

Bar
History

Page 16

Bar people
on the
move Page 9

Mouthpiece
picks
flicks Page 1, 22



\$1.50

The
Alaska

BAR RAG

Dignitas, Semper Dignitas

FEBRUARY, 1988

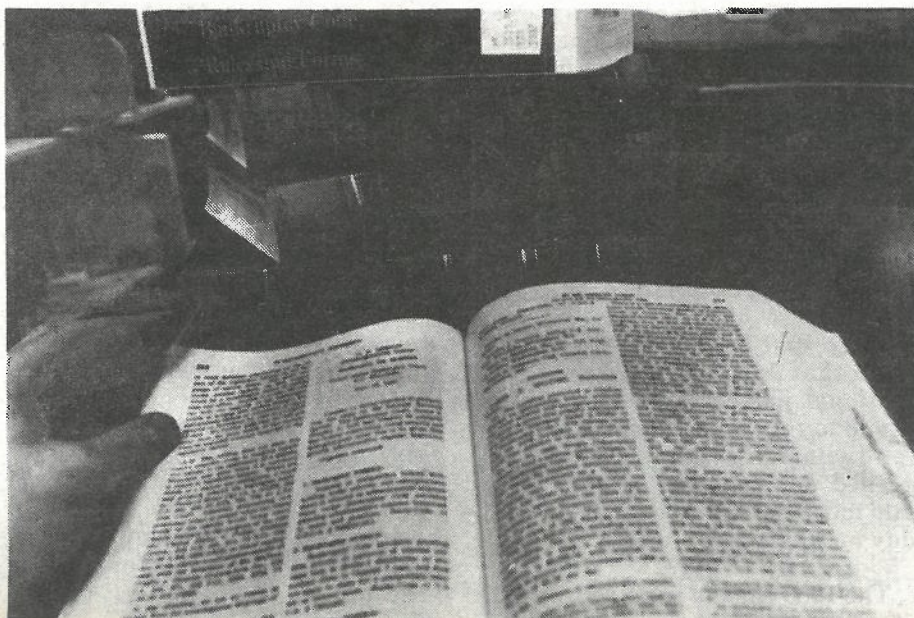
VOLUME 12, NUMBER 1

Commercial law tribulations remain

By JAMES T. STANLEY

The tribulations of commercial, bankruptcy and real estate attorneys in response to the present economy should not come as a great surprise. Are they suffering, or are they wealthy parasites taking advantage of the economic ills rampant within the Alaska economy? What is the impact of present economic conditions on commercial, bankruptcy and real estate practices?

No major surprises or changes in the trend appear now, compared with mid-1986. Bankruptcies continue to be up and real estate sales continue to be down. Commercial law still appears worth practicing, but the concentration seems to be on workouts and problem-solvings rather than commercial transactions deriving from new ventures, new capital and new opportunities.



The workload in U.S. Bankruptcy Court here has prompted the Alaska Congressional delegation to request an additional budget and judge in 1988. See related economy coverage inside. PHOTO BY IMRE NEMETH.

Mark Bledsoe, managing partner at Bledsoe and Schadt, concentrates his legal efforts in the areas of commercial business, real estate law and estate planning. He has practiced law in Alaska since 1976. Mark has seen a substantial change in the type of his work as a result of current economic conditions. His office was busy when times were good and continues to be busy even though the times are economically bad. He finds himself much more involved in bankruptcy matters and in foreclosure matters, as well as broken contract litigation, compared to three years ago when he was negotiating business and development deals, construction contracts, and related matters.

Mark believes the present trends

Continued on Page 13

Oscar picks

Reviewer says its "Last Emperor" and "Moonstruck"

By ED REASOR

Ed. Note: Since several incidents of Murphy's Law delayed the Bar Rag going to press, the Academy Awards nominations were announced before press time.

We asked the Rag's own Movie Mouthpiece, Ed Reasor, to give us his choices while we waited, since Oscar winners will be announced by the time we next go to press in late April.

The MM was delighted to comply. Here are his predictions:

My friends Siskel & Ebert on their popular "At the Movies" format on Saturday evenings, have never yet successfully predicted more than a 50 percent average of Academy Award

Continued on Page 21

State constitutions re-emerge

By MICKALE CARTER

"Probably the most significant current development in our constitutional jurisprudence is the application by more and more state courts of state constitutional counterparts of provisions of the Federal Bill of Rights as providing citizens of their states even more protection than the federal provisions, even those identically phrased."

—Justice William J. Brennan Jr.

Justice Edmond Burke of the Alaska Supreme Court became intensely interested in what has been called the "new federalism about five years ago when he attended the Williamsburg Conference in Williamsburg, Virginia, the home of the National Center for State Courts. When the first course book on state constitutional law was published, Justice Burke wanted to alert the members of the Alaska Bar to the availability of that case book. He also wanted to remind the members of the Alaska Bar of the potency of the Alaska State Constitution.

The legal scholars, judges and educators that met at the Williamsburg Conference discussed the emer-

gence of a renewed interest in state constitutions. The new interest was generated by two separate forces. There were those who feared that the United States Supreme Court might retreat from its position with regard to individual rights. They thought that if that happened, the people's salvation may lie with state constitutions.

There were also those who simply felt that the state constitutions ought not to be ignored. For a time, the briefs by the attorneys to the state supreme courts as well as the opinions generated by the state supreme courts, frequently, at best, lumped the state constitution with the United States Constitution, as if they were the same. Other state court opinions addressed the federal constitutional issues before looking to the state constitution. Justice Burke is among the growing number of scholars, judges and educators who believe that the state supreme court should examine its own constitution first.

Although the United States Supreme Court has the final say as to the rights afforded pursuant to the United States Constitution, Justice Burke noted that each state is free through its own constitution to af-

ford its citizens more rights than those granted under the United States Constitution. In addition to the possibility of expanded human rights, Justice Burke pointed out there are practical considerations for addressing the state constitutional issue first. When the state court's decision is based upon the United States Constitution, that decision can be reviewed by the United States Supreme Court. If the state supreme court finds a basis for a right in the state's constitution, then there is no federal question. The decision based upon the state constitution is final. Such finality saves the parties the expense of an appeal to the United States Supreme

Continued on Page 10

Alaska Bar Association
P.O. Box 100279
Anchorage, Alaska 99510

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

ANNOUNCEMENT

The Annual Convention will be held June 9-11 at the Hotel Captain Cook, together with the 1988 Judicial Conference. This was done as a result of a 362 to 110 vote of the membership.



FROM THE PRESIDENT

Bob Wagstaff

Everett Hepp was a good judge. He was my kind of judge. He retired from the Superior Court in 1975 after 15 years on the bench. Tragically his life was ended by a self-inflicted gunshot wound in late 1987, at his home in Washington.

I tried my first Superior Court case in Alaska before Judge Hepp in 1968. It was a criminal case that was eventually reversed on "other grounds" as the expression goes. During the trial I cross-examined one of the Defendants who took the stand. I was flirting with a question touching upon his failure to disclose to the arresting officer the present defense theory. Judge Hepp sensed the direction the inquiry was going, caught my eye, and shook his head very sternly "No!" Twice. After the verdict he spent at least an hour with me in chambers critiquing my entire performance. He was positive and very helpful. But that is not the main reason I remember Judge Hepp.

In 1968, Fairbanks had a great marijuana scare. A teenager was arrested for sharing a marijuana cigarette with her 17-year-old sister and a friend. The friend worked for the police department and the young woman was subsequently charged with transfer of marijuana to a minor, then deemed to be a narcotic. The penalty was only slightly less than capital and it was mandatory.

The case received considerable publicity in Fairbanks and it was clear that an outrageous injustice was about to occur. In an effort to avoid that from happening there was a negotiated plea. Part of the agreement was a sentence significantly less than the mandatory minimum with minimal incarceration. The bargain was discussed by the parties with Judge Hepp in chambers. He was concerned about the mandatory minimum sentence. The frank equities of the case were presented to him. He asked several questions. He thought carefully. He then announced that he agreed with the bargain and felt that he as a judge had both a Constitutional duty and the "termerity to fly in the face of the legislative mandate" in order to avoid an injustice. His choice of phrase. I admired him at that moment but naively thought that this was not that significant. It was only a reasonable and just approach. Something that, after all, fell within the job description of the position of judge.

Since that time I have come to learn that Judge Hepp was an exceptional judge. Not many judges would lay their position on the line to do what is right simply because it needed doing. Judge Hepp would and did. He was a good judge. That day he was a great judge.

The 1988 Alaska Bar Convention

was moved to Anchorage to be in joint session with the Judicial Conference as a result of a 362 to 110 vote of the membership.

Some fear has been expressed that this may signal that the Alaska Bar Convention will always be in Anchorage. This is not true. The Presidency of the Alaska Bar Association rotates between Anchorage/Southeast and Anchorage/Fairbanks. The location of the Bar Convention follows the judicial district of the President. For example, last year the Bar Convention was in Fairbanks because the President, Ralph Beistline, was in Fairbanks. Next year's President is Larry Weeks and the Bar Convention will be held in Juneau. The situation and invitation of Chief Justice Matthews this year was unique as expressed in the action of the Board of Governors in taking a vote from the membership.

Plans for the Convention-Joint Conference are accelerating. Harvard Law Professor and Von Bulow Appellate counsel, Alan Der-showitz, will conduct a CLE on contemporary constitutional law; Archibald Cox is the banquet keynote speaker; Mr. Whitekeys is social chairman; and Herb Shandlin is chaplain. Really, they and much more will all be in attendance. There will be many social opportunities with the judiciary. You voted for Anchorage, now be there.

THE ALASKA BAR ASSOCIATION LIFE INSURANCE PLAN

- Inexpensive—\$10 per month for \$100,000 at age 38.
- Premiums waived if you become disabled.
- Convertible—May be exchanged at anytime for a permanent policy.
- You may include your spouse or employees.
- Stable—Rates are new, but the bar plan is over 10 years old.
- Secure—Insurance is provided by SAFECO Life.
- Amounts from \$50,000 to \$200,000 available.
- Guaranteed issue \$50,000 coverage.

CONTACT:
BAYLY, MARTIN & FAY
OF ALASKA, INC.
 P.O. Box 107502
 Anchorage, AK 99510-7502
 (907) 276-5617
 Plan Administrators

CORRECTION

In the last issue of the *Bar Rag*, a typographical error misstated an expense item for the 1988 Alaska Bar Association Approved Budget. "Lawyer Referral" expense was erroneously reported at \$134,239. The correct budgeted expense for this service is \$34,239 (against revenues of \$50,000, which was correctly stated).

The Alaska Bar Rag

Board of Governors Alaska Bar Association 1987-1988

President: Robert H. Wagstaff
President-elect: Larry R. Weeks
Vice President: Elizabeth "Pat" Kennedy
Secretary: Kenneth P. Eggers
Treasurer: Lew M. Williams
 (Non-attorney member)
Members: Ralph R. Beistline
 Dana Fabe
 Jeffrey M. Feldman
 Andonia Harrison
 (Non-attorney member)
 Ardith Lynch
 Sandra Stringer
 (Non-attorney member)
 Michael A. Thompson

President Wagstaff 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 or your Board representative at least three weeks before the Board meeting.

March 11 and 12, 1988
June 6-8, 1988

Editor in Chief James M. Bendell
Editor Emeritus Harry Branson
Contributing Writers Mickale Carter
 Mary K. Hughes
 Phillip Matricardi
 Edward Reasor
 Michael J. Schneider
 Donna C. Willard
 Ralph R. Beistline
 Daniel R. Cooper, Jr.

**Design and
 Production** The Alaska Group
**Advertising
 Agent** Computer Composition



THE EDITOR'S DESK

James M. Bendell

This issue of the Bar Rag has generated over \$7,000 in gross advertising revenue and we are getting close to someday reaching the break-even point for publishing this periodical. We are also pleased that the Bar Rag has been quoted and reprinted in lower 48 periodicals on an increasing basis, most recently in the San Francisco Chronicle. I would like to thank our writers who so generously give of their time and talent to make this paper work. We have also reduced operating costs by utilization of computerized typesetting aids.

