

10TH ANNIVERSARY EDITION

\$2.00

The
Alaska

BAR RAG

Volume 12 Number 3

Dignitas, Semper Dignitas

August-September, 1988

1978

Rag Roots Revealed

1988

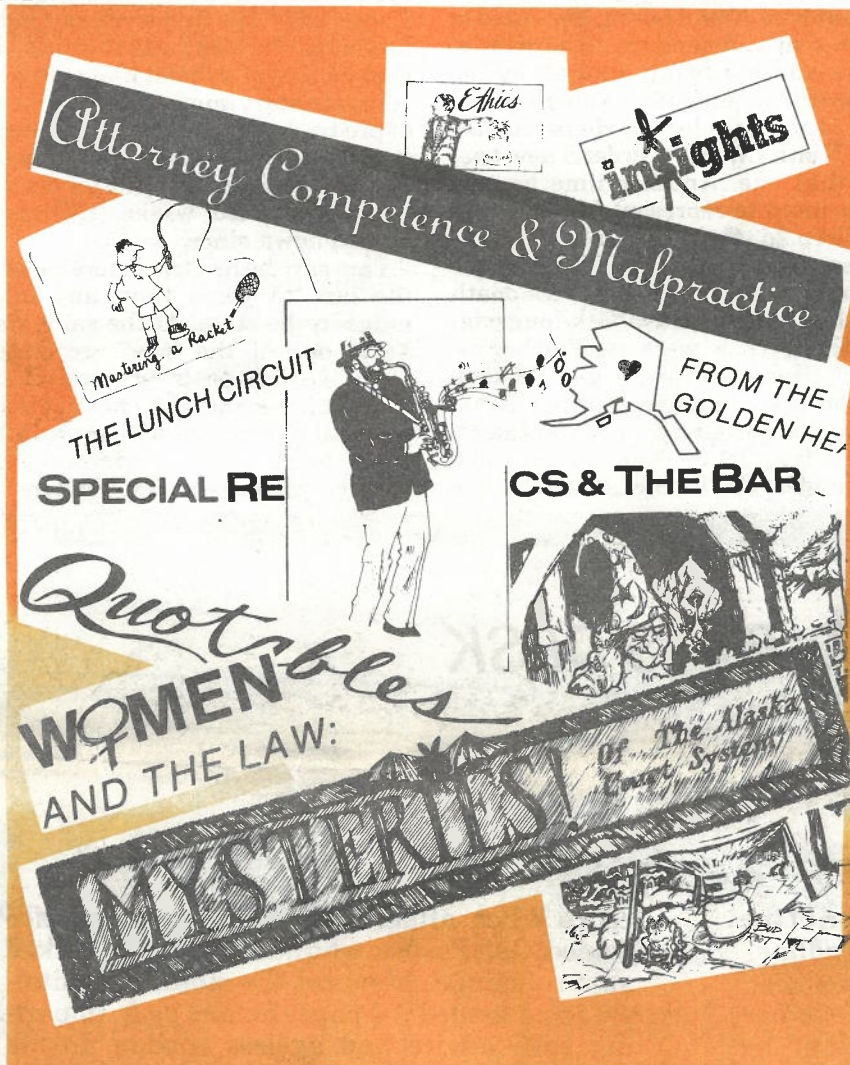
By MICKALE CARTER

It's been one decade since the *Alaska Bar Rag* began arriving in lawyers' mail. The bar's official newsletter has seen much legal history transpire in its pages; more than anyone, Anchorage Attorney Harry Branson has made it happen. Here's how he sees his baby now.

- Who was the first Bar Rag editor and chief?
- Why is the Tenth Anniversary edition of the Bar Rag ... Volume 12?
- Which Fairbanks attorney shared a Bar Rag front page photograph with a belly dancer?
- Who named the Bar Rag the Bar Rag?
- Did Harry Branson remain the editor in chief of the Bar Rag for the sole purpose of publishing his own poetry?
- Who received the coveted Stanley Award for Excellence as a War Correspondent?

Harry Has a Bright Idea

Before the Bar Rag, the Alaska Bar Association newspaper was the *Bar Bulletin*. It was in newsletter format. As an occasional publication by the Bar office primarily written by the Executive Director, it functioned as an "official" organ of the Bar. Although it was informative, it was not widely read. The common complaint of the Board of Governors was that the membership wasn't aware of Bar programs because they



weren't reading the announcements and accounts of Bar activities in the Bulletin. When the Bar office stopped publishing the Bar Bulletin, members of the Bar went almost six months without a publication.

At the time, Harry Branson was on the Board of Governors. He discussed his ideas about a replacement newspaper with other Board members. Most of all, he lobbied for a newspaper that people would read, "one that was read and worth reading," he recalls. Harry envisioned a newspaper that did not have the official stamp of approval. Branson didn't want something "from the Bar office serving the Bar office." So that there would be a continuous influx of new ideas and new blood, he recommended a revolving editorial board with new people contributing to the paper.

Harry envisioned the newspaper as a sort of an underground operation. He thought that if it were like a Saturday Night Live, Not-Ready-For-Prime-Time production, might attract readers. He thought that lawyers and judges sometimes take themselves too seriously and could stand a little more laughter in their lives. He thought that they needed to lighten up.

Although Harry credits himself with the name of the newspaper, he

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Council under fire

See related articles, pages 28 & 29

The Alaska Judicial Council has come under fire as a result of recommendations it recently made to the Governor regarding the appointment of individuals to fill a number of judicial vacancies throughout the state.

Criticism has been voiced in both Anchorage and Fairbanks, and questions have been raised as to the motive behind the Judicial Council's selections and the criteria relied upon. "What is their model? Why consistently ignore experience? What do they have against the private Bar?" asked one unsuccessful candidate.

"Do your odds at selection decline proportionately with your years over 40?" asked another, apparently concerned over the relative youth of recent judicial appointments.

Others were more open in expressing their concerns. Writing to the Executive Director of the Alaska Judicial Council, in his individual capacity, Judge Jay Hodges, while clearly not disparaging the candidates selected, wrote the following concerning the Council's failure to recommend District Court Judge Chris Zimmerman for a Superior Court vacancy:

This action by the Judicial Council outwardly appears that they were

not acting objectively as they are required to do. In rejecting Chris Zimmerman's name, the Council appears to have acted based on self-interest, self-motivation, undue influence, and bias. It is not as if the Council recommended two new names with impeccably higher qualifications—it looks like the fix was in.

On Aug. 26, 1988, Gov. Steve Cowper announced that he had appointed Dana Fabe to the Superior Court in Anchorage, Niesje Steinkruger to the Superior Court in Fairbanks, Michael Wolverton to the District Court in Anchorage, and Larry Zervos to the District Court in Fairbanks.

In the past, the Judicial Council has always acted with a sense of fair-play and objectivity. They have merited the responsibility placed on them with honor to themselves and the judicial system. In this case, the majority of the Council does not fit into that mold. It is a sad day for the judicial system in the State of Alaska when the majority of the Council has degenerated to the point, where apparently self-interest, prejudice, and bias dictate their actions. Those members

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Russia with love

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Climbing Denali

—Page 8

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FROM THE PRESIDENT

Larry Weeks

Alaska has always had an interesting, and a highly qualified bar. People come here from the best schools in the country, and some of the best lawyers from the rest of the schools come here. Alaska's applicants' scores on the multi-state bar exam consistently rank in the top five states in the country and it's not uncommon that we rank first or second compared to all other state's applicants.

We've got a fine judiciary: young, hard-working and merit selected from that good set of lawyers. Because of our nature, we tend to point how the other lawyers or a particular judge didn't see things our way, and therefore made a mistake. But in truth, when we stand back and look at our lawyers and judges, it's very satisfying to see the quality of the work, the work done for other people, the interest in maintaining that professionalism of the bar, and the decency of the people who are lawyers. We have tolerance for other races, ethnic group, lifestyles, and the other sex. The absence of some things is remarkable too: the absence of corruption, the absence of patronage, the absence of bizarre tyrannical approaches, and the absence of constitutionally pro-

tected bad-taste advertising. All in all, it's very reassuring.

Someone who was a personal example to me of how great Alaska lawyers and judges can be is retiring before you read this. Judge Seaborn J. Buckalew came to Alaska from the second biggest state in the union. He was admitted the same year as some of Alaska's other colorful figures including Judge Dorothy Tyner, E.P. Boyko, Kay Richey, and Wendell Kay. He had a long career as a private practitioner in Anchorage and there are wonderful stories about that.

One was of him being appointed to represent a defendant in territorial days and not being allowed by the judge to consult with his client before the jury was selected. He persuaded the Ninth Circuit to order a new trial on that one. Another time he was appointed to represent Mr. Thessen of 454 p.2d341 and 508 p.2d1192. Mr. Thessen was accused of setting the Lane Hotel fire, resulting in the death of 11 people. After a month-long trial of six days a week in Fairbanks, Buckalew and Tunley got Thessen off on manslaughter. I think Buckalew made \$750 on that appointment. Buckalew, Tunley, and Ross, (now all judges, you'll note) squirreled the

law in Alaska on double jeopardy for 15 years and got Mr. Thessen off with a 20-year sentence.

Before that, Seaborn J. Buckalew had been the youngest United States attorney ever appointed. He had an assistant U.S. attorney who actually got the grand jury to indict the boss on some hoakey charge. Many years later, when Buckalew was the district attorney in Anchorage, he hired that same assistant who was down and out and needed a job again. I was able to clerk for Judge Buckalew in 1973 the first year he was a Superior Court judge. His first week as a judge he was given what was then the biggest civil trial Alaska had ever had. It was to start immediately. Because of pre-trial motions and other things, it did not start until his second week on the bench and it went for six violently contested weeks. He hasn't slowed down since.

I am sure he has tried more cases in the last 15 years than any other judge in the state. At the same time he is one of the least preempted. Usually when people preempt Buckalew, it is because they are not ready for trial. His courtroom, even in the most tense civil or criminal case, always remains a place where the

lawyers and litigants feel like they get a fair shake. It has to be the ultimate tribute to a trial judge, that no matter how people may feel about their own lawyer, the other lawyer, or how the lawyers may feel about each other, people don't leave Judge Buckalew's courtroom angry at the judge.

He was the ultimate model for me. He demonstrated that you didn't have to be high powered, high pressured, arrogant, nor show everyone how smart you are, in order to do a good job for your client and be a fine lawyer. There used to be a newspaper reporter in Anchorage who had the ability to act as if she didn't know anything about what was going on, and needed you to explain the matter in great detail. You didn't find out how much she really knew—or how much you had told her, until you read her story. Judge Buckalew has that ability. His ego never gets in the way of finding out what the lawyers want him to hear and more too.

It used to be a brand of conventional wisdom among the young DA's and PD's that Judge Buckalew was sometimes a little weak on the law.

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THE EDITOR'S DESK

Ralph Beistline

This is the 10th Anniversary Edition of the Bar Rag; hence the front page headline.

Ten years ago, Jimmy Carter was president of the United States, Jay Hammond was Governor of Alaska, and Ken Jarvi was President of the Alaska Bar Association (note each of their names contain the letter J). The state was still oil-rich and the number of Alaskan attorneys was rapidly growing.

The elements were right (Three J's.) The dream of a Bar newspaper, conceived months earlier in the sultry, shimmering shadows of the courthouse, by various visceral, visionary members of the Board of Governors, was coming to term. Finally, in September of 1978, after intense labor, the Alaska Bar Association gave birth to the Bar Rag!

John Abbott served as Editor of the young paper, and in his first editorial column expressed his hopes for the fledgling publication when he wrote:

It is with a sense of trepidation, enthusiasm, and optimism that we are publishing our first issue of the Bar Rag. Trepidation because it tokens the beginning of a new endeavor for those of us involved in putting the newspaper together. Enthusiasm because we feel that the legal profession in Alaska should have its own voice and method for communicating and the Bar Rag can provide this for us. Optimism because we sincerely believe that the paper will be well received by lawyers throughout the state, and will bring the members of our profession closer together. It is our hope that the paper will operate as an economically viable entity, bringing you not only information of a technical nature, but also bringing you regular articles touching upon virtually every conceivable topic ... We hope it will be provocative, informative, enlightening, and just plain fun to read. We welcome your ideas and hope that you will feel moved to contribute to this undertaking.

A year later, Harry Branson was to assume custody of the infant paper, and nurtured it through the endless growing pains of adoles-

cence. When, after six years, Harry's endurance waned, Gail Fraties, who had previously worked as a columnist, assumed the mantle of editorship and guided the paper for one year, imparting sage advice and ageless wisdom to his readers.

Next was James Bendell, who, in a very professional manner, brought the paper to maturity, cleaned the rough edges, and stood as guardian over one of the best such periodicals in the nation.

It is now my turn (we take turns.) It is my hope to build upon the hopes and dreams of the Bar Rag's progenitors, and to continue to improve upon what is already an excellent product.

In the last edition of the Bar Rag, a poll was taken addressing the propriety of the publication's name and whether or not it should be issued more than four times per year. We were happy to see such an enthusiastic response and can now report that of the 2,500 persons who were asked to take part, four responded. Polls, being as they are, we consider this result to be statistically significant and have noted that all four respondents favored retaining the paper's current name. Additionally, all four respondents favored increasing publications from four to six times per year.

Anxious as we always are to please our readership, and considering the overwhelming mandate of our recent poll, we have elected to retain the Bar Rag's name for at least another decade, and beginning this year will publish six publications per year.

We now begin our second decade of publication and do so with great expectations, and with the hope that you will all continue to contribute to our paper to make it relevant, to make it meaningful, and to make it entertaining. These are our goals and with your help we will obtain them.

The Alaska Bar Rag

Board of Governors
Alaska Bar Association
1988-1989

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Elizabeth "Pat" Kennedy
Sandra Stringer
(Non-Attorney member)
Michael A. Thompson
Michael L. Wolverton

President Weeks has established the following schedule of Board meetings during his term as president. If you wish to include an item on the agenda of any Board meeting, you should contact the Bar office (272-7469) or your Board representative at least three weeks before the Board meeting.

Sept. 9 and 10, 1988
Oct. 21 and 22, 1988
Jan. 20 and 21, 1989
March 17 and 18, 1989
June 5 - 7, 1989, Juneau
June 8 - 10, 1989, Annual Convention
Centennial Hall, Juneau

Editor in Chief: Ralph R. Beistline
Editor Emeritus: Harry Branson
Contributing Writers:
Mickale Carter
Mary K. Hughes
Edward Reasor
Michael J. Schneider
Donna C. Willard
James T. Stanley
Julie Clark
Gail Ballou
James M. Bendell

Design
and Production: The Alaska Group
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IN THE MAIL

Reach Into Africa

Carole A. Baekey
University of Zululand
Private Box X-1001
Kwadlangezwa 3886
Natal Province
Republic of South Africa

The handwritten note is a necessity since typewriters are in short supply here. Please bear with me.

First, please note change of address for the ABA records and the "Bar Rag". I'd love to get copies of the "Bar Rag" to keep up on my Alaska colleagues.

Next, if you and Barbara Berry want to print a blurb about me in the "Bar Rag", here are the essentials. Effective May 10, 1988, I assumed the job of senior lecturer at University of Zululand, teaching jurisprudence. Next semester I will continue to teach jurisprudence and will also be teaching conflict of laws and international law. Additionally, I am to develop a "model" legal skills research and moot court program for first year law students.

Another component of my work is working with "Street Law" programs to get legal education to local communities. In the fall, an article (of mine) on Indian law and Alaska native legal issues will be published in the University of Neta Law Review.

The University of Zululand has 4200 students, of whom 259 are law students. Of the 259, 226 are men and 33 are women. There are 10 law faculty members on our multi-racial staff. I am the only non-South African currently teaching at the law school.

The law students in my classes are bright, serious, dedicated and curious. They come from all over South Africa. There are two black law schools: University of Zululand (Natal Province) and University of the North (at Terflot in the northern Transvaal Province).

My contract with University of Zululand runs through December 1988 and I will be working and teaching in South Africa for the next year. After that, I'll keep you apprised of any changes of address.

Since Alaskans always discuss weather, the different climate here bears noting. It is winter in the sub-tropical, rolling hills of the Natal Province and during the sunny days, the temperature is approximately 72-80 degrees. At night, the temperature drops to the mid-50's to mid-60's. I am living in Mtunzini. From my house, I can hear the ebb and flow of the waves of the Indian Ocean and can walk out on my street and see it. Just to the north are four game reserves full of lions, warthogs, kudus, elands, wildebeasts, giraffes, elephants, zebras and water buffalo - as well as crocodiles and alligators. These savannah grasslands, with their sweeping vistas, have all manner of foliage and southern Africa has more than 100 different types of thorn trees.

There are more and different stars to be seen on the clear African nights, including the Southern Cross. The Milky Way is readily visible to the most casual astronomical observer.

So there you have it. I'll keep you posted on any change of address.

Best Regards,
Carole A. Baekey

IN THE CITY OF DREAMS

I

No notice is taken of arrivals, or
Departures either, for that matter.
Perhaps, that is because there are so many.
Or, it could be the result of all
Those changes that are always going on.

Silent, efficient crews
Keep busy building. Excavating
and demolishing, too. Buildings,
Blocks, neighborhoods, interiors
Arrive, fold, dissolve, renew.

Each erection is permitted. And allotted
Its own space, suitably framed by more
Or less potent neighbors; so that
It may be studied and appreciated
By those who understand such things.

II

Time does not exist here.
Weather almost never interferes.
Trees fall only in the eyes
Of the beholder, sounding
Deep inside the ears.

Population fluctuates. There are
Peak hours when crowds are commonplace.
At other times, it is hard to spot a soul.
Architectural details and street signs
Are more noticeable on these occasions.

Something is always about to happen.
Painless violence. Impossible sex.
Levitations. Illuminations. Conversations
Of unimaginable intensity between
The living and the dead.

III

Beautiful, tall, anorexic sirens
Smiling in startling designs,
Perambulate slowly back and forth
On the sidewalk runways, tossing
Their hair as they turn on you.

Unmarked, unnumbered streetcars
Follow silently, wherever you go.
Their drivers, just for effect,
Occasionally whooshing the doors
Open and shut, like lungs.

There are pigeons, of course.
However, they are sparkling white
And do not leave their droppings behind
Or fly up in your face as you approach.
Unfortunately, they are outnumbered by the owls.

IV

I have so much more than this to tell you.
More than the pages of this leaflet will allow.
So come and see this place for yourself. Come
Whenever you like. As often as you are able.
Your City of Dreams waits only for you.
Harry Branson

FAIRBANKS FOLLIES

NEWS ITEM. FAIRBANKS DISTRICT COURT JUDGE CHRIS ZIMMERMAN HAS HANDLED DOZENS OF SUPERIOR COURT TRIALS, BUT DID NOT MAKE THE ALASKA JUDICIAL COUNCIL'S SHORT LIST FOR SUPERIOR COURT JUDGE BECAUSE HIS INTERVIEW "WASN'T STIRRING." LET'S LOOK IN ON FUTURE COUNCIL INTERVIEWS.

SO THIS LAWYER SE2 TO ME, "I AIN'T HAD A BITE IN THREE DAYS! SO I BIT HIM! BUT SERIOUSLY..."



HAW HAW!

©MARK ANDREWS

MY INSPIRATIONAL READING! "HOW DO I LOVE THE BEST EVIDENCE RULE? LET ME COUNT THE WAYS..."



GREAT! NEXT CANDIDATE!

I COULD CAN-CAN ALL DAY IN MY JUDICIAL ROBES!



BRAVO! THRILLING!

... AND AFTER MUCH DELIBERATION, THE JUDICIAL NOMINEES!

A GUY WHO SHOWS UP AT LITTLE LEAGUE GAMES DRESSED AS A PTARMIGAN...



... AND AN APPLICANT WHOSE COOKING DEMONSTRATION WAS, WELL, "STIRRING."



Dine with Buckalew

On Sept. 15, 1988, at 3:30 p.m., Judge Seaborn J. Buckalew will be honored at a special ceremony in the Supreme Courtroom of the Anchorage Courthouse. Justice Warren Matthews will preside.

A catered reception in the foyer of the courthouse, which will follow the ceremony, is sponsored by the Anchorage Bar

Association, the Alaska Academy of Trial Lawyers and friends of Judge Buckalew.

At 7 p.m. that evening, there will be a banquet in the Aleutian/Alaska Room of the Anchorage Hilton Hotel. For banquet ticket information, call 264-0408 or 274-8664.

• Council oversees merit selection

Continued from page 1

who did not act appropriately must live with their consciences the rest of their lives, since a grave injustice has been done to Chris Zimmerman.

Judge Zimmerman had successfully handled a number of Superior Court cases over the last several years and did well in the Bar poll.

In a responsive article printed in the Fairbanks Daily News-Miner, and which appears on page 28 herein, Hal Brown, Executive Director of the Judicial Council, disputed many of the charges against the Judicial Council, explained its procedures, and applauded the efforts of its members.

In Alaska, judicial candidates are rated by fellow attorneys in a statewide Bar poll. They are then interviewed and evaluated by the Alaska Judicial Council. The Council, after considering the Bar poll results, as well as an 18-page application, a background evaluation, medical examination, letters of referral, public input, and an interview of unspecified length, selects the person it feels to be "most qualified" for the position, and submits at least two names to the Governor for selection. The Governor has 45 days after receiving nominations from the Judicial Council to fill the vacant position.

Cited on page 29 hereof are the

mean scores the various judicial candidates obtained on the Bar poll.

In addition, the Judicial Council had statistics reflecting Bar results by Judicial District, type of practice, length of practice, and years in Alaska.

Over the years, there has been significant debate, both within and outside the Judicial Council, as to whether or not its role is to simply determine whether candidates seeking a judgeship are qualified, or to proceed further and select only the "most qualified" persons to present to the Governor. A revision to the Judicial Council by-laws in 1983 specifically included the "most qualified" language, and the Council has proceeded on that basis since that time.

The Governor has never rejected an entire slate of names presented to him by the Judicial Council, and legislative history as well as Article IV Sect. 5 of the Constitution suggests that that option is not available. The Judicial Council has, however, rejected a slate of candidates and has re-advertised for the position. This has only seldom occurred, and generally the Judicial Council recommends persons to the Governor from the list of original applicants.

As one might expect, all aspects of the judicial selection process have been subject to criticism. The Bar poll itself falls into this category. Some attorneys believe that not enough emphasis is placed on the Bar poll by the Judicial Council, while others feel that too much emphasis may be attached to it. "The Bar poll is a joke" stated one prior judicial candidate, who suggested that it was based on the reputation and not the competency of a person, and permits, and even encourages, block voting. Others have blamed the problems of the system on apathy, noting that less than half the Bar took part in the last Bar poll.

Whether or not there is a problem with the current system is a subject of much debate, both among attorneys and the general public. In responding to this issue, former gubernatorial candidate, Joe Vogler, called for the election of judges as being the only "sane way to pick these people."

Current, as well as some past members of the Judicial Council, support the current system and feel an obligation to select only the most qualified candidates. While this restricts the Governor's choices, it effectively increases the role attorneys play in the selection process. Whether this is good or bad, again, is a subject for debate.

Superior Court Judge Richard Savell, who was by-passed by the Judicial Council the first time he applied for a judgeship, may have most aptly described the situation when, in responding to a question by a reporter for the Fairbanks Daily News-Miner, he stated: "It (not being selected) can be awfully battering to the ego, but is there a better way? I can't think of one."

We look forward to reader input and comments on this important and controversial subject.

• Buckalew

Continued from page 2

What they didn't know was that Judge Buckalew had memorized the names of every juror on their panel and every juror who had ever sat on any of his trials. He knew them all by name and addressed them by name during the course of the trial. The young lawyers didn't know how much law he knew until they tried to cross him up. Some of them never found out. I've seen lawyers cite *Thessen* to the judge and never know that the judge knew anything about it.

