3 became effective, such that many of the family law court forms have been revised and your old set of forms need to be discarded and replaced. Luckily, these forms are available on line at the Alaska Court System's website: <http://www.state.ak.us/courts/forms.htm>, and at the Alaska Court System's Family Law Self Help Center's Website, e.g., <http://www.state.ak.us/courts/support.htm>. Also, there are new forms available for calculating child support in certain situations, such as hybrid custody (DR-307) and divided custody (DR 307). These new forms should make it easier for practitioners to calculate support and to eliminate problems as to how the calculations should occur. There is also a new form called "Information Sheet," (DR 314) in which social security numbers will be placed, and they will be eliminated on the child support Orders, due to the increased problems with identity theft. However, social security numbers are still required to be put on the Certificate of Divorce Forms which are filed with the court but ultimately are sent to vital statistics.

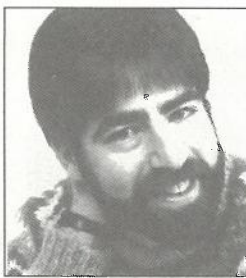
Lawyers should look at the new rule, which is set forth in Supreme

Court Order No. 1526, and can be viewed on the internet at <http://www.state.ak.us/courts/civ2.htm#90.3>. Also, the commentary has been changed to reflect the recent changes to the rule. A March 7, 2004 Memorandum prepared by Susan Miller of the Alaska Court System will walk a practitioner through the changes as well.

Some of the changes to Civil Rule 90.3 are set forth below. Perhaps the most important change effects those obligors at both ends of the economic scale. For the affluent, the \$84,000.00 income cap has been eliminated and replaced by a \$100,000.00 cap. For those below poverty level, the automatic \$50.00 child support for those

**Perhaps the most important change effects those obligors at both ends of the economic scale.**

below the 2005 poverty guidelines amount of \$11,950.00 in Alaska for one person has been eliminated and replaced by a sliding scale which now requires that the normal 90.3 calculation be made, with a minimum payment of \$50.00 per month, \$600 per year for those at the lowest income levels. Moreover, the shared physical custody calculation has been changed. In the past, the rule has not



**"Read the new rules and replace your forms."**

applied the child support cap initially, but only used the cap at the end of the calculation to determine if support would have been lower if the cap had been applied based on a primary custody child support calculation. Effective April 15, 2005, you apply the cap initially to the shared child support calculation. This change

may open the door to motion practice for prospective support modifications for those obligors who have shared custody and very high incomes.

There is also a seasonal income option which can allow those obligors with fluctuating monthly incomes to pay more support during the income earning periods and less during other periods, such that the same average annual child support amount gets paid. This must be done by agreement of the Obligor and upon approval by the court. If the order is issued during a period in which the obligor is not working, the "average" (i.e. annual child support divided by the number of payment per year) child support must be paid.

There is a new section, 90.3(e)(2) which allows an obligee to request that income information be exchanged by means of a written demand. This is an extension of the present discovery rules, designed to allow obligees access to support information for calculation purposes prior to filing a motion

for modification. However, there is no built in sanction and a motion will be needed to enforce it. Meanwhile, due to the prohibition on retroactive modification of support, those who hold off on filing a motion while waiting for this information lose the ability to immediately increase support if they file now and it is later determined that an increase is justified.

There are changes to the deductions allowable from gross income, including deductions for state, local and self-employment taxes. There are also changes to the former law, which prohibited an obligor from taking any deductions from a legitimate voluntary retirement plans so long as a mandatory plan was in effect. The new rule allows employees with mandatory retirement plans requiring contributions of less than 7.5% of gross wages to also deduct voluntary retirement plan contributions such that the total contribution does not exceed 7.5% of gross wages.

So, read the new rules and replace your forms, including the court packets for dissolutions with children, and court packets for *pro se* litigants filing custody complaints, modifications, etc. Also, be ready to advise your affluent and/or poverty stricken obligors that it may be time to file a child support modification motion if the mandatory 15% change is met using the applicable child support calculations.

©2005 by Steven Pradell. Steve's book, *The Alaska Family Law Handbook*, (1998) is available for attorneys to assist and educate their clients regarding Alaska Family Law matters.

## Deadline to register as counsel was May 15

Non-California attorneys employed in California as in-house counsel must have registered with the State Bar of California by May 15, 2005.

In March 2004, the California Supreme Court adopted California Rule of Court, Rule 965 (Registered In-House Counsel), which requires non-California attorneys employed as in-house counsel in California to register with the State Bar.

The Registered In-House Counsel program allows non-California attorneys employed as in-house or corporate counsel to practice law in California on a limited basis. Registrants are not required to take and pass the California Bar Exam and therefore will not become members of the State Bar of California.

Applicants were required to submit a Registered In-House Counsel Application packet and an Application for Determination of Moral Character no later than May 15, 2005. Application forms, instructions and fee information are available on the State Bar's website at [www.calbar.ca.gov](http://www.calbar.ca.gov). (Attorney Resources>Multijurisdictional Practice (MJP) Program.)

For more information about this program or for assistance with the application process, please contact the Office of Certification at (415) 538-2325 or e-mail at [mjp@calbar.ca.gov](mailto:mjp@calbar.ca.gov).

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## The future of the federal estate tax

By Steven T. O'Hara

The U.S. House of Representatives voted recently, as it has in the past, to repeal the federal estate tax. The battle now lies in the U.S. Senate, where Democrats will need to join with Republicans to avoid a filibuster and repeal the tax. The future of the tax is likely to be decided this summer.

The law currently in effect repeals federal estate and generation-skipping taxes beginning in 2010. Unfortunately, the current law contains a "sunset" provision that provides, in effect, that the repeal will last one year only (*Economic Growth & Tax Relief Reconciliation Act of 2001* at Section 901).

In other words, at present the U.S. government has scheduled one year—the year 2010—for there to be a moratorium on federal estate and generation-skipping taxes.

During the year 2010, however, clients could owe substantial tax if they *gift* any of their property because the law does not repeal the federal gift tax.

What is crazy about the current law, of course, is that wealthy clients generally must die in the year 2010 to avoid federal transfer taxes. As a result, if this law stays in effect, be on the lookout for greedy children to plan dangerous vacations for their wealthy parents to take in 2010.

All cynicism aside, a quick review of the law will provide context for the drama that will likely occur this

summer.

The amount that may pass free of federal estate tax is generally known as the unified credit equivalent amount or, more recently, the applicable exclusion amount. Here we will call it the "exclusion."

From 1987 through 1998, the exclusion was \$600,000. Beginning January 1, 2000, the exclusion was increased to \$675,000. The exclusion was scheduled to increase to \$1 million in 2006.

Under the 2001 Tax Act, the exclusion increased to \$1 million in 2002, four years earlier than the pre-existing schedule. Beginning January 1, 2004, the exclusion increased to \$1.5 million but only under the estate tax. (The exclusion remains at \$1 million under the gift tax.)

The exclusion is scheduled to increase to \$2 million in 2006 and \$3.5 million in 2009 but only under the estate tax. (The exclusion remains at \$1 million under the gift tax.)

In addition, the 2001 Tax Act reduced the top estate and gift tax rate from 55 percent to 50 percent in 2002, 49 percent in 2003, 48 percent in 2004, and 47 percent in 2005. The law contains further reductions to 46 percent in 2006 and 45 percent in 2007.

Under the sunset provision, the 2001 Tax Act is scheduled to go out



**"One way or another, much of the uncertainty in federal transfer taxes will likely be eliminated this summer."**

of existence in 2011 as if it had never been enacted. The effect of this sunset provision is that, in 2011, the top estate and gift tax rate will increase back to 55 percent and the exclusion will decrease back to \$1 million. The present effect is uncertainty.

So current law contains good news, but it also contains bad news with the scheduled erasure of all tax breaks in 2011.

Many are hoping the U.S. government will, this summer, create only good news and change the law to make the reductions or repeal permanent. As a practical mat-

ter, in the face of general opposition from the Democrats, complete repeal may be politically impossible.

Look for a compromise to be worked out this summer. For example, one compromise being talked about is to increase the exclusion to a very high level, such as \$10 million. So only estates in excess of \$10 million would be subject to federal estate tax. Also under this proposal, the top estate tax rate would be 15 percent, the same as the current top income tax rate on capital gains.

One way or another, much of the uncertainty in federal transfer taxes will likely be eliminated this summer.

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## Alaska attorney develops risk tool for outdoor recreation providers

Continued from page 1

The DVD also includes a PDF outline that details specific case studies referenced in the DVD and provides a bibliography of risk management materials. In addition, the DVD includes a document that describes the Supreme Court decisions from each of the 50 states on use of release and waiver contracts and categorizes these decisions from strict to lenient, and a document that lists current outdoor recreation legislation in each of the 50 states.

"The State of Risk DVD and literature will help to advance the outdoor recreation industry's education regarding risk and legal liability," said outdoor recreation lawyer Reb Gregg, dubbed "Dean of the Outdoor Bar" by Outside Magazine. "Thanks to Tracey's initiative, teachers, program administrators and other industry professionals have a significant new tool to help them in managing risk within their programs."

Knutson predicts that the DVD will have a three-year shelf life, after which it will need to be updated with current outdoor recreation legislation and case studies.

"An outfitter that adheres to and educates themselves on current, consistent risk management principles provides a more professional experience for their clients, while reducing financial risk to their business and the industry as a whole," said Knutson. "As new guidelines are created for underwriting outdoor recreation oriented groups and determining criteria for insurability, a product like this gives operators a tool to demonstrate their insurability to insurance brokers."

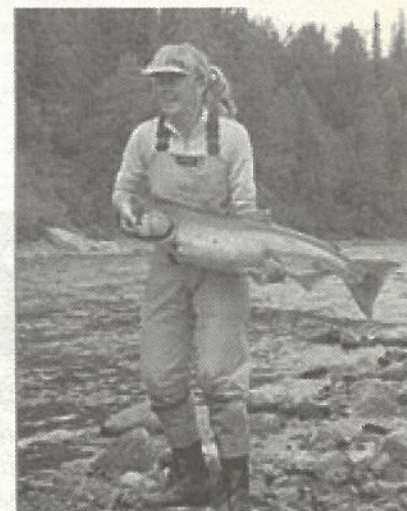
The State of Risk has received support from the recreation-oriented insurance industry, with 16 of the leading brokers in the industry marketing the DVD in some form to their policyholders.

"This is the best recreation industry risk management tool I have reviewed in my 30 years in the insurance industry," said Jim Sattler of Sattler Insurance. "The simple outline approach will help all who utilize it properly to reduce most risk management pitfalls. This risk management tool will assist the insurance industry when evaluat-

ing and underwriting outfitting accounts. Participating businesses, who qualify, will benefit financially with proven adherence to these risk management techniques."

The State of Risk DVD has also received overwhelming support from leading industry associations, many of which have chosen to appear on an "Industry Resources" page on the DVD. Participating associations include: Outfitters Association of America, America Outdoors, Professional Paddlesports Association, Cross Country Ski Areas Association, Dude Ranchers Association, National Ski Areas Association, American Camping Association, American Mountain Guides Association, Heli-Ski US, International Mountain Biking Association, American Alpine Club, NOLS, Wilderness Medical Institute, Student Conservation Association, AORE, Rescue3 International and Outward Bound.

"The essentials of risk management for outfitters are communicated clearly and effectively on this video," said David Brown, Executive Director, America Outdoors. "It is an excellent training tool or refresher course for guides, managers and owners."



Tracey Knutson "researches" outdoor visits.

"This video is very important for outdoor recreational program owners and managers," said Matt Menashes, Executive Director for the Professional Paddlesports Association. "This is one of the best learning tools I've seen for our industry, and I will be recommending our members use it for staff training."

More information on the project is at [www.traceyknutson.com](http://www.traceyknutson.com).

### In the Supreme Court of the State of Alaska

In the Disciplinary Matter Involving ) Supreme Court No. S-11819  
Harland H. McElhany, II, )  
Respondent ) **Order of Disbarment**  
)  
ABA Membership No. 9411110 ) Date of Order: 4/19/05  
ABA File Nos. 2002S048 and 2002D058 )

Before: Matthews, Eastaugh, Fabe, and Carpeneti, Justices  
[Bryner, Chief Justice, not participating]

On consideration of the findings, conclusions, and recommendation submitted by the Alaska Bar Association Disciplinary Board under Alaska Bar Rule 22(n) for review by the supreme court under Alaska Bar Rule 22(r),

#### IT IS ORDERED:

1. The Disciplinary Board's findings, conclusions and recommendation for discipline are APPROVED.
2. Attorney Harland Harry McElhany II is DISBARRED from the practice of law effective 05/19/05.
3. McElhany shall pay the Alaska Bar Association \$1000.00 in attorney fees and \$389.37 in costs.
4. If McElhany seeks reinstatement under Alaska Bar Rule 29, he must prove that he has met the following terms and conditions:
  - (a) restitution of all losses suffered by clients or for payments made from the Lawyers' Fund for Client Protection as the result of the misconduct with interest at the rate set by the Civil Rules from the date of loss or payment;
  - (b) satisfactory completion of the Multi-State Professional Responsibility Examination;
  - (c) attendance at a legal ethics CLE of at least two credit hours; and
  - (d) attendance at a CLE course in the area of client trust accounts and trust funds.
5. Satisfaction of the above conditions carries no implication that McElhany will be reinstated, as no disbarred attorney has any basis for an expectation of reinstatement.
6. If the court orders reinstatement, and if McElhany returns to the active practice of law, he must hire an independent auditor, accountant or bookkeeper acceptable to bar counsel to oversee his financial and trust accounting practices and who will provide to bar counsel quarterly reports of compliance with approved accounting standards for as long as bar counsel deems necessary, but for a period of no less than two years.

Entered by direction of the court.



# Society is a quick fix for constitutional addicts

By Peter Aschenbrenner

Members of the Alaska Bar Association will be interested in the opportunity to join the Supreme Court Historical Society, created in 1974, a non-profit organization devoted to expanding public awareness of the history and heritage of the Supreme Court. A useful Web site at [www.supremecourthistory.org](http://www.supremecourthistory.org) will supply pertinent details.

Until 1974 there was no single organization devoted to preserving and collecting the Court's artifacts and memorabilia. Now, with the support of the Court itself, the Society collects and displays the Court's history and heritage, specifically in exhibits located at the Supreme Court itself. This is really a must see for the young'uns if only to remind them that their parents are not responsible for everything that happens in this republic.

If you visit the Supreme Court you will find the Society's bookstore located on the premises, together with gifts which may cause (in effect) one to be moderately amused or to collapse on the federal floor beneath, and I leave it to individual conscience whether to weep or cheer. But history needs artifacts and if they are supplied-to-measure, discretion leaves to historians the task of sorting out the truth from our generation's violations of good taste. Those bobble-headed dolls of The Nine are not for sale; not there, at any rate.

Important historical research is supported and published by the Society. The Journal of Supreme Court History contains scholarly articles on the history of the Court, its members and those who have appeared before it. It is, in a phrase, a darn cheap way of getting one's fix of constitutional history.

The privileges and immunities clause may be viewed as a vestigial remnant of the Fourteenth Amendment. For proof, look no further than the Supreme Court's decision in *In re Lockwood*, 154 U.S. 116 (1894)[clause not offended by Virginia law restricting membership to the Bar to males]. The article in question is *Women As Supreme*

Court Advocates, 1879-1979, by Mary L. Clark.

In addition, the lawyer who wishes to keep firmly in mind how to position his client as victim (albeit a knowing victim) of patent fraud, will want to read John Roberts' article on Oral Advocacy and the Re-emergence of a Supreme Court Bar. (Both Prof. Clark and Judge Roberts' are published in Vol. 30, No. 1 of the Journal's latest issue.) Of course, Judge Roberts is known as one of the leading advocates before the high court, with 32 appearances to his credit.

His article underlines the holding of the case (in question) by pointing to the enthusiasm with which Justice Douglas demanded of counsel the name of the person drafting an offending affidavit; the lawyer fainted dead away, as Roberts tells us, hitting his head on the table on the way to the floor. Court was adjourned and a doctor summoned. When argument resumed, the lawyer — bruised but unbowed — stood up, looked at Justice Douglas, and said that "he had". The case in question is *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944). Like the .org says, someone has got to save all of this institutional history, and it's not bound into the United States Reports.

This is the kind of constitutional history that sticks to the ribs, particularly when a writer supplies photographs and lithographs which do not often enliven the pages of the law review articles which are generated by our 12,000 law professors in the United States.

A newsletter, The Supreme Court Historical Society Quarterly, contains more information on the history of the Court, along with the lion's share of announcements of Society events, upcoming lectures, black-tie functions and other woof-woofs: the kinds of events that make tough Alaskans want to get on a plane and go there to see and be seen. Of course, the Society's members receive significant discounts on subscriptions to these and on its other publications. Unfortunately, there are limits to all of these perks: you're not going to be allowed to sit on the marbled flanks of the building, as the Supreme Court's own constables will shoo you away. On the other hand, if you are admitted to practice before the court, you may

enter the august library and ask, "Now, just who the heck was Modestinus?" Good question.

Your \$75 annual membership in the Society allows you discounts on subscriptions to all of its publications, as noted. But you will also receive a copy of *Equal Justice Under Law*, a beautifully illustrated volume prepared in cooperation with the National Geographic Society.

Do not hesitate to accept this invitation to join the Society. "The Society assists the Court as collector, preserver and storyteller of the Court's distinguished past," and we have Chief Justice Rehnquist's word on it. "In this endeavor, the Society deserves recognition and support for its work." After all, if Alaskans don't support the Society, folks from lesser states will just have to pick up our share and then claim the credit that is duly ours.

## NOTICE OF PRELIMINARY DRAFT OF PROPOSED AMENDMENTS TO LOCAL RULES U.S. DISTRICT COURT, DISTRICT OF ALASKA.

Comments are sought on proposed amendments to Local Rules

[Civil, Criminal, and Magistrate]

All Comments received become part of the permanent files on the rules.

Written comments on the preliminary draft rules are due not later than August 31, 2005

Address all communications on rules to:

United States District Court, District of Alaska

Attention: Court Rules Attorney

222 West Seventh Avenue, MS 4

Anchorage, Alaska 99513-7564

or

e-mail to [AKD-Rules@akd.uscourts.gov](mailto:AKD-Rules@akd.uscourts.gov)

The preliminary draft of proposed amendments to the rules may be reviewed at: State Court Libraries in Anchorage, Juneau, Fairbanks and Ketchikan; U.S. Courts Library in Anchorage; U.S. District Court Clerk's Office in Anchorage, Fairbanks, Juneau, Ketchikan, and Nome; or on the web at the U.S. District Court Home Page <http://www.akd.uscourts.gov>


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## 2003 VCLE Reporting Period

## Voluntary Continuing Legal Education (VCLE) Rule — Third Reporting Period January 1, 2003 - December 31, 2003

Following is a list of active Alaska Bar members who voluntarily complied with the Alaska Supreme Court recommended guidelines of 12 hours (including 1 of ethics) of approved continuing legal education in 2003.

We regret any omissions or errors. If your name has been omitted from this list, please contact the Bar office at 907-272-7469 or e-mail us at [cle@alaskabar.org](mailto:cle@alaskabar.org). We will publish a revised list as needed.

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Adams, Lauri J.	Bryson, William P.	Davis, Mark R.	Garrigues, Gayle L.	Hume, Jr., Robert H.	Lord, Kenneth M.	Newbury, Abigail Dunning	Routh, Stephen D.
Adams, Samuel D.	Buchholdt, Dylan C.	De Lucia, Tamara Eve	Gater, Bradley N.	Hunt, Gerald W.	Lowery, Daniel L.	Nichols, Clark Reed	Rozell, William B.
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Allan, Daniel W.	Bundy, Robert C.	Decker, James D.	Gatti, Michael R.	Hunter, David T.	Lueras, Shawn	Nogg, Russell A.	Russell, Andrea K.
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Banker, Esq. Anthony N.	Chaffin, Shelley K.	Dundy, Michael W.	Greene, Mary E.	Jungreis, Michael	Maxey, Rebecca L.	Paskvan, Bonnie J.	Sewright, Michael W.
Bannister, Theresa L.	Chandler, Brooks W.	Dunn, Kim	Greenstein, Marla N.	Jurasek, Robert J.	May, Marilyn	Paslay, Paul W.	Seymour, S. Jay
Barice, Carole J.	Chaobal, Vikram	Dunnagan, Charles A.	Greer, LL.M., Stephen E.	Kalamarides, Joseph A.	McBurney, Lucinda	Patch, T.W.	Shaddy, Martha C.
Barkeley, James N.	Chapman, Beth Ann B.	Durrell, Brian W.	Gregory, Laurie B.	Kamm, Marilyn J.	McClintock, III, Donald W.	Pate, Christine M.	Shafelt, LL.M., David G.
Barker, Leroy J.	Cheek, Allen R.	Eaglin, Paul B.	Groth, II, Clifford J.	Kane, Brad S.	McCollum, James H.	Patterson, Michael J.	Shamburek, Esq., Steven J.
Barnhill, Michael A.	Chenhall, Teresa R.	Ealy, Jonathan B.	Groseclose, Robert B.	Kantola, William W.	McComas, James H.	Pauli, Rebecca L. Cohen	Shanahan, Philip E.
Barr, Sharon	Chleborad, Terisia K.	Earthman, John A.	Groszek, Nancy J.	Karnavas, Michael G.	McConnell, Dwayne W.	Pavia, Christi A.	Shannon, Lee Kevin
Barry, Elizabeth J.	Choate, Scott M.	Easty, Windy	Gruenberg, Jr., Max	Kashi, Joseph L.	McCord, Elizabeth Anne	Payne, Richard K.	Shannon, Brenda G.
Batchelor, Tommy G.	Choquette, William L.	Eastough, Robert L.	Foorman	Katcher, Jonathan A.	McCoy, Kevin F.	Payton, Gwendolyn C.	Sherwood, Todd K.
Bauer, David A.	Christen, Judge Morgan B.	Easter, Catherine M.	Gruenstein, Peter E.	Kauffman, William R.	McCready, Donna	Pearson, Denton J.	Shoemaker, David B.
Bauer, Leigh Ann	Christensen, Blair	Ebell, C. Walter	Guanelli, Dean J.	Kauvar, Jane F.	McDannel, Marcelle	Pearson, Stephen J.	Silverman, Michael L.
Baxter, Colleen Rae	Christensen, III, Charles S.	Ebenal, Shelley D.	Gurewitz, Adam M.	Kelly, Marion C.	McDonagh, John A.	Peck, George	Simel, Nancy R.
Beardsley, Jennifer	Christensen, Mark D.	Eberhart, John Michael	Gustafson, Gene L.	Kendall, Heather	McDonough, Michael	Pengilly, Charles R.	Simmons, John E.
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Beecher, Linda R.	Clark, Carmen E.	Hagen, Paulette B.	Haley, Paula M.	Kester, D. Victor	McKenzie, Kirk R.	Perkins, Douglas C.	Simpson, Amy T.
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Beiswenger, Allan D.	Clark, Sherry A.	Halloran, Sean	Henderson, Robert J.	Kibby, Richard D.	McQuerry, Samuel A.	Peters, Timothy P.	Sivertsen, Jr., John W.
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Benson, Phillip E.	Coats, Robert G.	Halloran, Sean	Erwin, Robert C.	Klassen, James F.	Mendel, Allison E.	Pie, Maureen F.	Slagle, Thomas J.
Bernitz, John A.	Cobb, Juliana Rinehart	Halloran, Sean	Erwin, S. Lynn	Kleedehn, LL.M., G. Rodney	Merdes, Ward M.	Pillick, Aleta	Sleeper, Eugenia G.
Berwick, Teresa A.	Coe, Charles W.	Halloran, Sean	Estelle, William L.	Kleedehn, Cynthia M.	Merrill, Bryan S.	Platt, Janet D.	Sleeper, Gary
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Bey, Kirsten J.	Colbert, III, William H.	Halloran, Sean	Evans, Gordon E.	Knottnerus, John W.	Mersereau, David H.	Pollock, Joseph A.	Slottee, Christopher
Billingslea, Everett H.	Colbo, Kimberlee	Halloran, Sean	Evans, Joseph W.	Koch, Kevin D.	Mertz, Douglas K.	Pomeroy, Richard L.	Slusser, Joseph S.
Bioff, John A.	Cole, Brent R.	Halloran, Sean	Evans, Susan L.	Koehler, III, Reginald S.	Messenger, John R.	Pope, Douglas	Smith, Aleen M.
Bishop, Sheila Doody	Cole, Charles E.	Halloran, Sean	Fabe, Justice Dana	Kookesh-Araujo, Jaelen J.	Metcalfe, James K.	Porter, Alicia D.	Smith, Colby J.
Bixby, William D.	Cole, Steve W.	Halloran, Sean	Falatro, Ethan	Koponen, Alex	Metzger, Yale H.	Postma, Richard W.	Smith, Deborah M.
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Bledsoe, Mark S.	Cole, Theron J.	Halloran, Sean	Farleigh, Esq., Randall E.	Kracker, Erica Z.	Meyer, Thomas J.	Powell, Barbara L.	Smith, Eric B.
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Bocko, Robert J.	Condrey, Meagan K.	Halloran, Sean	Feldis, Kevin R.	Kuchle, LL.M., Jo A.	Middleton, Patrick G.	Prymont, Erica R.J.	Sniffen, Jr., Clyde E.
Bodick, John K.	Conn, Stephen	Halloran, Sean	Felix, Sarah Jane	Kurtz, Kathryn L.	Mierop, Stephen D.	Rabe, Cynthia K.	Snodgrass, Jr., John R.
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Bookman, Bruce A.	Cook, H. Lee	Halloran, Sean	Fisher, Kelly	Kurtz, Kathryn L.	Mitton, Andrew C.	Razo, Gregory P.	Spraker, Gary A.
Bookman, Steven	Cook, William D.	Halloran, Sean	Fitzgerald, Daniel F.	Kurtz, Kathryn L.	Moberly, Michael A.	Reausaw, Jody A.	St. John, Matthew
Boothby, Nelleene A.	Cooper, Matthew	Halloran, Sean	Fitzgerald, Kathleen	Kurtz, Kathryn L.	Moberly, Philip J.	Reckmeyer, Peter R.	Staack, Anselm C. H.
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Brand, Chrystal Sommers	Crail, Elizabeth F.	Halloran, Sean	Foster, Teresa L.	Kurtz, Kathryn L.	Moran, Liam J.	Rhoades, Stephanie L.	Steiner, John L.
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Brandt-Erichsen, Svend A.	Crepps, Janet L.	Halloran, Sean	Friedman, Kenneth R.	Kurtz, Kathryn L.	Morrison, Douglas S.	Rice, Julian C.	Steiner, Nancy Driscoll
Brandwein, Debra J.	Crawford, S. Jason	Halloran, Sean	Friedman, Kirsten T.	Kurtz, Kathryn L.	Morrison, John P.	Richards, Craig	Strout, Cynthia L.
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Bray, Aisha Tinker	Crosby, Dani	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Mulvaney, Molly (aka Mary E.)	Ringsmuth, Eric	Summit, Benjamin C.
Brecht, Julius J.	Crowell, Judith A.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Munson, Myra M.	Ritchie, Barbara J.	Summit, Natasha M.
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Brink, Barbara K.	Cucci, Mark	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Murphy, Sigurd E.	Robertson, J. Martin	
Brink, LL.M., Robert C.	Cummings, Dennis P.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Murphy, William Brendan	Robertson, Kenneth G.	
Brion, Jody P.	Cumings, William S.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Murtagh, John M.	Robinson, Karl A.	
Brislawn, C. Dennis	Curda, Dale O.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Murto, Susan D.	Roetman, Paul A.	
Brocker, Ann R.	Curtain, James E.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Musgrove, Sheryl L.	Rohlf, Joan E.	
Brooking, Cheryl Rawls	Curtin, Richard A.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Musselman, Charles D.	Roistacher, Donald	
Brower, David L.	Curtner, F. Richard	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nash, Phil N.	Roley, Ryan R.	
Brown, Eric J.	Cusack, Kenneth J.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nave, Michael K.	Rose, Christopher W.	
Brown, Frederic E.	Cutler, Beverly W.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Neeleman, John R.	Rose, Erin	
Brown, Gayle J.	Cutler, Louisiana W.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nelson, Lisa B.	Rose, Stephen D.	
Brown, Glenn H.	Cyphers, Christopher D.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nelson, Rick	Rosen, Joshua	
Brown, Harold M.	Dale, Pamela	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nemecek, Vennie E.	Rosenberg, Kenneth M.	
Brown, Ray R.	Daniels, Susan L.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Nesbitt, Raymond A.	Ross, Herbert A.	
Brown, Valerie L.	Darnall, John M.	Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.	Neubert, Mila A.	Ross, Patrick G.	
Browning, Brooke		Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.			
Bruce, Daniel G.		Halloran, Sean	Friedman, Saul R.	Kurtz, Kathryn L.			
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# Harry Branson retires from federal bench

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But he endured and graduated. Then he stayed away from the law for three years. He worked for the Ford Foundation as a grant writer during the War on Poverty years. (One of the Ford Foundation grants he worked on was the foundation of Legal Services offices).