Special thanks go to Sally Suddock and Ayse Gilbert for their efforts in making this paper better and more professional than ever. Miki Ballard's ad sales efforts also are paying off. Nevertheless, our goal is to continue increasing circulation until we pass the break-even point and even generate a profit for the Bar. To do this, we simply will need more of you to volunteer your time and effort to

write for us. The next issue of the Bar Rag will be devoted to the topic of *lawyer burn-out* and we eagerly invite you to submit articles by our copy due date of April 19.

We are also starting a poetry page and ask you to submit your entries to Chancy Croft (see more about these opportunities below). We would also like our readers' recommendations on whether the Bar Rag should go to a bi-monthly edition, whether it should convert to magazine form, or any other improvements or changes you would like to see.

We would also like to know if any of you are interested in the Bar Rag's publication of important superior court decisions. If so, we would probably need the assistance of judges, law clerks throughout the state in order to sift through the various unpublished opinions and select those of greatest interest and impact.

We are also looking for more feature writers, notably in the area of domestic relations, taxation and com-

mercial law. Although we don't pay you very much (zero), the publicity associated with these articles can usually be counted on to generate some referrals. Besides, it's fun and rewarding.

Our front page story of this issue is another look at the Alaska legal economy one year later. Readers will recall that we took a look at this topic in our August 1986 issue. Unfortunately, things have not improved much, although Jim Stanley provides us with details on how some practitioners have actually boosted their practice due to increased bankruptcies and related litigation.

Actually this topic dovetails nicely into our next issue's feature on burn-out since economic distress usually aggravates whatever pre-existing burn-out exists already. Judicial burn-out has been the subject of a recent proposal to provide for sabbaticals for the Alaska judiciary. We will address this topic in the next issue as well.

Contributions to Bar Rag welcomed

Astute readers of the *Alaska Bar Rag* will notice some new authors appearing in this issue for the first time.

In what we hope is a continuing trend, we're looking for more. This newspaper welcomes contributions of articles, photos, essays, opinion columns, artwork and other items for publication. Too often, we hear only from those attorneys practicing in Anchorage, rather than from bar members who hail from some of the smaller cities and villages in the state.

The *Bar Rag* also is seeking regular contributing writers to improve the reach and interest of the publication. (There's no pay involved for these assistant editor positions, but recognition is to be found on the masthead—found on Page 2—and in the byline).

As a general rule, we try to stay neutral in politics and ideology, and strive for good taste; everything else is pretty much fair game. Especially appreciated are articles about your special areas of interest in the practice of law. In Alaska's case, resources law, Native law and affairs, contract and construction law; and constitutional law are very appropriate. Features about attorneys are also well-read by recipients of the *Bar Rag*.

To help you think about whether you're one of those fine writers in the rough, the next issue, to be published in early May, will feature special coverage on "attorney burn-out"—what circumstances cause it, how to prevent it, how to cope with it, and how to overcome it. One thing is certain: the growth of two-earner families; competition in the marketplace; clients' rights and demands; and the trend toward employee rights makes the practice of law a stressful business. What are the observations of the bar in this regard? Are hobbies, outside interests, liberal travel, and other leisure pursuits enough to stave off burn-out? Are members of the bar fantasizing about endeavors other than the practice of law for their mid-life years? Is one efficient administrative assistant/office manager worth 12 associate attorneys? Is there sure-fire preventive medicine for this malady? These are just a few questions we wonder about as we begin planning for the next *Bar Rag* issue. If your hectic schedule can take it, we welcome your contributions to the cause. Articles are due by April 20.

A few style and writing tips to get you started:

Double-spaced, clean and unmarked copy is best (although handwrit-

ten articles are acceptable). If you're working on a word processing program, dot-matrix printing is difficult for typesetters to read, and will likely breed typographical errors. If your word processor justifies right margins, it's best for the Rag's automated typesetting system if this option is shut off on the printer. Avoid overcapitalization of common nouns. An ideal length is about four pages of double-spaced copy; but, as they say at real newspapers, "write it for what it's worth."

We like a short, descriptive paragraph at the end of articles, telling us a little about the author. If you send photos (and we do love photos), be sure to send along identifications of people in same, and other pertinent information; photos generally get separated from their accompanying stories in the production stage—if there's no info on the back, it may be difficult to rematch them later.

And finally, don't be afraid to take a whirl at creative, reportorial writing; we have a decent staff of editors who try their best to make you, the author, look good.

Send your submissions to: *The Alaska Bar Rag*, 310 K Street, Suite 602, Anchorage, Alaska 99501.

Happy writing to you.

GET DOWN AND DIRTY!

Garden this year with
DeArmoun Greenery.

Brock and Janice
Shamberg
invite you to become
acquainted with their
garden center this year.

Bring this ad into our
store and receive 10%
off on any items not
already sale priced.



3125 DeArmoun Road
Anchorage, Alaska
345-2654



Taku Stenographic Reporters

789-9319

THE RECORD NEVER FORGETS

COMPUTERIZED TRANSCRIPTION
IBM COMPATIBLE FLOPPIES
COLOR VIDEOTAPE SERVICES
CONFERENCE ROOM

SEVEN-DAY DELIVERY
DAILY COPY AVAILABLE
CERTIFIED AND REGISTERED
PROFESSIONAL REPORTERS

9218 LEE SMITH DRIVE

P.O. BOX 32340

JUNEAU, ALASKA 99803

Congratulations, Jeanine!!

on the successful completion of your
Certificate of Merit

from all of us
at

Midnight Sun Court Reporters

★★★

Jeanine M. Riley, RPR-CM



INFORMALASKA

Information:
"If you need it —
we can find it!"

907-563-4375

- Quick
- Confidential
- Comprehensive
- Professional

PLEIADES RESEARCH has joined **InformAlaska, Inc.**
Our specialists now search **WESTLAW** as well as hundreds
of continuously updated state, national and international
databases to provide you with the most thorough research service
in Alaska.

InformAlaska finds the information you need and puts it at your
fingertips fast.

3605 ARCTIC BLVD. #1130 • ANCHORAGE, AK 99503 • 907-563-4375

The Alaska Bar Association and
The Professional Education Group—
the people who brought
Irving Younger & James McElhaney to Alaska—
announce another exceptional program. . .
**LISTENING & MEMORY SKILLS
FOR
JUDGES & LAWYERS**
May 20, 1988
The Hotel Captain Cook



Jacquelyn Wonder of Denver, Colorado, presents seminars on optimizing listening skills and whole-brain thinking—both necessary for the kind of quick comprehension required in the legal profession—while reducing stress and frustration. Corporations such as IBM, Kodak, Sperry Rand, and Dow Corning have enthusiastically received Wonder's seminars.

UNCONDITIONAL COURSE GUARANTEE

If any participants attending this course are not convinced
that their listening and memory skills have improved after
completion of this seminar, PEG will refund 100% of the
course tuition paid—no questions asked.

Registration information will be sent to Alaska Bar members
approximately six weeks prior to seminar.



IN THE MAIL

He's legal for '88

To the Board of Governors
Alaska Bar Association

The Legal Onslaught Society, being emotionally drained from the excitement over the nominations of Dwyer, Bork and Ginsberg, has left me to my own as to the conveyancing of the money raised by the Society in its annual effort to prevent confrontation twixt yourselves and me. The Society counsels that it would rather go through its pencil selling on the winter clad streets of Ketchikan, than to have to do something more drastic, should the tribute not be paid. (And, if the Alaska Bar Association ever decides that an annual financial tribute was not all that it expects of any practicing Alaska lawyer, then God help us all.)

The society did request, in turning over the proceeds of its efforts to me for forwarding to you, that I make some little recapitulation of your triumphs of the past year. I grow forgetful as I grow older, so please forgive me if I have missed something dear to your hearts.

- Comes to mind the exciting work done by the bar to define the practice of law. Or even to figure out how to deal with out-of-state attorneys who practice blatantly. Theirs is a more pleasant life. They take their ill gotten gains and do not have to remit a portion to support the "activities" of Alaska's "integrated" bar. They put to shame my claim as the only practicing lawyer in Alaska not a member of your cabal.

- Legal Ethics. Should members of the board of governors have some? Should the Supreme Court have some? Or does anyone really care? Will there ever be an ethics opinion dealing with the ethics of board members? And is such necessary?

- Titillating thoughts about sex-and-the-lawyer cast in the guise of legal ethics and rather than being dealt with forthrightly, sent into the world as a castrato.

- Parenthetically, whilst still on the subject of legal ethics, kudos to you for inventing the grievance for which no grievance need be filed. Saves a lot of time and money.

- Once again, the bar has taken a forthright and courageous stand, using all its influence to obtain necessary funding for Alaska Legal Services; law for the poor. I didn't hear about it but I assume you did as you have done every year. You did, did you not?

- Thanks, once again, for CLE. The 40 some lawyers of Ketchikan have received the expected for their dues.

- Your 1987 disciplinary actions remind one of an early Marx Brothers movie. I know of at least one local case where the hearing committee became a laughing stock for taking seriously the comments of a local contractor who is as reliable as Captain Spaulding.

- How to put it? The bar continues to miss an opportunity to publish a list of lawyers, profiting from the effort, or, the bar has so removed itself from reality that it no longer will provide even a mimeographed list.

- And oh yes, the matter of the board taking it upon itself to change the decision of your last convention as to the place of the next. I assume

you polled only those persons who voted at the previous convention.

Well, nobody said that what is left of a profession when it is supervised by a Supreme Court and motivated by avarice would be easy to govern.

Which brings up thoughts I had the other day about the numbers of unique persons who were lawyers who made their mark in the pre-integrated bar territorial days. They have not been replaced, the Fred Cranes, the Bill Stumps, the James Wickershams, the Earl Coopers, the George Grigsbys, the Mike Monagles, the Bill Pauls, attorneys who had a vision of Alaska larger than that of their own comfort. These folks were not yuppies.

Fortunately, here in Ketchikan, we are able to keep our Mr. Cloudy packed in cotton wool, as it were, but where will we be when he chooses to launch his last appeal?

And so it goes.

Yours in faith,

Richard Whittaker

Ecl:Tribute Check

Review to visit

The staff of the *Alaska Law Review* is pleased to announce that 10 second-year members of the *Review* will be in Anchorage from March 4 to March 13, 1988. This marks the fifth consecutive year that Duke University law students working on the *Review* have had the opportunity to visit your state.

The primary purpose in making these trips is to establish and maintain contacts with members of the Alaska legal community so that we may write and publish those articles that will best serve our readers. We are interested in meeting individuals who would like to contribute written material for publication or who have proposals for student note topics. In addition, we welcome comments, criticisms, and suggestions with respect to the *Review*.

We would be honored to meet with you and your colleagues during our stay in Anchorage. Should you wish to arrange a meeting, kindly contact us by telephone or letter at your earliest possible convenience. We will be your disposal so far as our schedule permits.

We appreciate your consideration of this matter and hope to hear from you in the near future.

—Debra L. Skal

It's "symbiotic"

The otherwise accurate report of my talk with your reporter Judith Bazeley contained one error. I characterized the Supreme Court/Alaska Bar Association relationship as essentially symbiotic, not, heaven forbid, as symbolic.

—Warren W. Matthews
Chief Justice

Anchorage Legal Secretaries Association believes that a response to the comments regarding "peculiar secretarial interaction" made by Mickale C. Carter in the November 1987 issue of *The Bar Rag* is warranted.

While situations such as the ones described in Ms. Carter's article may exist in more than one office, our members do not believe they are peculiar to women attorneys. While it may be true that some secretaries, as part of their job satisfaction, seek male approval, the majority of our members believe that satisfaction comes from a job well done, period. The client is the ultimate recipient of our work product and as such deserves the best effort of the attorney and the staff. This is the "satisfaction" which we in the legal profession should seek.