Judge Buckalew is the epitome of the True Alaskan. He is low key, doesn't have to tell you everything he knows, big-league competent, and unfailingly courteous. I remember sitting in on a meeting once when he was the Anchorage district attorney. The meeting had been called by Judge C.J. Occhipinti with Buckalew, Anna Mae Vokacek, Golden Goodfellow and LeEllen Baker from the clerk's office in one of the courtrooms. They were trying to work out how some criminal paperwork was to be processed. Judge Occhipinti left and the other four were getting down to all the details. Anna Mae Vokacek, the clerk of the court and no shrinking violet herself, said, "when can we come over to your office and get this

hashed out?" Buckalew responded, "well, Ma'am, there's three of you ladies and only one of me, and I'll come over to wherever you want me to be." Their reaction to that scene probably caused me to walk an additional 50 miles back and forth to people's office at various times in my career, but I've never regretted it.

Finally, the True Alaskan is hardy. He is stable, dependable, and you always know where he is going to be. No matter what the difficulty, or what else may be going on, he is steady. That's almost a description of Judge Buckalew. He is truly a wise man, compassionate and firm. He's been a private practitioner and picked his clients up and carried them on his back as only a private practitioner can know. He has been a state and territorial legislator to the House and Senate. He was a delegate to the Constitutional Convention, a district attorney prosecuting public officials in difficult times, and a great judge. He is truly the compleat Alaskan lawyer.

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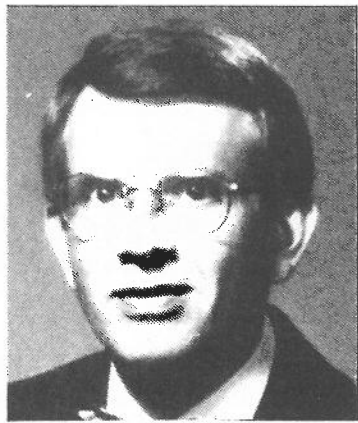
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272-7469

ALPS liability tops \$1 million in premiums

After only four short months of operations, Attorneys Liability Protection Society has written over \$1 million in premiums and currently insures over 400 lawyers in private practice!

Bob Minto, President of ALPS, reported the company's quick success at the ALPS Board of Directors meeting held June 9 in Whitefish, Mont. "We are pleased and gratified at the immediate and solid support ALPS has received during its infancy," commented Minto. "This is a clear message that attorneys recognize the value of a lawyer-owned and controlled company—and are willing to support it with their time, talent and money," he continued.

In reporting to ALPS Directors, Minto noted several positive suggestions for policy enhancements have been given by a number of attorneys in ALPS' 10 sponsoring states and have been referred to the Boards Underwriting Committee for review and consideration. "I know of no commercial carrier providing lawyers malpractice insurance that is willing, indeed, anxious, to receive input from its constituency," Minto said. "It's just another example of what makes ALPS unique and uniquely able to serve its insureds."

Bob LaFleur, ALPS director from South Dakota and Chairman of ALPS Claims Committee reported that ALPS has established a toll free number (1-800-367-4366) for ALPS insureds to report actual claims—and to discuss possible repair of potential incidents which could give rise to a

claim. LaFleur further reported that his committee is currently reviewing the credentials of potential claims panel (defense) members and experts panels to be available in all 10 states within 60 days.

Representatives of ALPS managing brokerage firm reported several software enhancements which now allow for very rapid quotations, once complete applications are received. "We routinely provide quotations for both the limits and deductibles at our applicants request as well as a spread of alternates limits and deductibles so our clients are in a position to make a better-informed decision," said Richard Cowan, James Vice President and responsible for ALPS operations. "We have several additional improvements on the drawing boards," he continued.

Charles Steilen, James Senior Vice President and responsible for ALPS marketing activities, reported James has contracted with a professional publishing firm in Seattle to create a unique publication for ALPS insureds which will provide useful and timely information concerning loss control and claims repair. Known as "On-The-Docket," the next issue is scheduled for late summer mailing.

"We encourage any attorney in private practice to give ALPS serious consideration and to submit an application," Minto commented. "We must maintain our early momentum if ALPS is to provide the long-term alternative it's intended to. Call us at 1-800-FOR-ALPS to learn just how good ALPS is," he concluded.

SUCCESSFUL BAR EXAMINEES

February, 1988

Thomas A. Ballantine, III
Svend A. Brandt-Erichsen
Robin A. Bronen
John D. Burke
Mark D. Butterfield
Ann M. Carey
Susan M. Carney
Connie L. Carson
Douglas A. Carson
Mark D. Christensen
Matthew W. Claman
Joan F. Connors
Susanne D. Di Pietro
Cynthia C. Drinkwater
Darlene M. Erickson
Jeffrey A. Friedman
Glenn M. Gustafson
Marvin C. Hamilton, III
Richard F. Illgen
Mary A. Kancewick
Thane R. Mathis
John C. McCarron
Howard J. Meyer, Jr.
Rick L. Owen
Stephanie L. Rhoades
Peter M. Rice
Jerry H. Ritter, Jr.
Ryan R. Roley
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John M. Sedor
Michael R. Stahl
Richard P. Sullivan, Jr.
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House of Delegates has dull but productive meeting

By DONNA C. WILLARD

What had been billed as a controversial Annual Meeting of the House of Delegates of the American Bar Association in Toronto this past August, turned "ho-hum" when various provocative resolutions were either modified or deferred.

A proposal by the State Bar of California to require the ABA to expend substantial sums on a nationwide public relations campaign to improve the image of the American attorney, was transmogrified. As passed, the Board of Governors of the ABA is to formulate and report proposals for program content, the roles to be played by the ABA and state and local bar associations and a proposed budget for "a national education program on the justice system and the role of lawyers in society." Those suggestions are to be delivered to the House no later than the 1989 annual meeting in Hawaii.

The English language

A resolution sponsored by the Section of Individual Rights and Responsibilities which would have had the effect of opposing any legal measure establishing English as the official language, went through a series of modifications before it was committed to the Section. According to the proponent of the motion to commit, the resolution had ambiguities which required further work in order for the English language to be properly employed so the intent of the measure was clear.

All three resolutions addressing modification to the McCarran-Ferguson Act, which would have the effect of limited the antitrust exemption currently enjoyed by the insurance industry, were committed back to the Sections from which they originated. Whether the subject will be revisited at the midwinter meeting in Denver in February of 1989 was not discussed.

Also sent back to the Committee for further study were recommended changes to Title 28, governing appeals to the U.S. Courts of Appeal and district court jurisdiction over mass injury cases. Withdrawn entirely were the Model Adoption Act, the Model Surrogacy Act and the Model Joint Custody Statute.

Items that were approved

With one lone dissent, a resolution calling for elimination of all barriers to the full integration and equal participation of women in all aspects of the profession, was passed. Cited in support were the facts that 20 percent of the profession and 40 percent of law school attendees are now women, but only 6 percent are partners and only seven percent of the members of the bench are women.

Pro Bono

A measure urging all law firms and corporate employers to promote and support involvement in pro bono and other public service activities, at a rate of not less than 50 hours per year, gained overwhelming support. Pursuant to its terms, the pro bono time should be counted toward any billable hours requirements or otherwise given actual work credit.

Both a Pledge of Professionalism and a Creed of Professionalism were adopted.

Potpourri

In other action, the House:

- adopted a resolution calling for reasonable compensation and full reimbursement of costs for attorneys appointed to represent persons who have a constitutional or statutory right to counsel;
- passed a resolution urging boycott of private business clubs which discriminate;

- approved Article 2A of the Uniform Commercial Code dealing with leases;
- supported the Arias Plan for establishing peace in Central America;
- published its opposition to discrimination in capital punishment on the basis of race of either the victim or the defendant;

- adopted Guideline Governing Restitution to Victims of Criminal Conduct;
- endorsed the concept of judicial sabbaticals and urged the states to adopt legislation allowing them;
- passed the Model Rules For Minimum Continuing Legal Education;
- unanimously adopted the Aspirational Goals for Lawyer Advertising;
- urged amendments to the federal Adoption Assistance and Child Welfare Act of 1980 to strengthen the role of the legal system in planning for children in foster care;
- adopted the Antitrust Guidelines for International Operations;
- approved Chapter 7 of the Second Edition ABA Standards for Criminal Justice which are the black letter Criminal Justice Mental Health Standards; and
- urged Congress to confirm that federal district courts have the power to resolve the issue of conflicting state claims concerning jurisdiction over child custody disputes based on the Federal Parental Kidnapping Prevention Act.

Elections

As of the end of the Annual Meeting, Robert Raven of California became President of the Association. The theme for his year is "To Establish Justice: Everyone's Responsibility."

L. Stanley Chauvin of Louisville, Kentucky, is the President-Elect of the American Bar Association and George Bushnell of Detroit, Michigan, took the

gavel and became Chairman of the House of Delegates.

For further information on any of the above, or any other matter which was presented to the House of Delegates, contact Keith Brown or Donna Willard, Alaska's representatives.

Proposed rule: Discipline

The rules of Disciplinary Enforcement currently allow imposition of a private reprimand only when it is agreed upon by Discipline Counsel and a Respondent-Attorney. The proposed rule changes would allow the Disciplinary Board to impose a private reprimand in other circumstances it deems appropriate. To achieve this result Alaska Bar Rule 10(c)(8) will be amended to read:

[10](c) **Powers and Duties.** The Board will have the powers and duties to

(8) impose private reprimand as a Board upon a respondent attorney.

Alaska Bar Rule 16 will be amended so that subsection (6) will be added to state:

16(a) **Discipline Imposed by the Court or Board.** A finding of misconduct by the Court or Board will be grounds for

(6) private reprimand by the Disciplinary Board.



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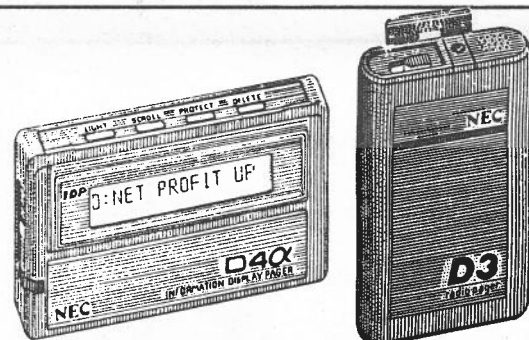
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Climbing Denali

Report from the top of the world

By BOB GROSECLOSE

A British climber once observed that "men do not conquer a big mountain, they wait until the mountain is napping and sneak up on it." On June 3-4, 1988, the highest point of North America, Denali (a/k/a Mt. McKinley) was taking a breather from the storms and high winds characteristic of its summit. After three weeks, including 5-6 "storm days," I and six others from our 9 person group snuck to the top. "Napping" though it was, Denali still greeted us with -10 degrees F temperature and dished out far worse, we counted our good fortune in being able to stand atop this 20,320 feet peak, regarded by many as the highest climb in the world because of the 13,000 vertical elevation gain from the 7,000 base camp to the top.

For those accustomed to the serenity and solitude of climbing Alaska's remote mountains, climbing Denali is quite different—an experience often approaching a visit to an international KOA campground. Except that on Denali there are no electrical hook-ups, "showers" are limited to non-liquid precipitation, and toilet paper is not provided. And like travel south of the border, be careful about drinking the water. "Yellow fever" is best avoided by consuming only snow of the white variety.

Denali offers not only the "big mountain" challenge, but also a cultural experience generally reserved for U.N. delegates. During my three weeks on the mountain from May 16 to June 7, I encountered climbers from France, Switzerland, Austria, Britain, Italy, Spain, Canada, Germany, Korea, Japan, and New Zealand. In fact, foreigners appear to make up at least half (maybe more) of the 500 climbers who attempt Denali annually. I found myself speaking nearly as much broken French and German as during my last trip to Europe. Pantomining and charades were often the only common "language" to communicate with some of the foreign climbers encountered on the popular West Buttress route.

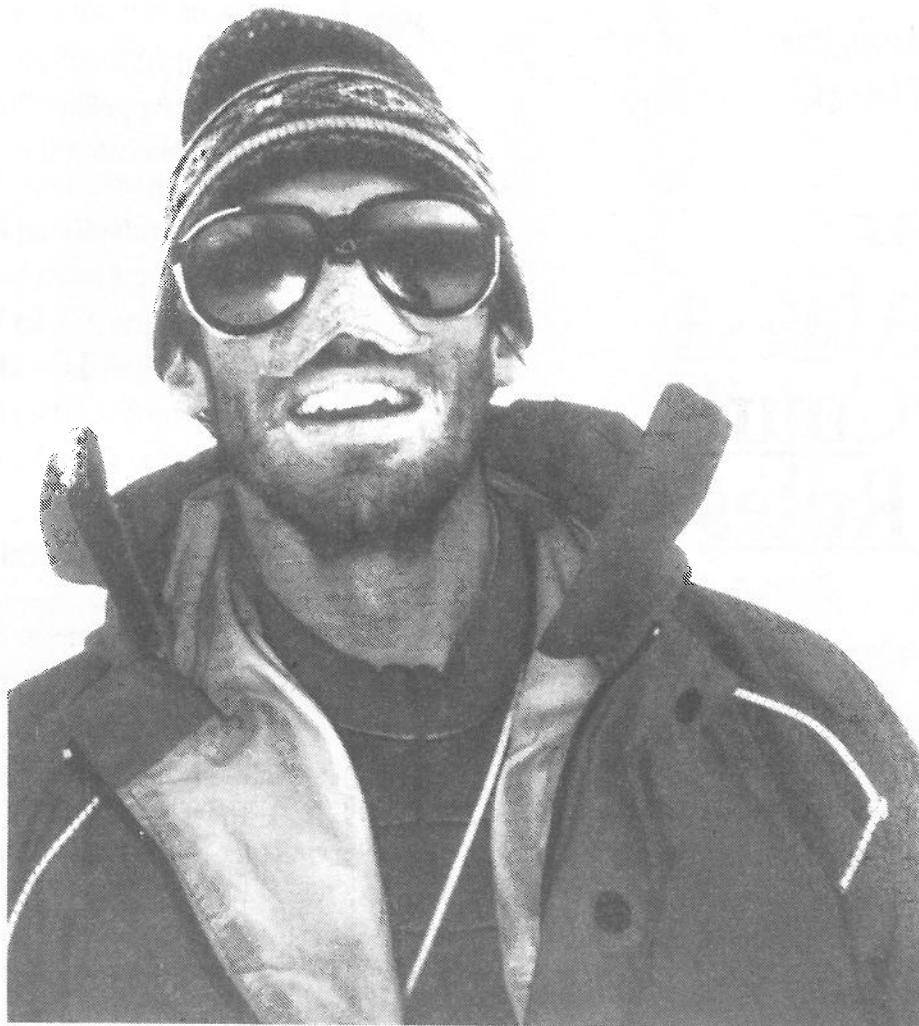
Much to the dismay of mountaineers steeped in the credo of "help yourself or die," a number of foreign climbers didn't have much difficulty learning the word "help" and of using it even when circumstances later proved it unwarranted. The helicopter evacuations of three Koreans in two, separate rescue efforts from the 18,000-19,000 foot levels of the Cassin Ridge of Denali (one of the more difficult approaches to the summit), led to the inevitable bad taste jokes in our climbing team, which happened to have three attorney members:

Q: What's the difference between three Koreans and three attorneys in trouble on Denali?

A: The Koreans get rescued.

If you have a climber's bent, Denali is both a memorable and challenging experience. Realizing that not everyone finds enjoyment in going without a shower for three weeks, in sharing a communal crapper in full view of the universe (see photo), in testing the limits of one's endurance, or in living at altitude (nausea, headaches, shortness of breath, general malaise), nevertheless here is a boiled down recipe for a successful Denali climb.

NOTE: For those readers without a climber's dementia, who find neither joy nor challenge in climbing a flight of stairs, much less a 20,000 foot mount of dirt, rock, and ice, kindly proceed to the next article, however mundane and trivial though it may be. For those bracing for a Denali climb, read on.



After descending from the summit, the author basks at the 14,000-foot camp with more than a vertical mile of Denali looming in the background. The summit clouds indicate high winds aloft.

1. A "successful" climb is getting back safe and sound. You want to live to climb again, hug your child, insult your adversary, or even write your memoirs. There's no point in killing yourself to prove a point, namely, that you're a mere mortal and that the mountain is bigger and meaner than you. Getting to the top must be of secondary importance.

2. Get in shape. In addition to the spa and your Jane Fonda workout, getting in a number of early season mountain climbs will better prepare you for toting a 50-plus pound pack up Denali. As Seattle climber and attorney Jim Wickwire aptly put it, "the best way to get in shape to climb mountains is by climbing mountains." Several early season climbs also hone your mountaineering skills, build confidence, and enable you to field test your equipment.

3. Learn to climb and camp out in the winter. The essence of a Denali climb is coping with the cold. It might have been Sam McGee's "awful dread of the ice grave," but it need not be yours. Modern equipment and clothing take much of the dread out of winter camping. Still, you need to have enough winter camping experience to learn what clothing and sleeping bag combination work best for you. Some people sleep warmer than others. Don't bank on manufacturers' ratings on sleeping bags—field test your equipment and draw your own conclusions.

Learning and practicing such mountaineering skills as crevasse rescue, use of an ice axe, and climbing in snow and ice are also essential. It's too late to learn how to get out of a crevasse once you're in one. Also, the best way to stay out of a crevasse is

knowing how to avoid falling in one. Basic mountaineering courses are available in Anchorage through the community college. In Fairbanks, a local climbing club, the Alaska Alpine Club, offers a climbing course commencing in January. Also, some of the guiding concessionaires on Denali offer a "mountaineering seminar" component to their guided climbs.

4. Get a medical examination. You don't want to discover a heart murmur at altitude. Medical evacuations are no fun, neither for the victim nor the rescue team.

5. Budget ample time. Sometimes even your clients and the court might have to wait. Climbing Denali is on the opposite spectrum from a picnic day hike. Many climbers who get into trouble on Denali or are unsuccessful in summing might have had a more rewarding experience if they weren't rushing their climb. Although there are instances of well-honed groups having summited within two weeks, a minimum three-week time schedule enhances the chances of success. You then have both the time to acclimate as well as to sit out the random storm.

On the subject of time, the months of May and June are regarded as the climbing season for Denali. Although the weather and storm intensity varies from season to season, May and June are generally optimal for avoiding excessive cold (below -30 degrees), avalanches, softening bridges over crevasses, and stormy periods.

6. Climb with a team. Unless you're able to recruit your own climbing team, which is difficult given the commitment required, you have essentially two options (solo climbing is not a serious option):

A) Hang around Talkeetna or Kahiltna base camp long enough and you're bound to find a climbing partner, or preferably a climbing team. This leaves too much to chance for my liking. I know of climbers ascending Denali by this approach but they run the risk of not finding a team or of finding a team which shuns some time-tested safety techniques.

For example, despite the history of climbers who have met their fate traveling unroped, many climbing parties still travel unroped on parts of Denali. This seems to be more common of foreign climbers who either don't know better or simply don't care. Because of the National Park Service lecture video, which is required viewing for Denali's climbers, it is hard to understand climbers not knowing better.

Be selective about your climbing companions and insist on safe practices.

B) There are six guides and guiding services authorized by the National Park Service to guide climbers on Denali. They hold "concession permits," not licenses or certificates of any particular degree of climbing/guiding competence. Although utilizing a guide is not the fiercely independent, Alaskan approach, it has distinct advantages in an ascent of Denali. In addition to the obvious advantage of being with a person who "has been there before" and, hence, just might know more than the average climber, you also are spared much of the planning and logistical drudgery of a "big mountain" climb. Have you ever assembled food supplies for a three week outing, much less one where the rudimentary chore of cooking has its quirks at altitude?

For between \$2,000 and \$2,500 you can contract with a guiding service to climb Denali. When you consider



George Ortman, of Willow, Alaska and Brian Day O'Connor, of Phoenix, Ariz. (guess his famous family matriarch), model appropriate sun protection garb designed to ward off the ultraviolet rays experienced at altitude.

Continued on page 9

AAALA seeks help in bridging the gap

By KATHLEEN G. ANDERSON

We have a problem. A major problem. For whatever reason—or many reasons, inadequate education in today's schools is creating a work force which we, as attorneys and paralegals, have already begun to find has a negative impact on our practices. Here are some statistics. One million youth drop out of school each year in this country; one out of every eight 17-year-olds is functionally illiterate; and 25 percent of our country's ninth graders starting school in September will not graduate from high school. Yet, by 1990, more than 50 percent of all jobs will require training or education beyond high school.

A decreased supply to meet the demand aggravates the problem. In 1978, after a lengthy postwar baby boom that put tens of thousands of young people to work in the 60s and 70s, 24 percent of our workforce was between the ages of 16 and 24. By 1995, only 16 percent will be in that age bracket.

The changing nature of that workforce will impact the problem as well. Within the next 12 years, 82 percent of the workforce will be women and minorities. One third of the workforce will have grown up with only one parent. The growth of blacks will be twice that of whites and that for Hispanics even greater.

Why does all of this impact our practices? For one thing, our courts and laws will not be able to change quickly enough to address the problems peculiar to the new workforce—hence, more litigation. More law professionals will be needed to handle growing case loads brought on, e.g., by the increased use of drugs and alcohol of the disadvantaged youth of our workforce. There is no ques-

tion that the practice of law will guarantee job security to many. But, will we have the workforce to tackle the new problems?

Deficiencies in basic skills such as listening, calculating, reading and writing are already causing a decline in productivity and lower quality work product in many businesses around the country. Our "law business" is not immune. It is more and more difficult to find qualified applicants for accounting, legal secretarial, paralegal, and even young attorney positions in both private and public sector practices. We want to do what we can to stop the trend.

The Alaska Association of Legal Assistants will be conducting statewide public hearings on paralegal education later this year. We need your help. Alaska needs a good, well-rounded paralegal education program from which you can hire assistants, or improve the knowledge of those already on staff. Such a program does not exist in Alaska.

Some of our members will be calling you for your input whether it be by asking you to speak at the hearings, send someone from your firm in your place, or that you sustain us in our endeavors. In the meantime, please send your assistant to a CLE seminar or pay your assistant's professional association dues. We would like to do more than stop the trend; we'd like to turn it around.

Kathy Anderson is a legal assistant at Hughes, Thorsness, Gantz, Powell & Brundin, current president of the Alaska Association of Legal Assistants, coordinator of the National Federation of Paralegal Associations Task Force on Education, and an adjunct professor at the University of Alaska Anchorage and Charter College.

• McKinley

Continued from page 8



The communal commode at the 7,000-foot Kahiltna Base Camp, complete with operating instructions in 7 languages.

that the price covers food, round-trip airfare from Talkeetna to the base camp on the Kahiltna glacier, and all common equipment (tents, ropes, stoves and fuel, radio, shovels, etc.), the price is well worth it.

The principal drawback to utilizing a guiding service is the risk of being thrown in with people with whom you might not otherwise choose to spend three weeks of your life. Traveling in a large group (9 to 12 people) of varying climbing and outdoor skills can also be slower than a tight-knit, streamlined group. However, because of the need to acclimate during a high altitude climb, speed in breaking camp and travel is not so critical. You quickly learn on Denali to view distances differently than you might otherwise. It is roughly 20 miles from Kahiltna base camp to the summit of Denali. What took me

nearly three weeks to climb took scarcely one day to descend. Climbing Denali safely is no race.

I climbed with Alaska-Denali Guiding Inc. (Brian and Diane Okonek of Talkeetna). The risk of being placed with incompatible people was largely eliminated by their application and screening process. I was pleased to learn that the guides insisted on knowing something about me, such as my climbing and outdoor background, level of fitness, and that they required a doctor's certificate as to my medical fitness.

Be selective about choosing a guide. The better ones do not exceed a ratio of three clients per guide. You can obtain a list of the Denali guides through the National Park Service.

7. Go prepared. A detailed discussion of equipment and supplies for a Denali climb can be found in "Surviving Denali," Jonathan Waterman (1983 American Alpine Club). You obviously don't want to be under-equipped, and by the same token you don't want to cripple yourself hauling unnecessary items.

If you are considering a Denali climb and want to know more about my experience, give me a call, phone 452-1855 (work) or 457-5498 (home).

When not pursuing outdoor adventures, Bob Groseclose practices law in Fairbanks with the firm of Staley, DeLisio, Cook & Sherry, Inc. He is also president of the Alaska Alpine Club.