Then, three years after Law School, he decided to take the bar exam. He liked taking it so much, he took it twice. Then he got a job in the Philadelphia Public Defender's Office that set him on a path in criminal law and trial practice for over 25 years.

During a break from his job in the Philadelphia Public Defender's Office, Harry and his wife Siri criss-crossed the country. Finding a good place to raise their children, they returned to Philadelphia while he honored his year commitment to the office's juvenile division.

Then the family packed up and took off. He, along with Siri, four children (including a babe in arms), a dog, and three cats, arrived in Anchorage in a Volkswagen camper bus. It was 1971. Then Harry Branson went looking for a job, and made a career in Alaska.

"Harry has been a hard worker, a teacher, chef and actor...and a very good judge. And thanks to the budget crisis in the courts, he is truly irreplaceable (his position will not be filled.)"  
—Chief Judge Jack Sedwick, reading comments from Magistrate Judge John Roberts

After arriving in Anchorage, figuring he wrote grants to get them started, he went to the local Alaska Legal Aid Office and asked for a job. They hired him, and he worked there for a year.

Branson and Dick McVeigh tried working together for a year during 1972-73. But with McVeigh in Juneau most of the time tending to his legislative duties, Harry settled in with Jacobs and Guetschow. Jacobs left in 1976, and it was Branson and Guetschow until 1982. His practice consisted primarily of divorce cases and criminal appointments, which suited him just fine, as he loved being in court.

Not finding court entertaining enough, he joined the Alaska Bar Board of Governors in 1973, and was appointed to a CLE committee from 1973-1974. Deciding to expand the program, he developed it from the occasional CLE to a 6-week CLE Seminar requiring two nights a week attendance.

Then he took it upon himself to turn the Bar newsletter into a newspaper. He wanted it irreverent, he wanted it controversial, he wanted it funny, and fun to read, and he wanted it politically incorrect. He got all that and more, and the *Alaska Bar Rag* was born. The name he actually "blames" on John Reese, who called the newsletter of prior Board of Governor President Mary LaFollette a "bar rag". So Harry Branson tempered the name with the motto, *Dignitas Semper Dignatis*, "Dignity always Dignity." (Ed Note: Other tales of the newspaper's founding have Harry and others



Two old *Bar Rag* editors tell stories with founder and Editor Emeritus Harry Branson. (L to R) Magistrate Judge Branson, Mike Schneider and Judge Ralph Beistline. "When I kick off, can I be Editor Emeritus Mortuus?", Harry wondered.

planning the project in a Juneau watering hole, with the name emerging from the item used by the bartender to wipe down the bar.)

Needing money to turn the publication from a newsletter to a newspaper, he went looking for funding. The Alaska Bar turned him down. So everyone can thank the Anchorage Bar for forking over the bucks to start the presses rolling.

Articles in the new publication resulted in letters and heated discussion. But that was okay with Harry. It meant people were reading the *Bar Rag*, which is what he wanted. The presses rolled 11 times a year at first, then down to 9, and then to its current publication schedule.

"Magistrate Judge Harry Branson has served with distinction for 13 years, with a true sensitivity to the problems and shortcomings of humanity... He has earned the right to...join the ranks of some of our illustrious senior district judges who recite the past in such vivid detail that few can remember...how much embellishment has been added to the truth."  
— Magistrate Judge John Roberts

Harry Branson remained Editor-in-Chief of the *Bar Rag* for four years until his second term on the Board of Governors. At that time Gail Roy Fraties took over. The Judge admits the *Bar Rag* was time consuming and he needed to let it go. Many in the Alaska legal community at that time may have felt the same, he thought.

Not sure if it was retribution or not, during his second term on the Board of Governors, he was appointed to the Ethics Committee for a year. The opportunity to contribute to the Alaska legal profession in a different way came to him in 1980. John Havelock asked if he could take over the Litigation course he was teaching at UAA. Seeing a chance for revenge on his former law professors, he turned his class in an experience of "you can do this" that resulted in a Teacher of the Year

Award in 1993.

For years he wrote scripts, set up mock trials, taught students strategy, debate, and an understanding of what they had to do. And then reveled in the result. Another area of contribution to the legal profession, and a source of enrichment, if not entertainment, was his contribution to setting up the Inns of Court. Based on a program started by U.S. Supreme Court Justice Warren Burger, it offered training for young lawyers. Harry Branson decided to approach it as a series of demonstrations, emphasizing problems young lawyers might face, and how to handle them. Script writing once again, he went at it for approximately 4 years, between 1992 and 1996. His aim? Better lawyers. And today, the Inns of Court continues as an independent program in the bar.

As far as his service in the Federal Courts, it began in 1976, when U.S. District Judge James Fitzgerald asked if he wanted the part-time Federal Magistrate position. Harry worked about three hours a week for approximately a year, and then gave it up to continue building his private practice.

"I remember Harry as patient and sympathetic (especially to damsels in distress). He had total commitment to his clients. I also remember distinctly the Murial Pfel car bombing. She had previously parked right beneath our office. We could have been killed!"  
— Bernd Guetschow, former law partner

During 1989, still in private practice, he decided to see if the U.S. Attorney's Office needed anyone. They didn't, but while visiting the federal courthouse, he found out about the part-time Magistrate Judge position. As luck would have it, they wanted him back in the fold.

Between 1989 and 1992, the position remained part-time. Then in May 1993, after a six-month background investigation by the FBI, he was appointed a full-time US Magistrate Judge.

When asked about his years in Federal service, he said he got to write, which he loves, and he had "theater" in his hearings. He looked forward to coming to work each day, working with people he liked and admired. It was also one of the best jobs he ever had, he says. He reflected that the position taught him humility, and helped him to understand his limitations.

"We will all mourn your retirement—you are a real lawyer."  
— Judge Andy Kleinfeld, 9<sup>th</sup> Circuit Court of Appeals

After 16 years as an US Magistrate Judge, Harry Branson reached the mandatory retirement age of 70, and retired effective May 20, 2005. To start off retirement, Harry and his wife, Siri, will criss-cross the country again, stopping to visit family, friends, and interesting locales. But this time, they'll be doing it without children and animals, in a Honda Odyssey.

Fond Adieu.

The author is a federal court librarian who composed this article from interviews with the Judge for federal court archives. Highlighted quotes were compiled from Harry's retirement party in May.

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Weber, David R.  
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Weed, W. David  
Weeks, Kathleen A.  
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Weiner, R. Leonard  
Wells, Jennifer K.  
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Winegarden, Charles A.  
Winfree, Daniel E.

Winkelman, Daniel J.  
Winston, Taylor Elizabeth  
Winters, Sheldon E.  
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Wittow, Mark H.  
Woelber, Mark  
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Wohlforth, Eric E.  
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## 2004 VCLE Reporting Period

## Voluntary Continuing Legal Education (VCLE) Rule — Third Reporting Period January 1, 2004 - December 31, 2004

Following is a list of active Alaska Bar members who voluntarily complied with the Alaska Supreme Court recommended guidelines of 12 hours (including 1 of ethics) of approved continuing legal education in 2004.

We regret any omissions or errors. If your name has been omitted from this list, please contact the Bar office at 907-272-7469 or e-mail us at [cle@alaskabar.org](mailto:cle@alaskabar.org). We will publish a revised list as needed.

Aarseth, Eric A.	Canterbury, Christopher C.	Edwards, Bruce N.	Harris, Daniel P.	Landau, Robert W.	Morrison, John P.	Rosen, Joshua	Thompson, David
Agüero, Dorothea G.	Cantor, James E.	Edwards, Donald W.	Hartig, Lawrence L.	Landreth, Natalie	Morse, William F.	Rosenstein, Kenneth M.	Thompson, Michael A.
Allee, Rita T.	Card, Larry D.	Eggers, Kenneth P.	Hartle, John W.	Landry, David S.	Mullen, Jr., James M.	Ross, Herbert A.	Thoreson, Christine M.
Allen, Kimberly	Carey, William B.	Elliott, Stevan L.	Hartnell, Pamela A.	Latta Jr., Leroy K.	Munson, Myra M.	Ross, Patrick G.	Thurbon, Terry L.
Allingham, Lynn	Carlisle, Robyn L.	Ellis, Peter R.	Hatch, Mary Leone	LaVonne, Jeanne M.	Murphy, Kathleen A.	Roston, Peggy	Tillery, Craig J.
Alves, Anita L.	Carlson, Craig A.	English, William D.	Hause, Thomas L.	Lawrence, David	Murphy, Margaret L.	Roumagoux, Bhree	Tilly, Cassandra J.
Andersen, Signe P.	Carman, Dawn M.	Erickson, Heidi K.	Havelock, John E.	Lawrence, H. Van Z.	Murphy, Michele	Rozell, William B.	Timmerman, Heather J.
Anderson, Erik B.	Carney, Susan M.	Ericsson, Robert J.	Hawkins, Karen L.	Lawson, Kelly J.	Murphy, Sigurd E.	Russell, Andrea K.	Timmermans, Todd J.
Anderson, Leonard R.	Carpeneti, Walter L.	Erkman, John Parker	Hawhurst, Dorne	Lee, S. J.	Murtagh, John M.	Russell, Margaret R.	Tollefson, G. Val
Anderson, Mark B.	Carson, Italia A.	Erlich, Richard H.	Hazeltine, Sheri L.	Legacki, Kenneth W.	Muselman, Charles D.	Rutherford, Jan A.	Torgerson, James E.
Anderson, Robert T.	Carter, David S.	Ertischek, Mark A.	Heath, Gregory	Leik, James N.	Nash, Phil N.	Sachtjen, Eric J.	Torrissi, Frederick
Anderson, Steven S.	Cartledge, Cynthia L.	Erwin, S. Lynn	Hedland, Eric	Leonard, Cameron M.	Nave, Michael K.	Sandberg, Annette M.	Tostevin, Breck C.
Andrews, Elaine M.	Case, David S.	Esch, Ben J.	Heese, Ruth Hamilton	Lepore, John	Neeleman, John R.	Sato, Jean W.	Treiber, Mary P.
Andrus, Beth M.	Cashion, John P.	Estelle, William L.	Hegyi, Karen R.	Leque, John A.	Nemecsek, Vannie E.	Satterberg, William R.	Trickey, Howard S.
Aschenbrenner, John L.	Cason, Samuel W.	Evans, Charles G.	Heiser, Michael P.	Lerman, Averil	Nesbitt, David A.	Sauer, Jane E.	Trieu, Jenny L.
Atkinson, Kathy L.	Cavaliere, Michael	Evans, Gordon E.	Heller, Bruce E.	LeRoy, Erik	Nesbitt, Raymond A.	Savell, Richard D.	Truitt, G. Ken
Attala, Edward E.	Chaffin, Shelley K.	Evans, Joseph W.	Helm, Richard A.	Leukuma, Wendy E.	Neumayr, J. Mark	Saxe, Keith E.	Trumble, Jay W.
Ault-Sayan, Laurie M.	Chandler, Brooks W.	Evans, Marie	Henderson, David N.	Levesque, Joseph N.	Neville, M. Francis	Schandel, William B.	Tuberg, Judd E.
Austin, Lanae R.	Chapman, BethAnn B.	Evans, Susan L.	Henderson, Robert E.	Levy, Janice G.	Newbury, Abigail Dunning	Scherger, Judy M.	Tucker, Julia S.
Auten, Eric A.	Chenhall, Teresa R.	Fabe, Justice Dana	Hendrickson, John W.	Levy, Keith B.	Niedermeyer, Deborah	Schlere, Ernest M.	Tulin, Charles E.
Bachman, Adrienne P.	Choate, Scott M.	Faith, Joseph R.	Henri, Joseph R.	Lewis, Eben T.	Nogg, Russell A.	Schmidt, Jack	Ustasiewski, James J.
Bailey, Allen M.	Choquette, William L.	Falatto, Ethan	Henriksen, Kelly E.	Lewis, Robert D.	Nolan, Nancy J.	Schmidt, Kristine A.	Valdez, Fred H.
Baldwin, James L.	Christensen, Blair	Falcon, Zachary P.	Herrig, John R.	Libbey, Colleen A.	Norville, Michael	Schmidt, Robert H.	Vallentine, Diane F.
Bales, Candice Marie	Christensen, Mark D.	Farleigh, Esq., Randall E.	Herz, Robert M.	Libbey, Daniel	Novak, IV, John J.	Schmitt, Alan L.	Van Flein, Thomas
Banaszak, Jane M.	Christian, Matthew C.	Farley, Laura L.	Hickerson, Elizabeth J.	Liburd, Ann C.	O'Bannon, Linda M.	Schneider, Michael J.	Van Goo, Stephen J.
Bandle, Anne E.	Chung, Jo Ann	Farr, James A.	Hickey, Daniel W.	Limon, Lynda A.	O'Bryant, Jeffrey A.	Schroeder, Richard J.	Van Hook, Robert W.
Bandle, John	Clark, Jr., Marvin H.	Fehlen-Westover, Rhonda	Hiebert, Leslie A.	Lindemuth, Jahna M.	Olsen, Frederick J.	Schuetz, L.L.M., Charles F.	Van Meter, Heather J.
Banker, Anthony N.	Clark, Judge Brian K.	Feldis, Kevin R.	Higuchi, Michelle D.	Lindquist, Susan J.	Oesting, David W.	Schultz, Martin T.	Vance, Leon T.
Bannister, Theresa L.	Clark, Patricia A.	Hill, Holly Roberson	Hill, Holly Roberson	Lintott, Robert W.	Olanna, Kyan	Schutt, Aaron	Vandor, Marjorie L.
Barice, Carole J.	Clark, Sherry A.	Hillhouse, Theresa	Hillhouse, Theresa	Linxwiler, James D.	Olsen, Dianne E.	Seaton, Jean E.	Vasauskas, Alexander K.M.
Barkeley, James N.	Clark, Victoria	Hilst, Katherine L.	Hilst, Katherine L.	Liska, Joyce	Olsen, Randy M.	Sebens, Jane E.	Vasquez, Jose Dino
Barr, Sharon	Clayton, Jr., Alfred T.	Hismatsu, Mikio	Hismatsu, Mikio	Logan, Donald F.	Olson, Gregory M.	Sebold, Hanna	Vasquez, Robert L.
Batchelor, Tommy G.	Clocks, Donald E.	Hitchcock, William D.	Hitchcock, William D.	Lohff, John R.	Oravec, Aimee Anderson	Seckers, Daniel M.	Vassar, Kenneth E.
Bauer, David A.	Closuit, Alicemary L.	Hoge, Andrew E.	Hoge, Andrew E.	Long, Mauri E.	O'Regan, Deborah	Seid, David M.	Vazquez, Elizabeth
Bauer, Leigh Ann	Clover, Joan M.	Holbrook, Deborah A.	Holbrook, Deborah A.	Longacre, Roy L.	Osborne, Melanie Baca	Shaddy, Martha C.	Veerma, Louis R.
Baxter, Colleen Rae	Coats, Robert G.	Holen, M. Lee	Holen, M. Lee	Longenbaugh, Leslie	Oswowski, Shane J.	Shafel, L.L.M., David G.	Venneberg, Terry A.
Beardsley, Jennifer	Cobb, Juliana Rinehart	Holland, Marcia E.	Holland, Marcia E.	Lord, Daniel B.	Ostrowsky, Lawrence Z.	Shamburek, Esq., Steven J.	Vermaat, Maarten
Beardsley, Mary Ellen	Coe, Charles W.	Holmes, Lindsey S.	Holmes, Lindsey S.	Lowery, Daniel L.	Oswald, James D.	Shanahan, Philip E.	Vermilyea, Jeremy T.
Beckwith, Martha	Colberg, Talis J.	Holmes, Roger F.	Holmes, Roger F.	Luckhaupt, Gerald P.	Owens, Bradley D.	Sheehan, Joseph W.	Vermont, Jr., Venable
Beecher, Linda R.	Colbert, III, William H.	Hompesch II, LLM, Richard W.	Hompesch II, LLM, Richard W.	Luke, Jacquelyn R.	Page, Brenda B.	Sherwood, Todd K.	Viergut, Herbert A.
Behner, Beth E.	Colbert, Lori Ann	Hookland, Douglas	Hookland, Douglas	Lundberg, Lawrence B.	Paine, Galen S.	Shoemaker, David B.	Volland, Judge Philip R.
Behr, Deborah E.	Colbo, Kimberlee	Luther, Frederick C.	Luther, Frederick C.	Luther, Frederick C.	Pallenberg, Philip M.	Shortell, Caitlin	Vollertsen, Richard E.
Behrend, Andrew F.	Colburn, William R.	Lyle, George R.	Lyle, George R.	Lynch, Ardith	Palmer, Lance E.	Silverman, Michael L.	Vondersaar, Frank J.
Beistline, Ralph R.	Cole, Steve W.	Lynd, Cynthia M.	Lynd, Cynthia M.	Maciolek, Krista	Parker, James H.	Simmons, Danielle	Vorenkamp, Corinne M.
Beiswenger, Allan D.	Cole, Suzanne	Maciolek, Krista	Maciolek, Krista	Mack, Andrew	Parrish, Lance C.	Simon, Geraldine	Wagstaff, Robert H.
Bell, Keith W.	Coleman, Terri-Lynn	Mack, Andrew	Mack, Andrew	Mackin, Olivia L.	Partyka, Craig B.	Simpson, III, Edward B.	Walashek, Paula J.
Bendler, Karen E.	Collins, Patricia A.	Magid, Jeffrey	Magid, Jeffrey	Magid, Jeffrey	Paskvan, Bonnie J.	Simpson, Randall G.	Walker, Donna P.
Benson, Ann E.	Collins, Stephan A.	Mahlen, Michael G.	Mahlen, Michael G.	Magid, Jeffrey	Paslay, Paul W.	Sims, Steve	Walker, Jr., Clayton H.
Berdow, Lauren A.	Conn, Stephen	Hovanec, Lorie L.	Hovanec, Lorie L.	Mahlen, Jeffrey D.	Patch, T.W.	Singer, Matthew	Walker, William K.
Bernitz, John A.	Conrad, Jeffrey C.	Hudson, Roger L.	Hudson, Roger L.	Mahoney, Francis S.	Pate, Christine M.	Skiles, Amanda M.	Walker, William M.
Besseney, Ilona M.	Conway, John M.	Hughes, Mary K.	Hughes, Mary K.	Malchick, Barbara L.	Patel, Stephanie D.	Skinner, Rebecca	Wallace, David R.
Bettine, Frank J.	Conway, Maribeth	Huguelet, Charles T.	Huguelet, Charles T.	Manzella, Zachary T.	Patterson, Michael J.	Skladal, George Wayne	Wallien, Dayle L.
Bey, Kirsten J.	Cook, Bret D.	Hume, Jr., Robert H.	Hume, Jr., Robert H.	Marchand, Scott	Patterson, Rebecca L.	Sleeper, Eugenia G.	Walsh, Michael J.
Bierly, Paul S.	Cook, William D.	Humm, Marguerite	Humm, Marguerite	Marchand, Scott	Pauli, Rebecca L. Cohen	Sleeper, Gary	Walther, Dale J.
Billingslea, Everett H.	Cooper, Jr., Daniel R.	Hunt, Gerald W.	Hunt, Gerald W.	Marchand, Scott	Pavia, Christi A.	Sloane, Frederick T.	Wan, Andrea V.W.
Billingslea, Sidney K.	Cooper, Matthew	Hunter, David T.	Hunter, David T.	Marchand, Scott	Pawlowski, Stephanie B.	Slottee, Christopher	Wanamaker, Caroline P.
Bishop, Sheila Doodly	Copeland, Rebecca S.	Hunter, Richard H.	Hunter, Richard H.	Mariseau, Medora A.	Payton, Wendolyn C.	Smith, Colby J.	Wanner, Heidi C.
Biskowski, Lawrence	Corbridge, Clark	Fucile, Mark J.	Fucile, Mark J.	Marsh, Michael S.	Pearson, Bill	Smith, Diane A.	Webb, Julie L.
Black, John C.	Corey, David J.	Fullmer, L.L.M., Mark W.	Fullmer, L.L.M., Mark W.	Marston, Blythe W.	Peck, George	Smith, Elizabeth-Ann	Webb, Megan R.
Bledsoe, Mark S.	Coughlin, Patrick J.	Funk, Raymond M.	Funk, Raymond M.	Martin, Curtis	Pengilly, Charles R.	Smith, Steven D.	Weber, David R.
Block, Richard L.	Coutter, James A.	Fury, C. Steven	Fury, C. Steven	Martin, Jr., Howard L.	Periman, Deborah K.	Smith, Wm. Ronald	Weeks, Kathleen A.
Bockmon, Julia B.	Covell, Kenneth L.	Gagnon, Bruce E.	Gagnon, Bruce E.	Mathis, C. James	Perkins, Douglas C.	Snodgrass, Jr., John R.	Weiner, R. Leonard
Bodick, John K.	Cox, Susan D.	Gallagher, Sheila	Gallagher, Sheila	Matthews, Thomas A.	Perkins, Jr., Joseph J.	Soberay, Gary	Weiss, Pamela
Bodwell, Lori M.	Cranston, Charles K.	Gandhir, Una Sonia	Gandhir, Una Sonia	Matthews, Warren W.	Perkins-Brown, Lynne	Sorensen, Stephen F.	Wells, Jennifer K.
Boggs, Margaret H.	Cravez, Glenn Edward	Ganopole, Deidre S.	Ganopole, Deidre S.	Maxey, Rebecca L.	Peters, Gregory L.	Spaan, Michael R.	Wells, Steven M.
Bolger, Joel H.	Crawford, S. Jason	Jakubovic, Marc A.	Jakubovic, Marc A.	McCann, Kelly	Peters, Nathaniel	Spalding, Bethany	Wendlandt, Diane L.
Bolvin, Janet L.	Crenna, Caroline B.	Jamin, Matthew D.	Jamin, Matthew D.	McCollum, James H.	Peters, Timothy P.	Spier, William A.	Wendlandt, John C.
Bomengen, Kristen F.	Crepps, Janet L.	Janidlo, Thom F.	Janidlo, Thom F.	McComas, James H.	Petersen, Duane A.	St. John, Matthew	West, Susan M.
Bond, Marc D.	Crocker, Susan M.	Jeffery, Michael I.	Jeffery, Michael I.	McConaughy, Bennet A.	Peterson, Drew	Staack, Anselm C. H.	Westbrook, Randall W.
Bookman, Steven	Crosby, Dani	Jenicek, Monica	Jenicek, Monica	McCord, Elizabeth Anne	Pfiffner, Frank A.	Stahl, Michael R.	Whipple, Benjamin I.
Boothby, Nelleene A.	Crowell, Judith A.	Jenkins, Eric J.	Jenkins, Eric J.	McCoy, Kevin F.	Pike, David A.	Stapp, Gary L.	White, Danna M.
Borgeson, Cory R.	Cucci, Mark	Jensen, Jill	Jensen, Jill	McCready, Donna	Pinkel, Mary B.	Stearns, Krista S.	White, Marshall T.
Borson, Heidi H.	Curda, Dale O.	Jensen, Michael J.	Jensen, Michael J.	McDonagh, John A.	Platt, Janet D.	Steberg, David G.	White, Michael N.
Botelho, Bruce M.	Curry, Vincent	Joannides, Stephanie E.	Joannides, Stephanie E.	McDonald, Laura	Plumlee, Rachel	Steinberg, Leonard A.	Wibker, Susan G.
Bottger, Laura C.	Curtner, F. Richard	Johnson, Carl H.	Johnson, Carl H.	McDonough, Michael	Pomeroy, Richard L.	Steinberg, Stacy K.	Wicks, Sandra J.
Boutin, Michelle L.	Cusack, Kenneth J.	Johnson, Carol A.	Johnson, Carol A.	McFarland, Renee	Porter, Alicia D.	Steiner, Andrew D.	Widell, John W.
Bowen, Laura	Cutler, Beverly W.	Johnson, Joyce Weaver	Johnson, Joyce Weaver	McFarlane, Amy A.	Postma, Richard W.	Steiner, John L.	Wilcox, Paul S.
Boyd, Brian C.	Cyphers, Christopher D.	Johnson, Mark K.	Johnson, Mark K.	McFarlane, Robert E.	Poulson, Jack G.	Steiner, Quinlan G.	Wilder, Patricia C.
Bozkaya, Terri D.	Dale, Pamela	Johnson, Robert M.	Johnson, Robert M.	McGrady, Chadwick P.	Powell, Barbara L.	Steinkruger, Niesje J.	Wilhelm, Marc G.
Bradley, M. Kathryn	Daniel, Carol H.	Johnson, Thomas G.	Johnson, Thomas G.	McGrady, Jamie	Powell, Keenan R.	Stemp, Donald R.	Willard, Donna C.
Branch, Daniel N.	Daniels, Susan L.	Johnston, Shanna R.	Johnston, Shanna R.	McKay, Cheryl L.	Pradell, Steven	Stevens, Trevor N.	Williams II, J. Douglas
Brand, Chrystal Sommers	Davenport, George B.	Jones, Barbara Ann	Jones, Barbara Ann	McNally, William L.	Pribila, Bethany	Stevens, Catherine Ann	Williams, Andrew
Brandt-Erichsen, Scott A.	Davis, Douglas R.	Jones, Cheryl M.	Jones, Cheryl M.	McQuerry, Samuel A.	Price, Jr., J. David	Steward, Andrea	Williams, Christine V.
Brandt-Erichsen, Svend A.	Davis, Trigg T.	Jones, David T.	Jones, David T.	Provost, Chris	Provost, Chris	Stewart, David	Williams, D. Kevin
Branson, Harry	Dawson, Jon S.	Jones, David T.	Jones, David T.	Pryzmont, Erica R.J.	Quale, Kimberly	Stickney, Scott M.	Williams, Paula
Brar, Devinder	De Lucia, Tamara Eve	Jones, Lee A.	Jones, Lee A.	Quale, Kimberly	Rabe, Cynthia K.	Stock, Margaret D.	Williams, Roy V.
Brautigam, L.L.M., Peter B.	Dean, Jill K.	Jones, Paul B.	Jones, Paul B.	Rabe, Cynthia K.	Ramage, Betty	Stoker, Dana R.	Williams, Teresa
Bray, Aisha Tinker	Dean, John R.	Jones, Steven L.	Jones, Steven L.	Ramage, Betty	Randall, Deborah H.	Stoller, Robert E.	Willoughby, Julie
Brecht, Julius J.	Deaver, Mary M.	Josephson, Sarah E.	Josephson, Sarah E.	Randall, Deborah H.	Randall, Retta-Rae	Stone, Andrea L.	Wilson, Linda K.
Bressers, Jacqueline R.	Dennis, Elliott T.	Joyner, J. Mitchell	Joyner, J. Mitchell	Randall, Retta-Rae	Rankin, Christina	Stone, Jack R.	Wilson, Lisa M. F.
Brice, Monte L.	Derleth, Eric	Judge, Jerome H.	Judge, Jerome H.	Rankin, Christina	Rapozza, Suzanne	Stone, Timothy M.	Wilson, Zane D.
Briggs, Robert B.	Deuser, Richard F.	June, Marc W.	June, Marc W.	Rapozza, Suzanne	Rawitz, Margaret J.	Strandberg, Douglas	Winfree, Daniel E.
Brink, Barbara K.	Devaney, III, Leonard R.	Junegris, Michael	Junegris, Michael	Ray, Charles W.	Ray, Colleen A.	Strout, Cynthia L.	Witow, Mark H.
Brink, L.L.M., Robert C.	DeVaux, LeRoy Gene E.	Jurasek, Robert J	Jurasek, Robert J	Razo, Gregory P.	Razo, Gregory P.	Stuart, Jennifer	Witty, Rachel L.
Brinkman, Brad J.	Devine, David A.	Kalamardides, Joseph A.	Kalamardides, Joseph A.	Reckmeyer, Peter R.	Reckmeyer, Peter R.	Sullivan, Brian J.	Woelber, Mark
Broker, Ann R.	DeWitt, James D.	Kaufman, William R.	Kaufman, William R.	Reeves, Philip A.	Reeves, Philip A.	Summit, Benjamin C.	Woelber, Tonja J.
Brooking, Cheryl Rawls	DeYoung, Jan Hart	Kaufman, John S.	Kaufman, John S.	Reges, Mala J.	Reges, Mala J.	Summit, Natasha M.	Wohlforth, Eric E.
Brown, Benjamin	Di Napoli, Vincent	Kauvar, Jane F.	Kauvar, Jane F.	Reilly, Patrick J.	Reilly, Patrick J.	Surgeon, Donald L.	Wolverton, Michael L.
Brown, Bruce L.	Dickman, K. Eric	Kay, Brian Phillip	Kay, Brian Phillip	Reineke, David D.	Reineke, David D.	Sutherland, Earl M.	Wonnell, Donn T.
Brown, Eric J.	Dieni, Michael D.	Keck, Kathy J.	Keck, Kathy J.	Renschen, Audrey J.	Renschen, Audrey J.	Sutherland, Jody W.	Wood, Larry D.
Brown, Fred G.	Dillon, Thomas M.	Kehoe, Robert F.	Kehoe, Robert F.	Reynolds, Lisa	Reynolds, Lisa	Sutcliffe, Mary Jane	Wood, Mark I.
Brown, Gayle J.	Dipietro, Susanne D.	Kerr, Sonja D.	Kerr, Sonja D.	Rhoades, Stephanie L.	Rhoades, Stephanie L.	Sutcliffe, Richard N.	Woodell, Michael H.
Brown, Glenn H.	DiPietro-Wilson, Diane	Kerry, Glenda J.	Kerry, Glenda J.	Rice, Julian C.	Rice, Julian C.	Svobodny, Richard A.	Woodman, Jonathan A.
Brown, Harold M.	Ditus, R. Stanley	Kesterson, Linda L.	Kesterson, Linda L.	Richardson, Ann Marie	Richardson, Ann Marie	Swiderski, Alex	Woodruff, Jennifer E.
Brown, Ray R.	Doehli, Lisa	Khalsa, Amrit Kaur	Khalsa, Amrit Kaur	Richmond, Robert L.	Richmond, Robert L.	Tan, Sen K.	Woods, Fronda C.
Brown, Valerie L.	Doherty, Brian M.	Kibby, Richard D.	Kibby, Richard D.	Rickey, Douglas K.	Rickey, Douglas K.	Tangen, J. P.	Woodworth, Glen E.
Bruner, Ann M.	Doherty, Brian M.	King, Jennifer L.	King, Jennifer L.	Rindner, Mark	Rindner, Mark	Tans, Gordon J.	Woolford, Larry R.
Brunner, Roger L.	Donnelley, Lisa H.	Kirsch, Lisa M.	Kirsch, Lisa M.	Ritchie, Barbara J.	Ritchie, Barbara J.	Tatsuda, Laurel K.	Wooliver, Douglas A.
Bryner, Alexander O.	Dooley, Timothy D.	Kittleson, Nicholas J.	Kittleson, Nicholas J.	Tatter, Sue Ellen	Tatter, Sue Ellen	Taylor, Christopher J.	Wrigley, Julie Ann Binder
Bundy, David H.	Douglas, James E.	Klassen, James F.	Klassen, James F.	Taylor, Christopher J.	Taylor, Christopher J.	Taylor, Gregory C.	Wyatt, Mitchell
Bundy, Robert C.	Douglas, Patricia P.	Kleinsmith, Philip M.	Kleinsmith, Philip M.	Taylor, Gregory C.	Taylor, Gregory C.	Taylor, Kneeland L.	Yerbich, L.L.M., Thomas J.
Burbank, Winston S.	Drinkwater, Cynthia C.	Klepaski, Cynthia M.	Klepaski, Cynthia M.	Taylor, Kneeland L.	Taylor, Kneeland L.	Taylor-Welch, Karla	Young, David
Burke, Michael J.	Driscoll, Louise R.	Kobayashi, Tina	Kobayashi, Tina	Taylor-Welch, Karla	Taylor-Welch, Karla	Teaford, Matthew	Young, Min H.