The existence of any "competitiveness" is a perception on one's part, regardless of standing on the work team. Professionals on all levels, regardless of gender, work together for their client's cause. In any team working situation, one member supports the other in a give-and-take relationship. Good working relationships call for mutual respect for each other's talents and abilities, a free exchange of ideas and suggestions, and a feeling of "team spirit" in working together to complete a project. Any attorney's request will be taken seriously by a fellow professional when properly presented. This may mean that the attorney needs to evaluate his or her attitudes toward staff in the delegation of work assignments.

Some offices still have "typing pool" situations, and any attorney who feels that his or her work is "served last" should first discuss the situation with the secretary. If the problem cannot be resolved on this level, it should be taken to the supervisor of the typing pool. When two or more attorneys share one secretary, the attorneys must bear the responsibility of determining whose rush project takes priority. In offices where these problems continually crop up, the procedure for delegation of work needs to be overhauled.

The public's perception of attorneys is already unfavorable. The legal profession ranks near the bottom of the list when image polls are conducted. Those of us who make our careers in law owe it to ourselves and our fellow professionals to present a positive image to the public. To do so, we must continually examine our office and personal policies and procedures, making changes where necessary.

Anchorage Legal Secretaries Association (ALSA), a nonprofit corporation, is a professional association of non-lawyer personnel. Although our main goal is continuing legal education, an important goal is fostering professionalism, not only among our members but the legal community as a whole. Any attorney who feels that his or her secretary presents a less than professional demeanor should encourage that secretary to become a member of ALSA by paying membership dues and paying for monthly membership meetings.

An important aspect of professionalism is knowing how and why

something is done a particular way. Education is a means to that end. ALSA sponsors a minimum of three seminars per year and publishes a legal secretary's handbook, already in wide use throughout the state. ALSA has assisted the Alaska Bar in its CLE seminars, and some of our members have participated in preparation of and as speakers in the "Bridge the Gap" seminar. In addition, its parent organization, NALS (National Association of Legal Secretaries), publishes and provides a number of educational tools. Attorneys should emphasize education and encourage their secretaries to attend seminars and make use of materials which are available.

For the past two years, ALSA has met jointly with the Anchorage Association of Women Lawyers. All members of the legal community are invited to attend our monthly membership meetings and to participate in the professional networking afforded there.

Sincerely,

—Anchorage Legal Secretaries Association Inc.

Ode To A Mockingbird

Just when I felt that we could relax and that all of the "mockingbirds" and other noxious species had migrated to warmer climates for the winter months, I find to my dismay that one of those raucous birds still remains in our midst. They are quarrelsome creatures who spend their lives warbling and chirping and mocking others while seldom uttering an intelligent or original thought.

In your November issue in a letter to the editor, Dr. David McQuire warbles that a recent \$2.2 million partial settlement which I obtained for a horribly injured baby is Exhibit A that the tort system has run amuck. He then shrilly chirps that the contingency fee collected "for only two months of work" by my firm reflects the unconscionability and greed of the plaintiffs' bar. An investigation of the truth, in which birds of his feather seldom engage, would have revealed quite the contrary.

My files reveal that in the early summer of 1985, a state trooper and his wife sought my assistance because their young daughter had been born without functioning kidneys and heroic measures were being undertaken in Seattle to sustain her life. Subsequently the child's life was maintained on a twelve hour daily regime of saline dialysis and nearly hourly gastrostomy feedings at the couple's home in Wasilla.

During the next 18 months I obtained experts in the fields of obstetrics, nurse midwifery, hospital administration, neonatology, pediatric neurology and pediatric nephrology. A case study and analysis led me to the conclusion that medical malpractice had occurred and was responsible for the child's condition. The primary health care provider was insured only for \$2.2 million and the child's life health care costs alone could be anticipated to approach that sum. Further, because the family was in need of expeditious assistance, I made the deci-

sion to try a portion of the case by way of a video documentary.

Experts in video production were retained from the Seattle area and additional experts were hired in the field of medical economics. This resulted in a one hour settlement documentary being prepared and presented as part of a policy settlement demand to the insurer of the primary health care provider. These efforts took thousands of hours of committed time on the part of myself, my staff, and others. They have resulted in partial justice for my clients with much work still to be done. For these efforts I charged a contingency fee of 33-1/3 percent, although the court had approved a contingency fee of 40 percent. This fee represents a substantial portion of my firm's income for the year.

I do not expect such facts to effect the warbling of the "mockingbird." I do, however, believe that it is important that the true notes of the song be sung. The child has survived and has received a kidney from her mother. This is the first of three or four transplants that will be required during her lifetime. She has recently been hospitalized for a blood infection but hopefully will be home for Christmas. She is now walking, talking and a joy to her parents, as children should be.

There is happily one thing, however, upon which David McQuire and I would agree—each of us counts Michael Schneider Esq. to be our mutual friend. It is clear that neither of us must judge our friends by the friends they keep.

—L. Ames Luce, Esq.
DBW (Distinguished Birdwatcher)
Dec. 21, 1987

Please Take Note

Enclosed, please find a copy of the Minutes of the Tanana Valley Bar Association for the meeting of December 18, 1987. Your attention is specifically drawn to the items concerning the location of the Alaska Bar Association convention for 1988.

—Daniel R. Cooper Jr.
Secretary of the
Tanana Valley Bar Association

Minutes of the Tanana Valley Bar Association, Meeting of December 18, 1987. Reported by Ed Noonan

The meeting was called to order by President Callahan.

There were no old minutes and no guests.

Glenn Bridges, Manager of the Regency Hotel, announced that because of prior commitments the TVBA meetings of January 8 and 29 would be held in the hotel's bar rather than in the Embassy Room.

Somebody suggested that Ralph Beistline write a letter to ABA President Bob Wagstaff to the effect that TVBA will be boycotting the ABA Convention in Anchorage and going instead as originally scheduled to Kodiak. After a great deal of unstructured discussion of that issue and some others, Dick (Foreign Policy) Burke achieved a modicum of attention and moved that the TVBA not write any more letters to Bob Wagstaff, that we just go ahead and hold our own convention in Kodiak and invite whoever else

might be interested to join us. The motion was seconded by Bob Sparks and passed almost unanimously.

President Callahan then selected a Kodiak Convention committee: Dave Call, Dick Burke, Larry Zervos, Bob Sparks and Ron Noel.

Mason Damrau then showed up to read the previous weeks' minutes. There was no old business.

Fleur Roberts announced that the TVBA's copier memory was lost as a result of a power outage. There was some discussion about whether an uninterruptable power supply would protect the TVBA from losing all the data with respect to use of the machine. Ed Noonan volunteered to check into the problem and report back.

Bob Sparks, who is clearly not an officer or director of TVBA, apparently advised Westlaw "it appears that TVBA might owe all" of what Westlaw contends TVBA owes them, thus prompting Westlaw to write Fleur Roberts a letter thanking TVBA for acknowledging the debt. Everybody except Sparks groaned.

Alicia from the law library will be at the TVBA meeting of 1/8 to talk about library materials.

It was announced that there would be no meeting until January 8 due to the Christmas and New Year holidays.

The meeting was adjourned.

TVBA "diplomacy"

The honorable Zou Yu
Minister of Justice,
People's Republic of China, and
President, All-China Lawyers Association

My dear Minister Yu:

Ralph Beistline, a member of our Association, asked that I write to you in response to your recent inquiry about the attorneys who practice in Interior Alaska. You asked Mr. Beistline what it is that makes those attorneys so exceptional, so compassionate and so extremely competent.

Approximately 1,300 of Alaska's 2,000 attorneys practice in or near Anchorage. The Anchorage attorneys have little in common beside proximity, prolixity and a general air of shiftlessness. They hold regular meetings, but nobody attends.

In contrast, most of the attorneys in Interior Alaska are poets. We meet regularly. Usually, one of us recites a poem or essay. During our last meeting Mr. Beistline himself recited several of his enchanting haikus.

This is the main reason we are so exceptional: We shine when compared to our teeming brethren to the South.

Why are we so compassionate? That too is in large part derivative. We are compassionate because most of us are forced on an irregular basis to travel to and through Anchorage, and there view the travail that is so much a part of practicing law in Anchorage. We are compassionate because we know how wretched are the lives of the lawyers who live and work in Anchorage.

This compassion affects our attitude to those who live in other places: Chinese, such as yourself, Jamaicans, Wops. It shows, our compassion.

It is hard for me to explain ade-

quately why the attorneys of Interior Alaska are so extremely competent. I think, again, it may be merely the incredible contrast between the average level of ability attained by the attorneys who practice here, and the level reached in Anchorage. I don't really have the answer.

Feel free to call on us during your next visit to Alaska. If you like to attend meetings and to hear good poetry, we are the ones.

—David H. Call

For the Foreign Policy Committee of the Tanana Valley Bar Association

Fairbanks has ethics opinion, too

Paul Barrett had two comments concerning the ethics opinions which President Callahan had discussed in the meeting of September 25. First, Paul pointed out there had been a change in the disciplinary rules, making violation of ethics opinions a disciplinable offense. Paul also pointed out that he has a complete set of the ethics opinions, with an index. He further remarked that all members of the Board of Governors of the Alaska Bar Association get such sets of opinions. He implied that his were available for review upon request. On the same subject, Terry Thorgaard suggested such ethics opinions "should be annotated somewhere." Andy Kleinfeld then focused the general discussion by moving that the President of the Alaska Bar request the publisher of the Court Rules for Alaska to publish the ethics opinion along with the disciplinary rules. Andy's motion was seconded by someone, perhaps Terry Thorgaard. There were

some general expressions of disapproval about "unpublished law." Paul Barrett offered his opinion that many of the ethics opinions concerned close questions, the correct answers to which were not self-evident. Therefore, he cautioned everyone present against assuming that if they acted ethically by their own standards, they would be free from any potential violation of the ethics opinions. Jay Rabinowitz questioned the feasibility, if not the wisdom, of Kleinfeld's motion, by inquiring whether he intended that the entire opinions be published; if so, Jay thought that would require a second volume to the new soft bound volume of Rules. Randy Olsen then suggested the Bar Association could summarize them. Someone observed that meant some individual member of the Bar Association would have to do the work, and Randy's suggestion languished for that reason. Bob Sparks pointed out many of the opinions were already out of date, and Ed Noonan illustrated Bob's point with the example of the ethics opinion prohibiting advertising by lawyers. Andy Kleinfeld amended his motion to the effect that the Bar President would request the publisher to publish either the ethics opinions verbatim, or squibbed annotations on those opinions, along with the disciplinary rules. The amendment was seconded, perhaps by Terry Thorgaard. The question being duly called by someone, it passed by voice vote, with some, but not many, dissenters.

—Oct. 2, 1987

Send Us Mail

Anchorage attorney Chancy Croft fondly remembers the good old days in the *Bar Rag*, when poems were regular features in the publication. (*Bar Rag* historians such as Harry Branson attributed what some termed an overabundance of these ditties to the fact that the Alaska Bar quarterly was among the few in the country that espoused a liberal policy in the printing of this doggeral. Budding poets looking for ink and creative credit often found friendly refuge in the 49th state, whether they were lawyers practicing in the state or not. The unsolicited poems began taking up so much space that the *Rag* ceased publishing poems

altogether. But that gets somewhat away from the point of this offer from Chancy.)

Croft misses poems. He's offered to be the editor for a poet's page in the *Bar Rag* for members of the bar who might be so inclined to revive the gentle art of rhyme and rhythm, consistent with good taste and ideological/political neutrality.

For Poets of the Alaska Bar, Mr. Croft awaits your words. Send submissions to the Law Offices of Chancy Croft, 738 H Street, Suite 200, Anchorage, Alaska 99501. (The deadline for the next issue is April 19, 1988).