Facts on our ALPS

From whatever source, a number of "myths" have been circulated among the nearly 22,000 attorneys in ALPS 10 sponsor states of Alaska, Delaware, Idaho, Kansas, Montana, Nevada, North and South Dakota, West Virginia and Wyoming.

Myth: Professional Liability "Captives" typically fail.

Fact: The vast majority of lawyer owned and sponsored legal malpractice companies have achieved stability and continue to serve their insureds. Ohio, North Carolina, Oklahoma, and Minnesota, to name a few.

Myth: ALPS is not properly reinsured and will fail as a result.

Fact: ALPS retains only \$100,000 of any claim—the balance spread among some of the world's oldest and best reinsurance companies such as Reinsurance Corp. of New York, Transamerica Reinsurance, Reliance Reinsurance and Lloyds of London. Further, ALPS treaties are automatic and allow it to provide limits up to \$5,000,000 "in-house."

Myth: ALPS rates are too high, or too low.

Fact: The rates currently being used by ALPS were promulgated by an independent actuary (Milliman & Robertson) and are based on the best available loss data for each ALPS states. Where credible loss data is not available, rates have been set conservatively high to protect its policyholders and surplus. In virtually every state where solid loss information is available—ALPS rates appear very competitive versus commercial carriers.

Myth: ALPS policy is more restrictive than those offered by commercial insurers.

Fact: The ALPS policy form was created by combining the most liberal aspects of several carriers forms to make available truly comprehensive coverage—consistent with common sense and the requirement of reinsurers.

Myth: The ALPS policy does not afford "prior acts" coverage.

Fact: The basic policy automatically provides full prior acts to it insureds who supply evidence of continuous previous claims-made coverage. As with commercial carriers, ALPS will limit its Prior Acts coverage if such previous insurance was not carried.

Myth: Claims for ALPS insureds will be defended by unknown lawyers from "out-of-town."

Fact: Defense panels have been formed for each ALPS state from among qualified defense attorneys in each state. You can, indeed, expect a "friend in court."

Myth: ALPS policy does not allow Extended Reporting (e.g. "Tail") coverage.

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ALASKA BAR ASSOCIATION CLE CALENDAR

1988

September 9 Full Day	Lender Liability (Steve Nickles) Co-sponsored with the Professional Education Group (PEG)	Anchorage Hilton
September 16 Full Day	1988 Tax Conference	Hotel Captain Cook
September 23 Half Day	Admiralty Mortgages & Liens	Hilton
October 14 Full Day	Hazardous/Toxic Waste Litigation	Hotel Captain Cook
November 4, 5 1½ Days	Preserving the Settlement sponsored by AK Native Law Section	Hotel Captain Cook
November 10 Full Day	Family Law	Hotel Captain Cook
November 30 AM Mini-Seminar	Retainers and Trust Accounts: When Is That Money Yours?	Hotel Captain Cook

1989

February 17 AM Mini-Seminar	Employment Law Mini-Seminars: Wrongful Discharge: Opening and Closing Statements	Hotel Captain Cook
February 24 AM Mini-Seminar	Wrongful Discharge: Jury Deliberations (These February mini-seminars are part of an ABA Tape Series plus local commentary)	

OTHER ACTIVITIES:

November 4, 1988	AK Native Law Section Dinner	Hotel Captain Cook
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After 15 years

A lawyer, legislator, judge & a gentleman retires

By HARRY BRANSON

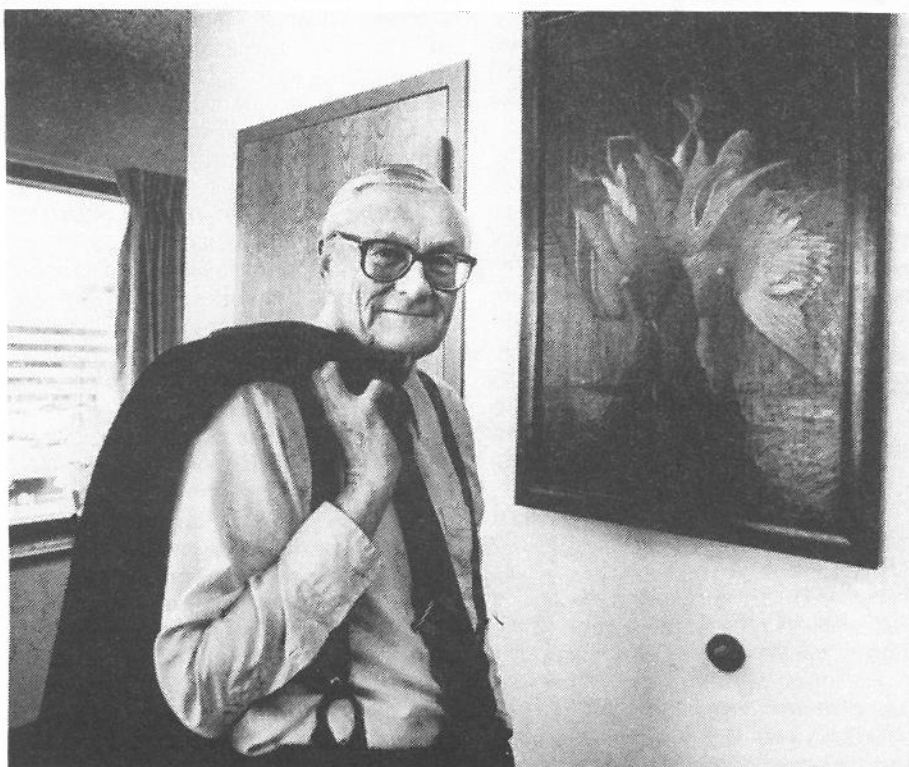
On July 31, 1988, Judge Seaborn J. Buckalew retired from the Anchorage Superior Court bench. A quiet reception was held in his honor in his courtroom between 10 a.m. and 5 p.m. on that day. Lawyers, staff, other court personnel, friends and judges, stopped by throughout the day to reminisce and wish him well.

Among the notables attending were Judge Ralph Moody, Judge Ebel Lewis, Judge Connie Occhipinti, federal bankruptcy Judge Herb Ross, Mr. and Mrs. Stan Wilson, G. Gerald Williams, Russ Arnett, J. L. McCarrey, Stanley Ditus, Sandra Saville, Jeff Feldman, Harry Branson, Ashley Dickerson, Marjorie Bell, Bea Gaines, Doug Baily, LeRoy Deveau, Joe Kalamarides, Bob Libbey, Dick McVeigh, John Havlock, Dr. Rehbock, Bill Moran, John Hellenenthal, Ken Atkinson, and Richard "Rick" Collins. Judge Buckalew was present throughout the day to greet his many friends.

Awards

Judge Buckalew received a number of awards during the day. An ad hoc group of his friends, including district attorneys, public defenders, court personnel, Department of Corrections personnel and attorneys from the Office of Public Advocacy gave him a Peterson water color painting of Mt. McKinley.

The Alaska State troopers gave him a Teddy bear with a trooper's uniform, gun and handcuffs. He received plaques from the Anchorage police department and the Alaska State troopers. The District Attor-



Judge Seaborn J. Buckalew stands alongside his grandfather's painting. It graced the wall behind his bench until some prisoners voiced their discomfort about being sentenced in front of a painting of dead ducks, says Anchorage Daily News photographer Fran Durner of this photo.

ney's office gave him a jade bear. Dana Fabe, the public defender, gave him an inscribed gold pan on behalf of her agency.

The atmosphere throughout the day was subdued and informal. Most of the people attending lingered awhile after speaking to the Judge and talked among one another about his accomplishments as a lawyer, a legislator, a military man and a Judge. There was a consensus among those attend-

ing that we were losing one of the finest trial judges in the history of the state.

The Lawyer

Born and raised in Dallas, Texas, Buckalew attended Texas A&M College where he received his Bachelor of Arts degree in 1942. He served in the United States Army during the Second World War from 1942 to 1946. He then attended John B. Stetson University School of Law where he

received a Juris Doctor's degree in 1949.

In 1950, he came to Alaska where he found his work as a territorial prosecutor. Two years later, he was appointed United States Attorney for the Third Judicial District. From 1953 to 1971, he was engaged in private practice of law. Among his distinguished partners and colleagues during those years were Paul Robinson, Ralph Moody and Wendell Kay. He left private practice in 1971 to become the District Attorney in Anchorage. In 1973, he was appointed to the Superior Court by Gov. Bill Egan.

The Legislator

Buckalew served in the Territorial legislature from 1955 to 1957. He was a delegate to the Constitutional Convention in 1955 and a vice chairman of the Legislative Council in 1957. He was elected to the State Senate in 1960.

The General

Along with his professional and political lives, Buckalew continued to serve his country in the military. He joined the Army reserve in 1950, was on active duty in the Alaska Air Command in 1951, served in the Air Force reserve from 1952 to 1956 and the Alaska Air National Guard from 1956 to 1973. A graduate of the Officer Candidate School and the Air War College, Buckalew rose to the rank of Brigadier General in the Air National Guard.

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Tort Deform 1988:

The battle continues

Michael J. Schneider

By MICHAEL J. SCHNEIDER

More New Rules.

I. A. HCS CSSB 320(HESS). This bill adds a new subsection (f) to Alaska's wrongful death act, A.S. 09.55.580. If a person "feloniously kills" another person, the killer may not recover damages for the death of the decedent, either directly or as personal representative of the decedent's estate. "Felonious killing" means a crime defined by A.S. 11.41.100 through 11.41.140. Various parts of A.S. 13.11.305 are also amended. The amendments simply substitute the phrase "felonious killing" into the probate code and get rid of the requirement that the killing be intentional as opposed to merely felonious. A felonious killer has a hard time benefiting in any way from the death caused by the crime in question. The effective date of the legislation is Sept. 14, 1988.

B. CSHB 340 (Jud). A.S. 09.65.090 provides immunity for a person at a hospital, or anywhere else, who renders emergency care or counseling to someone reasonably appearing to the actor to be in immediate need of such emergency aid in order to avoid serious harm or death. Under A.S. 09.65.090(b), this immunity does not extend to gross negligence, nor to reckless or intentional misconduct. CSHB 340 adds two new subsections to this statute, as follows:

"(c) A member of an organization that exists for the purpose of providing emergency services is not liable for civil damages for injury to a person that results from an act or omission in providing first aid, search, rescue, or other emergency services to the person, regardless of whether the member is under a preexisting duty to render assistance, if the member provided the service while acting as a volunteer member of the organization; in this paragraph, volunteer means a person who is paid not more than \$10 a day and a total of not more than \$500 a year, not including ski lift tickets and reimbursement for expenses actually incurred, for providing emergency services.

(d) The immunity provided under (c) of this section does not apply to civil damages that result from providing or attempting to provide any of the following advanced life support techniques unless the person who provided them was authorized by law to provide them:

(1) electric cardiac defibrillation;

(2) administration of antiarrhythmic agents;

(3) intravenous therapy;

(4) intramuscular therapy; or

(5) use of endotracheal intubation devices."

It is important to note that A.S. 09.65.090 and its new additions do not provide immunity to the organizations providing this service, but only to "a person" who acts in an emergency capacity or to a "member" of an organization that is also "a volunteer." HB 340 becomes effective Aug. 30, 1988.

C. SCS CSSHB 198 (RES). HB 198 takes effect Sept. 15, 1988. It adds a new section to A.S. 09.45.730. This section triples the damages incurred by a landowner resulting from trespass in the process of gathering geotechnical data or mineral resources. If the trespass was unintentional, involuntary, or made under some reasonable mistake of fact, the plaintiff can collect no more than actual damages.

A.S. 09.45.795 provides immunity for an owner of unimproved land for damages resulting from an actual condition of the unimproved land. This section has been amended by HB 198. The good news is that the immunity provided by A.S. 09.45.795 now has an exception for acts or omissions constituting gross negligence, recklessness, or intentional misconduct. The balance of the statute, as amended, is unclear and poorly drafted. It seems to say that recreational users of land, whether improved or otherwise, may not recover in tort for damages suffered while on the property so long as they had no responsibility to compensate the owner of the property for the injured party's use or occupancy of it. A.S. 09.45.795 is further amended by defining "unimproved land" as including lands containing trails, abandoned aircraft landing areas, or roads built to provide access for natural resource extraction, but no longer maintained or used.

HB 198 amends A.S. 11.46.350 by adding a subsection indicating that notice against trespass is given, adequate for the imposition of criminal sanctions, if it's printed legibly in English. At least 144 square inches in size, contains the name and address of the person under whose authority the property is posted, and the identity of the person who is authorized to grant permission to enter the prop-

erty, is placed at each roadway or access way to the property known to the landowner and states any specific prohibition against using the property, such as "no trespassing," "no hunting," etc.

II. Dead in Committee. SB 211 contained the Citizens Coalition for Tort Reform's laundry list of changes to the civil justice system. SB 461 would have immunized hospitals for the negligence caused by contract health-care providers. This measure would have reversed *Jackson v. Powers*, 743 P.2d 1376 (Alaska 1988), and placed consumers in the unfortunate position of having to look to contract health-care providers in emergency rooms, anesthesiology departments, radiology departments, and other departments of the hospital for a recovery in the event that negligence of any of these subcontracted services resulted in damage. In the waning hours of the legislative session, SB 211 was combined with SB 461, as well as a bill providing immunity for zoos and HB 459 providing strict liability for release of hazardous substances. This single package, denominated HB 85, was then passed by the Senate and sent to the House where it, thankfully, died.

Some other important, but less significant, "deaths" follow: HB 366 relating to subrogation of medical benefits, HB 417 limiting the liability relating to release and supervision of persons in state custody, HB 513 requiring reports concerning civil cases involving personal injury, HB 515 relating to limitations on products liability claims, SB 477 relating to liability for damages resulting from hazardous recreational activities, and SB 449 limiting liability of landowners for death or injury resulting from recreational use of land.

III. Pending Ballot Proposition. A.S. 09.17.080(c), passed by the 1986 legislature, marked the end of joint and several liability in Alaska. A defendant, as to causes of action accruing after June 11, 1986, will pay no more than twice that defendant's assessed percentage of fault.

Unsatisfied with this stroke of legislative generosity, the insurance industry and the Citizens Coalition for Tort Reform obtained enough signatures in the fall of 1987 to place two propositions on the November, 1988, ballot:

A. A proposition severely limiting attorney's fees in personal injury lit-

igation, and

B. A ballot proposition imposing strict several liability in personal injury litigation (a defendant would never pay more than that defendant's assessed percentage of fault without regard to the solvency, of other defendants or plaintiff's blamelessness).

The Attorney General's Office determined that the ballot proposition limiting attorney's fees was not a proper subject for an initiative because it would infringe upon the courts' rule-making power. *Citizens Coalition for Tort Reform, Inc. v. Stephen A. McAlpine, Lt. Gov. of the State of Alaska*, Superior Court No. 3AN-87-11043 Civil, sought an order from the Superior Court compelling inclusion of the attorney fee proposition on the November, 1988 ballot. The Alaska Academy of Trial Lawyers was allowed to intervene as a defendant in the action. The Academy and the Attorney General's Office convinced the Superior Court to uphold the position taken by the Attorney General.

The proposition seeking to impose several liability in personal injury litigation will be before the voters this November.

IV. 1989.

The legislation that died in committee in 1988 will be back before the legislature in 1989. If much of this legislation passes, the current civil justice system will, in effect, be gutted. 1988 is an election year. If you are interested in the civil justice system, assess competing candidate's positions on tort reform before committing your resources to their campaign efforts or marking your ballot.

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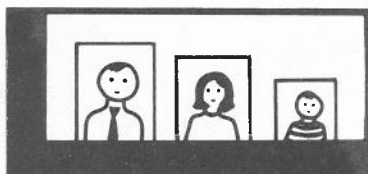
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BAR PEOPLE

John C. Dittman is now with Bernard Kelly & Associates **Mason Damrau** is with the Attorney General's office in Fairbanks **Daniel R. Cooper Jr.** is now with the Fairbanks office of Bradbury, Bliss & Riordan **Bruce O. Davies** has closed his law office in Ketchikan **Donald W. Edwards** is currently general counsel at Chugach Electric Association and **Julie Garfield** is now employed at Birch, Horton, et. al.

Douglas L. Blankenship is with the Birch, Horton Fairbanks office **Alexis Gabay** is clerking for Judge Robert E. Ginsberg of the U.S. Bankruptcy Court in Chicago. She writes that the weather in Chicago stinks and she misses Alaska a lot but she loves her job **Richard C. Folta** is now magistrate and sole practitioner in Haines **Victor C. Krumm** has opened his own law office in Anchorage and **Kristen S. Kundsén** has moved to Anchorage.

Edgar R. Locke and **Wevley Wm. Shea** have formed the firm of Locke

& Shea **Nancy Lashnitz** has joined the D.C. firm of Melrod, Redman & Gartlan as an associate in the Tax Department **Lynch, Crosby, Molenda & Sisson** is now Lynch, Crosby & Sisson **Douglas J. Marston** has moved from Fairbanks to Boulder, Colo. **Margie MacNeille** and **Julian Mason** are taking a year's sabbatical **Mary Louise Molenda** is now with Ferguson, Burdell & Ruskin **Holli I. Ploog** has moved to L.A. **Mauureen F. Pie'** has moved to Philadelphia and **Douglas Pope** has relocated to Anchorage.

Allan E. Tesche is a partner in the firm of Russell & Tesche **Trena L. Heikes** is associated with the firm **Robin C. Gabbert** has left the firm and relocated to Boston **Harris Saxon** is now in W. Vancouver, British Columbia **Charles D. Kasmar** and **Frederick T. Slone** have formed the firm of Kasmar & Slone **Kathleen Strassbaugh** has moved from Ketchikan to Juneau **G. Scott Sobel** is now in

Jerusalem **Tim Sterns** has returned to Eagle River after a year traveling around the world **Marlin D. Smith** is now an assistant D.A. in Fairbanks **Susan A. Vailancourt** is in Manchester, N.H. **Samuel E. Vandiver** is in Lavonia, Ga. and **Kathleen Weeks** is with the Pacific Legal Foundation in Anchorage.

Tonja M. Woelber is with the Office of Special Prosecutions and Appeals **Paul S. Wilcox** is with Hughes, Thorsness, et. al. **Robert L. Woodward** is in Santa Fe, NM **David J. Walsh** is of Counsel to Galbraith & Owen **Andrew J. Lambert** is now with the Law Office of John Pharr

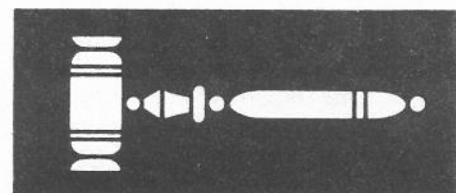
Bart K. Garber is staff attorney for the Native American Rights Fund **Bob Ely** is now with Wade & DeYoung **Susan Murto** is with the Municipal Attorney's Office in Anchorage.

..... **John Richard** and **Renee Erb** got married in July **Cindy Mc-**

Burney and **Ron Wielkoposki** were married in July **John Lohff** and **Nancy Blunck** had a baby girl in May **Debra Fitzgerald** and **Tom Amodio** were married in May and **Chuck** and **Jenny Ray** now have a baby girl, Chelsea.

James A. Bower has moved from Sitka to Juneau **Christa K. Collier** is now with Fortier & Mikko and **Ron E. Cummings** now has the Law Offices of Ronald E. Cummings.

Bridgett Siff, former Alaska assistant P.D. is now a New Hampshire assistant P.D. and married Nick Holmes Aug. 7 **Sue Urig** and **Jim Kubitz** are marrying in August in Ohio **Nan Thompson** and **Ron Klein** had a baby girl in May



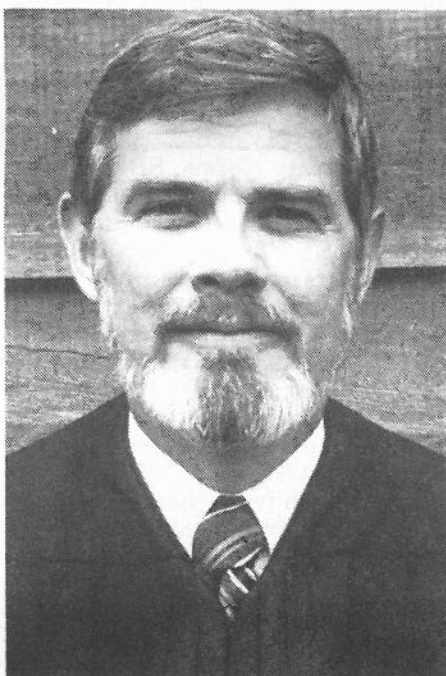
Blair was judicial lion, King of bosses

By CHARLOTTE McMULLEN

Why am I writing for the Bar Rag? What is my expertise? Undergrad math, music (the cultural world of New York City), and a postgrad fling with accounting and medicine. I am a pilot, a housebuilder, an art lover, an animal fan, and have been Judge Blair's loyal secretary for a decade. How did I come to meet—nay, come to terms—with this spirit of the judicial world, the Honorable James R. Blair?

Our paths crossed early post-pipeline days, 1978 to be more specific, as I sought an existence compatible with my past. My father, a lawyer and judge, had recently died and so had Linda Chizmar's "secretarydom" with Judge Blair. Fate was at our doorstep. We belonged together, though it would have been hard proven those primary years.

A lion he was in the early days. He took the courthouse by storm on Valentine's Day 1975, straight from the den of Rice, Hoppner, and his ferocity had not diminished—much. He prowled the halls with jackal-like stealth, court personnel quaking at every step; for here was a giant among judges, a giraffe on the legal plains of the court facility. Consider the mea-



Judge James Blair

sure of the judge species in the Fairbanks courthouse. Can one but expect the specter of a tall one to be anything but, well, high on the fourth floor? Rather akin to a mirahou stork

atop an acacia tree at sunrise!

Which forces me to trip the light fantastic through history to seek what brought him here. If my memory serves me correctly, I believe the Judge's youth was spent in a farm atmosphere—tales of Colorado and his mother's sharp hand in the demise of chickens. I know for a fact that he managed somehow to snow Colorado College—recantings of football plays, summers on oil rigs, etc. And it is recorded that during the college period, cupid united him with a clever girl named Shirley, then a son—all evidence of a routine existence.

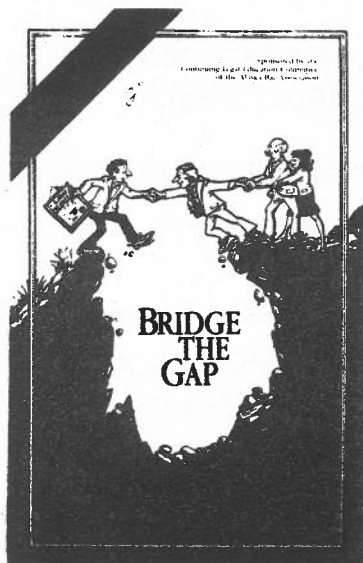
But AH! A bend in the road. More descriptively, a curve in the earth ... a two-year teaching job in Tanganyika (now Tanzania), East Africa. Swahili, trips in the muddy season, animals, twin boys ... Certainly not routine, nor was the return to what underlay that Colorado U. plaque on the Judge's wall, dated January 30, 1967, embracing those foreign words: "JURIS DOCTOR." There's another displayed above it dated Feb. 23, 1978, from the Academy of Malt Scotch Whiskey!

Jim Blair moved his family of three

to Fairbanks in 1967 to capture a short term as an Assistant District Attorney and to keep Jay Hodges "in line" in that office of three. No doubt this could be a tiring task. So, exhausted, he took up "privately" with Bob Parrish and phased into an association with the weighty team of Julian Rice and Lloyd Hoppner ... which just may be the entire reason behind his application for the judgeship! Then again it could have been his service on the Boards of Alaska Legal Services and the Alaska Bar Association. Possibly presidency of the latter was the final rain.

WhatEVER it may have been, I am grateful. I have been fortunate enough to observe and enjoy 10 "spotted" years with the one-time spiritual advisor of this l.l.l. learned publication. I have participated in the growth of his five children, been privileged to an organized, keen mind and dry humor. And I can verify that he truly

Continued on page 13



Update #1 to the Bridge-The-Gap Manual Available October 1!