## NEWS FROM THE BAR

## Board of Governors action items May 9 &amp; 10, 2005

- Voted to certify the results of the February 2005 exam. Forty-four of 62 applicants passed the exam.

- Voted to certify 14 Reciprocity applicants.

- Voted to approve the request for special accommodations for the July 2005 exam, according to the schedule set by the Executive Director.

- Voted that Bar Members' Date of Birth information not be released and to modify the Standing Policies to state "The information contained in a member or bar applicant file will be privileged and will not be accessible to the member or applicant or outside parties. Work address and phone number, and schools attended are not privileged."

- Voted to approve the Historians Committee's request for up to \$3,000 funding for the November 8 lunch program recognizing the 50<sup>th</sup> anniversary of the Constitutional Convention.

- Approved the January and April Board meeting minutes as corrected.

- Appointed the following members to the ALSC Board of Directors: 1<sup>st</sup> District: Vance Sanders and Janell Hafner (alternate); Kenai/Kodiak seat: Karen Lambert and Alan Schmitt (alternate); 4<sup>th</sup> District: Cam Leonard; Board representative: Gregory Razo and Arthur (Chuck) Robinson (alternate); 4<sup>th</sup> District remainder of unexpired term: Joseph Miller.

- Asked Bar Counsel to draft a proposed MCLE rule for a future meeting. Set up an MCLE Joint Task Force, consisting of Tiemessen, Mendel and Faulhaber, and request a representative from the Court System and the Judicial Council.

- Postponed the issue of VCLE until the MCLE issue has been dealt with.

- Heard from the attorneys in the Disciplinary Matter involving William Ford, on remand from the supreme court, deliberated and took this matter under advisement.

- Voted to send the names of all

four candidates for the Judicial Conduct Commission to the Governor, i.e., David Bundy, James Fayette, Mike Geraghty and Eric Sanders.

- Voted to accept a stipulation for discipline of a public censure.

- Voted to create a committee on Uniform Laws.

- Directed staff to get a progress report on the RFP on the Bar's database and to id a consultant to write the RFP; Board subcommittee to communicate with staff (Katcher, Tiemessen, Weiner.)

- Voted to accept a stipulation for discipline of a public censure.

- Voted to adopt an ethics opinion entitled "Responsibilities of the Attorney Representing a Client Who, After Being Charged with a Felony Offense, Informs the Attorney of the Client's Intent to Commit Suicide if Convicted."

- Voted to reject the appeal of the denial of a claim from the Lawyers' Fund for Client Protection.

- Accepted the stipulation for a three year suspension with one year stayed.

- Met with a representative from Hagen Insurance who handles the Bar's group medical plans, and determined that the range of deductibles are very reasonable in light of the insurance market today.

- Voted to send the proposed amendment to Bar Rule 16(e), which would add a disciplinary assessment to be paid by attorneys who receive discipline, to the supreme court.

- Tabled the proposed amendment to Bar Rule 43, which would provide a waiver to practice law for lawyers working for the Disability Law Center, until the next meeting, and to ask the DLC if they want to pursue the waiver, to get more information on the DLC and the number of anticipated waivers.

- Voted to send the proposed amendments to Bar Rule 8(3) and 22(p), regarding excerpts of records in admissions and discipline appeals, to the supreme court.

- Voted to table the discussion on

the proposed amendment to Bar Rule 33.3 on the Unauthorized Practice of Law.

- Voted to publish an amendment to Bylaw III, section 1(a) which gives the Board the authority to set the amount of bar dues each year without having to amend the Bylaws.

- Voted to support the Anchorage Bar's resolution seeking repeal of the

civil case reporting requirements.

- Voted to take no position on ATLA's resolution regarding courthouse security.

- Voted to accept the slate of officers: President-elect - John Tiemessen; Vice President - Chris Cooke; Treasurer - Sid Billingslea; Secretary - Michael Hurley.

## Member comments invited

The Board of Governors invites member comments concerning the following proposal regarding the Alaska Bar Association Bylaws. Additions have underscores while deletions have strikethroughs.

## Article III, Section 1(a).

This proposed amendment would give the Board the ability to set the membership dues as needed without having to publish a bylaw amendment and then wait for another meeting to adopt a change.

## ARTICLE III. MEMBERSHIP FEES AND PENALTIES

## Section 1. Annual Dues.

(a) Active Members. The an-

nual membership fee for an active member is ~~\$550.00~~ the amount approved by the Board, \$10.00 of which is allocated to the Lawyers' Fund for Client Protection. The annual membership fee for an active member, who is 70 years of age or more and who has practiced law in Alaska for a total of 25 years or more, is one half of the total amount assessed to each active member, \$10.00 of which is allocated to the Lawyers' Fund for Client Protection.

...  
Please send comments to: Executive Director, Alaska Bar Association, PO Box 100279, Anchorage, AK 99510 or e-mail to [info@alaskabar.org](mailto:info@alaskabar.org) by August 29, 2005.

## Guantanamo Lawyers ask for commission on torture

A group of private lawyers, led by the Center for Constitutional Rights, who collectively represent over 500 detainees currently incarcerated at Guantanamo Bay, have endorsed a May 25 call for an independent commission to investigate allegations of torture. The center says it is a bipartisan group, including several former government officials and high-ranking former members of the military,

Speaking on behalf of the attorneys, Thomas Wilner of Shearman & Sterling, counsel in one of the first detainee cases to reach the Supreme Court, said that "as counsel to detainees currently held at Guantanamo Bay, we fully endorse today's bipartisan call for an independent commission on torture. Dozens of serious allegations of torture by United States forces remain unresolved, ranging from desecration of the Koran, to beatings (including one that resulted in paralysis), to threats of rape, and extended periods of isolation. These allegations threaten the most fundamental American principles of decency, seriously damage our standing in the world, and endanger the brave men and women who serve our country abroad."

"We join our voices with those of the many prominent organizations and individuals--including the Constitution Project, the American Bar Association, Senator Jack Reed, Amnesty International, and Physicians for Human Rights--that have already called for such an investigation."

--Press release, U.S. Newswire.

## 44 new lawyers pass February bar exam

A total of 62 applicants sat for the bar exam earlier this year, with 44 of them passing and joining the attorney ranks statewide. Statistics and successful candidates are below.

- Total number of applicants: 62
- Overall pass rate: 71%
- Number of first time takers: 50
- First time takers pass rate: 78%

Successful applicants:

Ascott, Ivan  
Baumetz, Jason  
Beltzer, Christopher  
Brown, Molly  
Condie, Craig  
Day, Jennifer  
Dudukgian, Goriune  
Gist, Jason  
Goodwin, James  
Grannik, Andrew  
Gross, Joseph  
Hargrave, Dallas  
Hunsaker, Jamie  
Hunsaker, Matthew  
Jamgochian, Thomas  
Jamieson, Angela  
Kammermeyer, Jacob  
Kron, Michael  
Layman, Gabriel  
Lee, Wei—Drin  
Martin, Alice  
Martin, Hilary

McLeod, Jill  
McNarnara, Cara  
Pickrell, Kristian  
Polizzotto, Rebecca  
Runnels, Katholyn  
Sheehan, James  
Sia, Heather  
Silverberg, Elizabeth  
Simpson, Sara  
Stanage, Todd  
Steeves, Michael  
Stohler, Lyle  
Stryszak, Michal  
Swanson, Danika  
Thibodeau, Nicole  
Twomey, Timothy  
Vogel, Angela  
Warnock, William  
Wenstrup, Michael  
Wielechowski, William  
York, David

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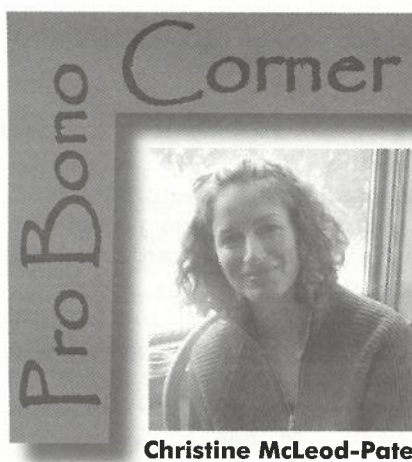


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Christine McLeod-Pate

This interview is the second in a series profiling the pro bono coordinators in Alaska.

Everyone, meet Christine McLeod Pate. As the Pro Bono Mentoring Attorney at the Alaska Network on Domestic Violence and Sexual Assault since 1999, Christine has placed more than 400 thorny family law cases, trained 303 individuals in family law issues at an annual CLE titled "The Impact of Domestic Violence on Your Legal Practice" and was the recipient of the 2003 Robert Hickerson Public Service Award by the Alaska Bar Association.

Christine lives in Sitka with her husband (and fellow attorney) Jude Pate and is mom to two young sons and a sweet, scrappy dog named Maddie. A game of word association offers this peek into Christine's mind. Pilot: safety; Vacation: need; Ice cream: chocolate peanut butter thick shake at Lane 7 (a favorite Sitka hot spot). She's got a great sense of humor—as seen in a recent case placement announcement touted as an exotic travel opportunity—and is well respected by her colleagues in the equal justice and greater legal community. Sitka knows what a lucky community they are with Christine among them and named her their Woman of the Year in 2002. And we're lucky to have her as part of our legal community.

**Q. How did you come to Alaska?**

**A.** By car, driving in three days across the country and then the beautiful Inside Passage ferry. Ok, I know what you really want to know, it was a man...I never would have thought to come to Alaska otherwise; I was a Northeast gal.

**Q. What kind of work did you do before becoming a pro bono coordinator?**

**A.** I was a Legal Services Attorney with Alaska Legal Services Corporation (ALSC) in Fairbanks and Executive Director of the domestic violence and sexual assault program in Sitka. ALSC Fairbanks was an amazing placement for a young attorney because the attorneys in that office were of the highest caliber—Judy Bush, Bill Caldwell, and Andy Harrington. It was there I started working with victims of domestic violence. I also did a fair

## A conversation with Christine McLeod-Pate

share of Alaska Native and public benefits law. I would have stayed in that office forever had my personal life not got involved which eventually brought me to Sitka.

**Q. Why did you decide to do his type of work?**

**A.** When I came to Sitka I spent two years as the Executive Director of the domestic violence and sexual assault program here. It was a crash course in management, grant writing and learning to work with domestic violence and sexual assault victims from an advocate perspective. When the pro bono position with the Network opened up, it was a great way to combine my knowledge of advocacy and law to work with domestic violence and sexual assault victims. The Network is kind enough to allow me to work from Sitka even though our agency is based in Juneau. I think that this dual background (of advocacy and law) has really helped me to form bridges between Alaska's advocates and attorneys to better represent victims of domestic violence and sexual assault.

**Q. What do you enjoy most?**

**A.** I LOVE it when attorneys call and say they want to volunteer without any prompting. I also LOVE it when I call and go through my explanation about how important a case is to take and then just get a simple "sure" from an attorney. Some volunteers are so wonderful and trusting and I really appreciate that.

I also love the flexibility that I have in my job. About half of my job is the client screening and recruiting and mentoring of the pro bono program volunteers. The other half is direct client service work, policy work, and training with our member programs.

**Q. What is the most difficult part of your job?**

**A.** Placing cases, placing family law cases and placing really difficult family law cases. Not necessarily in that order. By really difficult cases I mean the case where someone really needs an attorney but the case either has been going on forever, or has the possibility to go on forever, involves really emotionally wrenching facts and involves a client who has some deficits of their own even though they still should have an attorney.

It is also really difficult to cold call attorneys, which I resort to in desperate moments. I assume that I am somewhere between the "make that root canal appointment" and "start doing your taxes" in terms of time priority for attorneys. That is why it is always a great pleasure and surprise to get a call back from attorneys, even if they ultimately have to decline the case.

**Q. What surprises you most?**

**A.** When I actually place a really difficult family law case or any cases. These folks are the heroes of the state. Thank you!

**Q. What lessons and experiences have you learned from your work with a legal services agency?**

**A.** That it is a good fight; it is an important fight. Our justice system would mean nothing if people unable to afford attorneys did not receive access to quality representation.

There are three different pro bono programs, each specializing in different types of cases. What should people know about your program?

We offer an enormous amount of resources to our volunteers — books, legal support, training and technical assistance. I've been known to tell volunteers that we would do ANYTHING for them if they took a particular case, and that is probably a bit of an overstatement, but we really do try to support our volunteers!

It's a great way to learn a new area of the law and help someone. I also work to highlight how much assistance attorneys can receive by working with the legal advocates at our 21 member programs of the Network. For example, I receive our cases through the legal advocates at our member programs. When I place a case, I strongly encourage the legal advocate and volunteer attorney to continue working together on the case. This saves the attorney time as the legal advocate can help the attorney manage the client. They can also provide valuable domestic violence expertise to the case. (Note: For more information about legal advocates as resources, visit [www.alaskabar.org/barrag](http://www.alaskabar.org/barrag)).

**Q. Mentoring is a huge part of your work with ANDVSA. Did you have a legal mentor and what made them integral to your professional growth?**

**A.** I was blessed as a young attorney to have several wonderful attorneys to work with. When I came to intern with ALSC in Juneau, Vance Sanders was my supervisor and Mark Regan was the staff attorney. I already mentioned above the wonderful folks that I worked with in Fairbanks. Judy Bush was my primary mentor. She was my first supervisor and I learned so much from her about being an attorney and managing an office. I learned from Judy that to be a good leader and attorney, you have

to lead by example, have good judgment, and work hard. You also have to make it fun. Judy was all that and her departure from Alaska left a big gap. Andy Harrington has also been a great mentor to me. Although he is the most humble person you would meet, his legal mind is amazing. Andy also taught me the valuable lesson of combining music and theater with law (which I am still working on although I am not sure that's a good thing!)

**Q. How has your program maintained its level of service with ever-dwindling funds?**

**A.** Creatively. We have two superb VISTA volunteers who do great work for us. My program could not exist at current levels without the extraordinary help I receive each year from my VISTA, Rachel Johnson.

**Q. Are there any projects you are currently working on or would like to undertake?**

**A.** I am very energized by some of our recent partnerships with law firms and corporations that are willing to do a dedicated amount of volunteer time each year. We have entered into some recent agreements whereby we have firms agreeing to do a certain number of protective order cases each year. This allows the firm to gain expertise in an area and for us to know we have the dedicated help.

I also would like to have more volunteers doing appellate work. So many of the issues that come up in domestic violence family law and protective order cases really need appellate advocacy.

**Q. What makes you come back every day?**

**A.** Kids. Domestic violence is not by any means just a family issue. It is a societal problem. Kids growing up in homes with abuse go on to create problems of violence that affects all of society. As attorneys, we have tools that can help families to break the cycle. I like working with attorneys to reach that end.

The great people I work with at the Network Legal Advocacy Project including Kari Robinson and MK MacNaughton. The fact that even if we don't solve all the problems of the world, I generally can feel good about what I do everyday.

So, good readers, remember Christine the next time she calls upon you for help. Or, better yet, make the call yourself. Contact information: [www.andvsa.org](http://www.andvsa.org).

—Krista Scully

### Pro Bono Announcements

If you can read this, you can help!

¿Hablas español? Comunícate con Erick Cordero de Alaska Legal Services Corporation llamando al 222'4521. Estamos creando un panel de voluntarios que hablan español.