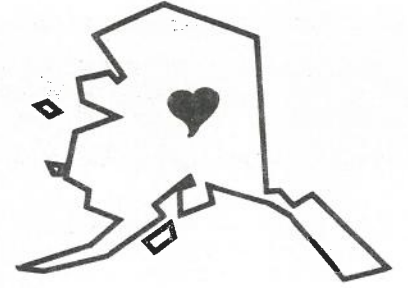
Policy on Letters

The Alaska Bar Rag welcomes letters from readers. To be printed, letters must be signed by their authors. Of course, it is wise to remember that good taste and decorum are held by a not insignificant number to be valuable, if not virtuous.



FROM THE GOLDEN HEART

Ralph Beistline



I have been thinking lately about Judges. We have those in the Golden Heart and they really aren't bad. That's partly due to the fact that they were initially drawn from attorneys practicing in the Tanana Valley and partly because of the high quality of local attorneys (poets if you will) with which the Judges regularly deal. My inspiration for this article, though, does not come from any particular Judge as much as it does from an experience I had recently during the January meeting of the Board of Governors which was held in Anchorage.

President Wagstaff had asked me to preside over a disciplinary hearing in Courtroom 2 in the old section of the Anchorage Courthouse. As I entered the courtroom, I was struck by the similarity between the decor of this room and the courtrooms in Fairbanks. I was, though, soon to view it all from a dramatically different perspective.

As I ascended the stairs to the Judge's bench, I found myself entering a new world—a world three feet higher than the rest. A world where I had exclusive access to my own box of Kleenex, my own garbage can, my own water pitcher and my own telephone. I hadn't experienced anything like this since my children were born.

I was momentarily embarrassed by the opulence of the large reclining chair in which I sat, but that quickly passed.

A metamorphosis occurred! I was now able to see more clearly my place in the universe.

The first time I was addressed as "Your Honor," I was slow to respond. The second time I was addressed in this fashion, it seemed quite appropriate (although my 14-year-old daughter would have lost her lunch at such a show of respect aired in my direction).

I was a little late in getting things started after the first break in the proceeding, but that was really no problem for I had personal business to attend to. When counsel returned a moment late after the second break, I was well into researching my contempt powers.

Within two hours it was over, and I found myself traveling slowly down the up staircase. From floor level things looked different.

The stairs worked well in getting me back down to earth. I realize now that good Judges use them often.

Post Script

Mr. Beistline has contributed actively to the selection of Interior Judges as evidenced by the following letter he wrote on behalf of judicial aspirant Richard Savell.

With friends like these ...

Savell gets Beistline nod

"May 6, 1987
Alaska Judicial Council
1031 West Fourth Avenue, Suite 301
Anchorage, AK 99501
Ladies and Gentlemen:

Dick Savell has asked that I write you concerning his application for a judgeship in Fairbanks and that I specifically indicate any information I have concerning his good character, conscientiousness, objectivity, fairness, honesty and intellectual and moral courage. While during my long association with Dick I have not known him to demonstrate any of these qualities, I cannot say for certain that they do not exist. I do know that he attended the Bar Convention in Sitka in 1985 and was observed in a sober state during a portion of the third day. I've also been told that most of the debts that he incurred over the last several years have been paid, in part, and it's my understanding that the numerous disciplinary actions pending against him have been

resolved.

I personally do not believe that Dick's sexual preference is in any way relevant to his performance on the bench and, therefore, would suggest that the Judicial Council ignore the sordid rumors that run rampant concerning these matters.

In conclusion, I must say that I admire Dick's courage in applying for this position and specifically am amazed at his willingness to submit his character to a bar poll. This type of courage is rare for a judge and certainly should be considered in weighing his nomination.

If I can be of any further help to Mr. Savell, please feel free to contact me.

Very truly yours,
HUGHES, THORSNESS, GANTZ,
POWELL & BRUNDIN

By:
Ralph R. Beistline
(Fairbanks)

Correspond with Your Colleagues
The Bar sells member mailing labels

ALASKA STENOTYPE REPORTERS

— REGISTERED PROFESSIONAL REPORTERS —

Serving Alaska Since 1953

276-1680

Rick D. McWilliams, RPR
Fred M. Getty, RPR

XSCRIBE

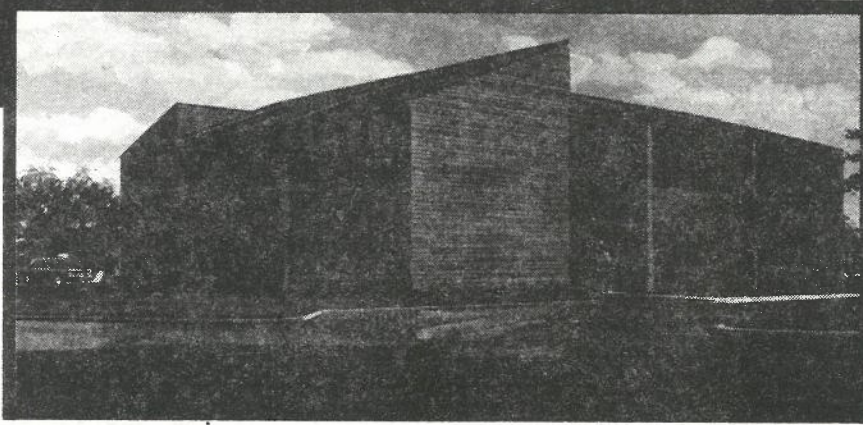
COMPUTER AIDED TRANSCRIPTION

550 West 7th Avenue
Suite 1680
Anchorage, Alaska



CITY CENTRE

A professional mid-town office building. Three brand new suites available. Each ready to complete to your specifications. Join the fortunate attorneys, engineers, and CPA, who have already made this first-class business environment their home away from home.

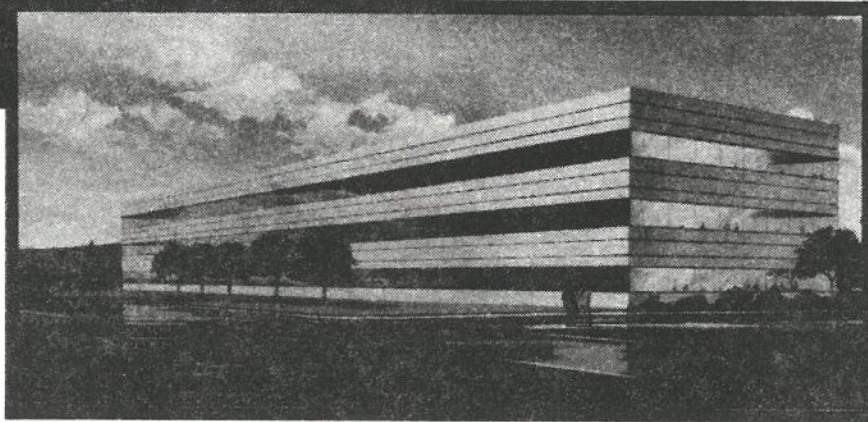


Business Properties of Alaska, Inc.
276-2190

Schreck Co., Inc.
276-7048

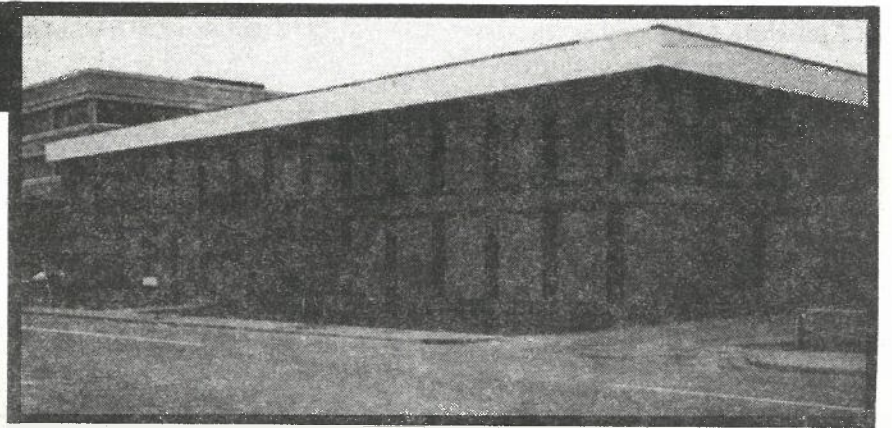
1600 "A" STREET

This is it! First-class offices in a setting of unsurpassed views, accessibility, and convenience. The clean contemporary exterior houses carefully planned office spaces designed to provide every suite with unobstructed views of the Chugach Mountains. Lots of parking, fully serviced and professionally managed. 1,000 to 10,000 sq. ft. of brand new space ready to be finished to your requirements. Your neighbors include WANG and GE Corporation.



NEWLY IMPROVED

New entry and lobby, air-conditioning, free onsite parking, and convenience to Court House, restaurants, and hotels. 12,600 sq. ft. All or part available on very favorable terms with generous improvement allowance.



**You Dial.
We Deliver.**

A quick phone call will put you in touch with just about anything on our extensive menu. For the delicious details, give us a jingle.

Or, if you're out and about, stop in for a comfortably casual breakfast, lunch or dinner.

LOCAL DELIVERIES
\$15 minimum
276-7116

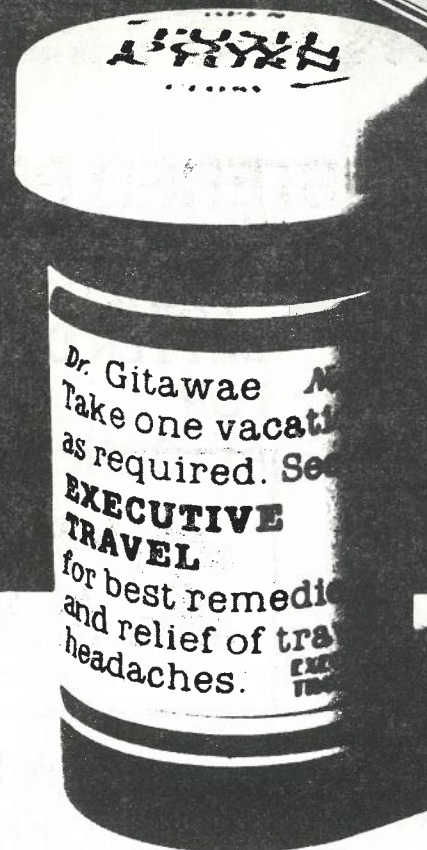
**Downtown Deli
And Cafe**



525 West Fourth Avenue
Anchorage, Alaska • Open Daily 7 am-10 pm



ASK ABOUT OUR TRAVEL CLUB



EXECUTIVE TRAVEL SERVICE

Anchorage: 276-2434 - 2600 Cordova St.
Fairbanks: 456-3285 Prudhoe Bay: 659-2502
Statewide Toll Free: 800-478-3239

Convention

Cox to be featured at Bar's June Convention

Archibald Cox, a leading authority on constitutional law and labor law, will address the bar at its 1988 Annual Convention banquet, scheduled for Saturday, June 11. Cox is the Carl M. Loeb University Professor Emeritus at Harvard University. Under Presidents Kennedy and Johnson, Professor Cox represented the Federal Government as Solicitor General in cases before the Supreme Court until 1965 when he returned to Harvard.

In May 1973 Professor Cox became the first Watergate Special Prosecutor. He set up the Watergate Special Prosecution Force and directed its activities until October 1973 when he was dismissed by President Nixon for refusing to forego resort to the courts in his effort to obtain evidence concerning allegations of criminal misconduct in the executive offices of the President.

Professor Cox presented a course on Appellate Advocacy at the 1987

mid-year continuing legal education program in Hawaii, sponsored by the Alaska Bar Association.

Alan Dershowitz will present a continuing legal education program, Friday afternoon, June 10, on constitutional law with special emphasis on recent decisions of the United States Supreme Court. Dershowitz is a Harvard Law School Professor and was appellate counsel for Von Bulow.