Updates to the following *Bridge-The-Gap* sections will be available October 1: Bankruptcy, Business, Clerk to Court, Ethics, Family Law, Law Office Management, Legal Resources, and Probate. Binder plus updates: \$60.00. Updates only: \$55.00. Please include \$6.00 for shipping and handling, or materials may be picked up at Bar Office, 310 K St., Ste. 602, ph. 272-7469. Make checks payable to the Alaska Bar Association, PO Box 100279, Anchorage, AK 99510.



THE BAR RAG

Delta Blues Number 2

There's nothing like a bush Post Office

By LEE SPARREVOHN

Post offices form the center of most bush towns in Alaska. Everyone heads over to the post office at least once a day to check the mail. In Bethel, you can usually find the judge, jury, clerks, lawyers and witnesses opening their postal boxes during the lunch break in a trial. The defendant will be there too if he made bail. It's what makes the town a real community. That's the good news.

The bad news is the post office sometimes is the scene of crimes and probation violations. Many pre-trial detainees lose their freedom at the post office. Since most of the bush crimes involve alcohol abuse, probation and pre-trial release conditions often prohibit consumption of intoxicating beverages. Unfortunately, some defendants still drink. The drinkers that remain ambulatory check their mail. You can figure out the rest of the story.

All this creates special problems

for the criminal justice people. Should the judge setting the conditions carry out a citizens arrest of the inebriated defendant? Is the district attorney required to hold the guy until the police arrive? What about the defense attorney? One public defender tried to convince her client to head for cover until he sobered up. She left him to the mercies of the police after he worked her into a corner of the post office and tried for a kiss. After that the agency only assigned him male lawyers.

Over the years youthful burglars have hit the Bethel Post Office. Usually they strong arm the front door and look around for stuff to steal. I can't remember the paper reporting the theft of much stuff. These kids don't really go for stamps. They do like all terrain bikes, using three wheelers to make good their escape.

Since the post office centers bush communities, happenings there get a lot of attention. Take the sparrow

case in one delta village this spring. A migrating tree sparrow flew down the post office chimney looking for a nesting site. Once in the furnace, panic trapped it inside. The post mistress refused to turn on the heater until the bird was safely out.

For three days she shivered in the heatless building until someone took the furnace apart to free the bird. The emancipation took place at noon. Most of the village watched as the bird was gently placed on the ground. Someone volunteered to force feed it until they realized that this meant catching a bunch of mosquitos. Mostly, everyone stood around and felt helpless.

The sparrow was moving around a little by the time the post office closed for lunch. When it reopened at 1 p.m. the bird was gone. No one saw it fly off.

Many "man on the street" media interviews take place in front of the Bethel Post Office. With some excep-

tions, the subject generally deals with one of the Bethel big three topics: liquor, honey buckets or loose dogs. In the spring, people talk a lot about honey buckets because the smell of dumped ones is everywhere. Loose dogs usually come up a lot in the Fall. People talk about liquor all the time.

The Bethel Police once shot all loose dogs. One officer, long since retired from the force, shot off the door of his police car in an effort to take out a terrier. These things happen.

My favourite letter to the local newspaper concerned this lack of diversity in Bethel conversations. The author was sick and tired of talking about booze, dogs and honey buckets. His letter ended something like this: "I have to stop writing this letter now, a loose dog just knocked over my honey bucket so I have to shoot it, then I will drink to forget the smell."

Continued from page 12

• People

Continued from page 12

... **Arthur Snowden II**, administrative directors of the courts for Alaska, was named president of the Conference of State Court Administrators (COSCA) on Aug. 4 at the annual meeting of the Conference held July 31—Aug. 4 in Rockport, Me. The conference is composed of the highest judicial administrator in the 50 states, Puerto Rico,

the Virgin Islands, American Samoa, and Guam.

Donna Willard was elected president of the National Conference of Bar Foundations at the annual ABA meeting in Toronto in August. **Wilson Rice**, of Reese, Rice & Volland, is going to sail around the Caribbean for the next two years...

• Blair

deserved his "spiritual advisor" title; he has never sworn at me! Taking into account the old adage (was it Shakespeare...or Robin Hood?)—"There is not a legal (wo)man alive, who hath not wrought the ire of a judge"—I consider myself exceedingly fortunate.

But the Judge is like the wildebeest on the plains of East Africa. He was born with the migratory instinct, an

instinct which has driven him to such distant locales as Tahiti, Australia, New Zealand, China and Costa Rica. With trusted camera in hand, he has stampeded about the world and continues the wanderlust to this day as he moves from the judicial bench into private practice. Although I wish those hooves would have been less restless, the Judge was indeed a king among bosses. I shall miss him.

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Bar convention breaks records!

1988 was a record-breaking year for the Joint Judicial Conference and Alaska Bar Association Annual Convention. Nearly 300 members registered for events during the 3-day program held June 9, 10, and 11 at the Hotel Captain Cook in Anchorage. Over 320 people were in attendance for the Awards Banquet featuring the esteemed Archibald Cox as the keynote speaker, and witnessed Bob Wagstaff pass the gavel to new President Larry Weeks.

This year's awards' honorees were appropriately surprised, although there is a rumour Matt Jamin has asked that he be put on the agenda for next year's convention so he can deliver the remarks he was led to believe he would deliver at this year's program. Judge Buckalew and John Reese were also recognized for their contributions and service to the legal community (see related stories page 15). And outgoing-President Bob Wagstaff was presented with a print by Gary Kremen depicting Wiley Post and the Winnie Mae on its around the world flight.

The impressive turnout for this convention was very gratifying, and this year's convention was also a special co-sponsored effort with the Alaska Judicial Conference. Fifty judges joined in Association CLEs and social activities, and we hope this "joint venture" trend will continue. The presence of the judges added a welcome dimension to the program.

CLE registration was also at an all-time high. Topics included "New Wave Litigation: The Impact of Technology and Scientific Issues on the Practice of Law" by Professor John Dwyer of Boalt Hall School of Law; "Current Constitutional Issues" by Professor Archibald Cox of Harvard University; and "Unorthodox Trial Techniques" by Alaska's own Edgar Paul Boyko and Josef Princiotta. (Videotapes of all CLEs are available from the Bar office.)

Social events such as the Marx Brother's-catered President's Reception and the gourmet Salmon Bake were very popular. The "Whale Fat Follies" lured a number of lawyers,

too, some of whom may wish to remain nameless in light of their notorious behaviour that night (you had to be there!).

Card shuffling was also a prevalent past-time for many, and thanks to the Anchorage Bar Association and Information Services, the Crow's Nest Hospitality Suite was a welcome haven for members who wanted to tempt Lady Luck or just relax in a more casual setting (and hotel security was very understanding about that slight altercation over a marked deck.)

The hotel chef and the Bar Assistant Director were delighted by reports that the food at this convention was the most edible ever! (However, the Assistant Director refuses to go truffle hunting again for such a large number—besides the pig bit her!).

Our numerous sponsors and exhibitors also helped make Convention 1988 a real success. Thanks to our highest number of contributors ever, special cocktail receptions, coffee breaks, and refreshments were avail-

able, and the convention exhibit area had professional pipe and draping that lent an air of "big time" trade shows (even though we really don't give a damn how they do it Outside).

And our luncheon speakers added piquancy to the aforementioned "most edible food ever" with cogent and provocative comments. Our thanks to Gov. Steve Cowper, Chief Justice Matthews, and Herb Shaindlin for addressing the convention.

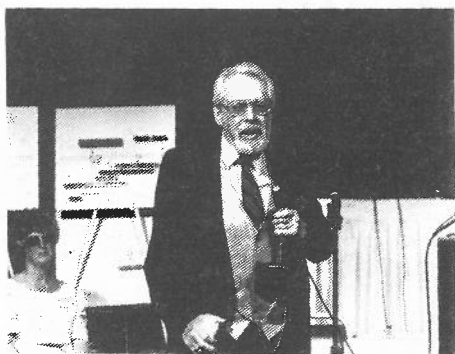
The annual section meetings and bar association meeting were well attended, and the section meetings were so successful that the chairs have asked for more time at next year's convention—no sooner said, than done ... 1989's section meetings will run for about 1 hour and 45 minutes.

A gold star to all the staff and bar members who worked so hard to make this convention such a great one!



Receiving 25-year awards at the banquet are (left to right) Judge Constantine J. Occhipinti (retired), David B. Ruskin, Judge H. Russel Holland, Leroy J. Barker, Judge Victor D. Carlson, Thomas E. Fenton, Judge George L. Gucker, Kenneth D. Jensen, and Richard McVeigh.

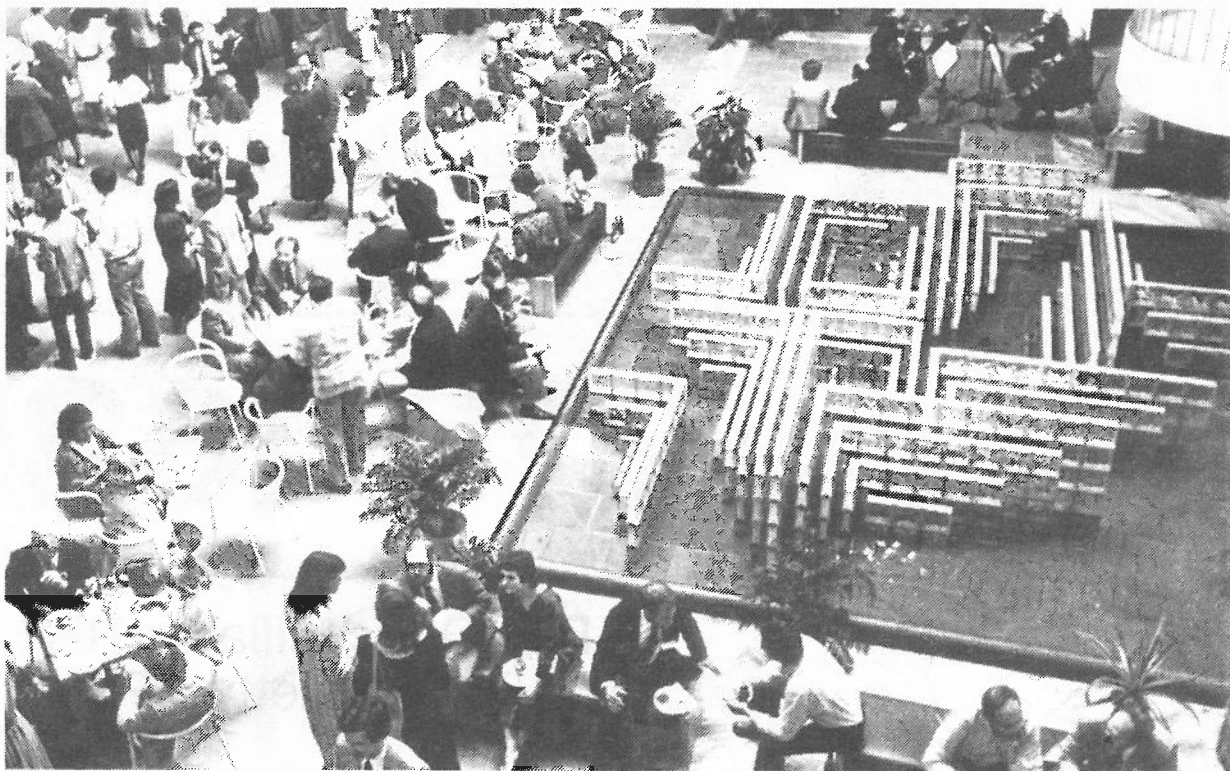
Photos by Imre Nemeth



Edgar Paul Boyko's CLE seminar, "Unorthodox Trial Techniques," demonstrates jury selection.



Matthew D. Jamin receives the Professionalism Award from Bob Wagstaff (right).

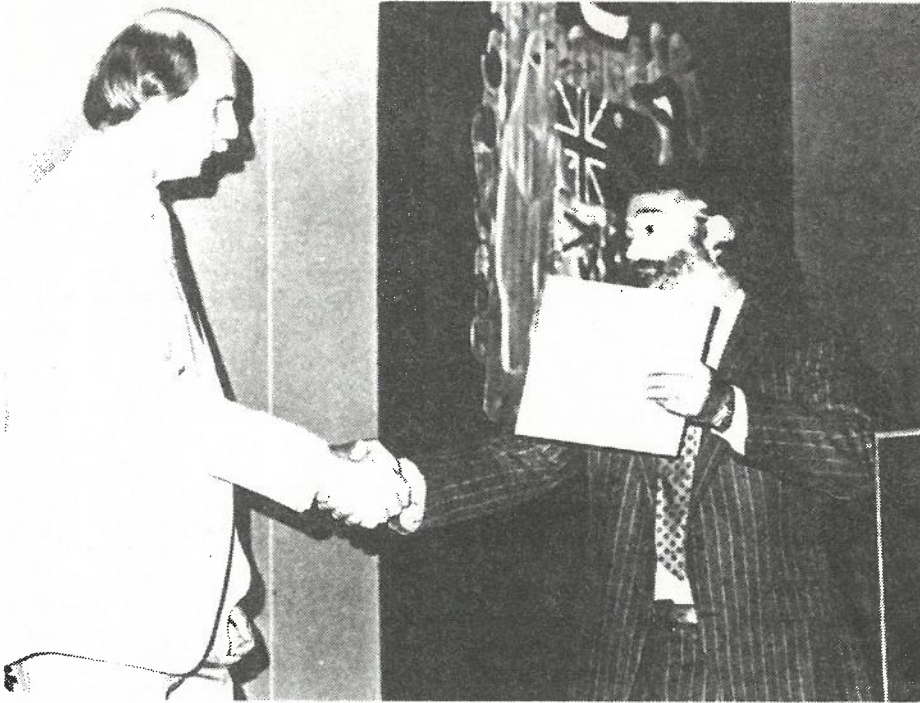


The Anchorage Museum of History and Fine Art greets the President's Reception.

After the banquet, it's all over for the Bar staff.



Distinguished Service Award goes to Reese



John Reese has been selected for the Alaska Bar Association Board of Governors Distinguished Service Award.

The award, presented at the 1988 Alaska Bar Association Convention in Anchorage, annually honors an attorney for outstanding service to the membership of the Bar Association.

Mr. Reese is currently chair of the Fee Arbitration executive committee; has served on innumerable fee arbitration panels; and is now serving his third term on the committee.

The Association's 1988 Distinguished Service Award recipient also is chair and founding member of the Substance Abuse Committee. The Committee was formed to provide information, offer support and make referrals for attorneys or their families troubled by this disease.

Mr. Reese is also co-chair of the Family Law Section executive committee.

A graduate of the University of Oklahoma College of Law in 1968, Mr. Reese practiced law with Alaska Legal Services Corporation until 1975. He was in solo practice for five years. Since 1980, Mr. Reese has been a partner with the Anchorage firm of what is now Reese, Rice and Volland, who are the proprietors of Toad Hall.

"The Board recognizes Mr. Reese for the many hours he has dedicated to the service of the Bar Association and for the high quality of his contribution," said the Board when it announced Mr. Reese's selection.

John Reese receives the Distinguished Service Award from Bob Wagstaff

Kodiak lawyer wins Professionalism Award

Matthew D. Jamin, an attorney with Jamin, Ebell, Bolger and Gentry in Kodiak, has been awarded the Alaska Bar Association's Professionalism Award, which was presented at the 1988 Annual Convention in Anchorage.

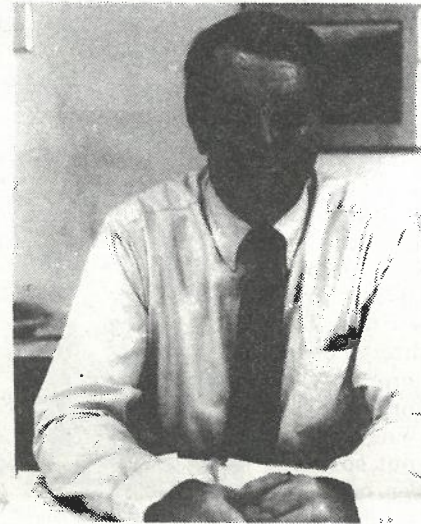
The annual award recognizes an attorney who exemplifies the attributes of the true professional; whose conduct is always consistent with the highest standards of practice and who displays appropriate courtesy and respect for clients and fellow attorneys.

Mr. Jamin received his J.D. from Harvard Law School in 1974 and began his legal career with Alaska Legal Services in Kodiak. He remained in Kodiak when the Public Defender Agency found itself in need of a permanent presence there, and

selected Mr. Jamin for the challenging contractual task. The private practice of law later beckoned, and he founded what became the law firm of Jamin, Ebell, Bolger and Gentry. Mr. Jamin also received a part-time appointment as U.S. Magistrate for the U.S. District Court and has continued to serve in that capacity.

The Board of Governors, in announcing the Professionalism Award, recognized Mr. Jamin's consistent—and enormous—commitment and loyalty to his clients; his considerable intelligence; his reputation for legal work of uniformly high caliber and quality; his absence of arrogance; and Mr. Jamin's attitude of total respect and consideration for opposing attorneys, judges, court personnel, clients and witnesses.

Matthew D. Jamin



25-year Awards

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VICTOR D. CARLSON
THOMAS FENTON
GEORGE GUCKER
A. ROBERT HAHN
H. RUSSEL HOLLAND
KENNETH D. JENSEN
ALLEN L. JEWELL

C.R. KENNELLY
MARY F. LA FOLLETTE
RICHARD L. MC VEIGH
P. THOMAS MORAN
C.J. OCCHIPINTI
DALLAS L. PHILLIPS
DAVID B. RUSKIN
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WARREN A. TUCKER
HUGH B. WHITE

HAWAII CLE 1989

March 6, 7, 8

9 a.m. to 12 noon daily,
Monday–Wednesday
Sheraton Kauai

UNORTHODOX TRIAL TECHNIQUES

Edgar Paul Boyko and Josef Princiotta

This CLE is an expanded in-depth version of the seminar Mr. Boyko and Mr. Princiotta presented at the June 1988 Alaska Bar Association Convention and will include detailed guidelines for and analysis of prospective jurors and witnesses.

Executive Travel has put together a special package for this trip. More information will be sent to Bar members this fall or call the Bar office at 272-7469, if you have any questions.

Circle those dates! See you in the Islands—Mahalo!

More Convention Photos



Archibald Cox speaks on "Watergate vs. Irangate" at the banquet.



Larry Weeks takes over as president from Bob Wagstaff



Gov. Steve Cowper, Archibald Cox and Chief Justice Warren W. Matthews share two-thirds of a joke at lunch.

10TH ANNIVERSARY EDITION

• Rag emphasized "news" above all

Continued from page 1

concedes that John Reese claims it was he who first coined the term. John used to call the Bar Bulletin the "Bar Rag." He speculates that Harry overheard him calling it that, stored the name in his subconscious and then when it came time to select a title for the new Bar newspaper, rediscovered "Bar Rag." To balance the title, Harry selected an appropriate motto for the paper, always in italic in the masthead on Page One: "Dignitus Semper Dignitus" (dignity always dignity).

When Harry first proposed the Bar newspaper, he went to the Board of the Anchorage Bar Association soliciting money for start-up costs. One of the members of the Board thought that the newspaper should have a more dignified name, like Guardian or Sentinel. Harry responded by getting up and starting to leave the gathering. The Anchorage Board decided it could live with the name, after all, and gave the paper its initial funding.

Harry's Bright Idea Takes Form

In the beginning, Harry didn't think he had the time to be editor in chief; the first editor in chief was John Abbott. His editorial staff included Bill Lord, Ken Jarvi, Donna Willard and Harry. After the first few issues, Harry became the editor in chief. He initially intended to maintain that position for one, maybe two years. He stayed on for six.

In the beginning, there was no professional person doing layout, so Harry and Bill Imo put the paper together as best they could. Later, they were joined by Deirdre Ford and Rand Dawson. They tried to produce a monthly Bar Rag. One year, in fact, they even managed to get out 10 or 11 issues. The editions varied in length from eight to 16 pages. Harry thought that it was important to get the paper out frequently so that it could cover the news. He has always emphasized the *news* in newspaper, even when no hungry reporters showed up in the Bar Rag's midst.

Harry Has to Live with His Bright Idea

As interest waned and others became busy doing other things, Harry began doing the technical work and much of the writing alone. He was able to get out about six issues a year, and often didn't make his self-imposed deadlines. But he sure tried. One year the issue that was supposed to come out in February did not come out until April. That issue was captioned the "Hard-to-Believe-it's-Still-February Edition." He also published the "Gala," the "Midsummer Night's Dream," the "Second July" (which came out in August), and the "Summer Catch-Up" editions.

It was hard to find regular columnists, but there were people Harry could always count on. Russ Arnett was helpful from the beginning. He provided a continuing humorous history of the Bar. John Havelock also found the time to be a regular contributor.

The paper finally took off when Gail Roy Fraties began writing his column "All My Trials." He was the wildest, funniest and most interesting of the columnists.

Fraties was also the most controversial of Bar Rag writers. There has always been a Letters to the Editor column in the paper. But, it was not until Fraties began writing that the readers got serious about writing to the editor. Harry noted that people also wrote letters to the editor over

submissions from the Tanana Valley Bar Association, the state's most irreverent assembly of lawyers.

Harry attributes the success of the early Bar Rag to "outrageous writing, good photography, good cartoonists and lots of support from the bench and Bar." Well-known photographer Ken Roberts was the Rag's first photographer. Instead of the dignified, formal photographs which normally appear in Bar publications, Ken Roberts would supply candid shots showing people having fun and being a little crazy.

that he printed all the poems submitted to the paper by Alaska attorneys and others. When frustrated poets throughout the country learned that the Bar Rag printed virtually all submissions, the Bar office was inundated with doggeral. Fraties and Randall Burns suspended poetry pages to cool the authors down. This month, the poems are back.

Unfortunately, Harry said, "there are fewer people who read poetry than write it."

Things did not always go smoothly for the fledgling Bar Rag. When

judges, in their positions, must maintain somewhat cloistered lives. The Bar Rag has been a way judges could stay in touch with what was happening in the legal community.

In line with the paper's motto, "Dignitus Semper Dignitus," an annual award was given by the Bar Rag to recognize journalistic excellence. Entitled "The Stanley Award," it was initially a photograph of Stan Ditus in a swimsuit (the one that appeared on the front page of the first issue) superimposed on a certificate. Later, the recipients were given a cheap statue of Stan in his bathing suit. Winners of this coveted award include Ralph Beistline, who was given the Fast Food Poetry Award; John Havelock, for Improving the English Language; Karen Hunt, for The Best Headline Disclaimer; and Gail Roy Fraties, who was given the War Correspondent Award (we should revive this tradition).

Harry Lets Someone Else Live With His Bright Idea

Harry finally decided that the Bar Rag had become too much his paper. It covered his friends. It included his likes and dislikes. That was not what he had wanted. He had envisioned a frequent turnover in editorial staff from a broad cross section of the Bar, with a corresponding spectrum of opinion and interest, so he resigned his position.

Then-Bar Executive Director Randall Burns guided the operation of the paper for an issue and hired the Alaska Group to handle its production and reinstitute quarterly deadlines.

The next editor was Gail Roy Fraties. Gail was more interested in opinion than news. He attracted a number of excellent new writers and promoted them. "Gail's newspaper" had the flavor of a journal and a free-wheeling one, at that.

After Gail Roy Fraties, Jim Bendell served as editor in chief from 1986-88. Bendell also made a great contribution to the Bar Rag, Harry thinks. He believes it is now a more professional-looking newspaper. Each of Bendell's editions had a theme on a topic of interest. Branson says the paper now takes more time to read, but he also thinks in some ways it is more serious and more interesting. Harry believes that in order for his newspaper to be successful, there should always be a balance of opinion, news, background material, serious articles and humor.

Ralph Beistline of Fairbanks starts his editorship with this issue, as the Rag's first non-Anchorage chief.