Correction: Carol Daniel earned a much deserved spot on the 2004 Pro Bono Volunteer list. Our apologies to Carol for missing her on the first round. Thank you so much for your help to Alaska Legal Services Corporation.



On a recent visit to Kodiak, Alaska Bar President Jonathon Katcher joined members of Jamin Ebell Schmitt & Mason to personally deliver fresh cinnamon rolls from Great Harvest for May's Good Deeds, Good Feeds. Featured in photo in lower row from left to right: Andrew Ott, Linda Brown, Karen Lambert, Jonathon Katcher, Brad Troth. Rear row: Alan Schmitt, Matthew St. John, Matt Jamin, Daisy West. Missing: Kathy Cliver and Jocelyn Peterson.



## Helping your children find heroes

By Dan Branch

Parents should always help their children find heroes. Recently my daughter made Sandra Day O'Connor one of hers. My father helped to make Dodger pitcher Sandy Koufax one of mine.

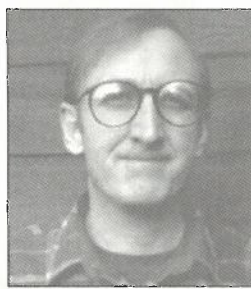
In my mid-childhood, my father and I would listen to the radio broadcast of almost every game that Sandy Koufax played. In those years, the Dodgers depended on scratch singles, Maury Wills' speed, Don Drysdale's fast ball and Koufax's nasty curve. A Dodger win, especially over the San Francisco Giants, would keep me happy for days.

Once or twice a year Dad would take me to Dodger Stadium where we would climb to the general admission seats high above the field to watch Koufax pitch. If the Dodgers won, we would wait outside their locker room door so I could collect autographs from the players. They looked tall and powerful in their street clothes. Some of the players would walk past without giving me an autograph.

Sandy would reach down with his big hand, pick up whatever paper I pushed in his direction, and sign it.

Sandy Koufax won the Cy Young award for pitching three times. He had an earned run average of .95 in World Series play and lead the Dodgers to three world championships. These facts and his domination of the game encouraged hero worship but it was his willingness to sit out a ball game that cemented his hero status in our house.

I remember a time when the Dodgers had scheduled him to pitch on one of the Jewish High Holidays. Mr. Koufax refused on religious grounds. The Dodgers were in the middle of a tight pennant race so the Los Angeles papers filled their sports pages with criticism of his decision. He still held firm. Our family was not Jewish, but my father supported Mr. Koufax's decision and made sure



**"You have to be true to your beliefs even if you are scorned for it."**

I understood why.

At that point my father was acting on the kind of inspiration that all parents hope to have at critical times in their children's lives. After talking with him that night, I understood that it takes more than success on the ball field to make someone a hero. You have to have the backbone to be true to your beliefs even if you are

scorned for it.

The recent Alaska Bar Convention in Juneau gave my daughter a chance to find a hero. A good friend who is a successful woman attorney escorted her to Centennial Hall where Alaska Supreme Court Justice Dana Fabe was to interview U.S. Supreme Court Justice Sandra Day O'Connor. I also attended.

During the interview, Justice O'Connor described her life and the mountains of sexism she scaled in down to earth, every-day speech.

While Justice O'Connor's delivery style didn't diminish her accomplishments, it made them seem more obtainable. I thought how appropriate it was for my 14-year-old daughter to sit next to a woman attorney she has known most of her life and listen while one of the most powerful women in the country plainly answered questions put to her by the most powerful woman in Alaska.

Afterwards my daughter shared her impressions of Justice O'Connor with me. She saw Justice O'Connor as someone that had just followed her dreams. In doing so she broke open a path for other American women to follow. My daughter respected her for her work ethic and her ability to overcome barriers. She also appreciated that no matter how high Justice O'Connor rose, she never forgot where she came from—the ranch country of Arizona.

My child may never serve on an appellate court, but she does have dreams. Now she also has a new hero.

## Alaska lawyers acknowledged for pro bono efforts

Alaska's legal services providers—Alaska Pro Bono Program, Alaska Legal Services, Corporation, Alaska Network on Domestic Violence and Sexual Assault and the Pro Bono Asylum Project—select each year a private practitioner and a firm that has donated extraordinary time, resources and talents to pro bono efforts in Alaska. The 2005 recipients

are both from the Southeast area and longtime pro bono activists.

We are pleased to welcome private practitioner and Mayor, Bruce Botelho and the law firm Baxter, Bruce and Sullivan, PC to the pro bono Hall of Fame. Please read their full biographies at [www.alaskabar.org/index.cfm?ID=6015](http://www.alaskabar.org/index.cfm?ID=6015). Congratulations!



Members of Baxter, Bruce and Sullivan, PC — Kent Sullivan, Dan Bruce, Kevin Sullivan, and Rhonda Martin are recipients of the 2005 Pro Bono firm award. Photo by Karen Schmidtkofer



Chief Justice Alex Bryner presents the 2005 Pro Bono award to private practitioner and Juneau Mayor Bruce Botelho. Photo by Karen Schmidtkofer

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## May 11-13 • Centennial

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### Winners of the annual convention Fun Run

Male	Female
1. Ryan Heffernan	1. Jody Stover
2. David Miner	2. Colleen Sullivan
3. Kevin Doran	3. S.J. Lee



Charlie Cole, Justice Sandra Day O'Connor and Bar President Jon Katcher enjoy the whale-watching cruise.



Juneau Bar President Ben Brown chats with Justice Sandra Day O'Connor at the banquet.

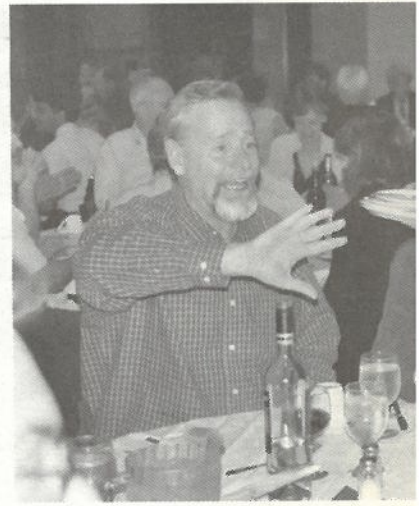


Ethel Staton receives the Board Award from Bar President Jon Katcher, a public member on the Board of Judicial Conduct Commission.

*Photos by Karen Schmidtkofer  
unless noted*



Two generations of lawyers and legislators, Chancy Croft and Rep. Eric Croft at the banquet.

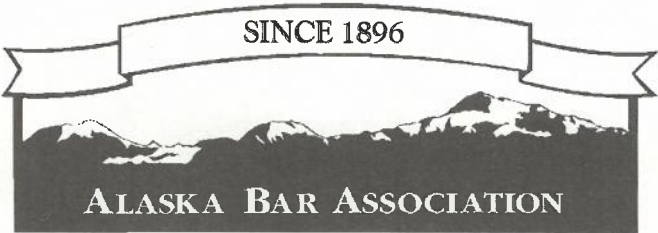


Kevin McCoy, Mary Geddes and Pre at the banquet.



# ON HIGHLIGHTS

## all • Juneau



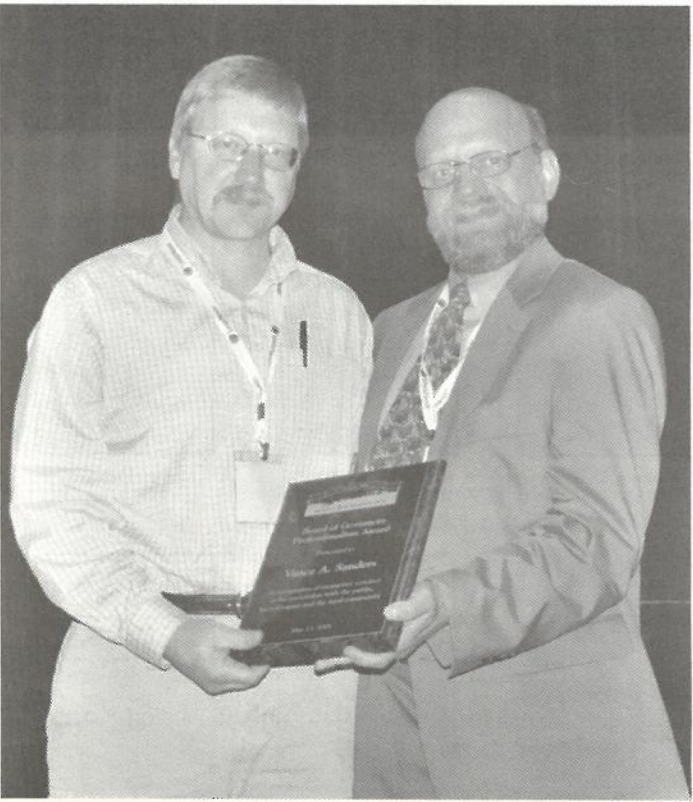
### SANDRA DAY O'CONNOR



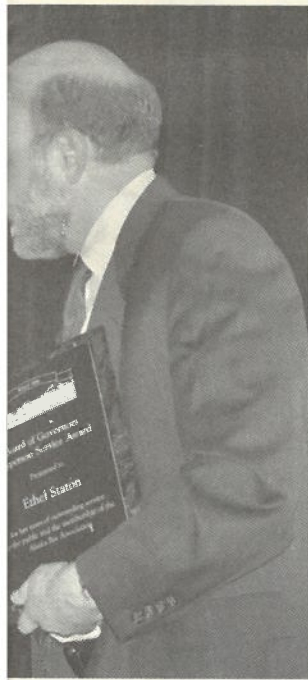
Stewart is presented with the American Society Herbert Harley Award from U.S. Court Justice Sandra Day O'Connor. Judge also received the Alaska Bar Foundation Jay Public Service Award.



Justice Sandra Day O'Connor is presented by Judge Keith Levy with a gift of fishing flies tied by members of the Juneau Bar.



Bar President Jon Katcher presents the Professionalism Award to Vance Sanders (left).



Governors Layperson Service Ms. Staton served as a pub- and currently serves on the



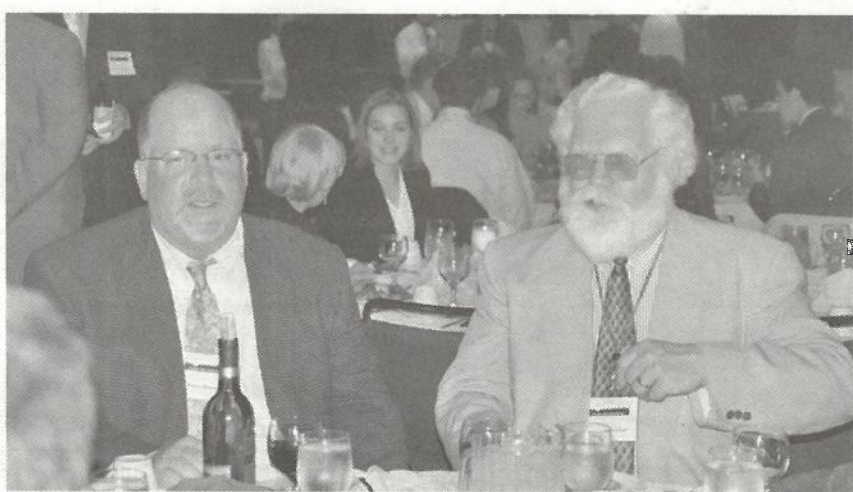
Judge Michael Jeffery, Judge Larry Weeks, Roger Brunner and Judge Don Hopwood enjoy the Millennium Bluescast performance at Mt. Roberts.



Bar President Jon Katcher presents the Robert K. Hickerson Public Service Award to Galen Paine.



Judge Dan Hensley visit at the

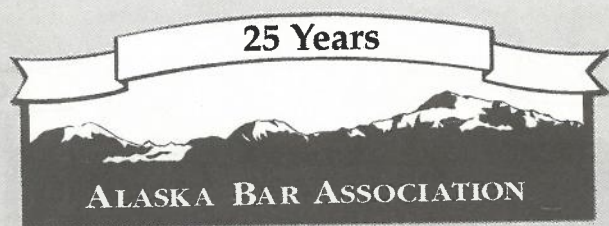


Sitka attorneys Brian Hanson and Denton Pearson visit at the banquet.

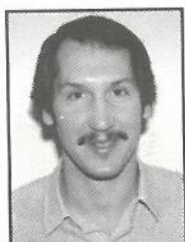


Mara Kimmel, winner of the Board of Governors Distinguished Service Award with husband, Rep. Ethan Berkowitz.





# 25 Years of Bar Membership



Stephen M. Agni



Mary Ellen Ashton



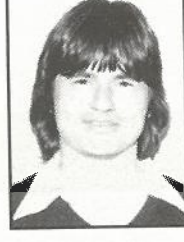
Marilyn E. Bain



Kathleen C. Barron



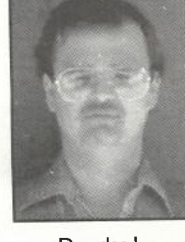
Wilfred D. Bennett



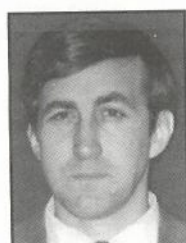
William D. Bixby



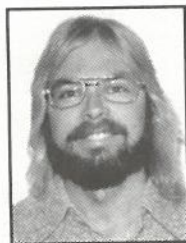
Kathryn A. Black



Douglas L. Blankenship



Robert C. Brink



Daniel L. Callahan



Larry D. Card



Jacqueline Carr



Mark C. Choate



Alicemary L. Closuit



Jeffrey W. Cole



Theron J. Cole



Kathryn M. Coleman



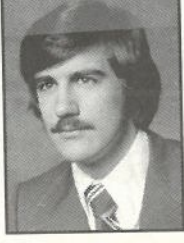
Terri-Lynn Coleman



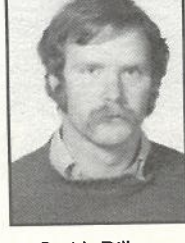
Patrick W. Conheady



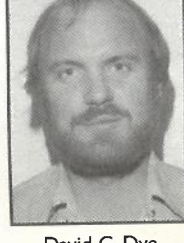
Laurie H. Constantino



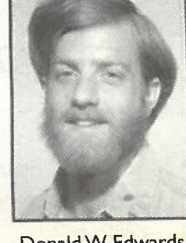
Joel D. DiGangi



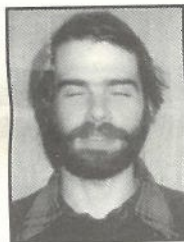
Paul L. Dillon



David G. Dye



Donald W. Edwards



Peter Reed Ehrhardt



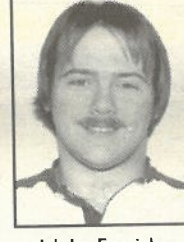
Ronald D. Flansburg



Maryann E. Foley



Susan Behlke Foley



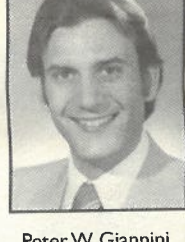
J. John Franich



Deidre S. Ganopole



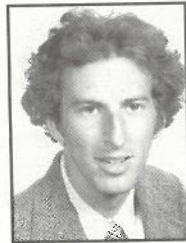
Dianna R. Gentry



Peter W. Giannini



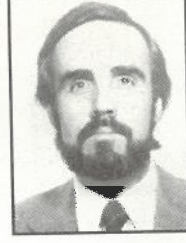
Rene J. Gonzalez



Lewis F. Gordon



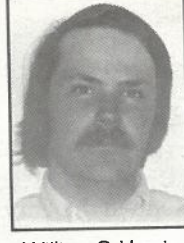
Mitchell Gravo



Parry E. Grover



Gloria Hanssen-Hooper



William C. Harpin



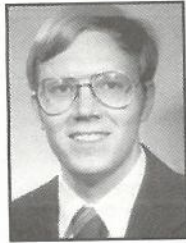
Theresa R. Hebert



Mary L. Heen



Theresa Hillhouse



Robert C. Holmes



Donald D. Hopwood



Karla F. Huntington



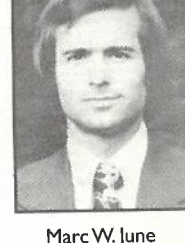
James H. Isherwood



David A. Ingram



Thomas G. Johnson



Marc W. June



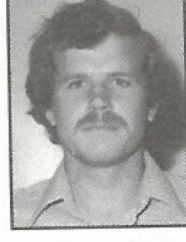
Richard D. Kibby



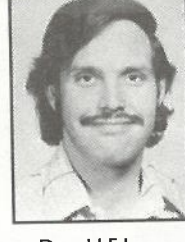
James F. Klasen



Carolyn Lathrop



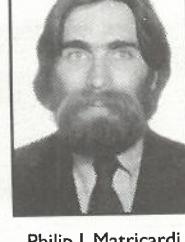
Stanley T. Lewis



Donald F. Logan



Kathryn Lynch



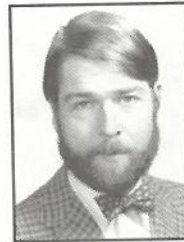
Philip J. Matricardi



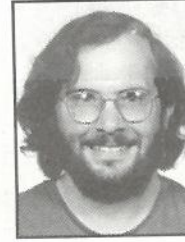
Peggy M. Mentele



James Q. Mery



Wallace W. Mills



Edward L. Miner



Robert J. Molloy



Richard D. Monkman



Milton Moss

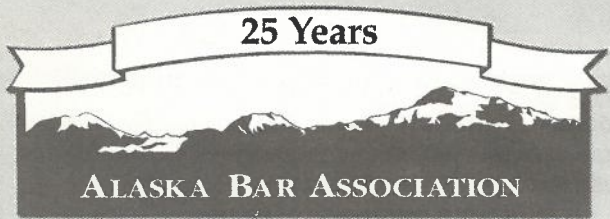


Myra M. Munson



Dianne E. Olsen





# 25 Years of Bar Membership



Ruth E. O'Rourke



Stephanie D. Patel



Gregory L. Peters



Matthew K. Peterson



Holli I. Ploog



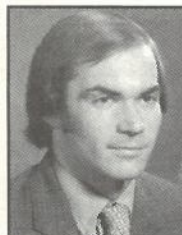
Betty Ramage



Colleen A. Ray



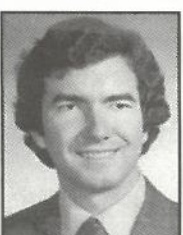
Mark Rindner



Kenneth P. Ringstad



L. Andrew Robinson



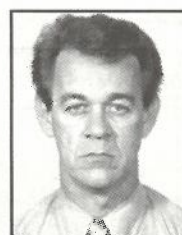
Patrick Rumley



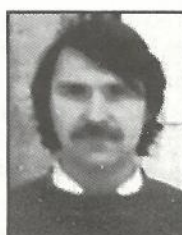
Elizabeth L. Shaw



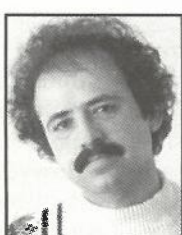
Michael A. D. Stanley



Gerald E. Stinson



H. Conner Thomas



Richard J. Todd

## 25 year award recipients



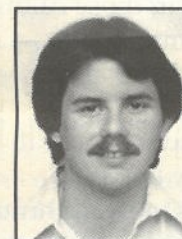
(L to R) Judge Larry Card, Mark Choate, Terri-Lynn Coleman, Judge Dan Hopwood, Maryann Foley, Judge Mark Rindner, Theresa Hillhouse, Bob Molloy, Charlie Cole (50-year pin recipient), Mark Woelber, Susan Urig, Judge Michael Wolverton, and Michael Stanley attended the bar convention and received their Silver Anniversary pins.



Susan L. Urig



Fred H. Valdez



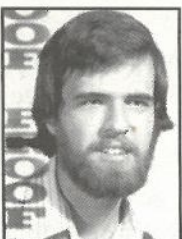
Richard L. Wagg



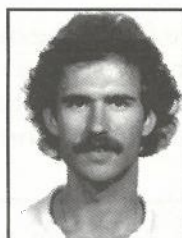
Elizabeth Sheley Warner



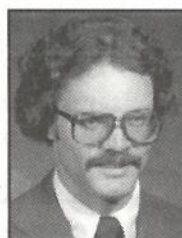
Roy V. Williams



Carl W. Winner



Mark Woelber



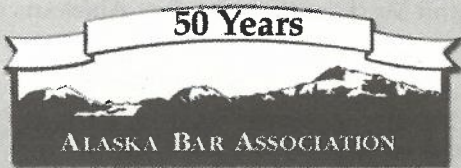
Michael L. Wolverton



Durwood J. Zaelke

### Not Pictured

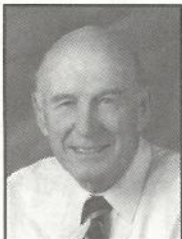
Julienne E. Bryant  
Patrick J. Coughlin  
John M. Moxness  
Melvin M. Stephens



# 50 Years of Bar Membership



Russell E. Arnett



Henry J. Camarot



Charles E. Cole



Robert N. Opland



Warren W. Taylor

Not Pictured: Kenneth R. Atkinson and David J. Pree



## Perkins Coie gets rankings in Chambers

Chambers & Partners, publishers of Chambers USA: America's Leading Lawyers for Business, announced in May that Perkins Coie has been ranked as a leading law firm in 19 different areas in markets across the country. In eight of those areas, the firm received the top ranking.

In addition, 47 Perkins Coie lawyers are ranked among the best in their markets, with 16 receiving the top ranking. The rankings are established based on interviews of in-house counsel and leading law firm partners.

The firm received #1 rankings in Alaska for its employment and environment, natural resources and regulated industries practices. Individual Perkins Coie lawyers in Alaska, Illinois, Colorado, Washington, Oregon, Arizona, and Idaho also were recognized as leading lawyers in a wide range of practice areas, including litigation, corporate, bankruptcy, intellectual property, employment, real estate, construction, environment and natural resources.

"We are so honored to be recognized by Chambers and our peers and clients here in Anchorage," said Thomas M. Daniel, managing partner of Perkins Coie's Anchorage office. "Thanks to our clients, and the challenging work that they bring to us every day, we're able to attract and retain talented lawyers in a wide range of practices."

The rankings include the following lawyers from Perkins Coie's Anchorage office: Thomas Daniel, employment; Eric Fjelstad, environment, natural resources and regulated industries; Helena Hall, employment; Michael Kreger, construction litigation.

--Press release

## DIETING: A MIDDLE-AGED LAMENT

By John C. Pharr

It appears as though magically  
But responds to neither prayers nor pleas.  
Say the name: *obesity!*  
Eat that stuff. Pack in those calories!  
Or better yet, eat emotionally –  
Put on those pounds for all to see.

Few things can produce more ill humor  
In the average baby boomer.  
And the problem is viewed through the prism  
Of a rapidly slowing metabolism.

Atkins, Pritikin, Weight Watchers, carb  
Ornish, Scarsdale, South Beach – still there's lard.  
All demand too much compliance.  
But losing weight's not rocket science.

Calories burned must exceed those consumed, it's plain.  
But doing that can drive one insane –  
Plus exercise. No pain, no gain.  
Where are you when I need you, Jack LaLanne?

Listen carefully: I've found the best diet.  
Love handles? Then you should try it.  
I've found a way to end my dieting sorrow.  
My diet...starts first thing tomorrow.

*You are invited to the installation  
of  
Robert B. Downes  
as Judge of the Superior Court, State of Alaska.  
Friday, June 17, 2005  
Ceremonial Courtroom 304  
Rabinowitz Courthouse  
Fairbanks, Alaska*

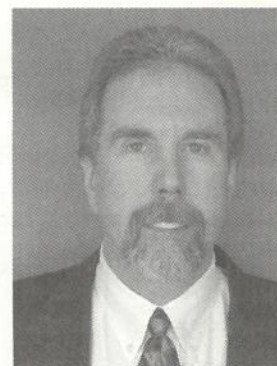
*Installation: 3-4 p.m.  
Reception immediately following at  
The Player's Grill  
Reception hosted by Downes, MacDonald &  
Levensgood, P.C.  
and the Tanana Valley Bar Association.*

## Bar People

The Association of Legal Administrators (ALA) has 9,910 members worldwide and provides legal management information and knowledge to law firms of all sizes. The Alaska chapter of the Association of Legal Administrators would like to announce the following new officers:

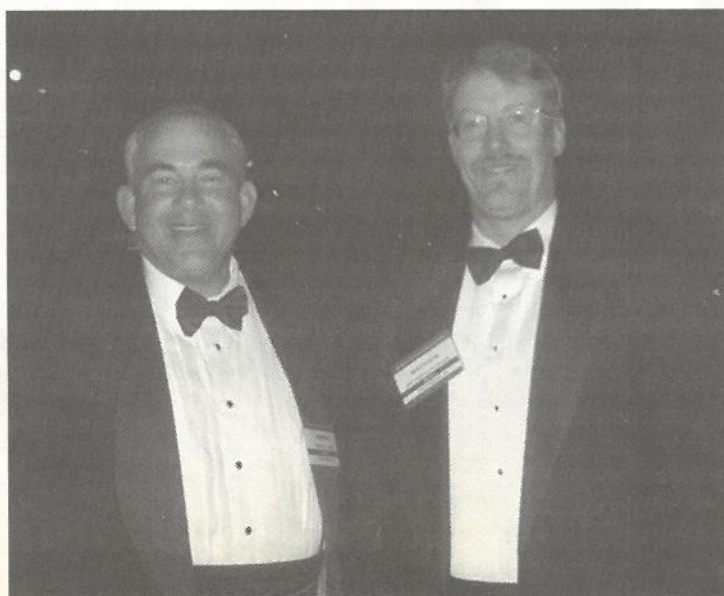
Lee Reed, Delaney Wiles Hayes Gerety Ellis & Young, president

Susan Lamb, Turner & Mede, president-elect  
Shirley Kelly, Matthews & Zahare, vice-president  
Dawn Gray, Richmond & Quinn, treasurer  
Deborah Swinney, Guess & Rudd, secretary  
Deanna Schaefer, Lane Powell, director at large  
Manuel Molina, U.S. Army Alaska, director at large  
Patricia Simmons, Perkins Coie, past president



Lee Reed

## Attorneys admitted to American College of Trial lawyers



Howard Lazar and Matthew K. Peterson

Matthew K. Peterson and Howard Lazar have become Fellows of the American College of Trial Lawyers, one of the premier legal associations in America.