On Saturday morning, Edgar Paul Boyko and Joe Princiotta will present a seminar that has the current working title of "Unorthodox Trial Techniques with Edgar Paul Boyko" covering everything from parapsychology in jury selection to the use of lasers and high technology in the courtroom. You can bet this will be one you won't want to miss!

The convention will also include the usual series of annual section meetings scheduled for Thursday morning, June 9, and the annual

business meeting scheduled for Friday morning, June 10.

A host of special events are planned for the convention. The President's reception will take place Thursday evening at the Anchorage Museum of History and Art. Both floors of the museum will be open for viewing. The Alaska historical exhibit on the second floor is a "must-see." Exceptional hors d'oeuvres will be provided by the incomparable Marx Bros. Cafe. Entertainment will be provided by the Borealis String Quartet performing a selection of light and semi classics.

The evening doesn't end at the museum. It's on to the Fly By Night Club for Mr. Whitekeys' production of the "Whale Fat Follies," an irreverent, raucous view of life in the Greatland.

On Friday, June 10, the luncheon guest speaker will be Chief Justice Warren W. Matthews. A halibut and salmon bake is planned for the

evening at Kincaid Park Chalet. Bring the family for a relaxed evening of picnicing, visiting and activities for the whole family.

Guest speaker for the Saturday luncheon is Anchorage's own Herb Shaindlin of KFQD Radio, himself a Columbia Law School graduate. We're sure he will have some interesting comments on the legal profession.

Saturday afternoon is open to those who wish to indulge in golf, tennis, and the traditional fun run. These activities are hosted and planned by the Anchorage Bar Association.

The convention hotel is the Hotel Captain Cook. All luncheons, meetings, CLE programs, and banquet will be held at the hotel. So lock the doors to the office, turn on the phone answering machine and enjoy three days at the 1988 Alaska Bar Association Convention!

We are currently seeking applications from qualified attorneys with two to five years experience in the commercial/bankruptcy/litigation areas of law. Anyone interested in applying should forward a resume to: P.O. Box 102526, Anchorage, Alaska 99510-2526.

**WE
REALLY DO
HAVE A
BETTER DEAL*
FOR
ATTORNEYS**

* We lease financial institution-owned properties — better quality space at lower rates.

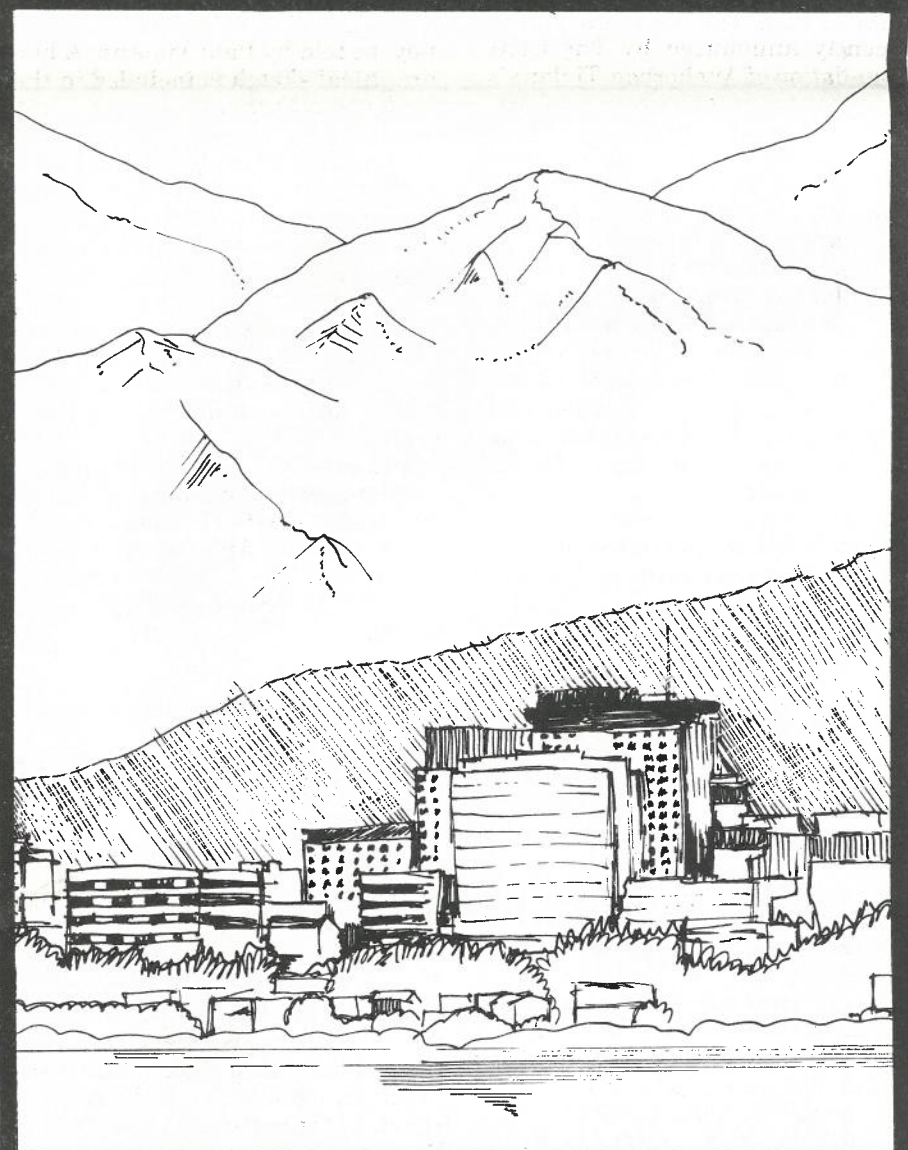
- DOWNTOWN OR MIDTOWN
- LEASE-PURCHASE CONDOS
- GARAGES
- EXCELLENT VIEWS
- TURN-KEY TENANT IMPROVEMENTS
- CLASS "A" SPACE AS LOW AS \$1 PER SQUARE FOOT
- MOVING ALLOWANCES
- WHAT ARE YOUR SPECIAL NEEDS?

H.R.T.

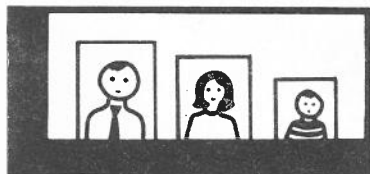
REAL ESTATE SERVICES

CALL
JEFF THÓN
277-3525

ANCHORAGE



June 9-11, 1988



BAR PEOPLE

Evans named to national board of Audubon Society

A landmark, December election catapulted an Anchorage attorney onto the National Board of Directors of one of the largest environmental organizations in the world. More than 100,000 National Audubon Society members flexed their grassroots muscles and, for the first time in the Society's 100-year history, elected board members nominated at the local rather than national level.

Charles G. Evans, a partner in the lawfirm of Wohlforth, Flint & Gruening, was elected to the board after his nomination by the five Audubon chapters in Alaska. He joins fellow Alaskan, former Governor Jay Hammond, on the 36-member board.

"When you consider the size of the National Audubon organization and, then, consider its focus right now, you realize that Alaska is very important to Audubon," said Evans.

"Only 2,500 of Audubon's 500,000 members live in Alaska. Only five of its 508 chapters are here. But, because of its size and environmental importance, Alaska is Audubon's only one-state region. The rest of the states are divided among eight regions.

"Two of the major items on Audubon's list of their top five priorities are in Alaska. They are ANWR (the Arctic National Wildlife Refuge) and the Tongass Forest. To emphasize their concern, Audubon is dedicating a whole edition of Audubon magazine to ANWR this spring. "Tundra" and its inhabitants are designated for study in the Audubon Adventures program for school children during Audubon month (April)."

Evans has been an active member of the Anchorage chapter for 11 years. He served five years on the board of directors including two terms as president. He sees his volunteer time as a natural extension of his love of Alaska.

"I see myself as a fairly typical person educated in the 1960s and 70s to appreciate the relationship between man and his environment," Evans said.

"I live in Alaska, because I like to hike, ski, hunt and fish. I want to think that there will still be wilderness in Alaska in 200 years. And I want to help that happen."

Evans was appointed to the Development, Audit, Science, Government & Legal, and Platt River Com-

mittees of the Society. He recognizes, however, that his major effort will be in fund raising. After a decade of explosive growth, the Society, like so many other organizations, faces budget deficits if more funding sources are not located.

In conjunction with that effort, Evans plans to remain active in the local chapter as its Fund Raising Chairman.

The Virginia native moved to Alaska in 1976 after graduating from law school at the University of Virginia at Charlottesville. After clerking for Judge Seaborn Buckalew for a year, he joined the lawfirm of Smith & Gruening.

Now, a partner in one of the largest law firms in the state, Evans divides his professional time between civil litigation and surety defense. He is licensed to practice in Virginia and Washington D.C., as well as Alaska.

He and his wife, Nancy Lee Evans, have one son.

Owen appointed to Public Offices Commission

Gov. Steve Cowper Jan. 28 announced the appointment of Anchorage attorney Patrick Owen to the five-member Alaska Public Offices Commission. Owen on Feb. 1 replaced Charles Dunnagan, also of Anchorage, for a term that expires in 1992. He fills one of two seats reserved by law for Democrats.

Owen, 35, is a 1970 graduate of Dimond High School in Anchorage and received his law degree in 1978 from Cornell University in New York. For the past year he has been a partner in the firm of Galbraith & Owen.

Owen is the former president and chief executive officer of International Technology Ltd., a surveying and engineering firm with offices in Anchorage, Denver, Houston and Jakarta. Prior to that he was an associate and then a partner with the Anchorage firm of Birch, Horton, Bittner, Pestinger & Anderson.

The Governor also appointed Mark Regan, staff attorney of Alaska Legal Services in Juneau, to the five-member Medicaid Rate Commission, to a term that expires in December 1990.

—Press release, Governor's Office, Jan. 28, 1988

Attorney Senungetuk & Tiulana author "A Place for Winter"

A new publication, *A Place for Winter: Paul Tiulana's Story*, was recently announced by The CIRI Foundation of Anchorage. Tiulana's Story is the autobiography of Mr. Tiulana told against the backdrop of his early home on King Island, a Bering Sea Mountain located 35 miles off the coast of northwestern Alaska.

Tiulana, a tradition bearer of the King Island people who now lives in Anchorage and is a recognized Master Traditional Artist by the National Endowment for the Arts, describes his Inupiat Eskimo culture as a hunter and fisherman and the traditions of his people. He relates his struggle to recover from a military-related accident and to maintain his confidence as a hunter. Mr. Tiulana expresses himself on a variety of subjects: the arctic, child-rearing, relationships, religion, war, handicaps and education.

The book is written by Vivian Senungetuk a local writer and attorney, as told by Paul Tiulana. A biographical sketch is included in the book about Father Bernard R. Hubbard, S.J. who took hundreds of photographs of the King Island people during his year-long stay on the remote island in the Bering Sea in 1938. Forty of those pictures are included in the Senungetuk-Tiulana publication.

The book was funded by grants from The CIRI Foundation and the Alaska Humanities Forum on a match basis with an Alascom, Inc. grant.

MCopies of *A Place for Winter* are available at the Anchorage Museum Gift Shop, The Book Cache, 436 W. Fifth Avenue, Anchorage, Alaska 99501, and The CIRI Foundation, Box 93330, Anchorage, Alaska 99509.



Tamanrasset, Southern Algeria 11/15/87

Dear Bar Rag—

Rumors of our transfer to Long Island in a recent issue of the Bar Rag have been greatly exaggerated! In fact, we are merely crossing the Sahara Desert on our way to Nairobi as part of a year-long tour of Asia and Africa. We spent the first nine months in SE Asia, trekking in

Nepal, exploring China and Tibet, then heading overland into Northern Pakistan, Kashmir and Ladakh followed by a relaxing month in Turkey. Now we'll spend several months crossing Africa from North to South culminating in a climb of Kilimanjaro. We miss Alaska and have every intention of returning to our home in Anchorage in the late Spring of '88.