Looking ahead, Branson would like the paper to have a professional photographer again. He would also like to see it come out more frequently. He thinks that a minimum of six publications a year is manageable. If it comes out that often, he thinks that it can be more timely with news articles (Branson will always be a reporter at heart) Harry believes more advertisers will respond to greater frequency. As a quarterly publication, the Bar Rag seems more like a magazine than a newspaper to Harry.

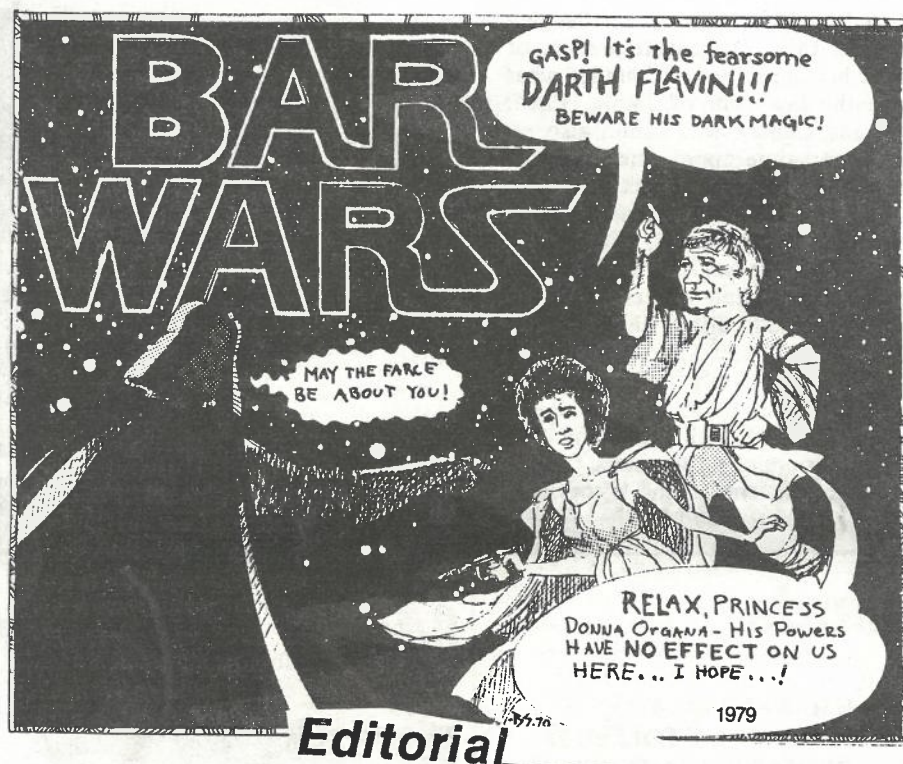
Harry and others over the years have consistently observed interest in the Bar Rag from other Bar associations (Harry says he's has taken the Bar Rag to American Bar Association conventions. There would be Bar publications from every state. He would stack up 50 Bar Rags. He said they would be gone in less than

ALL MY TRIALS

by Gail Roy Fraties

The Pleasure of Our Company

Fraties Angers



Last Whole Earth Pretrial Order
by J. B. Dell

The Nose...(Knows the news)

Harry always attempted to find something for the front page that would get people to look inside—a front page grabber for each issue. One example of this technique was the photograph of Winston Burbank being honored at his birthday party with a belly dancer. Another was an "inside" box featuring the seven deadly sins. He also attempted to get people's attention with interesting headlines. Sometimes the headline would be more interesting than the article itself. Getting people to read the publication was paramount to Harry the Journalist.

The Bar Rag had its favorite people. Harry liked to publish articles about Wendell Kay. For years, it was a toss up between Stan Ditus and Ralph Moody as to which had his picture more frequently in the paper. The first issue had a front page photo of Stan Ditus wearing a swimsuit. Ralph Moody appeared in a photograph in which he was riding a camel. In another he was wearing his baseball uniform and drinking a Dr. Pepper.

Harry acknowledged there are those who believe that the real reason that he stayed on as editor of the Bar Rag for six years was so that he could get his own poetry published. He admits that he did print his own poetry. But, in his defense, he said

things were at their worst, Branson considered throwing in the towel. He was having trouble with the cost and scheduling of issues, the availability of willing workers, and the apparent desire of some of the Bar Rag's readers to impose censorship on the paper. Out of curiosity, he went through the old editions of the Bar Rag and counted 250 people who had in one way or another made a contribution to the Bar Rag. He thought that if there was that much interest in the paper, he shouldn't quit. In the next issue, he listed the names of all of the supporters and formally thanked them.

The first full page ad in the Bar Rag was purchased by the Tanana Valley Bar Association. The ad stated in bold letters: "Eat, drink and be merry, because tomorrow you may be in Anchorage."

Harry thinks that one of the best editions while he was editor was the one that covered the 10-year history of the court system. It also included a story about Justice Rabinowitz, who had been named the Citizen of the Decade. Harry found this edition to be exemplary, not only because it was informative, but also because of the complete cooperation he received from the court system.

Harry noted the courts have always been very supportive of the Bar Rag. He speculates this is because the

Still Crazy After All Of These Years

Continued on page 20

10TH ANNIVERSARY EDITION

The First 5 Years

The Bar produces a real class act

When the time came for the current Bar Rag editors to acknowledge the history of our publication, we opted to assign the reprise of the first five years to a non-lawyer — to obtain a view of ourselves as others might see us.

We chose a writer who's been a long-time observer of the Bar. The following is that report. (The writer wishes to remain anonymous to (a) remain off-stage during our moment of triumph; and (b) ensure that, if ever needed in the future, counsel from the Alaska Bar will be available without fear of reprisal.)

You guys are very good. Maybe attorneys are superior to the rest of us; maybe that's because they read a lot; maybe such nitpicking attention to the language makes them all think they can also orate and write with profundity.

Whatever, the Alaska Bar Rag has got to be, with few exceptions, one of the best professional/trade publications in the country. Certainly, no other publication in Alaska even comes close to its wit and style. And it's doubtful any organization serves its membership as well as the Alaska Bar with important notices, information, and educational fodder.

Members of the Alaska Bar and hangers-on have known this all along, but the Alaska Bar Rag from its very beginnings has been a class act.

1978

Take the lead stories on Page One of Volume 1, No. 1: The Alaska Bar Rag leapt into publishing with Art Buchwald and prepared its readers for the second annual Hawaii CLE. In a companion article, it was reported that the Bar had just won a suit brought by dissidents to invalidate a board meeting held in Hawaii. This was in September, 1978, although the actual Bar Rag birth date is probably long lost in someone's memory.

Were the Bar Rag the first piece of Alaska Bar documentation a historian might examine, he would see the trends of the decade unfold, first, within the Rag's pages.

Ten years ago, the notion of going to Hawaii was controversial; today the Hawaii CLE has attained no less stature and renown than the educational atmosphere of Ketchikan. But that gets ahead of the story, and for the record, the dissidents who lost the board-in-Hawaii suit were: Bruce Horowitz, David Loutrel, Wilson A. Rice, John E. Duggan, Donald E. Clocksin, Thomas G. Beck, Elizabeth Ratner, Randall Simpson, Phillip R. Volland, Sue Ellen Tatter, and Jeffrey Lowenfels, joined by non attorneys Jamie Love and William Parker. There's no further mention of Hawaii Board meetings in future Bar Rags, but do the plaintiffs now go to Hawaii CLE?

Joe Josephson premiers as a columnist in Vol. 1 No.1, and writes of cameras in the courtroom; and John Havelock launches his regular "Random Potshots" column. In the first Editor's column, John Abbott expresses hopes for the Bar Rag that could just as easily be its goals 10 years later. Said Abbott:

It is with a sense of trepidation, enthusiasm and optimism that we are publishing our first issue of the Bar Rag. Trepidation because it tokens the beginning of a new endeavor for those of us involved in putting the newspaper together. Enthusiasm because we feel that the legal profession in Alaska should have its own voice and method for communicating and the Bar Rag can provide this for us. Optimism because we sincerely believe that the paper will be well received by lawyers throughout the state and will bring the

members of our profession closer together.

And as the Judicial Council faces controversy in 1988, so, too, was it exposed to comment in the Rag's inaugural issue. The issue then (as now) was the evaluation of judges.

The Rag's goal of bringing its membership together also appears to have been accomplished in some measure; in September, 1978, the annual convention in Fairbanks faced "divisive factions" within the bar, and 15 resolutions were placed before the membership on the floor. In 1988, no resolutions were prefiled with

ter of policy we would commence trying cases. One member was directed to subscribe to the advance sheets of the Supreme Court, and report back to the bar if he ever saw anything of particular interest. In spite of the fact that the reports of that day were 98% dicta, an interest in the Supreme Court's view of what Alaska law was, began to tickle the local fancy and we threw ourselves into litigation with abandon."

Whittaker goes on to discuss odd court rules and other things the KBA learned from actually trying cases, concluding:

attorney record a phone conversation?", and the gossip column known as "The Nose" appeared for the first time.

Well-loved attorney Joe Rudd was memorialized as the Bar Rag's first year came to an end.

1979

Deja vu strikes again in January, 1979, for Volume 2, Number 1 of the Bar Rag:

Snowden Reveals Plan to Request New Court, More Judges, Pay Raises, read the headline for the lead article.

The court administrator (Art Snowden survives to this day) since has won his campaign for an intermediate, appellate court, and better pay for the judiciary, but the courthouse of the future has yet eluded him.

More than 100 attorneys, by January, had signed up for the Hawaii CLE the next month, Wrangell got its first attorney ever in the person of David Mallet, Supreme Court Clerk Robert Bacon was sworn, Craig Cornish wrote of the right to informational privacy, Loren Domke produced a definitive analysis of a landmark limited entry fisheries decision by the Supreme Court (*Apokedak v. Commercial Fisheries Entry Commission* 77-5710), and Wayne Anthony Ross offered what should have been a prize-winning column, in "Macie's Gun." Of himself he tells us in the beginning: "I have always liked large caliber firearms. Some (friends) say it's because I am a high caliber person myself. Others (more numerous) think it is because I am somewhat of a big bore. Whatever the reason, I like large caliber firearms."

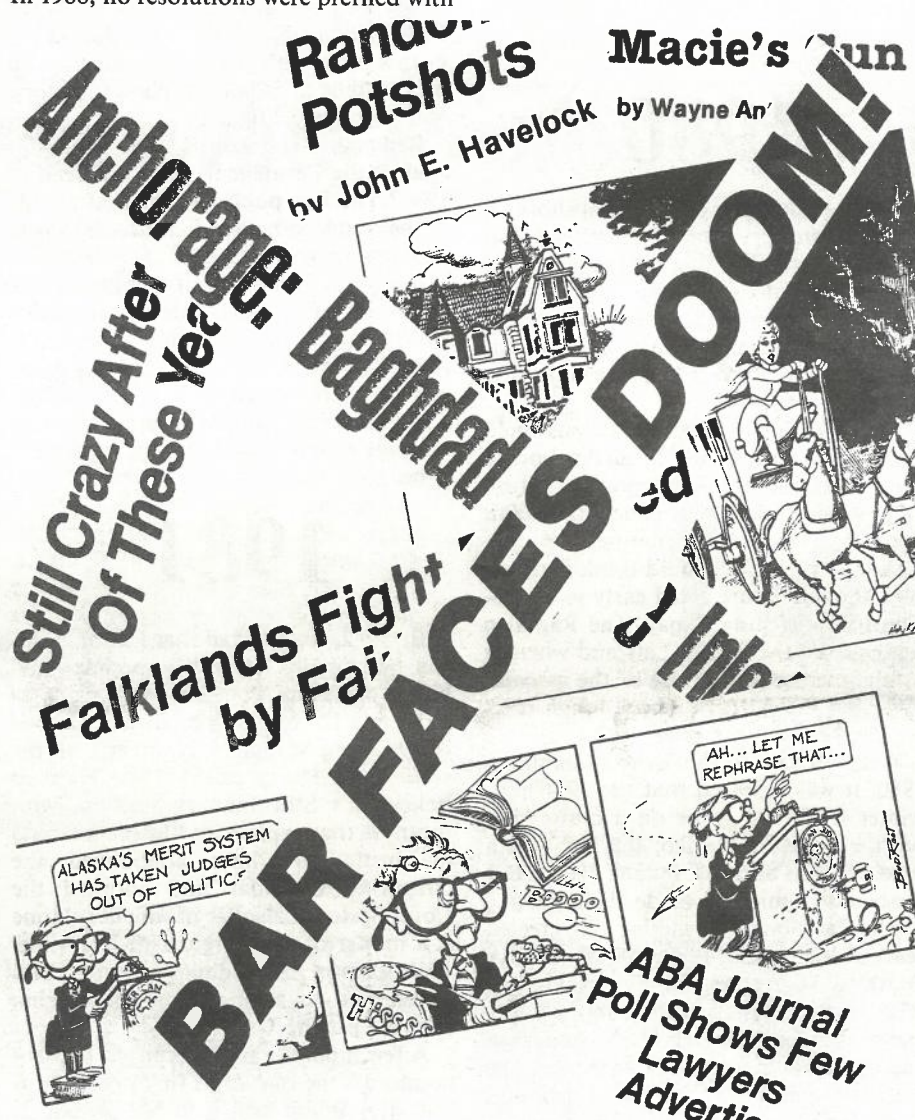
January, 1979 is the issue that launched what turned out to be the column of the Rag's decade; the piece of writing everybody wanted but didn't know that yet. Gail Roy Fraties began his series back on Page 6 with a headline that modestly said the article would be about "The Gentle Art of Cross-Examination." With his own inimitable style and exquisite timing of words, Fraties cranked out more than two pages of riveting practicum on this legal skill. And it was in January, 1979 that Harry Branson became the Bar Rag's editor.

January, 1979, Volume 2 Number 1 also apparently is where the Rag's editors first began to turn their inattention to publishing discipline. Great news they were producing, for sure; but they were never too sure when they were producing it.

There are two different Bar Rags that each claim to be Volume 2, Number 1. The pretender gives itself away by the lead headline (which must have rankled the Hawaii dissidents of 1978), in its proclamation that the CLE in Kauai was a success; curious, since the Rag spent another two pages of articles and photos telling the harrowing tale of the tropical storm that blew the roof off the hotel and sent a couple of Alaska CLE students to the hospital for a check-up, just to be sure. "Hawaii Disaster Winds Up Saturday," said the head on John Norman's recount of the event. These articles could not have been written in January, since the CLE hadn't yet been held that month.

Don Young the congressman was reported to have come before the bar assessing all the Alaska lands legislation pending in Congress in the D-2 wars, after President Jimmy Carter made more than half the state into a national monument.

Continued on page 18



the Bar office for convention action.

In a bold step before the age of abstinence, the Bar Rag launched Bernard Trink's Bar Review, leading with Jimmy Seward's Keyboard Lounge in Anchorage, still a hangout for cops and D.A.'s.

Originally hatched as a monthly, the Bar Rag writers and editors managed to get two more issues out in 1978; an October issue and a November-December Issue, a precursor of the creative monthly combinations that were to come.

In October, Jay. A. Rabinowitz' second ascension to the Chief Justice chair was reported on Page 1, Harry Branson got his first poem published ("Ode to a Nightengirl"), the Rag got its first letters to the editor (good reading), and Richard Whittaker writes a classic, truly funny, 1970's history of the Ketchikan Bar. Such as this paragraph describing the KBA's attempt to bury the hatchet with the Supreme Court, upon the occasion of the investiture of Justice William Erwin. Writes Whittaker:

I informed the Court at that time that although almost every case in Ketchikan for a number of years has been resolved by negotiation, (not necessarily because of the opposition by the Bar to the Supreme Court) the leaders of the Ketchikan Bar Association had determined to make its peace with the Supreme Court by actually appealing a case, thrusting ourselves, as it were, into the mainstream of the Alaska legal system...

But the first dilemma came when we realized that you can't appeal cases without trying some, so once again the leadership of the KBA met and determined that as a mat-

We find we have lost our negotiating skills, but we have learned one great and significant thing, much to our joy. The old case wherein justice could be provided the client by negotiation for a couple of hundred dollars now enriches our coffers to the amount of five and ten thousand dollars, through the use of the court system."

October, 1978's Rag didn't offer only humor. Carol Johnson wrote thoughtfully on ERA and Alaska's new lien law drew the attention of Barbara Schuhmann. And a 5,200 square-foot "executive home with city comforts in sylvan setting", a great view and loaded extras was offered for \$227,000 in the Rag's classified section.

Ron Kull was noted as the new bar executive director in October-December's 1978 issue, and on Page One the Rag wrote its first piece on calendaring difficulties in Anchorage Courts. The Matanuska Susitna Bar Association was born with Noel Kopperud at the presidential helm, and the dialogue on Pro Bono began.

In this issue, the Rag also launched a feature that discussed recent court rulings (written in this case by Andy Kleinfeld); the Tanana Valley Bar's Ralph Beistline got his "Ode to a Chenaburger" poem forever memorialized in legitimate print, and the association began looking for ways to self-insure its members, an early forerunner to ALPS and an early weather-vane of storms ahead on lawyer liability nationwide. Russ Arnett opined with humor on the proliferation of paperwork in the court system, Ethics Opinion 78-1 answered the question of "when may an

10TH ANNIVERSARY EDITION

• Harry's idea takes form . . . most of the time

Chris Cooke recounts the first trial ever conducted in Emmonak, criminal in nature.

And there's nothing in the first five Bar Rags from which to infer some kind of a feud between Anchorage and Fairbanks, but the Tanana Valley Bar Association fired off a doozy of a salvo in Vol. 2, No. 1 in a full-page ad on the back page:

**EAT, DRINK AND BE MERRY
FOR TOMMORROW**
you may be in Anchorage, Alaska
the most boring city in the country.

This aforementioned, second January 1979 issue must have actually been February, 1979, because March appears to follow quickly as Volume 2 Number 3.

March, 1979 finds the Rag in a policy of appeasement, with TVBA officer elections above the fold on Page One, featuring incoming Pres. R. Beistline. Other coverage included a scare that the feds may try to regulate state bars. By April, people in the Bar were already talking about the next Hawaii CLE again, less than 60 days after nearly getting killed (politically and literally). Volume 2 Number 4 also took note of new ABA President Donna Willard attempting to lure the American Bar president to Alaska; adoption of new attorney advertising rules; and the fact that the ABA was going to consider reciprocity. Branson, et al, introduced Ed Reasor (today's Movie Mouthpiece), who wrote a tale of two cities (Alaska and Hawaii), and personal profiles were published (with photos) for Board of Governors candidates (a feature recently unused.)

By April, the Rag was really rolling. "Year Long Study Fructified," screamed the Rag's largest headline ever, referring to attorney self-insurance for liability and a Bar study that had just been completed. Keith Brown, Charles Flynn, Roger Holmes, Karen Hunt, Ken Jarvi, Ronald Kull and Donna Willard were on the beginning of a long quest to get the insurance in place. The rare, expensive use of European oak installed in the new federal building in Anchorage also was the subject of copyrighted investigation.

The editors fouled up again with Number 6, which came out in July. John Lohff, we learn, became temporary bar director; Kull was leaving for private practice and Lohff was filling in to make some money for rent in his private practice. Russ Arnett treated the reader to some early history on the formation of the Alaska Bar.

Harry caught his numbering error in July, publishing Number 7 as the "Second July Edition." The Rag reported that the big ABA president, in fact, had been lured north by Willard, and that coincidentally, the Bar office was moving. Larry Weeks was introduced as Anchorage's new D.A., and Arnett wrote about the genesis of the fall-out between the Bar and the Supreme Court.

Once again, the Bar was sued, reported the Rag in August; by State Ombudsman Frank Flavin this time, who alleged the Bar was not solving grievances right; too much was being allocated for travel and salaries; and buying the guest speaker for the 1979 Hawaii CLE was improper. On the good news front, Sheila Gallagher is reported to have been elected president of the National Association of Women Lawyers. Russ Arnett memorialized some more history—good meat in his usual entertaining style.

"The latest salvo in the power struggle between Frank Flavin, ombudsman, his anonymous informants, and the Alaska Bar Association consists of a series of subpoenas for attendance and production of documents . . ." the Rag reported in September, and began a long-time professional admiration of Wendell Kay, the Silver Fox. In October, it's clear the Rag

was beginning to have some effect on the system; Chief Justice Jay Rabinowitz admitted, for print, that the Anchorage calendar was a mess, "dismal," and "inefficient." Randall Burns was selected as the new bar executive director, serving (as it turned out) nearly five years in the stormy post.

The year 1979, Volume 2, closed with several major accomplishments (other than the ones implied above): excellent editorial cartoon features were added; an ongoing place was found for practical and scholarly advice; and the Rag made it on the street 11 of 12 months. Branson combined November and December, and in no year since has the Rag been published as frequently.

1980

For people who collect snapshots of Alaska history, Volume 3 Number 1 and 2 of the Alaska Bar Rag are keepers. They heralded the decade of the 70's in landmark Supreme Court decisions, Bush justice, the Judicial Council, court calendaring, a court 10-year building boom and more.

Chief Justice Jay Rabinowitz was voted "Citizen of the Decade" by an Anchorage newspaper, and the Rag reported that on Dec. 12, 1979, the Court issued its 2,000th opinion, of a criminal nature.

And (who today would think it possible), the legislature acted early in its session to boost judges' pay. The Rag also reported on the Sunset Law and whether it might cause the demise of the association, and the ABA proposed tough rules on payment of bar dues.

And, oh yes. In this issue of January, 1980, it was reported that the 1981 mid-winter CLE was to be on a cruise ship off the coast of Mexico; the bar held a logo contest, and the Tanana Valley Bar Association minutes made their debut.

The Bar's biggest headline ever greeted readers in March, 1980: "**BAR FACES DOOM,**" it declared in its coverage of ABA sunset legislation introduced in the legislature. Earlier, Rep. Nels Anderson had opined on page one of an Anchorage daily newspaper that the bar association ought to be gotten rid of altogether, let alone retain its status as an independent, integrated, mandatory-membership statewide governing association.

In the June, July, August Summer Catch-up Issue of 1980, the bar had voluntarily raised its dues 72% to balance its budget, the Bar's legislative demise had been averted, and Gail Roy Fraties returned with instruction on office management and this kind of tale for which he became notorious in following years:

"As a sop to those of you who insist that anything you read have some redeeming social value, this is to report the findings of the Ethics Committee on the matter of Max Gruenberg of Anchorage. Mr. Gruenberg, on having accepted the 75th call of the week from one of his divorce clients on the subject of her husband's latest transgressions, heatedly advised her to 'kill the son of a bitch, lady, I can win a murder case.' She took his advice and the question before the committee was whether it fell below the standards of the Anchorage professional community. . . ." (The commission ruled that) "the popular local attorney's comment fell well within the parameters of appropriate counsel, and was neither improper or questionable", divorce cases being ruled by the jungle, or fang and claw.

Gail called this column "All My Trials" and the name stuck until his departure for the judgeship in 1986.

As September turned thoughts to the World Series, Judith Bazeley wrote a fine reminiscence of the Legal Eagles baseball team, organized by Judge C.J. Occhipinti, which put guys on the field like James Fitzgerald, Warren Matthews, Joe

Josephson, Gerald Van Hoomisen, and even Ralph Moody. And the TVBA minutes contained this classic: "Judge Clayton rose to his feet, and with a smile at least 74 teeth across, announced that as of Oct. 25th, he was retired from the District Court bench. In the ensuing gasp, the room ran out of air, and we were adjourned."

Throughout the winter, the Rag paid a lot of attention to various nominations to judgeships, ending in the November-December Issue (Volume 3, Number 12, which should actually have been Number 9). Allen Compton's appointment to the Supreme Court led the list of a series of statewide appointments to lower courts. Regular contributor J.B. Dell showed up in this issue with a wry commentary on the outcome of famous disputes in history, had they been litigated.

Remember the Zobels, who filed suit against the Permanent Fund dividend in 1980? The Rag published the best profile of the couple to be seen in media anywhere at the time (or since).

From 20-20 hindsight, it is apparent that the issues of 1980—ponderous in policy and vigilant of the profession's standing—foretold a Bar Association that was on its way to public excellence and stability. After a couple years of infancy, the Rag also was a solid 12 and 16-page paper each issue.