The induction ceremony at which Mr. Lazar and Mr. Peterson became Fellows took place recently before an audience of 730 persons during the recent 2005 Spring Meeting of the College in La Quinta, California.

Founded in 1950, the College is composed of the best of the trial bar from the United States and Canada. Fellowship in the College is extended by invitation only and only after careful investigation, to those experienced trial lawyers who have mastered the

art of advocacy and whose professional careers have been marked by the highest standards of ethical conduct, professionalism, civility and collegiality. Lawyers must have a minimum of fifteen years trial experience before they can be considered for Fellowship.

Membership in the College cannot exceed one per cent of the total lawyer population of any state or province. There are currently approximately 5,500 members in the United States and Canada, including active Fellows, *Emeritus* Fellows, Judicial Fellows (those who ascended to the bench after their induction) and Honorary Fellows.

The College strives to improve and elevate the standards of trial practice, the administration of justice and the ethics of the trial profession. Qualified lawyers are called to Fellowship in the College from all branches of trial practice. They are carefully selected from among those who customarily represent plaintiffs in civil cases and those who customarily represent defendants, those who prosecute accused of crime and those who defend them. The College is thus able to speak with a balanced voice on important issues affecting the legal profession and the administration of justice.

Mr. Peterson is a partner in the firm of Clapp, Peterson, Van Flein, Tiemessen & Thorsness, LLC, and has been practicing in Alaska for 25 years. The newly inducted Fellow is an alumnus of the University of Minnesota School of Law.

Mr. Lazar is a partner in the firm of Delaney, Wiles, Hayes, Gerety, Ellis & Young, Inc., and has been practicing in Alaska 19 years. The newly inducted Fellow is an alumnus of the Washington College of Law, American University.

Mr. Peterson and Mr. Lazar are the first Alaskans to be inducted into the College since 1999.

## Patton Boggs hires Parnell

Patton Boggs LLP announced that Sean R. Parnell has joined the firm as a partner in the Anchorage office, effective in June.

Parnell, who until recently served as deputy director of the State of Alaska's Division of Oil & Gas, will focus his practice in the areas of administrative and regulatory law, with emphasis on resources issues. Drawing on his legislative and executive branch experience, he also will advise clients on the development of large projects and navigating the regulatory environment in Alaska and Washington, D.C.

"We welcome Sean's decision to join Patton Boggs. His energy policy expertise and his commercial litigation background coupled with Sean's years of political and regulatory experience in Alaska will be great assets to the firm. His addition reflects the continued strengthening of our energy practice," said Anchorage Managing Partner Douglas Serdahely.

Parnell was appointed to the Division of Oil & Gas in 2003 by Gov. Frank Murkowski. As deputy director, Parnell was a member of the State of Alaska's gas pipeline negotiating team, where he provided advice and counsel to the governor and senior staff on commercial and policy issues related to commercializing Alaska North Slope gas.

Before serving in the Murkowski administration, he was director of state government relations at ConocoPhillips Alaska, Inc. Parnell served a term as a state senator from 1996-2000, where he served as co-chair of the Senate Finance Committee; as a member of the Senate Majority leadership and the Resource Committee. Parnell also was a state representative from 1992-1996. From 1987-2000 Parnell maintained an active commercial litigation law practice.



# 2005 Evidence Cranium Winning Teams at the Bar Convention/Judicial Conference

**Planning Chairs:** Judge Morgan Christen and Judge Phil Volland

## Courtroom A

**Panel Judges:** Judge David Mannheimer, Judge Sen Tan, Judge Phil Volland

## 1<sup>st</sup> place

Team 5  
Mark Choate  
Chris Cyphers  
Thomas Feeley  
James Patrick Hanley  
Ryan Heffernan  
Tom Koester  
S.J. Lee

## 2<sup>nd</sup> Place

Team 6  
Susan Cox  
Deborah Holbrook  
Jon Katcher  
Michael Kron  
John Leque  
Scott Brandt-Erichsen

## 3<sup>rd</sup> Place

Team 1  
Dennis Bailey  
Amrit Khalsa  
Randy Olsen

## Courtroom D

**Panel Judges:** Chief Justice Alex Bryner, Presiding Judge Dan Hensley, Judge Morgan Christen

## 1<sup>st</sup> Place

Team 12  
Anne Carpeneti  
Robert Molloy  
Margaret Murphy  
Fred Triem  
Lisa Valenta  
Tonja Woelber

## 2<sup>nd</sup> Place

Team 10  
James Douglas  
Brian Hanson  
Kari Kristiansen  
Mary Alice McKeen  
Kaci Schroeder  
Larry Card  
Scott Taylor

## 3<sup>rd</sup> Place

Team 15  
Ella Anagick  
Lori Bodwell  
Dan Bruce  
BethAnn Chapman  
Kathleen Frederick  
Bob Groseclose

## Red Lantern Award

Team 16  
Richard Savell  
Kristine Schmidt  
Jane Sebens  
Kathleen Strasbaugh

*(R) Chief Justice Alex Bryner and Judge Morgan Christen smile in anticipation of Team 10's response to their "Evidence Cranium CLE" question.*



## June - December 2005 CLE Calendar

June 8	8:30 a.m. – 4:30 p.m.	The Bankruptcy Abuse Prevention & Consumer Protection Act of 2005: Navigating the Minefield with Bankruptcy Judges Eugene Wedoff and Karen Overstreet CLE # 2005-013 5.75 General & .5 Ethics Credits	Anchorage Hotel Captain Cook
June 8	1 hour – afternoon	Great Alaska Judges: The People and the Cases CLE #2005-034 1 General CLE Credit	MV Kennicott
July 13	4:00 – 5:00 p.m.	An Informal Discussion with the 9 <sup>th</sup> Circuit Court of Appeals CLE #2005-008 1.0 General CLE Credit	Anchorage Downtown Marriott Hotel
September 23	Full Day	Masters in Trial Presented in cooperation with the American Board of Trial Advocates (ABOTA), Alaska Chapter CLE #2005-007 CLE Credits TBA	Anchorage Hotel Captain Cook
September 30	8:30 a.m. – 12:30 p.m.	11 <sup>th</sup> Annual Workers' Comp Update CLE #2005-012 CLE Credits TBA	Anchorage Hotel Captain Cook
October 19	9:00 a.m. – 12:15 p.m.	Using the Internet for Discovery- with Carole Levitt CLE #2005-017A 3 General CLE Credits	Anchorage Hotel Captain Cook
October 19	1:30 – 4:45 p.m.	Internet Marketing and Online Ethics with Carole Levitt and Mark Rosch CLE #2005-018 3 General CLE Credits	Anchorage Hotel Captain Cook
October 21	9:00 a.m. – 12:15 p.m.	Using the Internet for Discovery- with Carole Levitt CLE #2005-017B 3.0 General CLE Credits	Fairbanks Westmark Fairbanks Hotel
FALL 2005	TBA	18 <sup>th</sup> Annual Alaska Native Law Program CLE #2005-014 CLE Credits TBA	Anchorage TBA
November 2	8:30 a.m. – 12:30 p.m.	Legal Writing with Steven Stark CLE # 2005-031 3.75 General CLE Credits	Anchorage Hotel Captain Cook
November 9	Half-day	Landlord Tenant Law Update CLE #2005-019 CLE Credits TBA	Anchorage Hotel Captain Cook
December 2	8:30 a.m. – 12:30 p.m.	Medicaid Planning with the Sleeves Rolled Up CLE # 2005-0032 3.75 General CLE Credits	Anchorage Hotel Captain Cook
December 8	Morning	Ethics at the 11 <sup>th</sup> Hour CLE #2005-020 2.0 Ethics CLE Credits	Anchorage Hotel Captain Cook



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**James A. Green**  
888-485-0832



# Iliamna portage

By Jon Katcher, Sean Elder, Graeme Lawrie and Sig Mayer

## Sean the Great' Makes an Offer That Cannot be Refused

I should have known better than to tell Sean about The Road. I'd been eyeing The Road between Pile Bay<sup>2</sup> on Lake Iliamna and Williamsport<sup>3</sup> on Cook Inlet since the mid 1990's when I started representing a fishing lodge in the village of Iliamna. This 15-mile gravel path looked intriguing--a road seemingly from nowhere to nowhere. I'd heard that it had something to do with transporting fishing boats from Cook Inlet to Bristol Bay, but could not get much more intelligence. I'd also been reading recently about the potentially gigantic Pebble gold mine near the village of Iliamna. Looking at the geography I speculated that The Road might be used as part of the infrastructure to develop the mine, and then to transport the precious metals to tidewater on Cook Inlet. Thus, I wanted to bicycle The Road before it was improved over what I assumed was its current primitive state to become in the future paved and thick with traffic.

Little did I know when I mentioned The Road to Sean in early May 2004 as an interesting potential mountain biking adventure that we would soon be traveling through this amazing country. By mid-May Sean called to report that he had lined up a charter flight out of Homer that could take four passengers and four mountain bikes. He had also found us accommodations at the lodge of the very special Williams family at Pile Bay, on the northeast shore of Lake Iliamna and the western end of The Road. So when Sean asked "are you in?", I looked at my busy litigation calendar, pondered the prospect of a spouse not too happy about my putting a big hole in our already full summer plans, and said "yes." After all, it was my idea, and Sean is a very good salesman. We looked for two more comrades and were very fortunate to be joined by Graeme the Scot,<sup>4</sup> a safety and environmental compliance official with a North Slope oilfield service company, and Sig the Sailor,<sup>5</sup> a student merchant mariner.

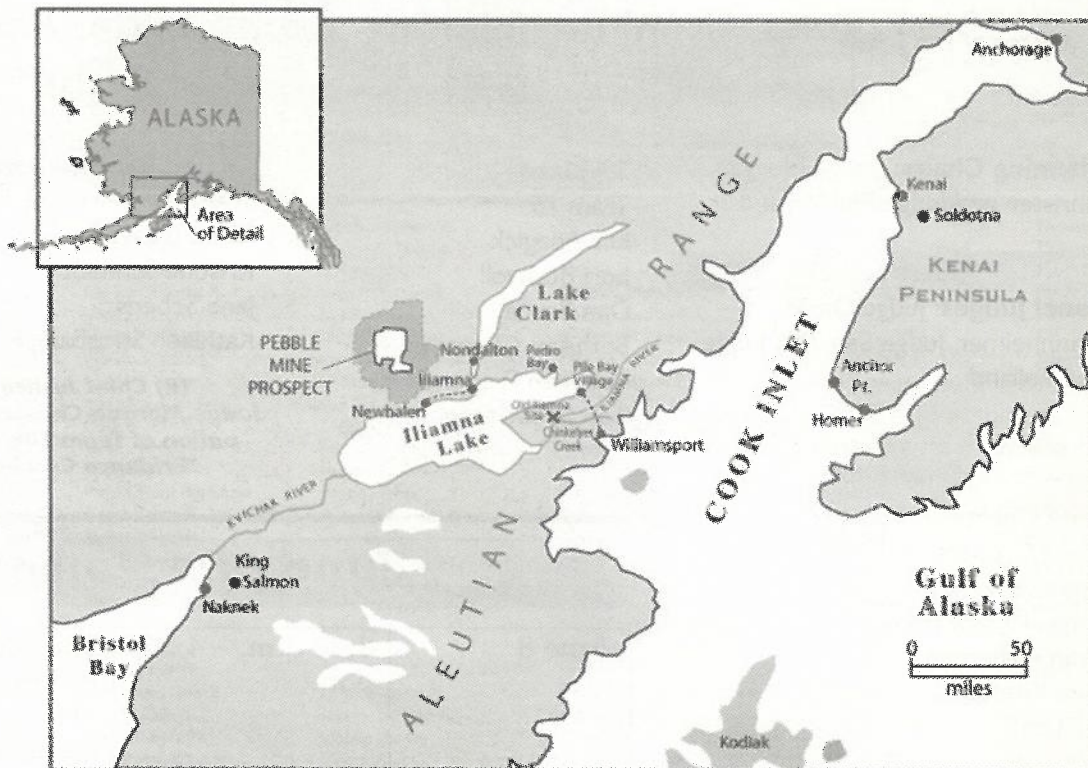
As it turns out it was a great decision to undertake this journey. This is a wonderful trip and we encourage all serious outdoors people to put it on their list of must do Alaska wilderness adventures.

## The Country

Look at the map. Consider Lake Iliamna, Alaska's largest lake, so big that it has tides. Located just north and west of the neck where the Alaska Peninsula connects to the mainland. Its waters drain west into the Kvichak River to Naknek on Bristol Bay and out into the Bering Sea. Yet just 15 miles to the east of the lake is Cook Inlet and the North Pacific Ocean. The mountains in between form a continental divide of profound geography and incomparable beauty.

The mountains in the area where The Road crosses are not themselves very big—generally 2,000 to 4,000 feet tall. But they are part of something beyond gigantic. They were uplifted, and continue to be uplifted, by the stupendous power of plate tectonics, as the Pacific Plate dives thousands of feet below the surface of the ocean into the Aleutian Trench and under the North American Plate. The results include the enormous granite pluton that lifted up to become the Alaska Range and the Aleutian Range, along a 1,000 mile arch from Tok to Dutch Harbor. The numerous volcanoes in this segment of the global Ring of Fire are testament to the titanic forces at work. At the same time, weather and glaciers attempt to wear down what the Earth pushes up. It is a dance of uplift and grind down, advance and retreat, that has gone on for millions of years and shall continue for millions more.

These mountains are the subject of controversy. Are they part of the Alaska Range or the Aleutian Range? To summarize an article by Craig Medred,<sup>6</sup> volcanologists believe that this is the Aleutian Range, a contiguous string of volcanoes from the Aleutian Islands to the Skwentna River Valley northwest of Anchorage. This would put The Road in the Aleutian Range. On the other side of the debate are geomorphologists, "students of surface erosion who trace the paths of old glaciers and rivers." Geomorphologists put The Road in the Alaska Range.



Medred summarizes the geomorphology argument:

During the mid Jurassic period — the age of dinosaurs, as you may recall from the hit movie "Jurassic Park" — most of coastal Alaska was part of one huge, underwater bubble of lava. Eventually it cooled to form what one geomorphologist labeled an "enormous granitic batholith that stretched from the Talkeetna Mountains through the southern Alaska Range to the Aleutian Range."

Then, 220 million years later, or 2 million years ago, came the glaciers that reshaped that batholith into a variety of terrains, such as the Aleutian Range, the Alaska Range, the Talkeetna Mountains and the Cook Inlet-Susitna Lowlands.

The geomorphologists see an obvious break between the Alaska Range near Iliamna Lake. For 50 miles along the mainland between the lake and Kamishak Bay on the Pacific Ocean, there are no mountains. Obviously, they contend, a glacier swept through the area, splitting the Alaska Range and the Aleutian Range. [The Road is north of this break, thus, according to the geomorphologists, putting it in the Alaska Range.]

Geographers, who view the world in terms of obvious physical features, side with the geomorphologists.

Students of plate tectonics, the science of studying the continent-size pieces of land that sit on a molten core of magma at the heart of the Earth, tend to side with the volcanologists.

The U.S. Board on Geographic Names provides the official answer in the *Dictionary of Alaska Place Names*. The Dictionary holds that the Aleutian Range extends north to Chakachamna Lake in a mountain gap south of Mount Spurr. One can see the gap from the Coastal Trail in Anchorage. The three large peaks across the Inlet from Homer, Kenai and Anchorage are known as the IRS Mountains - Iliamna is the southernmost, then Redoubt, then Spurr, the big pointy one to the south, or left, of Mount Susitna. If you look to the south, or left of Spurr, you will see the Chakachamna Lake mountain gap where the Aleutian Range officially begins, heading southwest through The Road and on to the

Aleutian Islands.

After five days in the country we came away convinced that we were in the Aleutian Range. Irregardless of geomorphology and volcanology, these mountains just felt Aleutian, not Alaskan. Coastal, low and wet with oceanic flora and fauna, and slopes descending to the sea. Not inland and massive with the kind of hard scramble high country one finds in the Alaska Range. Far from scientific but it works for us. (We reject any claim that we were persuaded by Sean's insistence that we be deemed to be in the Aleutian Range simply because he had climbed Mt. Hunter and other peaks in the Alaska Range, but had never climbed in the Aleutian Range.)



Graeme Lawrie, Jon Katcher, Sean Elder and Sig Mayer at the Williams' Pile Bay Dock.

## The Williams Family of Williamsport, Pile Bay and Anchor Point

Our adventure began with a drive to Homer and the Beluga Lake float plane dock of Beluga Air. It was a challenge to load four mountain bikes and assorted gear into the Beaver<sup>7</sup> aircraft but we succeeded after a certain amount of bike disassembly. We were fortunate to be staying in a lodge because we were not sure the plane could have handled the extra volume and weight of a full load of camping gear and food. We were soon taking off and heading northwest up Kachemak Bay and through clouds across Cook Inlet.

The weather cleared as we approached the lake and Pile Bay and we were greeted with breathtaking scenery. We landed on the lake and motored up to a dock where seven people stood. The population of Pile Bay was now 11. We quickly unloaded the bikes and gear only to be followed by four people and their gear piling

Continued on page 25

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# Iliamna

*Continued from page 24*

into the same plane. Soon the plane was off and the population of Pile Bay was again seven.

We introduced ourselves to the Williams family; Ray and Linda and their son Chet age 28. They showed us our accommodations—a single story building up the hill from the dock with two bedrooms and a small kitchenette. Two bathrooms with hot showers and towels were in an adjacent building. We assembled our bikes, prepared our gear and got comfortable while we waited to report for dinner.

Around 7:00 we headed up to the Williams' modern American home at the top of a hill overlooking a typical Alaskan multi-acre homestead littered with heavy equipment, trucks, ATVs, boats, snowmachines, a generator, work shops, buildings, and a spectacular view of the lake and surrounding mountains. The living room has the most amazing home collection of mounted animals: several bears (brown, black, standing and rugs); the biggest wolf we had ever seen (it had an 18 inch skull and the world record is 17 inches); two wolverines mounted as if they were in a fight, caribou, deer, mountain lion, buffalo, salmon and much more. The chandelier was made of moose racks. It was a truly stunning accumulation of trophies. All of the Williamses, including Linda, had done their share of the hunting.

In the dining and kitchen area there was a TV where weather reports from King Salmon, Kodiak and Anchorage could be gotten off the internet, a radio which played a Kenai country music station, and a phone that seemed to never stop ringing for Ray to take care of business.

Eating was family style around a big table with captain's chairs. For each dinner Linda put out a very impressive spread with salads, rolls, potatoes, vegetables, and a main entre, all excellently prepared. We sat at the table with Ray and Chet while Linda managed the feast from the stove behind the counter. She would just keep bringing the food out and it was all so delicious we were hard pressed to say no to any of it. Each dinner was topped off with a choice of excellent home made desserts - pies a la mode, cakes, tapioca pudding, parfaits. Breakfasts were like a trip to the IHOP without limits - pancakes, french toast, waffles, bacon, sausage, eggs and breakfast burritos. This is not a place to come to lose weight, even if one is biking 30 miles per day.

Our first dinner conversation started with Ray declaring: "You're from Anchorage? I don't know why anybody would want to live there. It's the only place that when you get there you have to speed up." Ray is a plain spoken heavy set man of about 52. Many of his statements begin with "Ray Williams..." as in "Ray Williams was not happy." Very much like the speaking style of Bob Dole. Linda is a year younger than Ray, petite but with such energy, warmth and confidence projecting competence and power that she appears larger than her actual size. Chet is a big man like his dad, though more slender and quiet except when spoken to.

We had four dinners and four breakfasts with the Williams and at each meal learned much about them, the land and the people. Ray and Linda actually grew up in Anchor Point. She smiled as she answered about how they met: "He was in sixth



**The Road at the pass with summit lakes feeding into Chinkelyes Creek at the top. The Road heads steeply down to Williamsport and Cook Inlet at the bottom.**



**The Williams homestead at Pile Bay.**

grade and I was in fifth grade." In that short phrase she summarized the rich lives of two special people who had known and loved each other for more than 40 years. They both went to UAF, he getting a degree in biology and she in education though she never taught school. They raised a daughter and a son and now have a grandson.

Ray's parents Carl and Maude were great Alaskans with a remarkable history. Carl's father was killed by lightning while Carl was still in his mother's womb. Carl had a nervousness that was attributed to the anxiety his mother suffered during the pregnancy due to her husband's shocking death. Carl was very tall and thin, over six feet but weighing 100 pounds. They called him high pockets.

Carl came to the west side of Cook Inlet from Buffalo, New York in the early 1930s to join family pioneers and find a calmer life less stimulating of his nervous condition. He later went to Missouri and met and married Maude who had been caring for his aunt. There is a picture of Carl and Maude in their 70s. They look solid in their conservative attire. They stare at the camera with confidence. These are people not to be messed with, as several Japanese warriors found out. During the war the Williams monitored aviation traffic on Cook Inlet. Maude spotted a Zero making a reconnaissance flight over the area. She radioed in the information and the Elmendorf Army Air Corps dispatched planes to shoot the Zero down. Carl spotted a mini submarine off shore of Williamsport. He radioed it in and planes were dispatched to sink the submarine near Mt. Augustine. After the war the Williams received numerous notes of thanks from U.S. airmen whose planes had been heard to be floundering their way up Cook Inlet. The Williams would forward information of their distress to Elmendorf and planes would be sent to escort them safely home.

Carl and Maude raised a family in Pile Bay until they moved to

Anchor Point in the early 1950s for better schooling. Before the move Pile Bay had eight families, 50 people, a school and two competing churches. The Williams family attended one of the churches but sometimes missed a Sunday if Carl had work to do. One Sunday, as the family arrived at church, the preacher said "I see the sinners are with us today." That was the last time the Williams family attended that church. The Williams homestead was then referred to as the devil's land. The village kids would have to run across the Williams' land so they would not get caught by the devil. Carl would get Laurel and Hardy and other such movies and invite the whole village for screenings. But the preacher disapproved of the movies as sinful and forbade his flock from attending. The village children would have to wait until dark to sneak in to see the films. Finally, a Catholic priest was sent on a mission of inquisition. The priest determined that nothing was remiss and wholly endorsed the Williams and their movie exhibitions.

Carl started a transportation business on the road, hauling freight and fishing boats from Williamsport on Cook Inlet to Pile Bay on Lake Iliamna and back. This saved the fishers many hours and many miles of travel by avoiding the long trip around the Alaska Peninsula at False Pass. The boat hauling business ebbed and flowed over the years. In the big money fishing years of the 1980s they would haul as many as 60 boats a year. Now they do about 12 boats a year.

Ray and Linda returned to Pile Bay to run the business. They also have a contract with the state highway department to maintain the road that Ray says is woefully inadequate to cover fuel and wages.

Chet has joined them to help. Chet is an avid machine sportsman. He and a partner were the fastest rookies in the 2004 Yukon Quest snow machine race from Anchorage to Nome, placing sixth. He also long-distance jet skis on Lake Iliamna. He has dreams of

going by snowmachine from Pile Bay up the Iliamna River and up to the top of Mount Iliamna.

The family also includes Taz, a hunting dog of friendly disposition whose barking at trespassing bears we heard each night; Teak, a friendly yellow Lab; and Gizmo the cat, who would go on four-mile walks with the family and climb a tree at the scent or sound of a bear.

## Old Iliamna Village

For thousands of years from the path from Cook Inlet to Lake Iliamna ran up from Williamsport up Williams Creek to the pass and down Chinkelyes Creek to the Iliamna River, just up from where the river feeds into the lake. From the time of the first Russian trading post in the late 1700s until the 1930s, a Dena'ina Athapaskan village was situated where Chinkelyes Creek met the Iliamna River. Old Iliamna Village had 150 people in 1912. It had a United States Commissioner,<sup>8</sup> the first post office in the Lake Clark-Iliamna region, a school built and operated by the Federal Bureau of Education, a Russian Orthodox Church, and a cemetery. But when the west end of the road was moved to Pile Bay in the early 1930s, Old Iliamna Village was abandoned and the people moved to several other Lake Iliamna villages. They took all of their buildings with them including the school.