Bob Landau & Linda Cerro

Nordstrand heads for the sun

CLE Director Linda Nordstrand is leaving the Bar Association on March 4. Linda and her family are relocating to Redlands, Calif., where her husband Earl had received a job offer he couldn't refuse. Linda has been with the Bar since 1984. Following an advance trip to Redlands this month, Linda reported that it was 75-80 degrees. We are happy for Linda's move to a warmer climate, but we will miss her!

The New CLE Director will be Barbara Berry Armstrong. Barbara, who started Feb. 19, is the former Assistant Director of Continuing Education at UAA and also was the Sales Manager at the Hotel Captain Cook. Barbara received a master's degree in English while she was at UAA. We look forward to working with Barbara.

Bar members on the move ...

William J. Bonner has opened his own law office in Anchorage ... Deborah Behr is now with the Department of Law in Juneau ... C. Ann Courtney is with Owens & Turner ... Kenneth L. Covell is now with the Public Defender Agency in Barrow ... Richard L. Crabtree is now associated with Stephen D. Routh ... William A. Davies, formerly with the Public Defender in Fairbanks, has moved to Sacramento, CA.

Karla Forsythe, former staff counsel for the Court System, is now the Executive Director of the Alaska Public Offices Commission ... Janalee R. Strandberg, formerly of the Attorney General's Office, is the new staff counsel for the Court System ... Connie Sipe is the Executive Director of the Older Alaskans Commission in Juneau ... John N. Garner has moved from

Juneau to Seattle ... Peter C. Gammache, previously with the Anchorage District Attorney's office, is now with the U. S. Attorney's Office ... Michael D. White is now with Hartig, Rhodes, et. al ...

Mitchell D. Gravo is of counsel for Jermain, Dunnagan & Owens, and Robert A. Royce has associated with the firm ... J.P. Holbrook has relocated from Anchorage to Juneau ... Dan A. Hensley, a former Anchorage Public Defender, is now with the Law Offices of L. Ames Luce ... Nancy J. Honhorst is with the Alaska State Building Authority ... Elizabeth J. Hickerson is with the Attorney General's Office in Anchorage ... Gloria Hanssen has moved from Fairbanks to Sitka ... Nelson Hubbell is with the Law Offices of B. Richard Edwards ...

Francine Harbour is now as-

sociated with Stephen D. Routh ... Cameron Leonard is with the Attorney General's Office in Fairbanks ... Kathleen McGuire is now living in Denver, CO. ... Marilyn May has joined the firm of Bradbury, Bliss & Riordan ... John M. Miller, formerly of Dillingham, is now with Guess & Rudd in Anchorage ... Gayle M. Matson has married and is now Gayle Harthcock ... Mary A. Nordale is with Robertson, Monagle & Eastaugh in Juneau ... Ann E. Prezyuna has moved to Seattle ...

Ray Pastorino has moved from Douglas to Fairfield, Iowa and is working with the Community Mental Health Clinic ... Barbara J. Perkerson reports that she is teaching sailing for Outward Bound at Big Pine Key, FL. ... Cameron

Continued on Page 11

• Constitutional differences

Continued from Page 1

Court. Also, when the United States Supreme Court does not grant certiorari, the issue remains uncertain. Basing the decision on the state's constitution, develops a body of law which is not subject to the "tide in the Potomac."

Justice Burke suggests when Alaska attorneys are faced with a constitutional issue, they should examine not only the Federal Constitution, but also the Alaska state constitution. The Alaska Constitution has many aspects which are different from that of the federal constitution. Also, even though some of the language is textually the same, because of the different history or intent, the Alaska Supreme Court may interpret the language in its constitution differently than would the United States Supreme Court when faced with the same language in the United States Constitution.

Justice Burke identified three areas as examples of where the Alaska Constitution is different from the Federal Constitution. See Table. The first amendment to the U.S. Constitution states that "Congress shall make no law ... abridging the freedom of speech." The Alaska Constitution, however, stated "every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right." Alaska Const. art. I, § 5. The 13th Amendment to the United States Constitution prohibits the states from denying any person "the equal protection of the law." The Alaska Constitution provides that "all persons are equal and entitled to equal rights, opportunities and protection under the law. Alaska Const. art. I, § 1. Also, the Alaska Constitution, unlike the United States Constitution has a specific provision which recognizes a right to privacy. Alaska Const., art I, § 22.



Justice Edmond Burke

Federal Constitution Provisions	Alaska State Constitution
<p>First Amendment</p> <p>Congress shall make no law ... abridging the freedom of speech ...</p>	<p>Article I, Section 5</p> <p>Every person may freely speak, write and publish on all subjects being responsible for the abuse of the right.</p>
<p>Fourteenth Amendment</p> <p>... no state shall make or enforce any law which shall abridge the privileges of or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the equal protection of the laws.</p>	<p>Article I, Section 1</p> <p>This constitution is dedicated to the principals that all persons have a natural right to life, liberty, the pursuit of happiness and the enjoyment of the rewards of their own industry: that all persons are equal and entitled to equal rights, opportunities and protection under the law and that all persons have corresponding obligations to the people and to the state.</p>
<p>No corresponding provision.</p>	<p>Article I, Section 7</p> <p>No person shall be deprived of life, liberty, or property without due process of law.</p>
	<p>Article I, Section 22</p> <p>The right of the people to privacy is recognized and shall not be infringed.</p>

Justice Burke suggested another reason for relying on state constitutions. When the United States Supreme Court renders a ruling, the Supreme Court of the United States must consider how its ruling will affect a wide variety of locations, i.e., will the holding work in the Bronx, in Cody, Wyoming, in Bethel, Alaska, or in the Virgin Islands? The United States Supreme Court is required by necessity to attempt to attain the "lowest common denominator." The state supreme court by contrast, must only consider the special circumstances of its state. A decision of the Alaska Supreme Court does not have to "work" in New York City.

If you are interested in this topic, you might like to read the following: *Survey, State High Courts, State Constitutions and Individual Rights, Litigation Since 1980*, 13 Hastings Const. L.Q. 599 (1986); Address by Stewart G. Pollack, Associate Justice, Supreme Court of New Jersey, *State Constitutions as Separate Sources of Fundamental Rights*, 45 Rutgers L. Rev. 707 (1983); R. Collins, *Forward: Reliance on State Constitutions-Beyond the "New Federalism"*, 8 U. Puget Sound L. Rev. 6 (1984). The case book on state constitutional law will be published by the Advisory Commission on Inter-governmental Relations was authored by Robert F. Williams, Associate Professor of Law, Rutgers, and will be available this Fall.

EXPERT WITNESS

National Expertise for Business Valuation Disputes

- Estate, Gift & Inheritance Taxes
- Ad Valorem Taxes
- Dissenting Stockholders
- Damage Cases
- Dissolutions

Call or write for our qualifications:

Willamette Management Assoc.
400 S.W. Sixth Ave., Suite 1115 / Portland, Oregon 97204
(503) 222-0577

We Have Labels

The Bar Association has the most accurate and up to date mailing labels of its membership.
Call the Bar office at 272-7469

INFORMATION SERVICES OF ANCHORAGE

Legal Investigation Since 1976
Trial Preparation • Video Surveillance
Skip Tracing • Licensed Pilot

WE PRODUCE RESULTS
Personal Contacts
Statewide • Nationwide • Worldwide

JERRY DORTCH
Investigator
344-5885
P.O. Box 220647
Anchorage, Alaska 99522-0647

ALASKA COURT SERVICES

PROCESS SERVICE
Great Rates • Great Service
608 West 4th Ave. Suite 3H • Anchorage, AK
243-3676

Midnight Sun Court Reporters

Registered Professional Court Reporters
Computer-Assisted Transcription

- Conference Rooms Available
- Convenient Midtown Location
- Video Reporting Specialists
- Litigation Support Services
- All Phases of Stenographic Reporting



Suite 705, Denali Towers North
2550 Denali Street
Anchorage, Alaska 99503
(907) 258-7100

The Law Firm of
LeDoux & LeDoux

Announces that it has moved into its own building located at:

**219 Mill Bay Rd.
Kodiak, Alaska 99615
486-4082**

And that it has opened an Anchorage office located at:

**810 W. 2nd Ave.
Anchorage, Alaska 99501
272-6868**

Kurt M. LeDoux is available for referrals, associations and consultations concerning maritime personal injuries in Alaska and Washington.

• Bar people

Continued from Page 9

Sharick Jensen is now with the firm of Jensen & Jensen ... **M. Richard Stevens** has relocated from Kotzebue to Anchorage ... **Janine J. Reep**, formerly with Alaska Legal Services Corp., is now with the Department of Law in Juneau ... and **Jeffrey A. O'Bryant** is with the Law Offices of Robert Downes.

Chrystal Sommers Brand, formerly with Ziegler, Cloudy et. al. in Ketchikan, is now with Baxter & Marks in Juneau ... **Valerie Tehan** has relocated to San Diego, CA. ... **Deborah Vogt**, previously with the Attorney General's Office, is with the Alaska Department of Revenue ... **Julie Werner-Simon**, formerly with the U. S. Attorney's Office in Anchorage, is now with the U. S. Dept. of Justice, Organized Crime Strike Force, in L.A. ... **Thomas K. Williams** is now with Standard Alaska Production Co., Tax Dept. ... **Bonnie Robson** is now with the Attorney General's Office in Anchorage ... and **Carol Beakey** is on her way to South Africa where she will teach at the University of Zululand.

From **Theresa Hillhouse**: "We leave by summer down the West Coast. We'll be in Mexico by Christmas on through Panama Caribbean and then to Europe next summer for a few years. We have a 44 foot sailboat that comes with crew—my one-year-old daughter Tracy Hillhouse Price. My husband, **Mike Price**, and I have been planning this trip

for years. It seems impossible, but all our plans have come together well. I have just finished working for the Alaska Department of Revenue as a Hearing Examiner and my husband, ex-director of Family and Youth Services DHSS, is now retired and ready to go.

Patrick Rumley is going to Japan in April as the Monbusho scholar to study International Trade Law. He will be in Japan for two years.

Julie Garfield and husband have adopted a baby girl, Alexandra Ann, and **Judge Martha Beckwith** and **Kerry Barker** have a new baby girl.

Fairbanks' **Niesje Steinkruger** may have taken *L.A. Law* to heart. Formerly with the Public Defender's Office in the city with the Golden Heart, Niesje is now associated with the lawfirm of Guess and Rudd up north. We know her experience won't likely turn out the way it's going for Grace, however.... **Kenneth C. Kirk** is pleased to announce the opening of his office for law practice in Anchorage... **Sandra Saville**, well-known attorney in Southcentral parts, was recently named as among new board members for the new Alliance Bank, formed with the merger of the insolvent United Bank Alaska and Alaska Mutual Bank ... **Bogle & Gates** of Anchorage announced in late November that **Jack Coyne** has joined the firm Of Coun-

sel, along with **S. Jay Seymour** and **Heather H. Grahame**, who signed on as associates. Coyne was assistant Municipal Attorney for the Municipality of Anchorage; Seymour clerked for Judge J. Justin Ripley; and Grahame was with Alaska Legal Services Corporation... By now you've read it in the papers, but **Larry Weeks**, currently of Juneau, but formerly DA in Anchorage, has been appointed the state's new chief prosecutor in the Department of Law. He starts his new job April 1, and the law enforcement community is comfortable with Weeks' new assignment.

Contributions ...

Contributions to "Bar People" are certainly welcome. We all like to keep track of our friends and colleagues. It is wise to remember that items for this column should originate with the individual or some other trustworthy individual or firm. Spurious contributions may assuage one's ego but lay suspect the facts concerning the rest of "Bar People" participants.