1981

By 1982, it appeared that Editor Branson had finally learned he perhaps had bitten off more than he could chew in fielding a 12-issue Rag each year. No one is sure when Volume 4, Number 1 hit the streets, but Harry called it the Hard to Believe It's Still January Edition, with footnote that explained: "In the interests of Justice we have abandoned the Gregorian Calendar and adopted the Court System Calendar in which real time is a matter of indifference." (Meanwhile, Third District Area Administrator Art Szal is reported to have sprung calendaring changes on the bar).

A few months earlier, Branson had announced a the Bar Rag's first poetry contest. Teri White won it in Vol. 4, No. 1, with her "Lament of the Fly Fisherman" and the index listed poetry as occurring "everywhere" inside. This was also the last poetry contest, (and the beginnings of a poetry purge that lasted unto May, 1988.)

For numbers freaks, director Randall Burns reported that the bar almost got itself solvent in 1980. "After having lost \$21,120 in 1978 and \$39,309 in 1979, the Alaska Bar Association will only end up some \$7,500 in the red for 1980." He attributed the gains to the membership agreeing to a \$20 increase in dues to avert "a financial debacle of the worst order." The Bar generated \$476,540.81 in income for 1980, against expenses of \$481,106.02. The Bar Rag experienced a "definite increase" in advertising revenue that year, to \$13,000.

Next we find a melancholic Volume 4, Number 5; there are no Numbers 2 through 4 in the Bar Rag archives, and the editorial of this Number 5 may indicate why. The Rag was flagging and the editors were tired—fighting printers and typesetters, being questioned by the board of governors on cost and taste, suffering the loss of the advertising saleswoman, and generally smarting from a Bar consultant's finding that the Rag should be managed within the Bar. But the news was not all bad; the state Senate approved a bill extending the existence of the Board of Governors and Alaska's integrated bar. The editors called this issue the May-be-by-June Edition.

By the September/October Edition, Numbers 9 and 10 (following the Midsum-

mer Night's Dream Edition of June, July and August), the Bar Rag was back to its old form. Edmund Burke was the new chief justice, duly profiled in the Rag, the court system began a trial program of accepting credit cards for court fees and such, and the Rag printed a box score of Judicial Batting Averages on Appeals (of those with a statistically significant number of cases on appeal, Judges Compton, Fitzgerald, Rowland and Van Hoomissen were affirmed more than 70 percent of the time).

There was not much news in the November-December edition of the Bar Rag in 1981, but the Rag broke the Judicial Council's study on sentencing that was to make waves in criminal law for several years in the future. The editors were glad to see 1981 behind them.

1982

Venerable readers of the Bar Rag will recall that 1982, Volume 5, was the year the Rag struck out for candid photo adventure. It began innocently enough in Volume 5, Numbers 1 & 2 (another combined edition). Page One featured an ordinary photo, and reported a new American Bar survey showing that few lawyers advertise. Lawyers may not have advertised, but the belly dancer on Page One did months later in Numbers 7, 8, and 9, the "Fourth Anniversary Edition." And although legend has memorialized the belly dancer photo, the record should show that it wasn't the belly portion of the anatomy that graced the front page for the birthday photo of the TVBA's Winston Burbank. The close-up was somewhat north of the belly. By the November, December Edition, the Rag's editors placed someone on a camel on Page 1.

In May, ABA President Karen Hunt was portrayed in a mood of hilarity on Page One; inside, the convention photographer captured other candids of Then. Lt. Gov. Terry Miller; the budding Steve Cowper (with significant amounts of hair on his head); and other high-office hopefuls such as Tom Fink and Bill Sheffield. Gail Roy Fraties won the Coveted Stanley Award (since desisted) for generating the most outraged letters to the editor.

Also in the May, June Edition, Rag readers learned for the first time of the Tanana Valley Bar in Fairbanks' influence over foreign affairs. The TVBA sent a cable to Margaret Thatcher, saying, among other things, "...we wish you success in the recovery of the Falkland Islands. God speed and good luck. Keep your chin up." Dick L. Madson was reported to have followed the cable with a personal letter and offer to lead the invasion forces in the mini-war; and Dick Savell accused his fellow TVBA members of being drunk at the meeting where the cable dispatch was discussed. Informed sources in London said the British military would not have succeeded without the assistance of the TVBA.

The Bar entered the computer age by hooking up with WESTLAW, the Rag reported in its (presumably) July-September issue of 1985 (Numbers 7, 8, 9). The editorial of that quarter found Editor Branson once again despondent about the vagaries of the publishing biz. He had too much space—for too little copy that was arriving late, at that. He filled it with powerful photos of the Anchorage Bar picnic.

As the fifth year of publication came to a close with a camel on Page One, the Bar had just established Alaska's first conflict resolution center; poems proliferated; Bar Association President Andrew J. Kleinfeld (known as Andy in early Rags), told the membership that discipline was

Continued on page 20

10TH ANNIVERSARY EDITION

The last 5 years bring maturity, change

By JULIE A. CLARK

The last five years have seen some great changes in law and lawyering and the Alaska Bar Rag reported them all.

The Bar Rag has helped us keep our sanity with tidbits from now Superior Court Judge Gail Fraties and Russ Arnett, who writes so entertainingly of the old days, and others. John Havelock, resident intellectual, and Attorney General under Gov. William Egan, continued to baffle me with such erudite items as "Personal intimacy is not coextensive with influence," which appeared in an article on the role of Attorneys General in the August, 1985 issue.

In late 1984 Gail Roy Fraties in his column "All My Trials" related a story from Anchorage Investigator, Gary Veres prefacing it with his usual irreverence when he wrote "As much as I would like to give every one of my loyal readers a Christmas gift at this most joyous of all seasons, the only thing I have to offer at the moment is something for my growing body of critics to get their teeth into (if that is the expression I want) involving—as it does—overtone of racism, cruelty, and a generally frivolous attitude toward human suffering."

Here's Gail relating Gary's tale after Gail had mentioned to Gary that he thought the Doberman was the most fearsome of attack dogs.

"I had this young Black dude with me one night as my trainee," Gary said, "and it came to my attention that he shared the same general fear of dogs that seems to infect the whole Black community in Watts. Everybody keeps a junkyard dog of some sort, and most Blacks give them a wide berth—I don't know whether it's from folklore, or actual experience, probably the latter. Anyway, we were approaching the door of a well-known dope dealer in that area to serve him with an arrest warrant, and Morris (the trainee's first name) noticed a large Doberman pinscher chained to a post outside the door.

Morris spoke, "I'm not going in there, man. They train those dogs to bite you right in the and I was just married and my wife"

"Look, Morris," Gary replied patiently, "that dog is tied to a post with a chain link thick enough to hold the QUEEN MARY, he's probably well-behaved anyway, and I don't want my partner acting like a ghetto Black—being afraid of dogs and everything. I know what a good policeman you are, but there's some red-necks on the department that would make fun of you for being afraid to walk past a chained Doberman."

Morris was unconvinced. "Did you look in that mother's eyes?" he asked plaintively. I know he wants a piece of me, and I'm afraid I know which piece he wants."

Gary was unrelenting. "Morris, this is for your own good—I'm going to walk up to that door with you, past the dog, and we'll say no more about it. There's enough things to be afraid of on these streets without you creating additional problems for yourself."

Morris steeled himself for the ordeal, and the two officers resolutely marched past the dog on the way to the door—whereupon the dog snapped the chain effortlessly, shouldered Gary out of the way, and connected with an eight-foot spring leap for Morris's crotch, where it locked its teeth and prepared to stay for the night.

Poor Morris, insane with fear and pain, was whirling like a dervish

with the dog growling as loud as the fact that its mouth was full would permit.

It was really terrible," Gary recalled. "Morris was spinning around and around, screaming, and the dog had his feet right off the ground from the centrifugal force. I was trying to get a shot at him and all that Morris could do was scream the same thing over and over again (Gary was referring to a hyphenated expression, descriptive of oedipal relationships, used in street parlance as an adjective, noun, pronoun, verb, and punctuation mark). Anyway, I finally busted the dog up with my sap (a blackjack) and got Morris to the hospital. I saw him there the following night, when he was being visited by his mother and wife. He was lying on his back with his equipment in an ice pack, and although he hadn't suffered permanent damage, the doctor said he would have teeth marks on his privates for the rest of his life."

"What did they have to say?" Gail wanted to know.

"They called me the same thing Morris called the dog," replied Gary sadly.

That December, 1984 Rag announced the retirement (as of Jan. 2, 1985) of a legend, often quoted in these pages, the venerable Ralph Moody, Judge of the Superior Court. Randall Burns, Executive Director of the Bar, also was retiring. Randall was planning graduate work in Cinema Production in Hollywood, where he hoped to do lunch and gross at least \$100 million on his films.

How things have changed. The Bar President, Hal Brown, commented on the Wood decision, (relating to free attorneys for criminal indigents) and there were several articles pertaining to whether an attorney has an obligation to perform legal services for the indigent defendant, more or less for free after overhead was counted in.

Gail Roy Fraties, quoting investigator Larry Robinette of APD on firepower (discussing the recent case of a lady who killed her husband with a small caliber pistol), wrote: "It's funny, Gail, these God damned perpetrators shoot somebody with a .22 and kill them instantly. We shoot them with a .357 mag and they live forever."

Russ Arnett, discussed computers, which were just being installed in many offices. Russ, in an effort to make computerese comprehensible, (try that when you've had a couple of doubles) gave his definition of a Winchester—What it takes to get service on your PC.

1985

The May, 1985 issue carried spirited arguments pro and con on capital punishment—legislator Fritz Pettyjohn for; and a prosecutor (and now a candidate for the U.S. House of Representatives), Peter Gruenstein against. Peter won on points. He had about 12.

November's issue carried another inimitable column of Gail Roy Fraties. Gail is sorely missed, now that he has donned the black robe and is bringing justice to Bethel. He quoted J. Gerald Williams (former Bankruptcy Judge, now retired), who was ad-

ressing the august assemblage at the investiture of James M. Fitzgerald as a Federal District Court Judge. All the previous speakers had more or less indicated that Fitz had the ability to walk on water and wore a halo, when not in his robe. According to Gail, Judge J. Gerald Williams, reporting on a duck hunt with Fitz in a stentorian voice:

"And of course old Fitz had had quite a few drinks—it was almost 9 a.m. by that time. We were all standing in the camp and Jim was having some trouble making it in from the duck blind. He kept falling down and crawling."

But then one lone duck appeared in the haze, barely visible. "The hunting party watched with concern as their friend staggered to his feet once more, and focusing his bleary eyes on the target as well as he could, lifted his shotgun in one hand and fired. To their amazement, the duck dropped in mid-flight and landed at their feet, dead as Christian charity. The narrator paused in his story to make sure that he had the undivided attention of his audience, particularly the dignitaries from Seattle, which indeed he had.

"Jim Fitzgerald has always been a modest man," roared Williams. And this was no exception. "Hell, he said, that was nothing. When a flock like that goes over, you're bound to hit at least one of them."

In August of 1985, the death of retired Alaska Supreme Court Senior Justice John H. Dimond was reported. Judge Dimond was born in Valdez in 1918 and was a major contributor to "laying the foundations of the court system in this state" according to Mona Torrence, Supreme Court Deputy Clerk.

Phil Weidner, noted criminal trial attorney, in May '85 commented on the criminal justice system in Alaska. Weidner wrote that "a citizen in Fairbanks, aggrieved by the negligent destruction of his pet dog, can take an appeal by right to the Alaska Supreme Court, while a citizen facing life in prison, or a presumptive term guaranteed to destroy his life or family, for an alleged criminal offense, has no such right of direct appeal." And: "Apparently, under the Wood decision (Wood v. State) 690 P.2d 1225 (1984), it is now permissible for the majority of the Bar, secure in their carpeted offices, high-rise views, and luxurious furnishings, to refuse to represent indigent criminal defendants, while the burden of doing so falls more and more on the few practitioners who are competent to assume this responsibility."

Today, there has been much change in the way indigent defendants are represented and their attorneys paid, thanks in part to such Rag articles.

Max Gruenberg, attorney, and then freshman legislator, reported on how law is made in Juneau, reminding one of Mark Twain's comment that one should never see law or sausage being made.

1986

Our Rag reported on the economic situation for lawyers in the wake of the precipitous drop in oil prices in August of 1986, when the first wave of lay-offs in the oil patch began to be

felt in the economy. One of the best criminal attorneys ever to practice law, Wendell Kay, was remembered by his former law partner, Judge William Fuld, who proposed that the new courthouse should be named after him—a great idea.

In Fairbanks, the investiture of Andrew J. Kleinfeld as Alaska's sixth U. S. District Court Judge took place.

1987

February, 1987 announced the retirement of Judge Van, The Honorable Gerald Van Hoomisen of the Fairbanks Superior Court after 16 years.

The good justice, known for his shoot from the hip style, was not afraid to soil his hands. Attorney Larry Zervo reported to the Rag that once in Tok, with courthouse toilets overflowing, Judge Van was in the crawl space under the bathroom floor banging on pipes with a wrench.

Also, in this issue "Lawyers at Play" reported our hobbies: Jon R. Larson, who jigs for crab in the Bering Sea; Dick Madsen of Fairbanks, chapeau collector; Randy Luffberry of the Matanuska Bar is an avid pilot; Colette G. Thompson of the Kenai Bar raises ferrets; George Hayes, Anchorage, is a Biblical scholar; Kodiak's D. Todd Littlefield is a disc jockey, Mike Roebuck and R. Scott Taylor "spin old country, old jazz and reggae music on KOTZ in Kotzebue;" Deborah O'Regan is an underwater diver; Allen Bailey is a model train collector; Ben Hancock of Kodiak is active in the Lion's Club; and xenogamy is practiced by Anchorage's Roger Holmes (lest you didn't see that issue, and think his hobby involves whips, chains, and high heeled leather boots, it is the pollination of plants, in his case, growing orchids).

Also reported was the passing of Wilfred C. Stump of Ketchikan who, with his parents, came to Alaska in 1915. Another retired member's passing was noted. Peter LaBate of Anchorage died at his home in Sequim, Wash. Pete was a great wit and storyteller and I remember him telling me about one of the many women clients he had, who came to him for five divorces, from successively wealthier men. Pete said he planned to retire on her business, alone.

Mike Schneider wrote a very helpful article about Worker's Compensation and third party tort practice, which pointed out the problems that arise when a client has a workers' compensation claim and a third party claim.

1988

February, 1988, brought an article by James T. Stanley on the state of disarray in Alaska in the wake of the "recession" with Mark Bledsoe's observation that bankruptcy practice was an exploding field. Also explaining our business was Fred Odsen, principally involved with foreclosures, loan work-outs, and bankruptcies; and Tom Yerbich, who in the recession wanted to maintain the distinction between a bankruptcy attorney and a bankrupt attorney.

Also in that issue, Ethics Opinion

Continued on page 20

10TH ANNIVERSARY EDITION

• First 10 years

Continued from page 18

to be the Bar's highest priority, (with 25 percent of the \$790,800 budget); and Fraties wrote of the schizophrenic clocks in the Anchorage Courthouse. "...the whole courthouse system in Anchorage seems to be permanently trapped in a time warp of some sort," wrote Fraties; and Judith Bazeley profiled the appointment of Beverly Cutler as Alaska's first women Superior Court judge.

Branson must have wanted to change the Bar Rag's luck, for the next Volume to hit the streets was Volume 7, not Volume 6, and the archives hold only two of the three combined issues of that year. In 1983, three recent bar presidents; five attorneys in private practice; two-thirds of the members of the Court of Appeals; and three Superior Court judges comprised the list of 13 barristers who applied for a seat on the Supreme Court vacated by the retiring Justice Roger Connor. (Judge Daniel J. Moore was reported at the winner in the next issue).

In the "It might as well be Comeback Edition" (Volume 7, Numbers 4,5,6 & 7) readers are greeted with a magnanimous paragraph of detente between the Anchorage-based Rag and the City on the Chena River:

Most if not all of the participants in this year's annual Alaska Bar Association Convention at Fairbanks seem to agree that the Tanana Bar hosted one of the best outings since the Nome Convention when a bread

salesman was mistaken for a Federal Appellate Judge simply because:

1. He was sober; and
2. He was wearing a suit

Summation

Harry Branson would hang up his green eyeshade and spurs as editor the following year, as John Abbott had done before him. But the die was cast.

Browsing Bar Rags and reading the history of the Bar since the late 1970's leaves indelible impressions between the lines of type. The newspaper's statewide reach surely has, in fact, created an association that not only appears to work together, but work smarter, as well. Major issues that faced legal practice over the past decade were examined in the Bar Rag with restraint, objectivity, and literary flair.

Often, the Rag's humor bit right to the bone.

But most of all, then and now, the Bar Rag has achieved its "Dignity Always Dignity" by its absence of malice. Irreverence, skepticism, sharp wit, off-color humor, and deadly analysis, yes. But there is no malice within its pages.

What a refreshing change from the mainstream media.

• Roots revealed

Continued from page 16

30 minutes, while the others would still be on the table on the last day).

The Bar Rag, in addition, is subscribed to by various institutions, including colleges. Harry also was once contacted by the editor and chief of the Harvard Lampoon.

Jerry Buchmeyer, a federal judge from Texas, has written articles for the Bar Rag. He has also written for his local Bar newspaper about Alaska's Bar Rag. He suggested that maybe they ought to do something similar. Fraties' narrative style and

yarns have been reprinted and quoted as well.

And Harry confessed why, on this Tenth Anniversary of the Bar Rag, the current Bar Rag year is Volume 12.

"One year, the printer called him and asked for the current volume number. I gave him the wrong number, and then just decided to stick with it," Harry admitted. "No one noticed."

(That's what he thought).

• The next 10

Continued from page 19

88-01 gave guidance to attorneys regarding sexual relations with clients, suggesting there is not a violation where a consensual relationship existed prior to the attorney-client relationship (I could hear the sigh of relief all over town).

Our Rag has been through a lot of changes in the past 10 years and has done a great job of reporting on the courthouse scene. It has helped the

bar, which has grown enormously in 10 years, to maintain at least a little cohesiveness. We might look at it as a substitute for the days when the entire bar met for drinks, either in Anchorage at the Murmac Lounge on F Street across from the old federal courthouse, or elsewhere statewide to exchange wild tales and unwind. A toast to 10, no, 100 more years of the same and to those who got the ball rolling.

alaska bar association annual convention

june 9, 10 & 11, 1988 • anchorage

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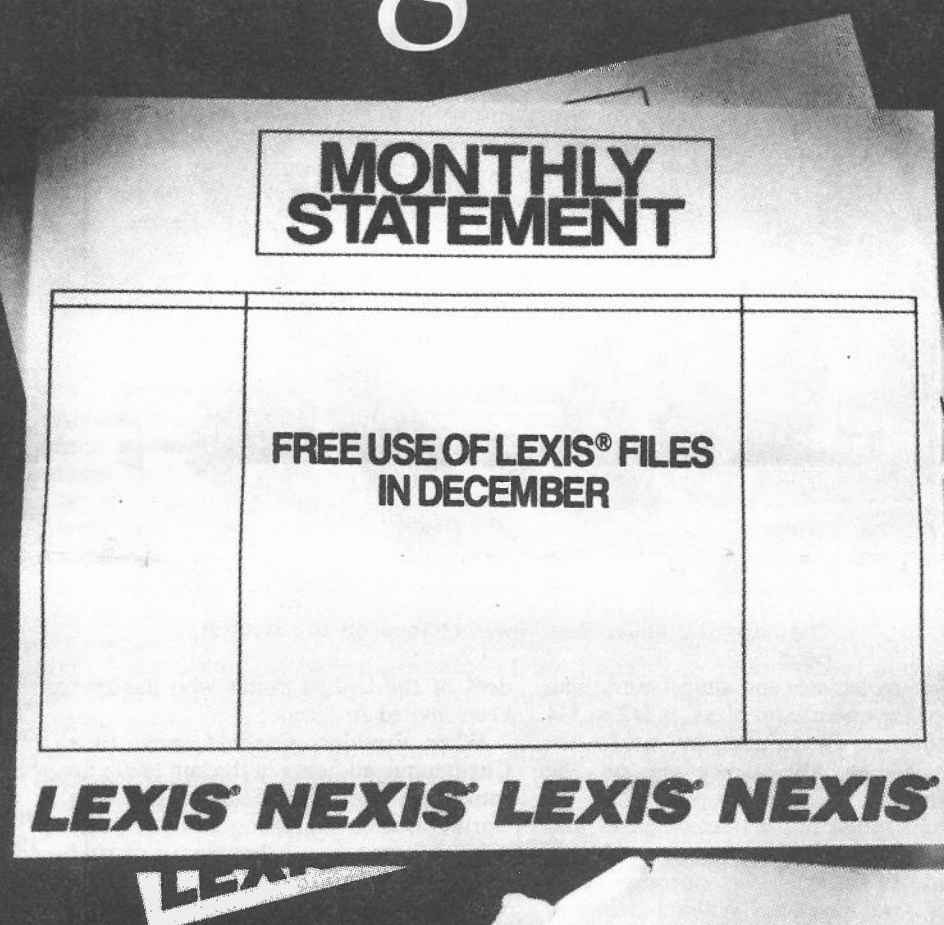


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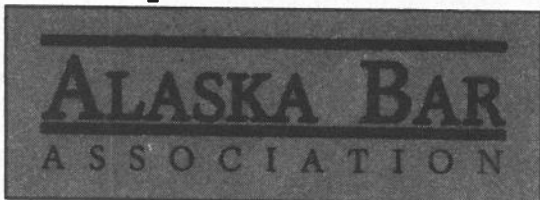


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THE MOVIE MOUTHPIECE

Edward Reasor

The Chautauqua Institution, 865 acres of rolling green land in Southwestern New York State, was founded in 1874. It is both a year-long community of some 500 lucky souls and an international summer resort of 10,000 residents for nine weeks of religion, literature, music, and cultural entertainment.

Some 50,000 people pay admission at Chautauqua's gates annually for musicals, operas, plays and a multitude of various lectures before the summer ends.

The homes and amphitheatre of Chautauqua Institution are 19th century Victorian, yet it boasts a resident professional symphony orchestra, a repertory theater, an opera company, numerous original art galleries, and visiting lecturers in almost every known discipline.

Chautauqua is where it all began—this obsession we Americans have for self-improvement. We may not have the time, money or inclination to attend college or graduate school; but roll out a tent, a well-known speaker, a controversial issue, or beautiful music and we'll attend for a night, a week, or a month.

Chautauqua was originally started by a Methodist clergyman and a wealthy manufacturer as a training camp for Sunday school teachers. Liquor then, as now, was not allowed across the pathway or served in any of the hotels or restaurants.

In 1877, Dr. John Heyl Vincent announced to the packed congregation of the Chautauqua church that a quick-eyed policeman had caught two young men bringing into the hallowed grounds a wooden case filled with whiskey.

The young men were released, but the whiskey was brought to the church with loud clamours for its destruction as it truly was "Satan among the sons of God". The good Reverend picked the two strongest men of the church and in front of the hymn-singing crowd, they proceeded with shovel and sweat to break all of the bottles, sweeping the liquid whiskey out the door and burying the glass bottles so that "the monster was killed, the spirits gone, and the glass buried in a Christian funeral".

Ulysses S. Grant, one of the nine presidents who visited and lectured at Chautauqua, didn't let the rule of nonalcohol bother him at all. He enjoyed his stay near the Atheneum Hotel, keeping his favorite bourbon out of sight in a priceless silver flask in the cool of the tall, shady maple trees that still abound on Chautauqua's shores.