## The Medicine Rock

At the top of the pass, just two miles west of Williamsport are several large rocks that slightly intrude upon the roadway. These were once part of what was a much larger rock known to the Natives as the Medicine Rock and to anthropologists as The Votive. A Native legend recounts how a giant had tried to lift the rock in search of his sister. John B. Branson, a ranger historian with Lake Clark National Park and Preserve, has published "Bristol Bay, Alaska, From the Hinterlands to Tidewater, a Grassroots Pictorial, 1885-1965" (1998). Branson's book is a collection of old photos taken of and by residents of the region. It has informative and interesting text including the following regarding the rock:

In 1902 biologist Martin Gorman described how the votive rock 'became the recognized fetish of the pass and the native was in conscience bound to contribute some trinket or a small portion of his scanty food or highly prized tobacco to it in passing. Notwithstanding that the natives of the region have long since accepted Christianity, the superstition has become so firmly established that the custom still continues, and if accompanied by a white man they will stealthily drop a brass shell, a few nails, a trinket of some kind, a small piece of cloth, a piece of tobacco, or even a cigarette by its side or press them into some of the crevices as they pass to propitiate the genus loci and insure success on the voyage on which they are bound.'

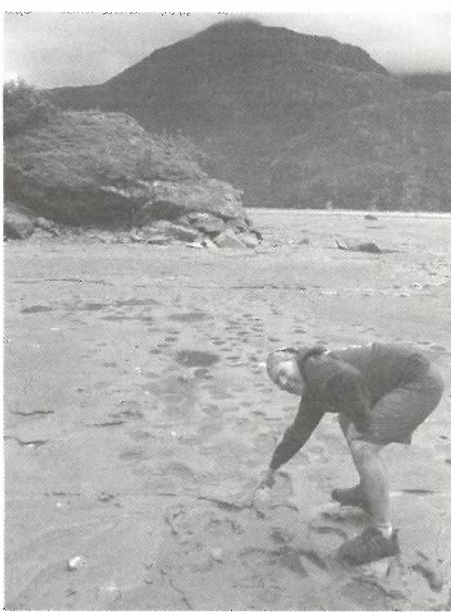
A 1931 photograph shows a large rock about three men tall and that 10 men could surround holding arms outstretched. It appears to have fallen from a cliff above. It is now in several pieces. According to Ray, the rock was dynamited by a road builder. Ray had told him about the importance of the rock to the Natives and instructed the builder to leave it alone, to no avail. The highway department has told Ray to leave the remaining rocks alone even though moving them would improve the roadway. There is talk of erecting a monument.

*Continued on page 26*



# The Iliamna portage

Continued from page 25



**Greame pointing out bear stam-pede prints at Williamsport.**

## Iliamna ADR

The Willamses told many stories about the people of the Iliamna Country. An interesting tale exemplified how the Natives of recent history would vigorously defend their hunting grounds against trespass. Enmity amongst the various tribes existed long before and well after the first contact with the Russians. The Williams said that in the early 1700s there was a battle between Aleuts and Athabaskans at the pass near the Medicine Rock.

Ray told a story of one hunting conflict that ended with a remarkable example of Iliamna alternative dispute resolution. Some hunters of one tribe were caught with the carcass of a bear on the land of another tribe.

The trespassers were escorted to a nearby village. After a great deal of argument about how to deal with the trespassers and their spoils it was decided that they could eat the bear but only in the camp of their "hosts" and that the hide would have to remain in the village. A very just and sensible resolution of the conflict.

## The Pebble Mine<sup>9</sup>

The Pebble Porphyry Deposit is about 15 miles north of the village of Iliamna. It is touted to contain 26.5 million ounces of gold, 16.5 billion pounds of copper and 900 million pounds of molybdenum.

Assuming the accuracy of these figures the mine would be North America's largest gold deposit and second largest copper deposit. At present values the mine is estimated to be worth \$28 billion. Northern Dynasty Minerals of Vancouver, British Columbia is among several companies with stakes in the area. Northern Dynasty has budgeted millions of dollars for additional mapping and preliminary environmental work in 2005. Other companies have jumped in with a whirlwind of claim-staking that has not been seen since statehood. At 570 square miles it is the largest mining district in the state.

The mine faces three serious challenges: environmental, economic and infrastructure. The mine is in an environmentally sensitive area wedged between the Lake Clark and Katmai National Preserves. There is talk of creating an artificial lake 10 miles long and two miles wide to serve as a tailing pond. Several critical salmon streams in the vicinity of the mine



**Linda's Viewpoint.**

drain into Bristol Bay, including the Kvichak and Nushagak Rivers, as well as Upper Talarik Creek. The mine would create a settlement for 2,000 workers. Those workers and their residences and their equipment would alter the wilderness. And a subsistence way of life spanning thousands of years would be substantially impacted. It can be assumed, indeed hoped, that the various state and federal agencies will do their duty to vigorously scrutinize all plans and environmental impact statements. Litigation brought by environmental and fishing interest groups can be expected. Predictions are that it could take until 2009 for all permits to come through and for the mine to begin production.

Any project of this magnitude involves very big economics — as much as \$1 billion. But with a potential value of \$28 billion one can understand the interest. The project could create 2,000 construction jobs and 1,000 mining jobs during the 25 to 50 year life expectancy of the mine.

The infrastructure challenges of the mine would be profound. The biggest need would be for electricity. The mine would require more power than the present Kenai Peninsula. One proposal is to use Cook Inlet natural gas to fire a power plant on the Kenai which would then send electricity to the mine through cables under the Inlet. The mine needs a deep water port. The present Pile Bay Road is grossly inadequate for the mine and would have to be routed away from Williamsport, which is subject to extreme tides. There is talk of a slurry to get the minerals to tide water for shipment to smelters Outside. The whole undertaking has the ring of the development of the Kennicott Mine near McCarthy, which required the construction of the Copper River & Northwestern Railroad, one of the great engineering feats of the early 20<sup>th</sup> Century.

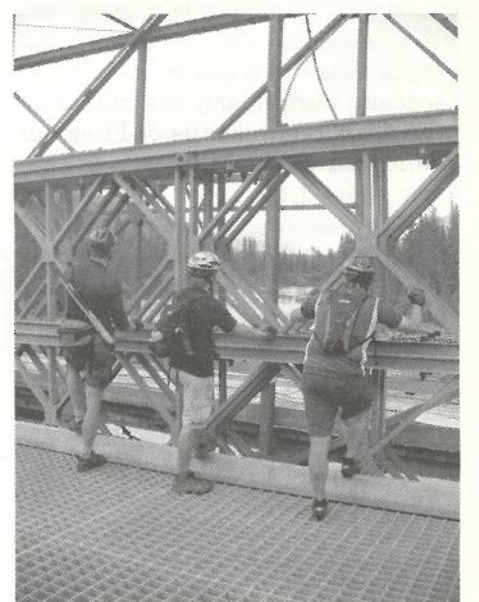
The development of the Pile Bay Road, with the potential of ferry access from Homer or Kenai, would forever transform the Western Alaska wilderness. An improved road to Pedro Bay, Iliamna and Nondalton would provide these remote villages with easy access to less expensive goods like fuel and other essentials. It would also make it possible for Railbelt Alaskans to have motor vehicle access to a huge wilderness for purposes of recreation and settlement<sup>10</sup>. More significantly, the improved and extended road would open up an entire new region of the state, with the potential of further extending roads into the Bristol Bay and Kuskokwim River regions.

Locals like the Williams family and the people of nearby Pedro Bay

wonder whether heavy truck traffic will endanger their children and transform their isolated way of life. As Linda Williams said, there are mixed feelings about the mine and the road amongst the people of the Iliamna country.

## The Equipment

We came prepared for the wilderness. All but Graeme had switched our clip less pedals for ones that would handle hiking boots. Greame stuck with his SIDI Italian bike racing shoes, which reminded us of OJ's Bruno Maglias and worked about as well in the rain. Our panniers and packs carried spare tires, tubes, tools, layers of clothing, water, food and bear spray. Sean carried a sawed off 12-gauge shotgun with a pistol grip. He slung it over his shoulder as he rode and looked like some new age warrior in Spandex. We only saw two bears while riding and never came anywhere close needing the shotgun, but we knew we were in serious bear country and were glad to have the extra safety of last resort.



**Bridges over Iliamna River. Note Sean's shotgun, Sig's bear spray and Graeme's Bruno Maglias.**

## The Road

We were there three full days and had three great adventures. The first day we biked the entire road from Pile Bay to Williamsport and back.

The Pile Bay Road starts at Lake Iliamna by climbing through lake side forest, and crosses the Iliamna River a few miles from the lake. There are two parallel and functioning bridges over the river. The older bridge had become a bottleneck because it was too narrow and had overhanging superstructure which conspired to seriously limit potential cargo as well as the size of any

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Continued on page 27



# Iliamna

Continued from page 26

boats to be hauled along the road. As we started to plan our trip Sean came across a Lake and Peninsula Borough website with photos of the old bridge completely underwater due to heavy storms in the fall of 2003. These photos gave us some pause about the wisdom of the entire trip. In 2004 the State installed a Bailey bridge that looks like it's made from a Lego set. Built by the Bailey Company of Alabama, these modular structures are popular with the military and for emergency purposes. The new bridge is wide enough for a Bradley fighting vehicle. We had no trouble crossing both bridges.

East of the river the road climbs up through timber to open country along the roaring Chinkelyes Creek. We came to a sign marking Linda's Viewpoint. This is where Linda almost lost control of a bulldozer and barely avoided crashing into the creek. The road then comes to two beautiful summit lakes, climbs a steep incline up the side of a mountain to the pass and the Medicine Rock, and then rapidly descends two miles down Williams Creek to Williamsport.

Along the way were various kinds of vehicles in various states of repair including a modern pontoon party boat one would expect to find on a Midwest lake. We referred to the junk along the road as "1% for Art." At the airstrip near the summit lakes and the pass were several old vehicles waiting for owners who never returned, including a 1960's International Harvester Travelall with a For Sale sign and the keys in the ignition—sold to the highest bidder, Sig.

The scenery along each mile of the way was simply breathtaking. The sense of raw wilderness was overwhelming, despite the fact we were on a fairly well maintained roadway. We had entered a magical land where there could not have been more than people in the surrounding area including us and the Williams family. The scenery, particularly the climb up to the pass, reminded us of Frodo and Sam's journey to Mordor.

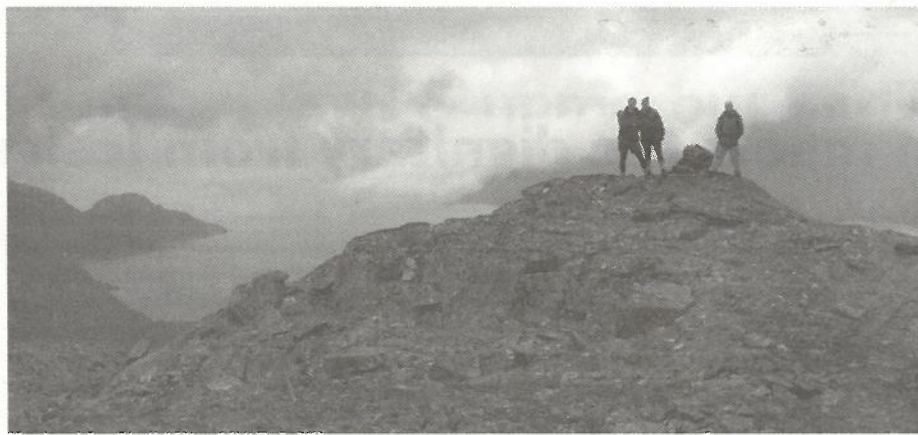


The Road heading west down from the pass towards Chinkelyes Creek and Pile Bay.

We sped down from the pass looking over sheer cliffs. "It's a very scary road in some sections," said Jeff Ottesen, planning chief for the state Department of Transportation. "It's just a shelf hanging off a cliff, like something you'd see in a Wiley Coyote cartoon."<sup>11</sup>

Ray Williams had told us that he once took a Knowles Administration transportation official on the road. Upon looking out the passenger side window and down a cliff the official declared that the road was not economically viable.

We flew into Williamsport with brakes squealing. Awaiting was a house where we could eat lunch. The outhouse was well appointed includ-



Summit of climb, with Williamsport in the background and weather closing in.

ing a padded seat.

We saw bear sign everywhere - scat on the road at least three times per mile. We would ring our bike bells and talk loudly around blind curves.

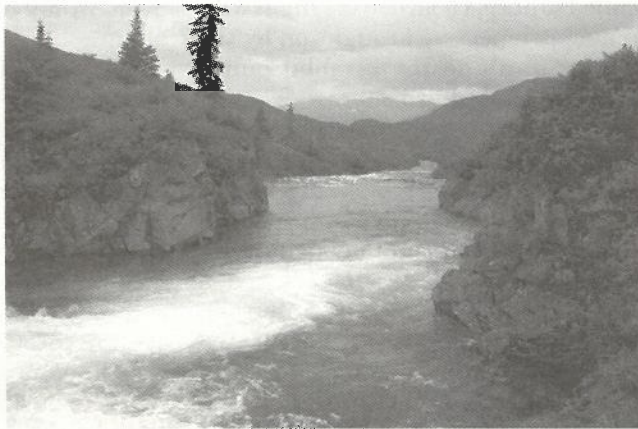
At Williamsport the mud flats along the shore were littered with bear prints as if there had been a stampede. Bears were in the camp at Pile Bay every night and we would hear Taz bray as we went out for a slash. One night Ray had to shoot a bear who was rummaging in the garbage. Four rubber slugs drove it off. It took most of the next day for us to realize that Ray was driving the bear away from him and in the direction of where we were sleeping - a modest building that would not have stopped a bear from coming in.

The second day we stayed closer to Pile Bay and looked for the wagon trail to Old Iliamna. We found the trail but it faded after about 2 miles. Great berry picking.

The final day we decided to challenge the weather and ride again to the pass. We got there in good time and the weather looked to be holding, so we decided to follow Sean on a hike up to the ridge above. The hike started right by the Medicine Rock. We had already read the account of the Rock and how Native travelers were "conscience bound" to leave an offering to "insure success on the voyage on which they are bound." Yet no offering did we leave. This proved to be a big mistake for the gods did not smile on us throughout our climb. We started by bushwhacking up a steep 200 foot cliff covered with dense alder and devils club. It had been raining so the foliage was soaked, and soon we were too. Upon reaching the ridge line walking on the tundra was easy going. I stopped to get a photo from above of Chet's truck hauling a fishing boat on the road below. I then ran to catch the group at a precipice overlooking Williams Bay and Cook Inlet to the east. Absolutely spectacular. We could see the same fishing boat heading out with the tide. Back to the west we could see the Chinkelyes Creek drainage all the way to Lake Iliamna and the islands beyond. Truly amazing.

But almost as soon as I had joined the crew and barely had time to take in the view the weather started to very quickly close in from the Inlet. The clouds suddenly cut off our views and surrounded us on the mountaintops. We were shrouded in fog, making every effort to keep each other in sight as we ran down the ridges. And then it began to rain - very hard. Hypothermia was becoming a risk - we ran as much to stay warm as to get off the mountain. We then had to struggle down the cliff of alder and devils club.

Though it was pouring rain we were pleased to be back at the road and on our bikes, rolling back to the Williams homestead with thoughts of a hearty dinner and good company.



Chinkelyes Creek Gorge looking west.

## The Footnotes

1. Sean the Great, salesman, guitar player extraordinaire and maestro of Culture Shock, Anchorage's favorite cover band which includes Alaska Bar members Paul Paslay and Herman Walker, and retired school teacher Beth McKay, spouse of Bar member Rob Nauheim, sister of Bar member Johnny McKay, and cousin of Bar member Patrick McKay. Sean is very strong and large, indeed HUGE, in all respects - intensity, decibels, love. Not to be confused with our dear friend Shawn the Lesser, a man

of no modest stature but not nearly so large as Sean the Great.

2. Pile Bay, so named because the timbers for the pilings at the cannery docks of Bristol Bay were logged there.

3. Williamsport, where Williams Creek drains into Iliamna Bay. Both the town and the creek are named after the Williams family.

4. Graeme's speech was frequently peppered with charming Scottish phrases like donner (to take a walk), slash (to pee), toing and froing (to gossip), and chalk and cheese (like night and day, as in, the difference between night and day is like chalk and cheese). Despite these foreign habits of speech, he was quite Americanized, with a keen appreciation of baseball and football and an at times mind-numbing ability to recount statistics and the exploits of various U.S. teams.

5. Sig, Sean's nephew, was the youngest, but generally the wisest, of our group.

6. Medred, *What Are Those Mountains Across the Inlet? Simple Question; Don't Expect A Simple Answer*, Anchorage Daily News, October 30, 1994.

7. The Beaver, built by DeHavilland (no relation to the actress Olivia) Aircraft Company of Canada. Originally developed for use by American forces in Viet Nam, this workhorse of the Alaskan and Canadian Bush is a tail-dragger that can be converted to floats. It can carry large loads into remote and primitive locations. In the hands of an able pilot it cruises like a '57 Chevy.

8. United States Commissioners served as justices of the peace of the Alaska territory.

9. Much of this information regarding the mine comes from the following Anchorage Daily News articles: AP, *Canadian firm targets huge Iliamna deposit*, March 30, 2004; Paula Dobbyn, *Gold! Pebble sparks a rush*, April 25, 2004; John Branson, *Cyanide mine would despoil region*, (Compass piece) May 21, 2004; Paula Dobbyn, *Mining is bullish as metal prices soar, regulatory hurdles disappear*, May 23, 2004; Paula Dobbyn, *Golden glitter*, October 17, 2004; *Golden jitters*, October 18, 2004; Paula Dobbyn, *Pebble developer hunting electricity*, January 13, 2005; AP, *Pebble's prospects shine brighter*, March 9, 2005.

10. If the road is to be built with State funds the government will have the power to afford general public access. Cf., *Turpin v. North Slope Borough*, 879 P.2d 1009, 1012 (Alaska 1994) (under the language of the Dalton Highway Act the Department of Transportation had "the general authority to open the entire length of the highway to unrestricted travel by the general public").

11. Jon Little, *Funds Sought for Pile Bay Road*, Anchorage Daily News, September 18, 1999.

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## Secret agent man meets the dignitary from Iceland

By William Satterberg

It was the first visit by a head of state to Alaska specifically to discuss issues pertaining to the northern latitudes. In the past, all heads of state visits had simply been gas-and-go stopovers. But, this one was different. Alaska was, for once, getting its well-deserved, special attention.

True, it was a visit from the President of Iceland. Still, unlike Alaska, Iceland is a sovereign nation. As such, it is special. Iceland is one of the smallest countries in Europe, if you disregard Liechtenstein and Luxembourg. In fact, Iceland is not really even in Europe. Instead, Iceland is a barren, windswept volcanic rock reputed to be inhabited by squatty, little trolls and offset by remarkably beautiful women. Geneticists regularly study the Iceland gene pool, having exhausted similar human resources in the American Ozarks. Admittedly, Icelandic politics have not rocked the world since the days that drunken Vikings drank toasts out of the skulls of their vanquished enemies, from which came the still-current European toast - "Skull." (It could have been worse. What would we be saying today if they had drank out of other body parts? Rectum?)

Still, it was nevertheless a planned visit to Alaska by a presiding head of state, complete with fanfare, flags flying over the Captain Cook Hotel in Anchorage, and, as proof of the importance of the event, a select Secret Service detail based out of Indiana.

For some strange reason, I was invited to attend the affair. My requested presence clearly bespoke of its intentional importance. Admittedly, my invitation came at the last minute via email, and had the wrong name on it. Moreover, it did not include a date for the "gala dinner." But, it was an invitation, nonetheless. Correct name or not, I figured I would just crash the formal dinner in my usual style. The omission of the dinner invitation was likely just one of those unintentional oversights to which I had become so accustomed over the years.

After several hours of searching my closet, I found a suit and shirt that would fit my gala body with a relative degree of comfort. I even located an unstained tie. To complete my ensemble, I polished up my best pair of penny loafers, and left for Anchorage.

During the entire long trip to Anchorage, I was particularly security conscious. After all, in the post-9/11 days of our world, there are nefarious individuals other than relatives out there who mean to do us harm. We often call them clients.

At the airport, I met one of the local judicial services officers, who was escorting two prisoners to Barrow to face a fair trial. We briefly discussed my momentous trip to Anchorage. As usual, I was trying to impress somebody I barely knew. During my boasting, I was interrupted by an old, grizzled gentleman who was proudly wearing a red Marine Corps baseball hat emblazoned in gold with the term, *Semper Fi*.

The veteran was quick to growl out of the side of his mouth to both myself and the judicial services officer that he was "an ex-Marine who could easily handle these two prisoners. Just tell me if you need any help on the aircraft." Once a Marine, always a

Marine. Quite politely, the officer responded that he certainly would request assistance if he needed it. Personally, I suspected that any requested assistance would most likely be for cardiopulmonary resuscitation for the prospective volunteer.

Still, I began to appreciate just how important security in our insecure world had become, and how everyone had to do their part when called to duty. I boarded my flight with a new perspective brought on by the old veteran's desire to rabbit punch two handcuffed prisoners.

When I arrived in Anchorage, I went to my favorite car rental dealership. After some pleading, I was pleased to receive a complimentary upgrade. Rather than my usual sub-sub-sub-compact car, I received a Korean version of a GMC Suburban known as a KIA. This dehydrated Suburban was menacingly black in color. It had tinted rear windows, a CD player, and electric just-about-everything. As usual, someone had thoughtfully set the radio to the local heavy metal rock station, performing a speaker check at maximum volume. (It should be noted that, in retaliation, I ordinarily return such vehicles with the speaker check still in process, but with all the stereo settings adjusted to access the nearest country-western station or full gospel news network.)

Once I understood all of the vehicle's gimmicks, I drove to the Captain Cook Hotel. As I entered the foyer, I noticed that numerous dignitaries from not only Iceland, but other northern latitude countries, mainly Russia, were already gathered in honor of Walter J. Hickel's 84th birthday. I must admit that I was a little surprised that they had started without me. Moreover, unlike many of the other dignitaries, I actually had an ulterior motive for coming to the event. I was trolling for clients. I was pleased in the end to note that I was one of the only lawyers to attend, with the exception of Charlie Cole, who only showed up later for the banquet. I figured that Charlie was too old to be any significant threat. This was prime hunting territory.

After getting situated, I announced to the event coordinator that I intended to hijack one of the Iceland delegates. My target was a business owner for whom I occasionally do assignments. I planned to spend some time with him, whether he liked it or not. I knew that he wanted to go to the airport to look at airplanes. Besides, as far as I was concerned, we had become fairly good friends over the years, and I understood his well-concealed desire to escape to spend quality time with me. I had seen him escape once before. He was remarkably good for his age. It took me the better part of the day to locate him after the last disappearance. This time, it would be different. I planned to go everywhere with him.

After I announced my intention to kidnap a delegate, I was asked by the coordinator of the event of my destination. I explained that my goal was to take my victim to the airport to show him some aviation companies and to drool over aircraft. I was then asked if I could carry "other people"



"This article will self-destruct in 10 seconds."

in my vehicle. Puzzled, I answered that I might be able to squeeze in some others. I was then asked if my car had insurance. It did. Then, more importantly, "Is it clean?" I explained that my car was a quality rental car. I also offered that it was relatively clean due to the fact that I had just rented it and had not had a chance to let my children into it.

Besides, salmon fishing season was over. In my opinion, it smelled good again.

The coordinator's concerns addressed, I was next asked if I would have any objection to carrying two more passengers. Before I could object, the coordinator told me that "they" apparently had run out of cars, and that "they" needed a "clean" vehicle to transport some delegates. I responded that I did not particularly see any problem with that request, whereupon I was told in no uncertain terms to park my car on the east side of the Captain Cook Hotel, directly behind the black Secret Service vehicles. I was ordered to leave my car unlocked. I was to go directly inside the hotel. "They" would contact me later.

At that juncture, I became suspicious. After all, this could have been a well-planned attempt by one of the members of "the" organization to steal "my" rental car, cashing in on the resale value, and funding the Northern Forum for yet another year. Besides, I had planned a private trip to the airport. What was all of this new "this" and "they" thtuff? Still, because I did not want to embarrass anyone, I consented to this most unusual request. After all, I was told that I would "be contacted" later by "them". "Thit," I thought. Curiosity got the better of me.

Within the hour, a black-suited man approached me. He looked like he had a hearing problem. Either that or his head was being secured to his body by some sort of a rubber bungee cord embedded in his right ear. Although we were inside the hotel, he still wore dark shades. "Either a druggie or a blind man," I thought. Still, he had some prospect as a client, especially if he were a druggie. Before I could say anything, "he" announced that "he" was a Secret Service agent. As a good, private sector taxpayer person, I felt inclined to want to question him as to why "he" thought "he" could listen to radio music and look like a Blues Brother while on the job. I thought better of it, however, and when he said to me, "Agent So-and-so, United States Secret Service," I responded without a blink. "Bill Satterberg, Slime-Bag Lawyer." In retrospect, I actually thought at the time that Secret Service agents would have a better sense of humor, but I was obviously drawing on something foreign to this one fellow. Any further impressing him with titles was out of the question.

The agent, who turned out to be the head agent in charge (AIC), told me that my vehicle had "checked out." I was happy. Not that I doubted that my vehicle was roadworthy, since it had a piece of paper which said so hanging from the mirror when I rented it. On the other hand, if these tough guys with the self-esteem issues wanted to

check out my vehicle again, I certainly did not have any objection, as long as they topped off the fuel tank.