Judicature taps Schuhmann

Barbara L. Schuhmann has been elected to the Board of Directors of the American Judicature Society, a national organization dedicated to the improvement of the judicial system.

Founded in 1910, the American Judicature Society is supported by more than 20,000 concerned citizens. Through research, educational programs and publications, the Society addresses issues related to the election and retention of judges, court

management and the public's understanding of the judicial system.

A graduate of American University and Georgetown University School of Law, Ms. Schuhmann is a member of the Alaska Judicial Council and the board of directors of the Fairbanks Chamber of Commerce. She has served as chairperson of the Alaska Women's Commission and the District 19 Republican Committee.

Anchorage's Most Complete Legal Reproduction Center

anchorage
A.R.C.
reprographics center inc.

Enhance Your Courtroom Effectiveness

- ▶ Photographic enlargements of demonstrative evidence
- ▶ Mounting of courtroom exhibits (up to 42" x 96")

Let Anchorage Reprographics Center assist you in creating a dynamic and effective presentation.

Overnight and Same-Day Service Available!

Simplify Your Casework

- ▶ We specialize in confidential duplication of:
 - Legal Briefs • Files
 - Legal Documents
- ▶ Fast, Sharp and Economical Copies

Efficient duplication of data of any kind, even bound volumes and files. Same size, enlarged or reduced to meet your requirements.

Free Pick-up & Delivery
A.R.C. helps you meet those deadlines!

Satisfy Your Office Needs

- ▶ With our quality Multi-color Printing
 - Letterhead
 - Envelopes
 - Business Cards
 - Newsletters

Precise multi-color printing for all your business needs - streamline and consolidate your office printing at A.R.C.

One Color FREE on Two-color Printing!

320 East Fireweed Lane
272-5571

THE ECONOMY

Computer keeps law firm on top of \$

By LARRY WEEKS

As a lawyer I was dragged into the computer age screaming and kicking my heels. It was DR 13-711 for me "that legal forms could be done just as well on a mag card as a computer." I ardently believed this and made adjustments only because it cost me one of the best legal secretaries in the state. She went her way, and I bowed to what I thought was fashion and secretarial status seeking, and bought an IBM XT with a hard disk. In order to justify it, I added a billing package that would try to deal with some of the problems in getting bills out.

It was the single best economic decision I have made as a lawyer, not excluding raising my rates and buying my own office.

I had started out in private practice in Juneau in early 1983 with an understanding with George Edwards that after he and his wife had sailed their boat down through the Gulf of Alaska and taken a little vacation in the Misty Fjords area, we would partner up and do private practice the way it was supposed to be done. We had started out with those kinds of clients that come to new sole practitioners and two-partner firms who have no great connections. We were having a good time and sending out 50 to 75 bills a month. It was taking a great secretary three days a month to get our bills out. Because of this, and the natural exigencies of a law practice, the bills wouldn't get out when they were supposed to. There is no lawyer who believes that getting the bill out is nearly as important as the brief, the letter to the ex-spouse, or to the opposing attorney. Only when all of those things are done is it deemed permissible for a secretary to actually sit down and send out the bills.

I now have a multitude of operations available on a computer that sits by my desk. They include: (1) Lexis; (2) ABA/NET; (3) the State legislative computer system, which does word searches of our statutes; and (4) the public information data base, which includes voter registration, Fish and Game records, Corporations, aviation, all real property records, and property tax records for the major municipalities. By pushing three keys I can do amortizations for present and future

values with all variables and balloon payments. (I have never understood the rule of seventy-eights, nor been able to put my hands on those little tables the bankers always carry.) I have word processing, spell checkers, litigation support word searches, telephone directories, addresses, calendars, and outlines. I even have a bankruptcy program which prints out a completed petition with all schedules after I plug in the numbers. The check book is kept up on a \$50.00 program which a client of mine wrote and gave to me. (He owed me about \$500.00 at the time and I thought his work was about ten times as valuable as mine.) The banker takes little time and allows us to have monthly income and expenses broken down all possible ways instantaneously, and of course to do IRS at the end of the year without more computations.

All of that aside, nothing counts like the billing package.

Very few people in this business pay you unless you send them a bill. The ability to send a bill immediately upon completion of a job dramatically increases the percentage of bills paid and the quickness of which they are paid. You can produce the biggest miracle in the world and not bill someone for six months, and the likelihood of you being paid goes down drastically. The American Bar Association supports hordes of lawyers doing wonderful pamphlets on why it is important to bill promptly, accurately, and in the proper manner.

Bill Olmstead and I now put out 150 to 200 bills every month. Our secretary probably spends twenty minutes a week for four weeks making entries into the system, plus one catch up run, before she turns the computer on for the bills to run after she leaves at 5:00. We review them that night or the next day, and they are corrected, copied, and sent out the same day. We bill on the 20th of the month because I read in one of those wonderful pamphlets that it was clever to bill on the 20th of the month so that your bill arrives before the client's end-of-the-month pay check. We haven't missed that date more than three times in the last two and one-half years.

It takes only ten minutes to bring a bill up to date and finalize it at any time for any client. There is nothing quite like coming out of a long hearing or trial, getting a suc-

cessful result, and the next day sending out the bill to the client. It works. It really works.

Legal bills in Juneau are a bit complicated. We have sales tax on legal services and some costs, but not all. We have a pre-paid legal plan with the APEA union that provides 80% of the hourly rate up to \$1,500 per year. These factors complicate the usual variations, such as retainers in trust for costs, interest on overdue accounts for those lawyers who confuse their function with bankers, flat fees, flat fee and a reduced hourly rate, contingency fees, and all the other permutations. The billing package has to be able to handle all.

I wrote to more than 30 vendors of billing systems in order to obtain information on what was available. Many of them weren't able to produce because few places charge sales tax on legal fees and the programs weren't written to handle it.

One of the large firms in Juneau at the time had obtained what was being reviewed as the best billing package on the market. Nevertheless, they had to sit down and calculate the sales tax by hand on each bill after they had been run.

The vendors send out what they call "demonstration disks" showing how the bills would run. You should be careful about demonstration disks because they are only preset bills formulated by some person in the vendor's shop, and were not the bills in your firm that needed to be sent out. I collected a half dozen of our most complicated and varied bills, put them together, and demanded to see the billing package's actual ability to do all the things on all of those bills that we had been doing with a typewriter. When I found a billing package that would do that, I bought it. It cost me \$2,000 (which Judge Buckalew would say in those days was a lot of money), but it worked.

We keep our time on LPI stickies, and all of the time entry is done by my high school runner or secretary. Bills are run and reviewed, and 95% are sent without changes. The billing package runs ledgers so that we do no hand entry journals and have a complete paper trail of all transactions.

My current secretary, who is smarter than nearly any of the lawyers I know, basically learned the billing system without referring to

the instruction manuals, and seldom goes to them, even when she gets in a crunch.

The billing package was such a good thing that for the first two months I had it, I didn't want to tell anyone about it. It made a great difference in our practice, and any single practitioner or small firm that is not billing on a computer is making a serious economic error. Even for cases that I'm not going to bill, like the pro bono or Bar Association, I keep track and look at the total hours expended.

An IBM clone with a 20 megabyte hard disk with a letter quality printer is available for under \$1,500. If you can't get it in your community, there is a fellow in Juneau who will sell you them by the dozen and stand behind them. The billing package software has become cheaper and I believe better. For \$2,200 and two days of your time you can be up and running.

I was wrong. I now know you should do your word processing on a computer. However, what really makes a computer an essential part of the small firm practice is the billing package. The larger firms probably already have these things worked out. They have managing partners, office managers, administrative assistants, and helpers big and small, all making sure things go right. For the sole practitioners or small firm partners who have to make sure it all goes right for themselves, you've got to get a computer, set it up yourself, and give it to your secretary. I guarantee you it is less complicated than many of your children's toys you had to assemble before Christmas this year. The computer companies assume that the people putting the things together are dumb, three-thumbed, and know nothing about computers.

If you put it together yourself and set it up so that you know how it works, you can appreciate the problems and help get over the hurdles. It is not a big deal, and if you are unwilling to do it, you ought to go to work in a large firm where somebody else will be your mother.

The computer with word processing and billing system cuts down on your overhead, operates your office more efficiently, and brings in more money because the bills are faster, more accurate, and easier to get out. It's better than a winning citation the night before oral argument.

Perkins Coie announces merger

Perkins Coie, the Northwest's largest law firm, and Johnson, Manfredi and Thorpe of Los Angeles, Calif., announced their merger effective March 1, 1988. The combined firm will operate under the name Perkins Coie.

With this merger, Perkins Coie has expanded its national practice to 270 attorneys and 550 staff. In addition to its Anchorage office, the firm has its headquarters office in Seattle, as well as offices in Bellevue, Wash.; Los Angeles; Portland, Oregon; and Washington, D.C.

"This merger will help us both achieve our major long-term objectives," explained Tom Alberg, Chairman of the Executive Committee at Perkins Coie, Seattle.

First, it will help us better serve our clients who conduct business throughout the country. Second, it will help us continue to expand key practice areas." Among these key areas, Alberg said, are product liability litigation and general litigation, labor, environmental, commercial finance, securities, venture capital, tax, real estate and government contracts.

"By giving us unique coverage of the west coast, with major offices in Alaska, Washington, Oregon and California, and a substantial operation in Washington, D.C., it will help us continue to attract challenging new work," Alberg said.

Johnsen, Manfredi and Thorpe has an extensive, wide-ranging

commercial litigation and business practice, which includes representation of a broad cross-section of clients in commercial transactions and dispute resolution. Johnsen, Manfredi and Thorpe also represents airlines, aircraft manufacturers, and others in product liability litigation. "We are delighted with the merger and the opportunities it presents for both firms," added Doug Thorpe of J M & T. "We have worked closely with Perkins Coie lawyers on several cases over more than 13 years, and we know that we're both committed to providing top quality, timely service to our clients. Joining forces with Perkins Coie will allow us to serve our Los Angeles-based clients better, while working in a growing, national law practice."

We Have Labels

The Bar Association has the most accurate and up to date mailing labels of its membership. Call the Bar office at 272-7469

THE ECONOMY

Lawyers cope, with new niches

Continued from Page 1

will continue for the next 12 to 36 months and he expects his practice to become more involved in bankruptcy and contract litigation, as well as construction contract claims. While he has no scientific data to rely on, his opinion is that heavy bankruptcy filings will continue for at least another 12 months. He does not see any substantial decrease in the rate of foreclosures initiated by institutional lenders.

Mark regards the presentation of debtors in bankruptcy as an exploding field, and if he were advising somebody to concentrate in a certain area, that would be it.

Like many other offices, Bledsoe and Schadt has lost clients and has incurred uncollectible and receivables as a result of difficult economic times. When asked if he sees any improvement in the Alaska economy, Mark responded like a true lawyer: "I'm quite unqualified to respond, but nevertheless, my sense is that it's not going to get much worse, and I would expect it to improve gradually over the next two to three years."

Fred Odsen is a partner with Hughes, Thorsness, Gantz, Powell and Brundin and has practiced law in Alaska for nine years. His prac-

for older businesses that are suffering, there is more emphasis than ever on business planning and achieving a low-operating cost structure. Tourist businesses seem to be doing well in many instances, and they are obtaining government loans or other assistance that is an unquestionable help in a generally poor economy.

When asked what the future holds for his law practice, Fred said he sees further serious default problems in the area of secured lending. Like other firms, Hughes, Thorsness has lost some clients, particularly in the real estate business, real estate brokerage, real estate management and development areas. Some long-standing clients have filed bankruptcy.

Tom Yerbich is the owner of Yerbich and Associates. Tom has practiced law in Alaska for almost 11 years and in California before that. Tom's practice concentrates heavily on business bankruptcies. Tom does not mince his words and even though he says he has written off thousands of dollars in fees in recent years, he personally wants to maintain the distinction between a bankruptcy attorney and a bankrupt attorney.

could do a better job for their business clients if they were more involved with the pre-bankruptcy petition planning, as opposed to being called in at the last minute to reorganize a business without adequate cashflow or assets.