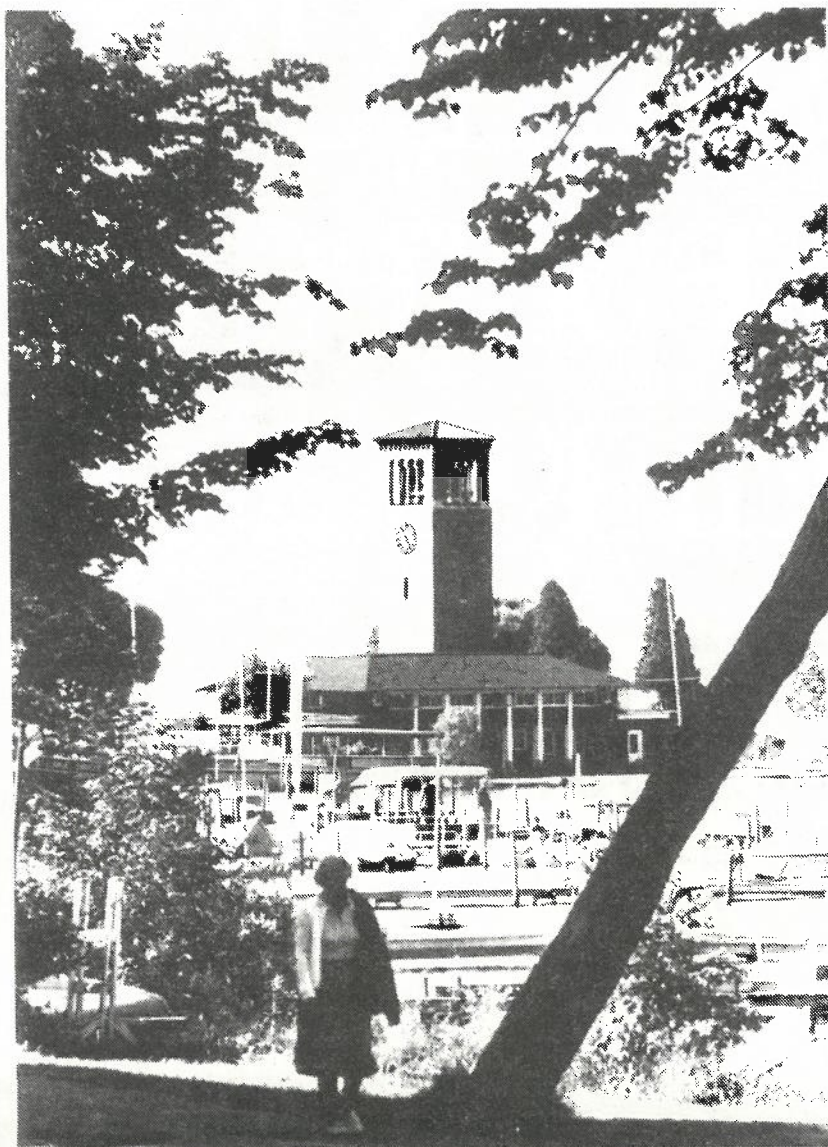
Later, Teddy Roosevelt enjoyed his booze in the quiet sanctuary of his own room, leaving Chautauqua well rested and with a departing announcement that "Chautauqua is typical of America at its best".

Thomas Edison liked Chautauqua so much that he moved there for awhile, close to the shoreline in the Lewis Miller Cottage, now a registered National Landmark.

J. Ward Packard, pioneer of the Packard Motor Company of Detroit, and the writer-psychologist William James stayed at the same time as Edison. James said: "You have culture, you have kindness, you have economy, you have equality, you have the best fruits of what mankind has fought and bled and striven for under the name of civilization for centuries."

Thanks to Edison, Chautauqua had electric lights as early as 1879. Today's lecturers and students alike awake to the Westminster chimes of the Miller Bell Tower on the quarter hour, at the foot of which years ago, Edison entertained such luminaries as Henry Ford and Harvey Firestone.

Chautauqua is not really cheap. A gate ticket, which allows admission to the Am-



Chautauqua's Miller Bell Tower chimes on the quarter hour.

phitheatre, lectures and almost everything except for operas and plays, is \$12 to \$14 for the day. Opera and play tickets are from \$6 to \$10, depending on the production.

Chautauqua has attracted guests and speakers of national renown besides presidents since its very opening. Alexander Graham Bell, William Jennings Bryan, Alger Hiss, Helen Keller, John D. Rockefeller, Susan B. Anthony, Amelia Earhart, psychologist William James, F. Scott Fitzgerald, Charles Lindberg, John Philip Sousa, and scores of singers, dancers and other entertainers have visited and loved the easy atmosphere of Chautauqua.

George Gershwin wrote some of his best-known compositions while a summer resident at Chautauqua.

It's my guess that the young English poet Rudyard Kipling must have been caught with his flask of scotch during his stay at Chautauqua, which would have been confiscated forthwith, because he is the only known personality I'm aware of who did not like Chautauqua.

When questioned why, Kipling would only reply: "There's something wrong with it, and I haven't the time to find out where. But it is wrong."

Chautauqua was originally designed to bring great theologians together under one large tent. Their goal was in their motto. "Everyman has a right to be all that he can be, to know all that he can know, to do all that he pleases to do—so long as knowing what he can know and being what he can be and doing what he pleases to do, does not keep another man from knowing all that he can know, being all that he can be, and doing all that he pleases to do."

Quite a purpose, one lofty enough to be the preamble to any country's constitution or even to the United Nations charter.

Controversial and radical speakers have come to Chautauqua, as has every Presi-

dent of the United States who has ever been invited to speak.

When President Garfield spoke to a Chautauqua audience in the late 1880's he spoke like a modern Eisenhower. "The world has been struggling all these years to get leisure hours. Chautauqua should show people how to use leisure hours."

Some of the speeches given in the late 1880's and the early 1900's are remembered today only from newspaper and summaries of journalists in attendance. Today Chautauqua records each lecture and unedited cassette tapes are available for purchase.

An inventory of tapes available lists lecturers as diverse as David Halberstam ("Our Government and the Presidency"); former New York Times editor Harrison Salisbury ("Issues In Democracy: Challenges and Opportunities in Our Third Century"); and Albert Shanker, president of the American Federation of Teachers who spoke on "The Current State of American Education."

Poet-editor John Ciardi has spoken five separate times on "Poetry Listens to Itself."

Robert Gordis, the popular professor of Jewish theology, packed the amphitheatre for "Sex, Religion and The Good Life" in the summer of 1978.

Some writers who spend a week or perhaps a month at Chautauqua use the time to listen to other writers, swim, attend plays, and as always—plan that next book.

Arthur Schlesinger Jr., noted historian, Kennedy confidante and a writer of some distinction, did just that in the summer of 1979. Still unpublished is his overall view of all of us from his prepared lecture "America...The Way Ahead."

There is more than culture. Chautauqua has great swimming in the 28 mile long lake, home of both the large and small-mouth bass as well as muskellunge. A 27-hole championship golf course and adequate tennis courts are available between lectures and plays.



WHAT ABOUT THE MOVIES?

But, this is a movie column. Any movies at Chautauqua? Of course, first a comfortable, first-class, commercial theatre on the grounds itself that plays artsy, sophisticated movies you missed the first time around; and secondly, the Chautauqua Film Festival, run by one of the best movie professors in the world.

David Zinman is the full-time Science Editor for Newsday, Long Island's largest newspaper. He can talk to you for hours about heart transplants, miracle drugs, and blood transfusions. He's also a consummate writer having penned "Fifty Classic Motion Pictures" (1970), "Saturday Afternoon At The Bijou" (1973), "50 From The 50's" (1976) and just recently "50 Grand Movies" (1986). For one month a year (usually August) David and his lovely wife Sara drive up to Chautauqua from Long Island. Here he teaches budding journalists the fine art of interviewing and lectures weekly in conjunction with an old feature film that he feels has some redeeming social quality: a vintage film that has endured.

Zinman actually got the idea of outlining an old film's highlights, showing the film, then answering questions from the audience while a student at Columbia University. Andrew Sarris, the famed film critic for the "Village Voice," was Zinman's professor and he was big on directors. Sarris would inform the class of the director's life, loves, and hates. He'd follow this lecture with a showing of the director's films that illustrated his own individual style. Was the style different? How? Why?

Zinman adopted Sarris' method to the whole film. At Chautauqua, when he lectures about "A Night At The Opera" (1935) you learn the whole story of the Marx Brothers and watch a great, entertaining film. You then expand your knowledge with questions and answers as to the zany comic style and wit that the brothers combined into films that are still enjoyed today.

Zinman has been lecturing and showing films at Chautauqua Institution since 1983. His first endeavor, the Chautauqua Classic Film Festival, included films from the mid 1930's to mid 1950's. Even though they were played in an old converted church, with 16 mm film, 200 film buffs showed up.

Ever since then, Zinman has had to turn audiences away. His format is simple: a 15-minute lecture-summary, the film, then follow-up questions and answers—almost always about the most controversial aspects of the film. Audience members frequently comment as well as question.

Orson Welles in "Citizen Kane", Humphrey Bogart in "Casablanca" and "Laura" with Gene Tierney were so popular, members of the audience stood in the back after all the seats were sold out, for a harrowing but wonderfully entertaining and educating two hours.

Zinman is an adventurer. He double-packed the church one night for a double feature: Hitchcock's "Foreign Correspondent" starring Joel McCrea, followed by Basil Rathbone and Nigel Bruce in "The Hound of The Baskervilles." A rooster was crowing about the sunrise on a nearby farm when the discussion of both films ended and Zinman reluctantly went back to one feature, one lecture.

One of the most harrowing experiences for Zinman came when the sound track broke down and all voices became muddled during "The Third Man," the Carol Reed melodrama starring Joseph Cotten. The audience was ready to walk out. But, the movie is Zinman's favorite thriller. He had seen it countless times and committed to memory great blocks of dialogue, so,

Continued

• Movies

Continued from page 22



David Zinman gets into his topic at class.

at every reel change, he re-enacted the script—playing all the parts, adding the dialogue to the scenes the audience had just viewed. No one walked out. Nobody threw eggs. Nobody asked for their money back.

Judges willing, I'll be listening to Zinman and attending the Chautauqua Film Festival in August, 1989. As the poet Robert Frost entreated: "You come too".

New Rule: Immunity

The Disciplinary Board has determined that attorneys who agree to supervise attorneys placed on probation by the Alaska Supreme Court should be afforded the same immunity as other persons involved in the disciplinary process who are listed in Bar Rule 17(a). To achieve this result Alaska Bar Rule 17(a) will be amended to read:

Rule 17. Immunity.

(a) **General Immunity.** Members of the Board, members of Area Divisions, Discipline Counsel, Special Discipline Counsel, the Executive Director, Trustee Counsel, Conciliators, Board approved Supervising Attorneys for respondents on probation, and all Bar staff are immune from suit for conduct in the course and scope of their official duties as set forth in these Rules.

Board takes discipline action

Public Discipline:

On June 7, 1988, H. John DeNault III received a public reprimand by the Disciplinary Board for violating Alaska Bar Rule 15(4) by failing to answer a grievance in conformity with Alaska Bar Rule 22(a) and for violating Disciplinary Rule 6-101(A)-(3) by neglecting a legal matter entrusted to him.

Private Discipline:

Attorney A received a private reprimand by the Disciplinary Board for failure to respond to a grievance.

Attorney B received three written private admonitions: one for neglecting a legal matter entrusted to him, another for failing to take adequate steps to insure that a client's case was being properly handled in his office during his absence from the state, and another for failing to take adequate steps to insure that matters rising in another client's case were properly handled during his absence. The existence of certain mitigating factors was the reason for private as opposed to public disposition of these matters.

Attorney C received a written private admonition for inappropriate wording in a letter to health care providers which suggested that Attorney C was soliciting an additional attorney's fee from the health care

providers in return for a partial payment on the medical bills owned by the Attorney C's client. Attorney C intended to negotiate a reduction of the bills on behalf of the client, but the wording made it appear that the health care providers would be paying an additional fee to Attorney C for the payment on the bill.

Attorney D received a written private admonition for keeping insufficient trust account records. The attorney withdrew cash from a client's trust account and disbursed it to the client without benefit of receipt. It was determined that this conduct was a violation of DR 9-102(B)(3) which requires an attorney to maintain complete records of all funds of a client coming into the possession of a lawyer and rendering appropriate accounting to the client.

Attorney E received two written private admonitions based on two separate complaints. In the first, Attorney E committed neglect in failing to keep his client informed of the status of his case and delaying in the submission of a brief to an appellate court. In the second complaint, Attorney E failed to comply timely with the requirements of an appellate court in submitting briefs in two appellate matters.

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NOME To PROVIDENIYA

A whirlwind pilgrimage to Soviet Siberia . . .

By ROBERT H. WAGSTAFF

After landing, we divided into groups of 10 to fill the multi-colored school bus vehicles that were arranged for us. Our group had a driver and an interpreter accompanied by several friends.

Our interpreter was an English teacher at the local secondary school. She was a graduate of the Maxim Gorky Language Institute in Moscow and had never spoken English in "actual." After asking for our unnecessary indulgence she announced quite politely, "Your attention please! Now listen here, we are departing."

She was a very pleasant woman, and Hemingway aficionado, who confided that she had not been able to sleep the night before because of the excitement. She disclosed that this entire day seemed like a dream and that when we were gone, it would be hard to believe that any of this had actually happened. My sentiments exactly.

Provideniya is very close to Nome. We had flown due west from Nome for 26 minutes in an Alaska Airline 737 arriving on a 6,000 foot wood marked hard-packed gravel runway at the head of a fjord, after the obligatory low pass and buzz job of the town. Everyone from both countries met dazed, friendly, and very excited people about being a part of this grand adventure.

At times during the day it was hard to determine whether we had gone to Mars or an obscure ethnic neighborhood in Manhattan. Which ever it was, the seemingly genuine warmth, hospitality and honest curiosity of the people is most remembered.

There is nowhere comparable to Provideniya in Alaska. The topography is similar to Dutch Harbor or the western portion of the Seward Peninsula. Mountains some 5,000 feet high rise from the sea. No trees. Many inlets and small glaciers. The weather was colder than Nome by at least 20 degrees. There was still ice in the harbor even though it was mid-June. Not a hint of green anywhere. Snow still lay in some drifts on the ground. It was about 3 to 4 weeks behind Nome. North America gets the better end of the ocean currents.

Provideniya appeared to be about twice the population of the 5,000 advertised inhabitants. It is exclusively a Russian town, meaning that there are no indigenous peoples residing there. The Eskimos have been segregated into small villages. Not much was even known to the residents of Provideniya about Eskimos. This greatly distinguished Provideniya from towns similarly situated in western Alaska.

The Russian inhabitants were from all over the Soviet Union. They tended to be young and equally divided between men and women. Save for the last characteristic these demographics are similar to Alaska. People have come there because of the higher wages and greater opportunity. The town itself is principally constructed of cement with an occasional very old log building.

Cement is produced in the town which also has a tannery, producing leather from caribou and fur garments from fox and other indigenous species. The buildings are typically four to five stories and there are no apparent single-family dwellings. Apartments have flowers and curtains, visible along with gazing faces and waving hands. There are many children in the streets carrying signs



Children of Provideniya hold signs of welcome and doves of peace.

asking for peace and brotherhood. Others are anxious to trade pins and other curios. There is a town square and a city hall with a large auditorium. The exteriors of the buildings are somewhat shabby. The interiors are reminiscent of 1940s military and are well maintained.

Provideniya is a seaport. There were five vessels of approximately



Two women, ready for the rain.

250 feet in length in the harbor. The vessels were containerized. There were some seven cranes slightly smaller than those on the Anchorage docks in use. Provideniya, or Providence in English, gets its name from the safety of its harbor. It is known in the Soviet Union as the gateway to the Arctic with much shipping being funneled through its facilities.

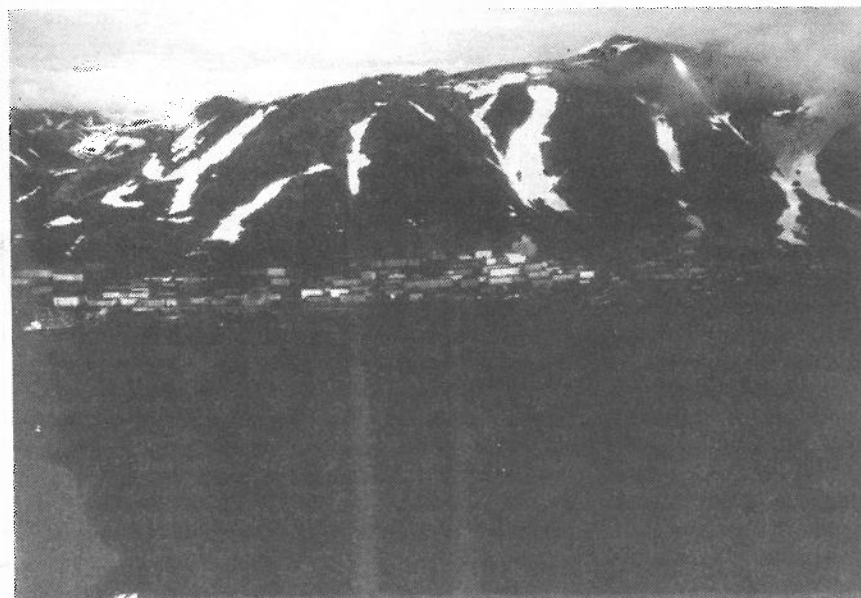
There were the usual northern gigantic recumbent rusting gear wheels, cables, and other machine parts—appearing to have been left behind by some ancient civilization—that were scattered over the landscape. Just like home. Much operating machinery was in evidence. There were bulldozers, heavy trucks, and jeep-like, 4-wheel drive utility vehicles with canvas tops. Most appeared in good condition and clean. There were several large 2-stroke motorcycles, some with side cars. Red, green and yellow appeared to be the most popular vehicle colors. There were no 3-wheelers.

There were four or five Antonov

AN-26 twin otter like commuter aircraft at the airport and approximately 10 MIL type helicopters, two thirds of which had camouflage and military markings, the latter being twin turbine and sleek and aggressive in appearance. And, yes, red stars.

The airport terminal was an odd multi-storied structure with peeling paint. There were children, officials and a crowd of curious to greet us. A sign proclaimed "Peace Between the People of Alaska and Chukotka!" About 5 percent of the population was in uniforms. They consisted of airline personnel, local militia and civilian police. No weapons of any kind were ever visible.

The drive to town was about 20 minutes to the head of the fjord and back to Provideniya which is on the other side of the bay. There were the usual abandoned and semi-occupied buildings in route with people in front waving. Motor-drive cameras buzzed.



Circling to land with Siberia at starboard.

The arrival in town was, in a word, overwhelming. Many had gathered in the square, where we were let out to make our way to the city hall for the welcome. It was shoulder to shoulder, close, intimate and above all

else, pleasant and friendly. The people were generally handsome and well dressed. Everyone was curious without being obtrusive. The children were polite.

There were a few unusual moments. Dentistry is different in the Soviet Union. The use of gold is extraordinarily popular. Several women had entire mouths filled with all gold teeth. This gives a appearance that can only be described as bizarre to the uninitiated. This is Mars. Most people smoke. There were many fur hats and long coats in the crowd. After all, this is Siberia. Many of the Eskimos who had been brought to town for the reunion had tattooed faces, something not seen in Alaska in many years, save for St. Lawrence Island.

We were served lunch at what was referred to as the Canteen. It was a lengthy banquet room well staffed with uniformed waitresses. The food was very good if you like caviar,

Bavarian style beer, and piroshkii. I do. Also served were mixed green salad with lettuce and cucumbers (no Russian dressing); bread; french fried potatoes (!) and institutional mys-

Continued on page 25

...To Russia with love (and camera)

Continued from page 24

tery meat. This was followed by cake and extremely strong coffee. Wine was available. No other alcohol was offered or in evidence. The chefs wore white smocks and chef's hats as did the local baker in town.

We were encouraged to go shopping. There were several stores reminiscent of Bering Sea Air Traders in Dillingham or Swanson's of 20 years ago in Bethel. We traded at the official exchange rate which meant that prices were about 20 percent higher than Alaska for comparable goods. I purchased a \$30 Russian portable radio for \$50. I suspected that some of the consumer goods—particularly televisions and radios—had been brought in for the occasion. There were 2 mopeds for sale in one store that obviously had been lying in a store room for at least 20 years. Several key parts were missing. There were limited general consumer items available. For example, Sputnik Shampoo and many synthetic fiber garments.

On balance, however, the stock in the stores seemed small for a town of Provideniya's size. There were no imported goods. The store carried a selection of phonograph recordings. About 10 percent were classical and the rest appeared by the covers to be Soviet "Muzak."

The Eskimos from Nome reported that Siberian Eskimos spoke the identical language and enjoyed the same music and dancing. Some of the elders even remembered people on the other side. Disappointingly, travel to the villages was "not permitted because of unexpected bad weather." This was announced to a blue sky.

I spent the most time with Serge Kolesnick, the 27-year-old president of the Young Communist League (YCL as he abbreviated it). He was interesting and friendly, albeit a perplexing person who suddenly appeared on my right arm during the welcoming ceremonies in the town square. He ultimately became the recipient of the Sunday New York Times and six-pack of Hersheys that I had brought.

Kolesnick was genuinely interested in the mechanics of life in Alaska and was not inclined to discuss national politics or policies. Nor was I. I told him I was a lawyer which seemed to amuse him. He explained that



This is the Soviet Union.

be possible as they had not been prepared for such an encounter. I asked him if the town had a courthouse which he did not understand. After much animated discussion he responded to my description that it was a place where lawyers to do their work. He said that there was such a place but it was very far away and required many steps to reach and our visit

an indoor sea water swimming pool. The pool was some five lanes wide and about 50 meters in length. There was a uniformed attendant. In this building there were also individual cubicles that were used for dressing and apparent therapy massage.

Also present in these were certain Buck Rogers appearing devices for negative ionization therapy. One of our group tried it out and said that there was a tingling sensation. One of the attendants was described to us as being "like a chiropractor." The building also had showers, bathrooms and a weight room. They were clean and pleasant although definitely with a 1950's Eastern Europe patina.

The Russians of Provideniya appeared to have almost as many cameras as we did. Our emphasis of course was on the Japanese while theirs was on what appeared to be a large Russian range finder and reflex 35MM cameras and on several collectors edition Roliflexes.

In the afternoon there was a public ceremony at the auditorium. There were the expected speeches that were translated. Interestingly, questions were allowed from the audience of all of the speakers from either the U.S. or Soviets present. This appeared to be a process that everyone was comfortable and experienced with.

Party leaders spoke and were questioned, gave their answers and were applauded. They even told jokes about their leaders and admitted that "mistakes had been made long ago" in treatment of Eskimos.

There was a brief visit to the local museum which reminded me of a similar facility in Sitka. Local artists, magazine collections, school children art, and photographs of impor-

tant local government functionaries. Even though there is a large salmon run in Siberia, there was absolutely no evidence of fishing present. No large or small fishing boats, nets, nothing. They were also no dogs or cats.

Serge told me that they were interested in computers and office equipment for trade. Indeed, there was absolutely no word processing equipment or contemporary office equipment in evidence. Everything was done with manual typewriters, adding machines and scribes. Serge was particularly interested in knowing what the United States trade relationship was with Japan.

Of the several hundred people encountered, there were only two that appeared to be KGB. They wore black leather trench coats, leather tyrolean type hats, never smiled, and watched. Their shoes were also strange.

About two hours after arrival a Tupolev "Bear" turbo prop reconnaissance jet flew over the airport at about 10,000 feet. I don't think it was generally noticed, although probably fully one third of the Soviet people present stole a glance at it.

A curious incident did occur with Serge which I might be reading too much into. We had gone to the afternoon speeches and Eskimo dancing together. He had a 35MM camera such as I have described and did not seem that familiar with its use, explaining that it was a friend's. He announced that he must "leave you for awhile but I will return" leaving his camera on the seat next to mine. He did not return before the ending of the program which left me with his camera and light meter on his vacant seat. I decided that the correct thing to do would be to take the camera and try and find Serge. I eventually found him as we were just getting on our buses to return to the airport. He



Serge Kolesnick and an architect friend smile for Bob.

thanked me and said that he had forgotten it. Maybe this is what happened. Yet I was left with the distinct impression that this had been a test of some sort.

The Soviet Union waived any visa requirements for this journey. The only customs or immigration formality was the collection of passports upon our landing and their return upon our departure. There was no inquiry made of what was being brought in or out or no inspections or searches.