I was next told that the agents "knew" that I had a "concealed carry permit." They wanted to know whether I was armed at that point in time. I wanted to tell them that my infamous pink thing was still held firmly in the State's grip, but fortunately remembered that these guys lacked even basic humor. Since I was obviously being selected for a most secret, dangerous mission (and recalling my helpful *Semper Fi* acquaintance at the airport), I loudly and exuberantly responded, "No, but I can be if you'd like!" The agent quickly pointed out that "they" preferred that I remain unarmed. Moreover, if that status changed, I was to notify them immediately. Again, I was surprised that they did not ask about my pink thing. I felt shorted by such an oversight. Nevertheless, it was apparent that they knew of my dangerous potential even in an unarmed state. Obviously, I was expected to do something on a deep undercover level. Attorneys rarely get such opportunities.

I was about to walk away when the agent announced that I would be driving, "the fourth car in the motorcade of four vehicles carrying the President and his staff to the airport." Once again, I thought that it would probably be best that I were heavily armed, but wisely decided against making such suggestion, given the agent's past response. It would be my secret.

We would depart in a procession. I was to bring up the rear. "They" expected that there would be no traffic violations in route, but I still was to stay close and, provided that the traffic lights were changing, stick with the procession. (Or, at least, that is how I understood the instructions. On the other hand, maybe the instructions were to obey all traffic laws, and then safely try to catch up if I were left behind. Either way, it was more fun to run red lights. I would get to be just like everyone else in Anchorage.)

Fifteen minutes prior to our scheduled departure I put on my own bent-up pair of cheap shades, purchased especially for such events. I next affixed a small label to my suit lapel that the Secret Service agent had thoughtfully given me. I had been told that this little metal pin, constructed out of lightweight cheap tin and probably mass produced for the United States government in some factory in Taiwan, would identify me as a "friend." The little pin would allow me to continue with the group. Little did I realize how powerful the pin was. Still, certain things about the pin immediately caught my attention, and caused concern.

First of all, the pin was white and disc-like in shape. It looked much like the bull's eye for targets in a shooting range. In addition, the black letter "A" had been painted upon the pin. Apparently, this letter was some sort of designation. As I looked around, I became envious of the rest of my "team." Everyone else had either a very nice, lacquered pin with a gold belt badge, or a little metal pin like mine which had a higher letter on the alphabet. For example, the overweight Anchorage police officer assigned to me got

Continued on page 29



## TALES FROM THE INTERIOR

## Secret agent man

*Continued from page 28*

to have an "E" on his pin. To no one in particular, I remarked that, if they kept going, we would have the entire alphabet soon in circulation. I also asked if I could buy another vowel. As expected, I received another stern look in silent reply. Trying to inject another bit of humor, I thought about asking for a shoe phone, but stifled myself. Once again, intelligent humor was not appropriate, nor appreciated. No sense getting busted twice within two years. Better to be smart.

Another thing bothered me about the pin. It was that the pin was to be worn in a strategic location directly over my heart. Perhaps word had gotten out about my little pink thing. "Am I being set up, again?" I pondered. After all, the last guy to bust me got promoted from Trooper to Sergeant. Maybe this Secret Service guy secretly wanted to make Captain. In the end, I decided that another setup was unlikely. I remembered that I was to have three passengers in my vehicle. Such trust was reassuring. Besides, I now looked like a "man in black." Who would dare mess with me?

Fifteen minutes before the appointed departure time, I was instructed to go directly to my vehicle and start the engine. The doors were to be kept open and "ready to go." It was to be the Secret Service equivalent of a Le Mans start. Ten minutes later, my three passengers swiftly walked out and climbed up into my vehicle. Had I known that they were all Icelanders, I could have seated another five, depending upon gender, and would have brought a stepstool. Next came the Secret Service. I was impressed with their punctuality. "They" actually intended to leave on time. As if on cue, "they" stationed themselves into a strategic perimeter, but forgot that it was my car they were to guard. Three minutes later, the President and his wife elegantly strolled from the hotel. Alert Secret Service agents actively scanned everywhere for the unseen terrorists. The President and his wife were quickly loaded into a waiting Lincoln Town Car. Without further fanfare, the official motorcade quickly left for the airport, with me getting stuck in the rear once again.

Other than the fact that the lead vehicle twice went into the oncoming lane in traffic, the trip to the airport was smooth. I even got to run a couple of yellow lights, which may have been yellow/red or possibly maybe even more red than yellow. Fortunately, my infraction blended right in with the other Anchorage drivers and went unnoticed. To my dismay, we drove a safe route at a respectable and safe speed. There wasn't even the slightest hint of an ambush. It certainly was not reminiscent of any of the motorcades I had seen take place in Washington, D.C. in the past, with Secret Service agents dangling out of the open tailgate of a Suburban as it careened wildly through the city at high rates of speed with sirens wailing. Regardless, I could always imagine. Clint Eastwood, eat your heart out!

Taking a back route, we arrived at the airport. Unlike the commoners, however, we next drove out onto the tarmac, past the security gate that was especially left open, just for us. We then impressively parked ourselves below the airport manager's office.

I was thrilled. I was actually going to get to meet the Anchorage Airport Manager! It was something I would brag about to my grandchildren for years to come. But, my ecstasy was short-lived. I was soon told that my "assignment" was to "remain with your vehicle and closely guard it." I thought about protesting about what was now turning into an obvious snipe hunt. It seemed so reminiscent of the games of hide and seek that I would play with my younger sister, Julie, when I was a child, only to have the dogs find me days later. Still, as ordered, I chose to be a good deputy secret agent and to do my duty and to alertly guard my vehicle at all times. "No sense getting shot, either," I muttered. Besides, this was definitely important, hush-hush Presidential-type stuff. National Security, NATO, and all that.

Eventually, I was told to relocate my vehicle. Apparently, while I had been catching a quiet nap behind my shades, the other, larger, imposing vehicles had backed up against the building wall. They were now in an imposing defensive line facing directly outward. My little KIA had been left out on the tarmac. It was an alarming sight. Had there been a threat-level change? I was now all alone, separated from my group by 50 feet of desolate, windswept ramp. My little imitation Suburban felt probably like the proverbial engine trying to climb the steep hill in the child's fairytale about "The Little Engine That Could." I removed my CD earphones and swiftly relocated into formation as commanded.

After a brief meeting, the President and his delegation departed the building. They were off in a van for a sightseeing tour of the airport. Once again, I was uninvited. I was to remain at my post. As soon as my fellow agents were distracted, I entered the terminal to take care of "personal duties." To my ego's surprise, the secretaries in the main area of the building seemed to think that I was something special. At least, that is what I thought they thought. I puffed out my chest, tried to suck in my belly, and strutted officially to the men's bathroom. I needed to document this most auspicious event. On the other hand, I did not want to appear too obvious. It would have been unprofessional to behave in such a manner. I decided that I would wait until I was alone. Once in the restrooms, I pulled my disposable camera from my vest pocket, tucked there secretly for such purposes. When I was sure that no one was looking, I took a picture of myself in the bathroom mirror, focusing on my little tin badge. Admittedly, it was a somewhat risky move. Taking flash pictures in public restrooms is considered both dangerous and impolite, especially if it is in a public terminal, like a Greyhound station.

The resulting picture was not impressive. Let's just say it was a big flash in the mirror. It dawned on me after taking the picture that what I was really doing was taking a picture of a person taking a picture. Much like the barbershop mirrors which used to fascinate me for hours in my youth when my mother abandoned me for hours to go shopping, the person taking the picture of the person taking the picture of the person taking the picture probably went on into infinity. To add insult to injury, all of this was

wiped out by the flash of the flash of the flash of the flash ...

I finally returned to my vehicle, after pleading at the locked doors to be let back through security. In retrospect, it was somewhat embarrassing even for an undercover secret agent to have to beg to be let back into the sanctum sanctorum of the airport bureaucracy, but I was desperate. I figured they could overlook the crying. I then waited impatiently with my car for the President for another half hour, during which time Judge Savell held a telephonic hearing and ruled against me on all of my groundless motions, apparently unimpressed with my new-found secret agent status.

Eventually, the President, his wife, and the Icelandic delegation returned. Photographs were taken and pleasantries exchanged, all of which I observed from a distance, still being a dedicated secret agent. Admittedly, the photo-op was hard to resist. When I could stand it no longer, I broke rank and did manage to sneak in a couple of quick snapshots with my disposable camera. Reproachful looks from my other colleagues quickly reminded me that we were "a team." My conduct was frowned upon in the strictest sense.

The drive back to the hotel was along the same route. Despite the now familiar path, I suspected that there were still several active attempts on the part of at least three of the four cars to lose me. Too many red lights, even for my liking. Being the driver of the fourth vehicle, at least I was able to keep up with myself, even if the others finally did leave me behind. For once, I was happy that I bought the collision damage waiver.

Arriving back at the hotel, I retired to the lounge with my exceptionally silent, pale-faced Icelandic companions. I was quite fortunate in that my traveling companions were three Icelanders who recognized the true value of Miller Time, and were collectively

insisting upon several drinks after my driving. Even I eventually began to relax, but, at one point during the impromptu "debriefing," I panicked. During the return trip, I had somehow "lost" my secret agent tin badge. I had immediate fears of being seriously charged with a felony alleging theft of government property. I discovered my coveted badge only after I had returned to Fairbanks. At the time, my head agent was not happy about this unexpected loss of valuable government property, but accepted it begrudgingly, as if he almost expected it. The pin now hangs proudly on my office wall. It would cost too much in postage to return.

The rest of the gala event was anti-climactic. The food was bland and the speeches were difficult to hear from my seat near the banging kitchen doors. Fortunately, I was now on a speaking basis with my Secret Service friends. As such, when the boredom became overbearing, I left the banquet to visit with them as one of their comrade-in-arms. Besides, there was no one else at the dinner who I could talk to, and no one seemed to miss me, either. Try as I might, I was simply unable to locate my close Icelandic friend, although I thought I might have caught a glimpse of someone who looked a lot like him slipping quickly out of a side door, while looking back in my direction.

The next day, I was invited to a small reception with the President where he actually got a chance to visit with me. Remarkably, he asked if I would like to have my picture taken with him. I responded that I would certainly allow such an exposure to be done, provided he did not tell anyone. In the end, he reluctantly agreed to my non-negotiable conditions. After all, being a secret agent, it is not good to have one's cover blown; unless, of course, your spouse is a Senator and there are politics involved.

This article will self-destruct in 10 seconds.

## JAILHOUSE BACH

**The Second Annual Concert of the  
Hiland Mountain Correctional Center  
Women's String Orchestra  
Saturday, June 11, 2005 7pm**

Ever gone to jail to hear good music? It's time you did.

Join Robert Meyerowitz, Editor, Anchorage Press when he emcees the musical event of the summer.

Conducted by Bartlett and Service High School music conductors Gabrielle Willis and Sue Shim, the program features Blues, Celtic, Klezmer, American Fiddling and Classical music played by the beginning and advanced orchestras comprised of inmates. This year we will have special guest musicians. A reception will follow.

Tickets are a tax-deductible \$50.00 each and the money will keep both orchestras going for another year. Tickets must be purchased in advance at Metro Music and Books on Benson Boulevard across from the Sears Mall or by emailing Crofutp@aol.com

The concert will be a heartwarming magical evening not to be missed by music lovers. It will showcase the rehabilitative and redemptive power of music in the lives of women struggling to find a way back into society.

Invite your family, your friends and your out-of-town houseguests to spend an evening in prison.



## Changing views of pro bono

# Do 'expanded' pro bono services short-change the poor, promote profit?

"Though the public image of pro bono remains that of highly paid professionals selflessly donating their time to the poor, law firms and legal organizations, driven in part by marketing and recruiting concerns, have begun embracing a wider range of pro bono clients, matters and, according to some, political views," says the New York Law Journal.

Though welcomed by many lawyers, the changes have alarmed those who fear broader definitions of pro bono may divert free legal services from those who need them most, reported Anthony Lin in the New York Law Journal May 3.

The New York State Bar Association recently adopted a new definition of pro bono, expanding it to include not just legal services for the indigent, but also work for civil rights groups, non-profit organizations and the government in cases "where the payment of standard legal fees would significantly deplete the recipient's economic resources or would otherwise be inappropriate."

Though the revised definition states that legal services for the poor should be the primary focus of pro bono, an accompanying policy statement says that assistance should be extended to organizations that "benefit, protect and preserve society in myriad ways."

Critics say the New York Bar's language opens the floodgates for lawyers and firms eager to provide legal services to those who are not truly poor. Those who support the expanded definition accommodate other organizations that engage in worthy public services that may not necessarily be targeted only to the poor.

### A shifting nature of pro bono

It remains to be seen whether the controversy that's emerged in New York is a harbinger of a new trend in pro bono activity across the U.S., or unique to metropolitan New York.

Joseph Genova, a litigation partner and head of pro bono at The New York firm of Milbank, Tweed, Hadley & McCloy, said the test (for pro bono client work) "shouldn't be whether they can afford (a) Milbank or Skadden. It should be whether they can afford competent legal counsel." Socially prestigious and relatively well-funded arts groups and non-profit organizations have the most to gain from expanded definitions of pro bono, said Genova. Such groups, he said, have the advantage of being tied into most big firm lawyers' social

networks.

In counting pro bono hours, Milbank uses a strict interpretation of the American Bar Association's definition, which states that the majority of pro bono work should be done for persons of limited means or for groups working on behalf of such persons. Genova said even that definition, while narrower than the State Bar's, could easily be read more broadly.

By comparison, DLA Piper Rudnick counts work done for non-profits not involved directly with the poor as pro bono, reported the law journal. "We must never turn our backs on those who truly have nothing," said Sheldon Krantz, the firm's pro bono coordinator. "But there are also other ways to give back. There are non-profits that do a lot of important work that are really struggling."

Krantz said expanding definitions of pro bono have allowed more lawyers who work in transactional areas to become involved. Such lawyers, he said, would probably not be found representing an individual poor person in a litigation. Esther Lardent, head of the Pro Bono Institute at Georgetown Law Center in Washington, D.C., agreed that there had been a dearth of pro bono opportunities for transactional lawyers. She said she sees no indication that expanding definitions of pro bono are weakening lawyers' interest in working for the poor. Instead, she said, pro bono participation by law firms appears up across the board.

Michael Cardozo, New York's corporation counsel, has become a lightning rod for critics who claim newly defined pro bono clients can take resources from more traditional ones. The program refers some of the city's major cases to private firms. Cardozo claims that about 40 law firms have donated legal work to City Hall for which the firms would normally charge almost \$20 million. Cardozo said he encourages all lawyers, including those on his own staff, to undertake work for the poor. But he also said he thinks public service for the government is a valid option.

New York Lawyers for the Public Interest, which works with firms on housing, disability and other cases on behalf of the poor, said the city's program is already having a negative impact on the group's work, due to attorney conflicts of interest and a blurring of the lines of who needs help.

In a highly publicized police brutality case in which outside counsel

prevailed on behalf of the city police, argues the public interest group, "in every one of those police brutality cases, there is someone on the other side who, more likely than not, really is a poor person," with the city (police) employees being indemnified or having access to union lawyers.

But public interest lawyers expressed less concern over the program, said the journal. Doug Lasdon of the Urban Justice Center, a critic of the city's program in the past, said he does not believe lawyers who donate their time to defend police officers are likely to take on cases for the poor instead. One of the attorneys in the police brutality case acknowledged he never really got involved in pro bono matters prior to the city case. He said the time he devoted to client matters and the sameness of the usual pro bono offerings weakened his interest.

### Is pro bono a recruiting plum?

Law firms' views of what constitutes typical pro bono may be changing as more firms look at pro bono with an eye on its marketing and recruiting value, said the journal. "Genova said it is clear that firms tout their pro bono efforts and programs much more than before. He said it is a positive development insofar as it focuses more lawyers' attention on pro bono. But he also expressed concern that some firms would seize on expanded definitions of pro bono to exaggerate for marketing purposes the hours and resources they devote to services for the poor."

The Georgetown Law Center Pro Bono Institute's Esther Lardent said recruiting and marketing concerns might be partly behind the greater willingness firms have shown in recent years to take on highly controversial matters. She noted in particular the several law firms that are representing inmates at the government's detention center for suspected terrorists at Guantanamo Bay, Cuba, said the journal.

High-profile, consequential matters clearly have appeal to law firm associates, who often turn to pro bono for a respite from the anonymous grind of their daily work. Firms have seen providing that respite as essential to recruiting law students and retaining young lawyers. As such, individual lawyers' interests and inclinations have become more important in determining a firm's pro bono mix,

said Krantz.

"But those interests may be changing as the demographic composition of associate classes changes. Krantz noted that the generation of lawyers that came of age in the 1960s and '70s had an overwhelming focus on litigation on behalf of the poor. While that focus remains important, he said, the current generation of young lawyers embraces a wider range of interests when it comes to pro bono," said the New York Law Journal.

Krantz said DLA Piper was responding to widespread interest among lawyers at the firm when it recently launched a subsidiary called New Perimeter devoted exclusively to long-term international legal assistance projects. Among its projects are assisting legal reform efforts by the United Nations peacekeeping mission in Kosovo.

A wider range of political viewpoints may also be driving changes in pro bono. Four years ago, the Federalist Society, a conservative lawyers' group, issued a report charging that pro bono at major law firms was being undertaken overwhelmingly on behalf of groups identified with the political left. Last year, the group launched its own pro bono center to coordinate with law schools and law firms.

Peggy Little, director of the Federalist Society Pro Bono Center, said the response to the group's efforts on law school campuses demonstrated that political views within the profession are changing. "The landscape is changing in a healthy direction," she said, noting that many law students are expressing interest in relatively novel pro bono efforts like providing tax assistance to small businesses.

Another example is the Lincoln Center for the Performing Arts, which has worked with law firm partners on its board to establish a 15-lawyer panel that will handle most of the center's legal work for free.

Lardent said there is more pro bono assistance available than ever before but she noted that some public interest groups may be having a harder time adjusting to law firms' new approach. "Law firms used to be viewed as passive vessels," she said. "Now they're affirmatively approaching groups. That creates discomfort with some public interest groups."

*This article was condensed and excerpted from the New York Law Journal and law.com.*

## Survey finds broad range of paralegal pay rates

The 2005 Annual Compensation Survey for paralegals, legal assistants and managers reports a broad spectrum of compensation for paralegal professionals, based on their specialized roles in legal organizations. The average salary for paralegals nationwide approaches \$50,000.

The survey was conducted by Altman Weil Publications, Inc. in partnership with the International Paralegal Management Association (IPMA).

"What was once a relatively flat system, has become more stratified as law firms and law departments get bigger and more sophisticated," said Altman Weil principal James Wilber. "We are now seeing paralegal managers and other specialists earn twice that of a paralegal and

up to three times more than a legal assistant clerk."

The survey's findings include salary trends by responsibility level.

### Paralegals

Nationally, the average salary for paralegals was \$49,677 according to the survey. An annual bonus added an average \$2,694 to cash compensation. Two thirds (66%) of paralegals in law firms and law departments reported receiving an annual bonus.

Average overtime compensation was reported at \$6,122/year. 76% of eligible, non-exempt law firm paralegals and 34% of eligible law department paralegals received overtime compensation.

*Continued on page 31*

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## Students encouraged in judicial careers

More than 40 high school students from across the state participated in the 3rd Annual Color of Justice program held April 29, 2005, on the Anchorage court campus.

Color of Justice was developed by the National Association of Women Judges (NAWJ) to encourage minority students to pursue careers in the judiciary. In Alaska, the program has been spearheaded by Palmer Superior Court Judge Beverly Cutler and Anchorage Superior Court Judge Stephanie Joannides, and is co-sponsored by the Alaska Court System, Gonzaga University School of Law, the Alaska Native Justice Center, Seattle University, the University of Washington School of Law, and the University of Alaska Anchorage.

Welcoming remarks by Chief Justice Alexander Bryner, Justice Dana Fabe, and program organizers were followed by an opening speech entitled "Justice is Like a Rainbow; All Colors a Promise" by Judge David D. Raasch, Chief Judge of the Stockbridge-Munsee Band of Mohicans Tribal Court in Wisconsin.

Afterwards, students attended a full day of workshops by law professors, law school deans, law clerks, and others. Topics ranged from "Top Ten Reasons Why You Want to be a Judge," by Anchorage Superior Court Judge Sen Tan, to "Why America Needs You on the Bench," by Chief Judge Elaine Houghton of the Washington Court of Appeals. Here, students and presenters gather in the supreme court courtroom during the day's events. Photo courtesy Alaska Court System



## Hands Across The River

The Alaska Court System and the Doyon, Ltd. Native Corporation exchanged tours of each other's facilities to commemorate their new status as neighbors in the heart of downtown Fairbanks. At the close of the tours, the court hosted a reception in the Jury Assembly Room, where Doyon President Orie Williams, L., and Presiding Judge Niesje Steinkruger, R., helped cut the cake.

The Rabinowitz Courthouse in Fairbanks stands across the Chena River from the headquarters of Doyon, Ltd., the Native corporation of the Interior region, and a footbridge runs over the water between them. Both buildings--each relatively new--command sweeping views of the surrounding landscape. Both also contain large and unique displays of Alaskan art. Photo courtesy Alaska Court System



## Fostering diversity on the bench

Nearly 100 members of the legal community gathered on March 8, 2005, for the 7th Annual Women in Law luncheon at the Anchorage Hilton Hotel in honor of International Women's Day. Co-sponsored by the Anchorage Association of Women Lawyers and the Gender Equality Section of the Alaska Bar Association, the luncheon featured a panel discussion entitled "So You Want to Be a Judge...The Path from Bar to Bench and the Importance of Diversity in Alaska's Judiciary." Panel participants included, L-R (Front), Justice Dana Fabe, Co-Chair, Gender Equality Section; Susan Reeves, Foster Pepper Rubini & Reeves, LLC, Moderator; Teri Carns, Alaska Judicial Council; and L-R (Back), Judge Larry Card, Alaska Superior Court; Sidney Billingslea, Anchorage attorney and prior applicant for judicial office; Robert Bundy, Co-Chair, Gender Equality Section, and Partner, Dorsey & Whitney, LLP; Susan Orlansky, Member, Alaska Judicial Council, and Partner, Feldman & Orlansky; and Judge Elaine Andrews (Ret.), Alaska Superior Court. Photo by Barbara Hood.

## Survey finds

*Continued from page 30*

### Managers

Legal assistant managers (full-time managers of a firm's paralegal program) earned an average salary of \$88,017, according to the survey. Their average annual bonus was \$9,039. Only 6% of legal assistant managers reported receiving any overtime compensation.

Litigation support managers (responsible for the firm's litigation support technology and personnel) earned an average \$93,318 in salary, \$7,483 as an average bonus and an additional \$16,017 in overtime, although only 21% received overtime payments.

"This is the first year we've included salary information for individuals working in the emerging field of litiga-

tion technology support," says Gary Melhuish, president of IPMA. "We've seen a rapid expansion in the number of litigation support managers as law firms strive to keep up with new document production technologies."

### Specialists

Paralegals with special training or expertise earned average total cash compensation (including salary, bonus and overtime) of \$83,852 according to the survey. Corporate and environmental specialists each took home over \$100,000/year in total cash.

### Billing Rates

The survey found average billing rates ranging from \$87 per hour for paralegal clerks to \$136 per hour for paralegals, topping out at \$177 per

hour for litigation support managers. Specialists billed at an average rate of \$174 per hour, with corporate specialists billing at an hourly rate of \$215 and environmental specialists billing at \$191.

Paralegals billed 1,412 hours/year on average. For paralegals in law firms, the number of hours billed rose with the size of the law firm. Specialists billed an average 1,439 hours annually, but their hours were not significantly affected by the size of the firm. Litigation specialists logged the highest number of hours at 1,562.

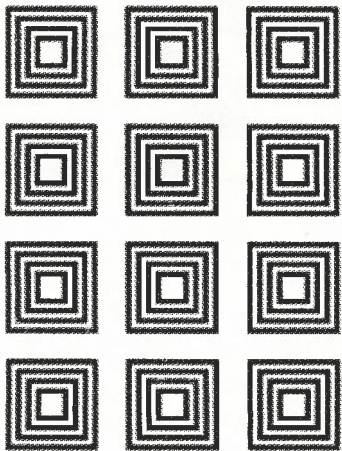
The 2005 Annual Compensation Survey for paralegals, legal assistants and managers is based on data collected in 2005 from 296 law firms and 83 law departments and encompasses a total of 12,142 paralegal positions.

The survey reports on 10 distinct paralegal positions. Law firm and law department data is reported cumulatively and comparatively. Data was collected on salary, overtime, bonus, total cash compensation, benefits, billable hours, and billing rates - and is reported by position, type and size of organization, location, exempt/non-exempt status, years in the profession, and practice area where applicable.

Altman Weil conducts and publishes numerous surveys on the legal profession including the Survey of Law Firm Economics and the Law Department Compensation Benchmarking Survey. The International Paralegal Management Association (IPMA) is formerly known as the Legal Assistant Management Association. [www.paralegalmanagement.org](http://www.paralegalmanagement.org).



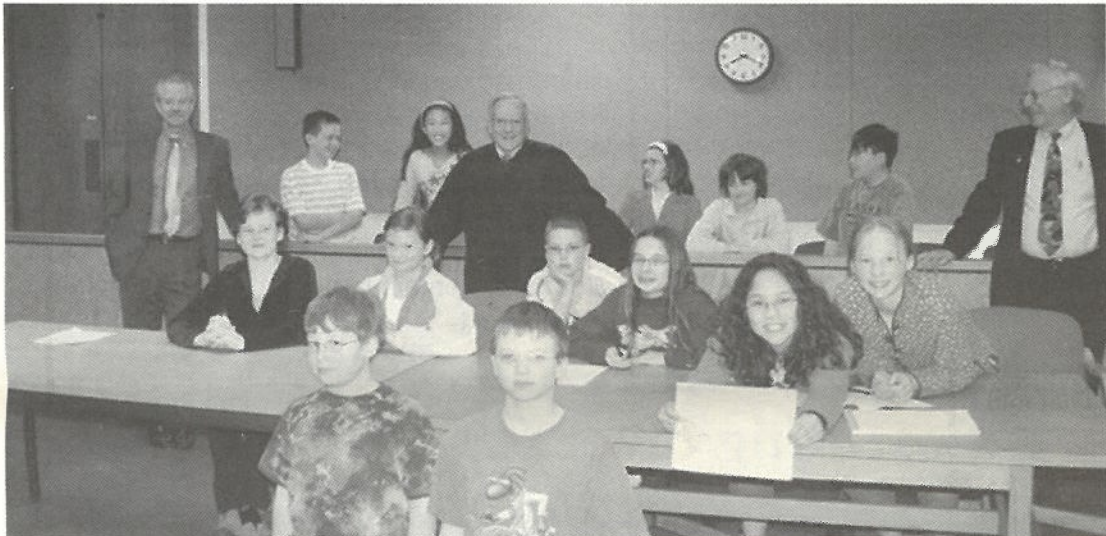
# The American Jury WE THE PEOPLE IN ACTION



LAW DAY: MAY 1, 2005



Fifth graders in Sitka are sworn in as jurors during a mock trial as part of Law Day and Juror Appreciation Week activities at the Sitka courthouse. (Photo courtesy of Jonie Calhoun.)



Anchorage attorney Bill Oberly, far left, former Anchorage District Court Judge John Mason (Ret.), center, and Anchorage attorney George Skladal, far right, helped coach a class from Rogers Park Elementary School in a mock trial of Peter and the Wolf. The jury found that the Wolf had eaten Peter's friend Sonia, a duck. However, after compelling argument by the defense team, Judge Mason ruled that the Wolf should go free. "There's no law that wolves can't eat ducks," he concluded. (Photo by Barbara Hood.)



Winning entries in Sitka's Law Week Coloring Contest. (Photo courtesy of Jonie Calhoun.)



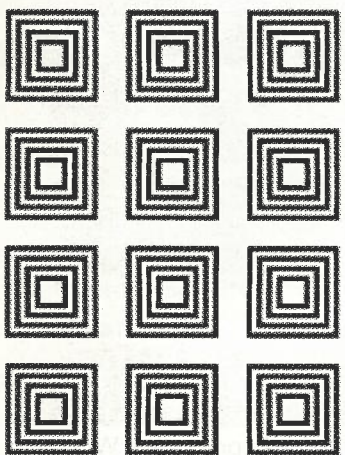
Anchorage attorneys Lisa Fitzpatrick, L, and David Carter, 2nd from R, celebrated Law Day by making presentations on jury service at Romig Middle School. They presented each student with a jury summons and jury questionnaire, then gave a quiz from the ABA's We the Jury curriculum. Here, Fitzpatrick and Carter visit with Romig teachers Leigh Ann Bonney, 2nd from L, and Mona Grib, R. Throughout the day, over 500 students attended Law Day presentations at the school. (Photo by Barbara Hood.)



E. Anchorage high school teachers, Pam Orme and Eileen Foley, worked with 2005 Law Week volunteers to hone curriculum and prepare for their classroom experiences. (Photo by Barbara Hood.)



# The American Jury WE THE PEOPLE IN ACTION



LAW DAY: MAY 1, 2005



Glenda Kerry of the Public Defender Agency coaches her group of Bowman Optional Students on defense strategy.  
(Photo by Robert Danehauer)

## Alaska communities involved in Law Week

Alaska's communities celebrated a banner year for Law Week involving judges and attorneys in the classrooms and the larger community. In Anchorage alone, there were more than 60 volunteers (more than 50% were new volunteers), who presented to 60 classes totaling more than 1,600 young people.

Alaskans go to great lengths to be inclusive and Law Week was yet another example. For example, Judge Winston Burbank and Magistrate Patrick Hammers of Fairbanks took to the air to deliver their Law Week materials. Literally. They flew in Judge Burbank's Cessna to the community of Ruby. Students in Sitka made waves in the media by their mock trial and the city of Tok demonstrated yet again that its young community members are game for learning about the legal system through their mock trial that focused on voir dire.

Anchorage's schools welcomed involvement from the arts community by putting the Wolf on trial from ballet's famed Peter and The Wolf. On loan from the Anchorage Classical Ballet, the Wolf costume made its rounds to the elementary schools. Various charges against the Wolf included taking a duck out of season, kidnapping, and attempted murder. Several classes ended with hung juries.

At middle and high school levels, the 'We The Jury' curriculum developed by the Texas Young Lawyers Section was used and included juror descriptions and a jury quiz.

This year's successful Law Week was dependent upon strong outreach, the partnership between the Alaska Court System and Alaska Bar Association, and the addition of trainings for Anchorage volunteers (90% of volunteers also attended a training). We thank each of our volunteers and look forward to working with you again next year!



Jonathon Katcher, Alaska Bar President, wearing his official Law Week hat.



The moment of truth. Bowman Elementary student and jury foreman, Danell, informs the judge that it was a hung jury. (Photo by Robert Danehauer)

## Peter & the Wolf

Meg Simonian was Peter, Jon Katcher was the Wolf, and students at Anchorage Montessori School were the prosecution, defense, judge, clerk and jury. Result: Lots of laughs, learning and a hung jury.



Jon Katcher really is inside the wolf costume.  
(Photos by Ed Miner)



## ALASKA TEACHING JUSTICE NETWORK 2ND ANNUAL "EDUCATING ON LAW & DEMOCRACY CONFERENCE"

On March 4, 2005, courtrooms in the Rabinowitz Courthouse in Fairbanks were turned into classrooms for the Alaska Teaching Justice Network's 2nd Annual *Educating on Law & Democracy* conference. Over 50 teachers, lawyers, judges, Youth Court leaders, and others interested in advancing law-related education gathered for a day of workshops on such topics as *Teaching About The U.S. Supreme Court: A Moot Court Approach*; *Youth Courts, Mediation & Peacemaking in Your School and Community*, and *Mock Trials: Bringing the Legal Process to Life*. Over a dozen communities were represented,

with teachers attending from Alaska, Anchorage, Bethel, Delta Junction, Douglas, Dutch Harbor, Elim, Kotzebue, and Valdez as well as the Fairbanks area.

The conference was co-sponsored by the Alaska Court System and the Alaska Bar Association with support from a grant from Youth for Justice, a program of the federal Office of Juvenile Justice and Delinquency Prevention. Other national supporters included the Constitutional Rights Foundation Chicago and StreetLaw, Inc. Fairbanks District Court Judge Ray Funk and Tanana Middle School teacher Annie Brenner Armstrong served as Co-Chairs for the event. Major contributors included: Chugach Electric Association (Red, White & Blue sponsor); ConocoPhillips Alaska, Inc. (Blue & Gold sponsor); Justice Dana Fabe & Randy Simpson (Justice sponsors); Sonosky Chambers Sachse Miller & Munson (Justice sponsor); Jim & Nancy Dewitt (Liberty sponsors); and Davison & Davison, Inc. (Liberty sponsor).



Presiding Judge Niesje Steinkruger, MC Liberty at the conference reception, visits with Margaret Fisher, Law-Related Education Coordinator for the Washington State Courts, and Judge Jane Kauvar, Fairbanks District Court, after awarding the many law-related door prizes.



Fairbanks North Star Youth Court members served as hosts during the conference. Here, several display the door prizes they received during the closing reception. Hosts included: David Charron, Alex Everett, Dylan Hitchcock, Patrick Trometter, Michael Walsh and Hannah Zeisel.

### THANK YOU!

To the generous financial sponsors who made the Educating on Law & Democracy event possible

**Chugach Electric Association**  
**ConocoPhillips Alaska, Inc.**  
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**With Special Thanks**  
**Alaska Bar Association**  
**Alaska Court System**  
**Alaska Bar Foundation**  
**Fairbanks North Star Borough School District**  
**North Star Youth Court (Fairbanks)**  
**U.S. Department of Justice**  
**Constitutional Rights Foundation, Chicago**  
**StreetLaw, Inc.**  
**Quartteto Polare String Quartet, Fairbanks**

And to the following presenters & steering committee members whose support and expertise ensured a successful event.

Margaret Fisher, Washington State Courts  
Laurel Singleton, Constitutional Rights Foundation  
Samantha Gomez, Hutchison High School  
Richard Wiley, Tanana Middle School  
Judge Niesje Steinkruger  
Sandy McGill, Fairbanks North Star Borough School District  
Prof. Letitia Fickel, UAA College of Education  
Prof. Diane Hirshberg, Institute of Social & Economic Research  
Annie Brenner Armstrong, Tanana Middle School  
Judge Ray Funk  
Judge Jane Kauvar  
John Hagey, North Star Youth Court  
Eileen Foley, Service High School  
Pamela Orme, West High School  
Mary Bristol, We the People: The Citizen & the Constitution  
Maida Buckley, UAF College of Education  
Mary Meade-Olberding, Goldenview Middle School  
Prof. David Blurton, UAF Associate Professor of Justice  
Pam Collins, Goldenview Middle School  
Lisa Jaeger, Tanana Chiefs Conference  
Carol Kasza, North Star Youth Court  
Wendy Leach, North Star Youth Court  
Prof. Terrence Cole, UAF Office of Public History  
Ken Wooster, Service High School  
Sue Gullufsen, Legislative Affairs Agency  
Paul Ongtooguk, UAA College of Education

Magistrate Katherine Bachelder  
Lori Bodwell, Law Offices of Lori Bodwell  
Paul Canarsky, Public Defender Agency  
Susan Carney, Office of Public Advocacy  
Poke Haffner, Attorney General's Office  
Andy Harrington, Alaska Legal Services Corp.  
Sue Hollingsworth, Tanana Chiefs Conference  
Judge Richard Carroll Jr., Gwichyaa Zhee Tribal Court  
Judge Jerry Isaac, Tanacross Tribal Court  
Mishal Gaede, Tanana Chiefs Conference  
Julie Webb, Tanana Chiefs Conference  
Roy Roehl, Alaska Legal Services Corp.  
Jonathon Katcher, Alaska Bar Association

Patricia Behner, North Pole High School  
Peggy Carlson, Fairbanks North Star Borough School District  
Hugh Dymont, Bethel Alternative Boarding School  
Carol Heyman, Chugach Electric Assn.  
Ana Hoffman  
Dianne Olsen, Office of the Attorney General  
Deborah O'Regan, Alaska Bar Assn.  
Ronald Woods, Alaska Court System, Fairbanks  
Barbara Hood, Alaska Court System



Speakers during the Opening Session of the conference addressed the topic *Fostering Civic Engagement: Why Educating for Citizenship Matters*, and included, L-R: Prof. Diane Hirshberg, Institute of Economic and Social Policy, UAA; Sandy McGill, Assistant Superintendent for Secondary Instruction, Fairbanks North Star Borough School District (FNSBSD); Prof. Letitia Fickel, College of Education, UAA; and Peggy Carlson, Curriculum Director, FNSBSD. Hirshberg is Research Co-Director and Fickel is Project Co-Director of the Alaska Civic Learning Assessment Project, a current initiative of the Alaska Teaching Justice Network under a grant from the Campaign for the Civic Mission of Schools.



Presenters gather after the workshop entitled *The Indian Child Welfare Act: A Case Study on Alaskan Tribal Courts*, which featured a mock state court hearing and a mock tribal court hearing. L-R: Sue Hollingsworth, Tribal Court Specialist, Tanana Chiefs Conference; Poke Haffner, Attorney General's Office; Paul Canarsky, Public Defender Agency; Judge Richard Carroll, Jr., Gwichyaa Zhee Tribal Court, Fort Yukon; (actress, name unknown); Prof. Paul Ongtooguk, College of Education, University of Alaska Anchorage; Judge Jerry Isaac, Tanacross Tribal Court; and Susan Carney, Office of Public Advocacy.

All photos by Barbara Hood



# Giving the nod to speech acts is a judicial "tease"

By Peter J. Aschenbrenner

Attentive readers will remember that we left open the question of lobbying judges in the Jan-March, 2005 Bar Rag. "Push" or "spam" lobbying can be regulated, I suggested, without offending free speech restraints since regulation would be addressing the how rather than the what of talking. Well, that was the idea.

This what from how divide can be seen in the following example, which arises on one of those second thoughts, which should have been in the previous article. I'm sitting in a crowded theater and I pick up my mobile phone and write a text message to the stage manager, "There's a fire in the theater." The time, place and manner of what I have said can be regulated (that is, prohibited, permitted, conditioned, etc.) without having to discuss the content. The text message is in venue or a venue, reader's choice, and venue is a designed interaction that can be regulated; it's a thing that's shaped.

This is why I suggested that Justice Scalia in both Watchtower and the Minnesota Republican Party has a point when he says: Why are we looking at the typical venue that includes candidates advocating, attacking and defending propositions, points or shouldness with anyone (on-line, in public, on TeeVee), and

comparing this venue with spamming or door-to-door selling of religion or vacuum cleaners? Or the venue which some anonymous guy wants to hijack with his urge to announce a pending fire, real or imagined?

The reader who is eager for more controversy can chew on the following rule: Let's allow judges to talk about everything other than pending cases, provided that they also don't make themselves the victims of spam or push lobbying.

Some obvious points: One is that by writing a rule that has to do with a judge's existing caseload, you've written a rule that is not just related to but seems to go right into the beating heart of the court system. Court systems employ judges to get jobs done (so that judges are service debtors), and court systems get their performance from judges on (mostly) cases by assigning a caseload to each judge hired to supply professional talent. (This may be the first time anyone has said that assignment of cases has a constitutional shadow.)

But there is more. If a judge can't talk about pending cases, this suggests that if she wants to talk, she needs to do a check of what cases have been assigned to her. This doubles-down on the anti-spam lobbying or getting-yourself-buttonholed rule. You can't respond spontaneously because you have to see what service

you owe the state and the state is a jealous patron of your talent. On the other hand, a judge who wanted to talk about the nasty bits of patent infringement litigation (he's a state court judge) is not going to have too much trouble getting his staff to see if he has any patent cases in front of him.

The utility of this rule has limits, but it does suggest that a judge would want to think (before he talks) (1) about the subject matter but also (2) about the level of abstraction. The after-dinner speech, the law review article, Judge Roberts' article on Appellate Advocacy, and, in particular, how-to articles suggest both acceptable venue and types of approaches to judicial off-the-bench (or candidate) talk which open up vast areas of content. History and how-to are two of the best examples.

And now the formula: "I'm not commenting on pending cases, and I'll follow the law, but I think the rule in this type of case should be so-and-so." We have covered the first third of the formula when the judge as a service debtor comes into focus. The last bit is really the intro to a should-statement; it's like saying Congress shall make no law because it alerts the reader/listener that content is coming on.

Now for the middle part. It's the commitment to *stare decisis*, to stand

by the law; that's the tease here. This is a present/future tense promise that states, as formula, what the judge as service debtor is committed to do for the state. We're in a weird place here: The formula itself isn't a content restriction, exactly, but having to say it, is itself a sort of burden. It's like judges getting permission from the Administrative Office to testify before the legislature, but less. It's an add-on, but still a speech add-on (or speech act).

What's dodgy and dicey with this speech act is that it promises a debate about the judge's power to define what power(s) the judge should have. At our leave-taking here, we are at the Mysteries that no one since Alcibiades has parodied and which John Marshall celebrated. It's obviously a subject for another time.

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## ATTORNEY DISCIPLINE

### Private Admonition Issued to Attorney X

Attorney X recently received a written private admonition for practicing law after going on inactive status with the Alaska Bar Association.

Attorney X was representing a criminal appellant before the court of appeals when he decided to go on inactive status and pursue a non-legal job out of state. In the affidavit to transfer to inactive status as an Alaska Bar member, Attorney X stated that he would not be the attorney of record in any case pending before any court in Alaska. Attorney X transferred to inactive status.

Soon after the inactive status transfer, the court of appeals rejected a post-conviction appeal brief that Attorney X had earlier filed. The court directed that numerous briefing errors be corrected. Attorney X submitted a corrected brief and later submitted the corrected brief and a motion to accept the late-filed brief. All this occurred after his transfer to inactive status and when he was not licensed to practice law.

When the appellate court discovered that Attorney X was on inactive status, it issued a show cause order and referred the matter to bar counsel.

Bar Rule 15(b)(2) defines the practice of law to include holding oneself out as a lawyer and appearing on behalf of a client, including the submission of pleadings. Attorney X essentially conceded that he filed pleadings while on inactive status, but only after the court directed him to file a corrected brief.

Attorney X had no prior discipline history. Attorney X has moved out of state and has no intention of returning to the active practice of law. An area hearing committee member approved Bar Counsel's request to administer a private admonition for Attorney X's misconduct.

### Admonition Issued for Conflict of Interest Error

Attorney X represented a client seeking to terminate the parental rights of her son's father. After the client's relationship with the proposed adoptive father abruptly ended, her mother and father offered to adopt the child. Attorney X prepared the paperwork and appeared at the court hearing. No other attorneys were involved in the adoption proceedings.

Just over a year later the relationship between the client and her parents became troubled and the parents no longer allowed the child to see his biological mother. The client contested the adoption and sought to revoke it, claiming that Attorney X had a conflict of interest when he represented both her and her parents in the adoption proceedings.

The biological parent's right to revoke her consent conflicted directly with the interests of the adoptive parents. The biological parent had the right to advice regarding the revocation of consent which contrasted with Attorney X's obligation to assist the adoptive parents in securing consent and avoiding revocation. Attorney X had an obligation to provide his client, the biological parent, full disclosure of all the rights

and obligations involved in consent to an adoption which he failed to provide.

American Bar Association Informal Opinion 87-1523 noted that a "lawyer seeking to represent both the adoptive and biological parents in a private adoption proceeding cannot have a reasonable belief that the representation of one client would not adversely affect the relationship with or the representation of the other client." Thus it concluded that a lawyer could "not ethically represent both the adoptive and biological parents in a private adoption proceeding."

Although Attorney X failed to identify the inherent conflict and advise his client appropriately, he was attempting to help a client in a family situation that was troubled and not easily resolved. The Standard for Imposing Lawyer Sanctions recommended an admonition for Attorney's negligence in representing both the biological mother and the adoptive parents.

Bar Counsel imposed a written private admonition (the lowest level of discipline) with the approval of an Area Division member for the misconduct involving a conflict of interest.

### James Hanlon Suspended for Deceiving Client, Bar Association

The Alaska Supreme Court on April 15, 2005 suspended Anchorage lawyer James Hanlon for three years. The suspension came after Hanlon fabricated a settlement agreement designed to cover up his failure to submit a client's injury claim on time.

Hanlon's client was injured at work and hired him to pursue a claim against her employer. Later she filed a grievance with the Bar Association alleging that Hanlon neglected her case by missing the filing deadline. He responded that he was about to settle the case. He convinced his client to settle, had her sign a purported settlement agreement, delivered the settlement money to her, and informed the Bar Association that he had settled the case. Investigation showed that Hanlon had fabricated the settlement to avoid a malpractice claim. He paid the settlement from his own funds. This violated Alaska Rule of Professional Conduct 8.4(c), which prohibits dishonesty, fraud, deceit, or misrepresentation.

A disciplinary hearing committee and the Bar Association Disciplinary Board both recommended that for his neglect and deception Hanlon should receive a three-year suspension. The recommendations also encompassed discipline for his neglect in a second case. There, he represented a client in a divorce but failed to submit papers necessary for the court to issue a final decree. The client discovered that he was not divorced after he had already remarried.

The court's written opinion is *In re Hanlon*, Supreme Court No. S-11351 (April 15, 2005). A public file is available for review at the Alaska Bar Association office in Anchorage.





Race Start

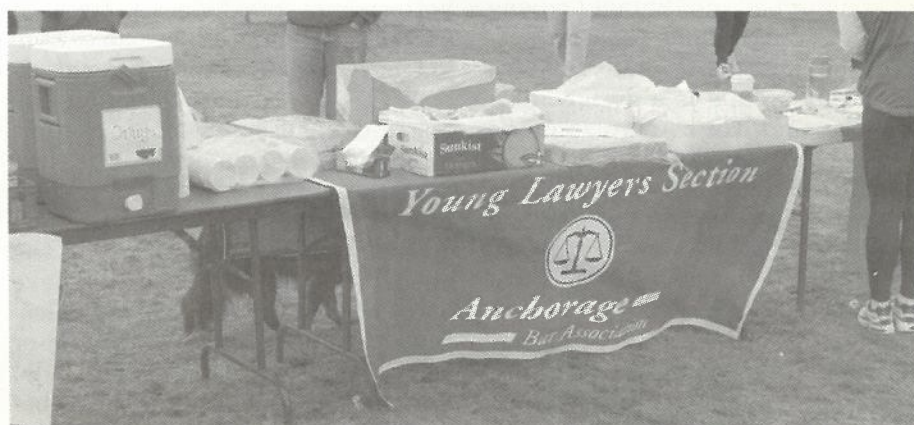
## First Anchorage Race Judicata was a success!

For those of you who weren't able to drag yourselves out of bed for the 5 km run/walk, the First Anchorage Race Judicata was a success! With more than 120 participants in its inaugural year, the Young Lawyers Section raised over \$3000 to benefit the Anchorage Youth Court. While some of you may feel the event was not entirely fair (I don't know where you would get this idea – it really was just a coincidence that several of the race organizers happened to place in their age divisions) the unique awards, the stylish posters, the lavish food and beverages supplied, and the chance to beat some of your legal rivals at a different game should more than make up any "faulty" timing. Feeling guilty for missing this opportunity? Want to own your own gavel complete with bragging rights? Start training now for what promises to be an even more successful Second Annual Anchorage Race Judicata.



Justice Alex Bryner

*Pictures by Ryan Fortson*



Fancy New YLS Banner at Food/Beverage Table

### Overall Winners

#### Male Runners

1. Bob Davis
2. Roger Lee
3. Billy Gibby

#### Female Runners

1. Delia Luch
2. Michelle Mitchell
3. Letitia Luch

#### Male Walkers

1. Andrew Martinez
2. Troy Tobias
3. Ray Bradbury

#### Female Walkers

1. Wendy Lyford
2. Vicki Bussard
3. Vonda Roark-Martinez

## Juneau Bar says 'Thanks!'

There are not sufficient words to thank the businesses, judges, lawyers and law firms who helped the Juneau Bar Association give a personal and warm welcome to the more than 400 persons who attended the 2005 Alaska State Bar convention held in Juneau this past week.

To start, Alaska Seafood Company, Alaskan Brewing Company, Jerry's Meats & Seafoods, Poseidon Boardsports, Rainbow Foods & Deli, and the Seafood Exchange (owned by JBA member David Rogers and Caren Robinson) contributed generously of their products so that our hospitality suite could feature locally produced and vended fare. We were very proud to feature their products. The Alaska Bar Association, the Anchorage Bar Association, and especially Ken Jacobus, Esq., helped make our social gatherings jovial and fun, while Kimberly Wallace graciously shared her mixology skills. JBA Secretary Ethan Falatko, and members Elizabeth Ziegler and Bob Briggs helped organize and maintain the hospitality suite. The Baranof Hotel and its highly professional staff simply outdid themselves in taking good care of attendees both at the Hotel and at Centennial Hall.

Gordon Evans organized dinners in the homes of local Juneau lawyers with their spouses and families, for those judges and lawyers interested in meeting us up close and personal.

Several Juneau law firms sponsored the whale-watching tour and buffet during which U.S. Supreme Court Justice Sandra Day O'Connor and others from outside Juneau were able to enjoy the Lynn Canal and all its wonders.

Sponsors were: Baxter Bruce & Sullivan, P.C.; Choate Law Firm; Dillon & Findley, P.C.; Faulkner Banfield, P.C.; Lessmeier & Winters, L.L.C.; Robertson, Monagle & Eastaugh, P.C.; and Simpson, Tillinghast, Sorensen & Longenbaugh, P.C. Other Juneau lawyers, judges and firms who provided additional financial support include: Gordon E. Evans, Esq.; Louis James Menendez, Esq.; Arthur H. Peterson, Esq.; Poulson & Woolford, L.L.C.; Vance Sanders, Law Office of Vance Sanders, L.L.C.; The Hon. John W. Sivertsen, Jr.; Robert Spitzfaden, Gruening & Spitzfaden, A.P.C.; and The Hon. Thomas B. Stewart. JBA member Jeff Sauer and his wife Teresa Svancara provided naturalist commentary for the whale-watching tour.

Alaska Supreme Court Justice Walter L. Carpeneti, Superior Court Judges Larry Weeks and Patricia Collins, District Court Judge Keith Levy, and Magistrate John W. Sivertson, Jr., helped welcome the numerous federal and state judges, magistrates, and their staffs from around the state who attended.

We give our heartfelt thanks to all of these, and the many more unmentioned parties, who contributed in large and small ways to our effort to welcome all of Alaska's judiciary and Bar members. We hope that the friendships renewed, understandings established, and bonds forged will help us all better serve our clients. Moreover, Juneau stands ready to welcome the Alaskan legal community to a future Convention in the capital city.

— Benjamin Brown  
President Juneau Bar Association