We had departed Anchorage at 7:10 a.m. and arrived back at 3 a.m. the next morning. Six months of stimulation had been compressed into 12 hours. It was a very intense dream. I was lucky to be part of that day.



Canteen has New England-style decor.

were two lawyers in Provideniya and the role that they performed in society seemed, at least as he described it, as a metamorphosis between judges and lawyers. Lawyers were provided to assist people with their problems and also apparently have the power to resolve these problems with restitution, alteration of property arrangements, and even incarceration.

I asked Serge if I could meet such a person and he explained it would not

would therefore not be practical.

Some communication was lost in language but my conclusory impression was that there are persons who perform dispute resolution and problem solving assistance in Provideniya and they are generally respected although somewhat mysterious. I could live with that.

We visited what was described as the recreation center with a "swimming box." The box turned out to be

• Briefs

Court Moves

The United States Bankruptcy Court for the District of Alaska will move its offices and court from the U.S. Courthouse at 701 "C" Street to the Old Federal Building, 605 West 4th Avenue, Suite 138, beginning Sept. 22, 1988. Service to the public during the business days of Sept. 22, 23 and 26 will be limited to the filing of emergency pleadings only. No research of public records will be allowed Sept. 22-26. The new public telephone number for the Bankruptcy clerk's office will be 271-2655, effective Tuesday, Sept. 27, 1988.

Insurance CLE

"USES OF LIFE INSURANCE IN ESTATE PLANNING" and "DISTRIBUTIONS FROM QUALIFIED PENSION PLANS" are the major subjects of the 4th Annual Alaska Tax Conference, Session

II, presented by the Alaska Bar Association and Alaska Pacific University, on Friday, September 16, 1988 from 8:30 a.m. to 5:15 p.m. at the Hotel Captain Cook.

This seminar is designed for attorneys, accountants, retirement plan administrators, insurance brokers, and financial planners. Sherwin Simmons, a partner in the Florida-based law firm of Trenam, Simmons, Kemker, Scharf, Barkin, Frye and O'Neill, an expert in the uses of insurance in estate planning; and Robert W. Ridley, a partner in the law firm of Hill, Betts, and Nash, Los Angeles, a frequent lecturer and author on employee benefit plans, are the featured speakers. The program is co-sponsored by the Alaska Society of CPAs, Anchorage ERISA Forum, Anchorage Estate Planning Council, and the Alaska Chapter of the International Association for Financial Planning. The registration fee is \$135. Please call 272-7469 for further information.

Liability CLE

LENDER LIABILITY: MAJOR CAUSES AND EFFECTIVE CURES is the subject of a day-long seminar sponsored by the Alaska Bar Association on Friday, September 9, 1988 from 9 a.m. to 5 p.m. at the Anchorage Hilton Hotel. This course is designed for both attorneys and for officers of financial institutions and offers practical information to assist in understanding and implementing the new standards of conduct being applied to lenders throughout the country.

The seminar features Steve H. Nickles, professor of law at the University of Minnesota Law School, a frequent continuing education lecturer on commercial law subjects, who is known for his practical approach to complex legal matters. Registration is \$135. Please call 272-7469 for further information.

AIDS Help Needed

We at the Alaskan AIDS Assistance Association (AAAA) are developing a statewide resource manual for our current and future clients. In addition to the obvious inclusion of health care and social service providers, we feel it is imperative that legal counsel be available to our clients from attorneys who will not allow the AIDS issue to be a barrier.

AAAA provides direct support services to People with Aids (PWA's), ARC, people who have tested positive for the antibodies to HIV, and their loved ones. These services include transportation, in-home care, medical, financial and legal assistance, weekly support groups, and a helpline for telephone information and referral (which has a toll-free statewide number).

AAAA also has speakers available at no charge, films and literature, many volunteer opportunities, and a bi-monthly newsletter.

We sincerely hope that you'll take the time to contact us for inclusion in our manual, ask about our newsletter, drop by to pick up literature, or even consider doing some volunteer work.

Our office is located at 417 W. 8th Ave., Anchorage, Ak. 99501. Our telephone numbers are (907) 276-4880 and 800-478-AIDS for the information and referral line and 276-1400 for our administrative office.

Excerpts from the Tanana Valley Bar minutes

Whatever works

(Skip) Cook also recounted a tale of a trial with Randy Olsen in which the defendant, accused of murdering her husband, had been asked why she had shot her husband with a bow and arrow. She explained that she hadn't wanted to wake the children. Randy Olsen chimed in to say that Cook had missed the best part of the story, which was the defendant's explanation that she didn't know that the bow was loaded.

—April 15, 1988

Equal opportunity

Randy Olsen opened the festivities... and called for the introduction of guests. Guests almost included Raymond Burr, who was in town and whom Bob Noreen cornered and invited to the TVBA luncheon. Burr apparently had already heard about bar lunches and had skipped town before the group convened. Guests actually present consisted only of Marla Greenstein, staff attorney for the Judicial Council, who declined to confirm Judge Zimmerman's worried inquiry whether the real purpose of Burr's trip to Alaska was to apply for the Fairbanks Superior Court vacancy.

—May 27, 1988

Job security

A local engineer dropped off literature regarding a conference on improving civil engineering standards, which prompted Judge Savell to caution that improved engineering standards will mean fewer disasters and hence less business for lawyers.

—June 17, 1988

Favorite son

And, speaking of Ralph Beistline, Fairbanks' own poet laureate will soon be gaining world renown as the editor of that august publication, the Alaska Bar Rag. (Hey, Ralph—be sure that the TVBA minutes get published, OK?). Judge Kleinfeld asked if Beistline could bring Wayne Anthony Ross and Gail Fraties back into the fold. After discussion of the propriety of a judge authoring a column for the Bar Rag, Roger Brunner mentioned that he had "heard about some guy named Frail Gaties" who might be interested in writing a column.

June 24, 1988

Form letter

Bob Noreen read a document which will go down in the annals of Alaska jurisprudence as the best dunning letter ever written:

Dear X

At the present time, you owe this office the sum of \$22,996.73. Recently I received a notice that you are filing bankruptcy.

I am most disappointed in you. You represented yourself to me as an honest, God fearing man and I conveyed these representations to my partners. With much trepidation, they agreed to allow me to carry you on our accounts for a long period of time for a large amount of money.

You are putting me in an extremely untenable position with my partners by now seeking to avoid paying this office what is rightfully due us.

If we have to take a \$23,000 loss on our accounts receivable because of your actions, we will, of necessity, be forced to curtail our services to other people like yourself who need strong legal representation, but do not have the funds to pay as they go. In short, my partners will not be willing to allow me to represent other people, on the cuff, like it did with you. Many people will suffer as a result of this.

It goes without saying, of course, that this office will also suffer as a result of your bankruptcy.

We have not been able to take home a full paycheck on a regular basis since December 1, 1987. Your bankruptcy

renders our situation and the situation of our families even more serious.

Aside from the monetary considerations, however, you are seeking to avoid paying us what is lawfully and ethically owed to us. This causes me to question my abilities to judge human character. If a person like you does not feel his indebtedness to us, after all we have gone through with you, then you are not the man you've professed to be to me.

I urge you to stand up like a man and live up to your promises to us. A guy who cheats people who tried to help him, is lower than a skunk.

I remain,

Sincerely,

(Name

unrevealed)

—May 27, 1988

ATTORNEY POSITION

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J.B.

James Blair, the judge, has quit.
He's stepped down from his throne.
The tears flow freely down
My cheeks. I sigh. I groan.

Blair says he will not leave
This place. He likes it here.
He will not tell us what
He plans to do. O dear.

With whom will he join up?
With what will he combine?
Perhaps he will decide
To practice with Steve Cline,

Or maybe Rita Allee
Or Douglas Blankenship
Or Barry W. Jackson
Or James D. DeWitt?

He used to be with Hoppner
And Mayor Julian Rice.
Perhaps those three will reconcile.
Wouldn't that be nice?

No, James R. Blair will be
A solo lawyer here, like thee.
He will *not* have quite so much power.
When in his presence we need not
cower.

We need not even stand
When he walks into court.
We can sit upon our duffs,
And not commit a tort.

We can all give him the finger,
For now he's one of us.
He can even come to lunch here.
Won't *that* be fabulous!

By Dave Call

All The World's A Stage

My lawyer tells me not to talk
He has a good intention.
At his idea I start to balk
The other side is paying attention.

My wife will never let me speak
The kids just watch the TV
Around my friends I am too meek;
But their lawyer talks with me.

My reply may be good or bad
To hell with what the answer will be.

I only know I'm so damn glad
Their lawyer man is listening to me.
—By Chancy Croft

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Brown defends Judicial Council

In the past weeks, the Alaska Judicial Council exercised one of its most significant functions: nominating candidates for judgeships. Often referred to as "merit selection," Alaska's judicial selection process is held out as a model for other states. It is hoped that by removing judicial candidates from the political pressures associated with campaigning for elective office, judges appointed through a merit system process will be chosen for their judicial skills.

A recent letter from Judge Jay Hodges to the Judicial Council criticized its failure to nominate to the governor, District Court Judge Chris Zimmerman, who was one of the candidates for the Superior Court bench in Fairbanks. Judge Hodges even went so far as to suggest that it looked like "the fix was in" and that the council had acted out of bias or prejudice.

The Judicial Council was established by the framers of our Constitution to nominate judicial candidates and to make recommendations for the improvement of our judicial system. Its composition is established in the Constitution with three non-lawyers comprising the voting membership on the council. The chief justice sits as chairman, *ex officio* and votes only when to do so would

change the result. The non-attorney members of the council are appointed by the governor and confirmed by the Legislature.

Article VIII, 4 of the bylaws of the council requires submission to the governor of the candidates it considers *most qualified* for the position. Consequently, candidates who may be "qualified" but not among the "most qualified" for the position are not nominated.

To assist in the evaluation of candidates, the council undertakes a background investigation of each candidate, conducts a judicial qualification poll of all members of the Bar, requires a medical examination and report, solicits letters of reference and public comment, and concludes the process by personally interviewing each candidate for the office.

With the exception of the chief justice, no member of the Judicial Council can hold an office of "position of profit" with the federal or state governments. The present council consists of a physician from Ketchikan, the Anchorage manager of an insurance adjustment firm, the liaison officer for the Division of Inupiat History, Language and Culture of the North Slope Borough who lives in Barrow, and three attorneys,

all of whom are in private practice—one each from Fairbanks, Juneau and Anchorage. Two members are women. One is an Alaska Native. Each council member serves a staggered, six-year term with a new member coming on board every year.

The most recent occasion for Judicial Council action called for the nomination of candidates to fill four judicial positions. There were 38 candidates for these positions. Thus, each member of the seven-member council was called upon to examine 38 separate files of information preparatory to interviews being conducted over four days in Anchorage and Fairbanks. It is evident that each council member made a significant investment of time in the process leading to nomination of candidates for the positions in Fairbanks.

It is within this context that the charges of Judge Jay Hodges need to be examined. To even suggest that a failure to nominate a particular candidate "looks like the fix was in" or was the product of self-interest, bias or prejudice does a great disservice to the dedicated efforts of seven people who spent a large part of July devoted to the process of nominate the "most qualified" candidates to the governor.

One of the tools of evaluation is a judicial qualification poll of members of the Alaska Bar Association. There are five general categories upon which each candidate is rated: professional competence, integrity, fairness, judicial temperament, and suitable experience. Some members of the council place the most importance on the professional competence portion of the survey. There were eight candidates for the Superior Court in Fairbanks. Five other candidates got higher scores in professional competence than Judge Zimmerman. We mention this not to diminish Judge Zimmerman's status, but to point out that reasonable people could disagree that he was a "most qualified" candidate.

The selection process inevitably involves choosing the "most qualified." It is a difficult and, as we have seen, thankless responsibility. Reasonable people may disagree over which candidates are the "most qualified," but it is the Judicial Council that is responsible for drawing that line.

Harold Brown, a former Alaska attorney general, is the executive director of the Judicial Council. This commentary appeared in the July 31, 1988 edition of the Fairbanks Daily News-Miner.

10TH ANNIVERSARY EDITION

P.S. and a word from your vendors

Lawyers aren't the only ones who quest for creative and meaningful excellence. An entire cadre of silent workers labor in the background for each lovingly-produced issue of the Alaska Bar Rag.

There are editors who sort out billions of pages of original, handwritten, duplicated and sometimes odd copy to make the authors look good (thereby not falling into disrepute among their peers). Then they figure out what sizes all the stuff should be, and manage all the pieces.

Then there's the graphic designer who gathers together all the pieces of literary and visual art the Bar hath created and makes it into a Bar Rag. Graphic designers also create drawings, charts, and other inducements to readership.

Typesetters take computer disks and original pages and turn them into (obviously) type. A camera guy shoots art to fit pages and layouts.

The printers simply make magic somehow overnight like Rumpelstiltskin and nobody is ever quite sure what language they're speaking.

We asked some of these people on the Bar Rag's team what they think of the Alaska Bar Rag after 10 years of publication.

Otherwise known as a roast

It was unanimous. Everybody thinks the Bar Rag is great. And Fraties and Branson's vote counts increased.

"Is it 10 years already?", said Mike at Anchorage Printing Co., which has printed each and every issue of the Alaska Bar Rag. Anchorage Printing is, in fact, the holder of the title of Record Length of Service to the Alaska Bar Rag. "Ten years," said Mike, shaking his head. "It's seemed like 50." (There is always a curmudgeon

in the crowd.)

"Ten years," mused Gaye Christiansen, who has seen every editor and type juggler cross the printer's Spennard Road door. "I have always enjoyed the Bar Rag. I especially liked that Judge. . . . Gail Roy Fraties. Harry was a great mediator," she said tactfully. (Harry, agreed all of the production vendors, was not shall we say "of the print medium." In another life Harry may come back as the Jimmy Breslin of Alaska, but in the language of publishing, Harry's law briefs were fine. His intentions always were admirable.)

"We have always enjoyed working with the Alaska Bar Association," said Greg Rhodes, one of Anchorage Printing's owners. "They are very fair and they pay their bills."

"I always enjoyed working with Crazy Harry," said Miki Ballard, owner of Computer Composition. She began working for the Bar Rag "about 1981," she said. "Harry's an unusual person; we always enjoyed him." Computer Comp has, for more than seven years, set all or portions of the type for the Bar Rag, and is the Rag's advertising agent. (Some type in recent issues has been set at Pacific Rim Publishing). Over the past two years, Miki said, the Bar has become easier and easier to sell to advertisers. This month, the issue broke records. "I think the Bar Rag always has good stories," said Miki, "and I always enjoyed Gail Roy Fraties and his stories and personality."

The Alaska Group arrived on the Bar Rag scene in 1984, hired by Executive Director Randall Burns to take the production headaches of the Bar Rag off Branson's hands. "I like working with the people at the Bar," said Ayse Gilbert, the Bar Rag's designer and resident artist. Sally Suddock is the production editor and copy manager. She says, "the people at

the Bar are professionals; it's a joy to work with such interesting material!"

Their favorite features? "I like the special sections—Mysteries of the Court System stands out in my mind—the movies, and the Matricardi column," said Ayse. "I'm partial to Fraties, the historical pieces, the Tanana Valley Bar, and the gossip," said Sally.

"We've worked with Executive Directors Randall Burns and Deborah O'Regan and Editors Harry Branson, Gail Fraties, Jim Bendell, and now Ralph Beistline, and I think we both find them all to have been extremely stimulating and pleasant to work with," said Sally. "I think Anchorage Printing and Computer Composition—our partners on the production side—would agree."

P.P.S.

This issue of the Bar Rag did not want to go to bed, says the production group. Type processors broke down. Typesetting machines broke down. Computers short-circuited, and the typesetter was out with the flu during the final production days of this edition. Back-up computers don't talk to each other, it was observed, a key team member's dog had a vet emergency, and Harry Branson hovered around the fringes more than at any time in the past three or four years.

The production team of the Tenth Anniversary Edition of the Alaska Bar Rag would therefore like it also to be known as "The Ghost of Branson, Murphy's Law—But Still On Time Edition."



Final Note

One final note: This edition is one of the largest issues of the Bar Rag ever published; it certainly cannot be read in one "sitting" as requested by the Tanana Valley Bar Association. This is due in part to the fact that we have approximately 10 pages of advertising (a record), making the paper for the first time nearly self-sufficient, and partially due to the numerous 10th Anniversary articles.

We hope in the future that, with more frequent publications, our paper will be somewhat sleeker and capable of comfortably being read in a single sitting.

—Ralph Beistline

Judicial candidate scores

MEAN ITEM SCORES ANCHORAGE SUPERIOR COURT CANDIDATES

Candidate	Professional Competence	Integrity
	Average Score	Average Score
Agi	3.38	3.82
Barcott	2.98	3.42
Branson	3.40	3.57
Dennis	3.22	3.42
DeVeaux	3.35	3.75
Ditus	2.96	3.33
Fabe	4.06	4.14
Fuld	3.23	3.48
Page	3.88	3.94
Rogers	2.89	2.96
Turner	2.82	3.41
Vitale	3.07	3.13

Candidate	Fairness	Judicial Temperament
	Average Score	Average Score
Agi	3.60	3.47
Barcott	3.29	3.17
Branson	3.41	3.11
Dennis	3.23	3.21
DeVeaux	3.49	3.22
Ditus	3.30	2.84
Fabe	3.86	3.87
Fuld	3.31	3.16
Page	3.75	3.75
Rogers	2.82	2.52
Turner	3.05	2.87
Vitale	3.05	2.79

MEAN ITEM SCORES ANCHORAGE DISTRICT COURT CANDIDATES

Candidate	Professional Competence	Integrity
	Average Score	Average Score
Agi	3.496	3.87
Allmaras	3.64	3.69
Crar	3.45	3.77
Cummings	2.51	3.08
Duggan	3.42	3.76
Engel	3.08	3.46
Maltas	3.12	3.32
Olson	3.88	4.07
Ottinger	3.47	3.72
Scukanec	3.58	3.78
Sivertsen	2.84	3.28
Wolverton	4.22	4.36

Candidate	Fairness	Judicial Temperment
	Average Score	Average Score
Agi	3.63	3.54
Allmaras	3.60	3.55
Crary	3.57	3.492
Cummings	2.78	2.53
Duggan	3.79	3.70
Engel	3.26	3.19
Maltas	3.24	3.01
Olson	3.98	3.96
Ottinger	3.70	3.59
Scukanec	3.41	3.37
Sivertsen	3.04	2.75
Wolverton	4.30	4.31

MEAN ITEM SCORES FAIRBANKS DISTRICT COURT CANDIDATES

Candidate	Professional Competence	Integrity
	Average Score	Average Score
Foster	3.70	3.62
Franich	3.15	3.49
Funk	3.75	4.03
Kauvar	3.48	3.66
Pengilly	3.73	3.79
Snow	3.76	3.72
Steinkrur	4.06	4.17
Zimmerman	3.65	3.97

Candidate	Fairness	Judicial Temperament
	Average Score	Average Score
Foster	3.46	3.22
Franich	3.39	3.14
Funk	3.99	3.81
Kauvar	3.43	3.31
Pengilly	3.59	3.48
Snow	3.25	3.09
Steinkruger	3.95	3.96
Zimmerman	3.87	3.88

- (a) Arithmetic Mean
(b) For explanation of range, see text.

Each candidate's average score is a measure of its central tendency and does not imply that everyone rated a candidate at their mean. Indeed, dispersion of ratings does exist and the mean serves to summarize overall scores. Traditional statistical tests are largely inappropriate because of the incompatibility of samples. Note that responses can fall into one of seven possible ranges which were described previously and are shown graphically using plus and minus symbols.

MEAN ITEM SCORES FAIRBANKS DISTRICT COURT CANDIDATES

Candidate	Professional Competence	Integrity
	Average Score	Average Score
Berger	3.33	3.48
Cannon	3.76	3.79
Cole	3.19	3.66
Engel	3.07	3.46
Franich	3.23	3.48
Funk	3.91	4.11
Mullen	3.15	3.56
Pengilly	3.87	3.86
Ringstad	2.75	3.10
Roberts	3.08	3.45
Zervos	3.78	3.97

Candidate	Fairness	Judicial Temperament
	Average Score	Average Score
Berger	3.28	3.15
Cannon	3.65	3.52
Cole	3.65	3.46
Engel	3.25	3.14
Franich	3.41	3.24
Funk	4.07	3.92
Mullen	3.37	3.28
Pengilly	3.67	3.48
Ringstad	3.12	2.89
Roberts	3.36	3.22
Zervos	3.78	3.74

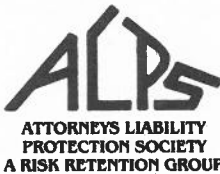
- (a) Arithmetic Mean
(b) For explanation of range, see text.

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Date	Course#	Location	Title
9/15-16	8813	Law School	SECOND ANNUAL INDIAN LAW SYMPOSIUM 9:00-5:00 — 12 CLE credits — \$175
9/29-30	8814	Washington Athletic Club	SIXTH ANNUAL NATIONAL FISHERY LAW SYMPOSIUM 9:00-5:00 — 10 CLE credits — \$275
10/7	8815	Yakima Red Lion Inn	COMPUTER-ASSISTED LEGAL RESEARCH 9:00-5:00 — 7 CLE credits — \$135
10/8	8816	Law School	RECENT DEVELOPMENTS IN ANTITRUST LAW 9:00-1:00 — 4 CLE credits — \$80
10/14	8817	Washington Athletic Club	SEVENTH ANNUAL FEDERAL TAX CONFERENCE 9:00-4:30 — 6.5 CLE credits — \$135
10/22	8818	Law School	LAWYERS IN TELEVISION AND FILM: Can Professional and Public Responsibility be Reconciled? 9:00-4:30 — 6.5 CLE credits — \$135
11/4	8819	Plymouth Church	TAX PLANNING WITH PARTNERSHIPS AND S CORPORATIONS 9:00-4:30 — 6.5 CLE credits — \$135
11/19	8820	Law School	MAKING AND MEETING OBJECTIONS — PART II 9:00-5:00 — 7 CLE credits — \$135
12/3	8821	Law School	PRESENTING AND ATTACKING SCIENTIFIC/DEMONSTRATIVE EVIDENCE IN CIVIL AND CRIMINAL CASES Co-sponsored with the Washington State Bar Association, CLE Committee and Criminal Law Section 8:30-4:45 — 7 CLE credits — \$100
12/8-9	8822	Sheraton Hotel	FIFTH ANNUAL HAZARDOUS WASTE LAW AND MANAGEMENT CONFERENCE 9:00-5:00 — 12 CLE credits — \$275

For information, or registration by phone, call 543-0059.

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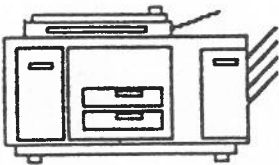
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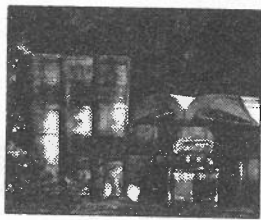
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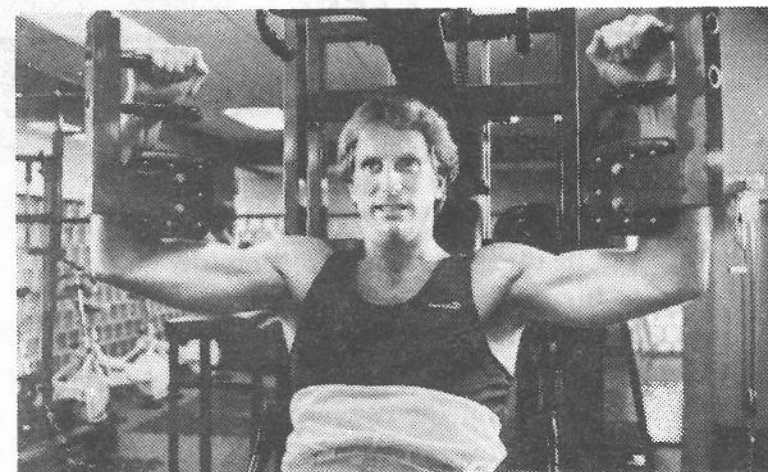
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