Yerbich and Associates has seen, since early 1987, four or five major business clients fail and close their doors. Tom estimates probably one half of the Chapter 7 bankruptcies that he filed were on behalf of indi-

past decade; as might be expected, AHFC had 3,769 residential property foreclosures on a statewide basis in 1987. Compared to 1986, AHFC foreclosures were up 102 percent for 1987.

A lawyer need not be a wizard to see that a real estate practice is no longer concentrating on sales documents. Foreclosures are the order of the day, accompanied by restructuring of loans and workout arrangements. Most knowledgeable real

"In real estate, I think we're probably at least one, and perhaps two, years away from true bottom. I don't think we're going to see a precipitous decline—absent some disruptive thing in the market, such as an FDIC fire sale."

—Tom Yerbich

viduals who have now left the state. He is not at all sure we have reached the bottom of our economic barrel, but he does believe the rate of decline has slowed. Some of the businesses Yerbich and Associates continue to represent show an increase in business income in December, 1987 as compared with December, 1986. Tom can cite at least one instance where business was 40 percent greater. Numbers for January, 1988 are not in.

In the real estate market, Tom thinks we are at least one, and perhaps two, years away from the "true" bottom.

estate brokers feel the residential real property market will return to prosperity before the commercial sector does. If that is the case, lawyers practicing in the real estate area will probably see a decline in foreclosure-related work and an increase in real estate sales-related documents and practice.

The drastic increase in the number of bankruptcy filings over the last several years has not forced real estate attorneys into bankruptcy, but has forced them into bankruptcy court on behalf of their clients.

What's a lawyer to do as he or she

"The unique opportunity right now is debtor representation in bankruptcy."

—Mark Bledsoe

tice is principally devoted to enforcement type activities (his words) as opposed to those activities generated by lending transactions. He presently sees very few real estate sales and new real estate deals being put together. There is some real estate redocumentation effort, but he's principally involved with foreclosures, loan modification workouts, and bankruptcy matters. Poor economic conditions have resulted in many uncontested bankruptcies ("Chapter 7 rollover situations"), yet many business-related bankruptcies are raising issues and testing egos to the maximum. Fred's impression is that the incidence of new bankruptcy work may be tapering slightly.

Yerbich and Associates has more bankruptcy-related work than ever, but they find it difficult to be paid in all cases. Tom says the percentage of fee write-offs has increased substantially over the last two years. Present economic conditions have increased his workload and he thinks it will continue to grow in the foreseeable future, and he does expect stabilization in the collection of fees, at least for his firm.

Tom, like Fred Odsen, does not see many opportunities in new areas of legal practice, resulting from the present economy, but he finds a noticeable rise in the need for bankruptcy planning. Tom spends substantial time counseling people who are going into bankruptcy on how

"There are definite signs that if we have not reached bottom, that the rate of decline has definitely slowed. We may be bouncing along the bottom now."

—Tom Yerbich

What about the law firms concentrating in the area of real estate? Real estate foreclosures in 1987 set a record for Anchorage with approximately 3,399 foreclosures, a number which indicates a 124 percent rise from 1986. Most of these foreclosures were in the residential area. The increase in 1986 over 1985 is significant—216 percent (Anchorage Daily News, Feb. 7, 1988). AHFC has been the most important player in the residential loan field for the

watches the economic wreckage pile higher and higher? The speculative, but composite advice offered by Patrick Rumley and Mickale Carter in the August, 1986 *Bar Rag* still appears good. Do not tie your law practice to businesses or clientele that only function well in an economic upturn or downturn. Flexibility was the watchword in 1986 and it appears to remain the password for the near future.

"My practice is principally now involved in enforcement-type activities as opposed to the generation of lending transactions."

—Fred Odsen

In the future, Fred thinks that the economy will eventually stabilize and that more new real estate transactions will be generated, particularly in the areas of loan documentation and disposition of real estate. Fred does not now see a lot of new, exciting opportunities in terms of new areas of legal practice, but the traditional business planning and selection of business entity work continues.

For businesses that are new, or

best to prepare and plan for the apparently inevitable. Clients used to arrive in his office, with luck, two days before the foreclosure sale. Now, he has clients making appointments well in advance of formal notice of a default situation. Many of them are hopelessly in arrears in the business expenses, but have heard and read much about the wonderful results of filing Chapter 11 bankruptcy.

Tom thinks bankruptcy attorneys

Membership Statistics

(as of February 8, 1988)

By Status	
Active in Alaska	1,942
Active Outside	274
Inactive	382
Honorary	1
Retired	16
Total	2,615
By Judicial District	
District 1	262
District 2	26
District 3	1,436
District 4	218
Total	1,942

Can write home now ...

93% of law school grads find employment

Approximately 93% of the law school graduates who responded to a 1986 report conducted by the National Association of Law Placement (NALP) indicated that they had found employment. Out of 36,121 law students graduated from ABA-accredited law schools in 1986, 26,211 provided employment information. A total of 31,670, or 87.7% of all graduates responded to at least one or more questions in the survey.

Of the 175 ABA-accredited law schools, 157 schools (89%) participated in the Class of 1986 report. The Employment Report surveys law school graduates' geographical locations, starting salaries, types of positions and other variables.

The average overall salary for the entire J.D. Class of 1986 was \$32,757. This represents an increase of \$3,527, or 12.1% from the 1985 average salary of \$29,230. The average law firm salary was \$36,050 for the 15,109 class of 1986 graduates entering law firms.

Some highlights from the 1986 report include:

Employment

- 61.6% of the NALP respondents were employed in private law practice in 1986, an increase of 1.4% from 1985 and a notable increase compared with 1975 when the total was 51%.

- Very small firms with two to 10 attorneys accounted for the largest percentage of graduates in private practice (20%); following behind were small firms, 11-25 attorneys, with 9.6%, medium firms, 25-50 attorneys with 7.4%; firms with 51-100 attorneys (7.7%); and large firms with more than 100 attorneys (14.3%).

- Only 2.6% of the respondents became self employed.

- 7.8% of the employed respondents found employment in non-legal positions.

- 12.5% of the respondents accepted judicial clerkships.

- Government service (12%) declined .7% from 1985 but showed a slight increase from the 1984 figure of 10.9%, a decline from a decade high of 17.6% in 1975. Employment in public service/public interest positions stabilized at 3% after having declined from a high in 1975 of 5.6%.

- Business (9.2%), military (1.5%) and academic careers (1.6%) have all remained steady over the past six years.

Salary

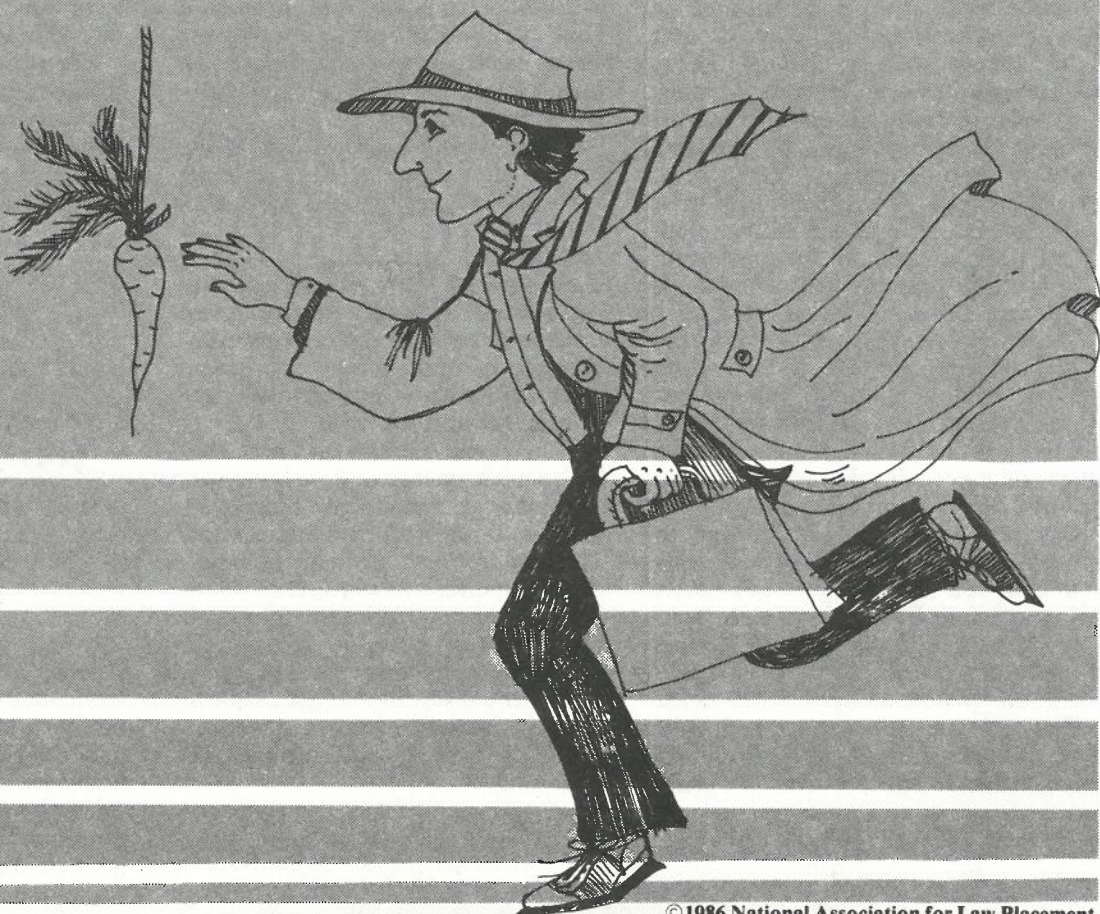
- Large firms (over 100 attorneys) located in New York City traditionally offer the highest starting salaries; 1986 was no exception with the New York City firms paying an average rate of \$61,203, a 25% increase from the 1985 New York City average large firm salary of \$49,573.

- Other city average for large firms follow with the average salary for 1986 and the percentage increase from 1985: Boston at \$48,172 (24%); Washington, D.C. at \$47,188 (12%),

National Association of Law Placement

Employment Report and Salary Survey

Types of Employment Class of 1986



Private Practice 61.6%
Judicial Clerkship 12.5%
Government 12.0%
Business and Industry 9.2%
Public Interest 3.0%
Academic 1.7%

© 1986 National Association for Law Placement

Los Angeles at \$47,216 (14%), Chicago at \$44,565 (12%), San Francisco at \$47,047 (13%), Houston at \$43,666 (11%), Atlanta at \$42,399 (8%), and Philadelphia at \$40,571 (6%).

- Average starting salaries varied according to the size of the firm as follows: very small firms (2-10) - \$24,796; small firms (11-25) - \$30,818; medium firms (26-50) - \$36,311; large firms (51-100) - \$41,240; very large firms (over 100) - \$48,058.

- Public interest organizations offered average salaries of \$21,792.

Age

For the second time in the 14-year history of the Employment Report, age at graduation was tabulated. Most law school graduates were between the ages of 25 and 26; 22% of all graduates were 30 or over; 9% were over the age of 35. The youngest law school graduate was 21 and the oldest graduate in the report was 68.

Geographical Location

The states in which the largest numbers of Class of 1986 graduates found positions were: New York (3,275 graduates); California (2,251 graduates); Illinois (1,381 graduates); Pennsylvania (1,227 graduates); and Texas (1,194 graduates); Flor-

ida (1,103); Massachusetts (1,055); Washington, D.C. (1,020); Ohio (903) and New Jersey (867).

The NALP Employment Report, published annually, is conducted by means of surveys that are distributed approximately six months after graduation to placement directors at ABA approved law schools in the U.S. The NALP Employment Report is prepared in Cooperation with the Columbia University Center for the Social Sciences in New York. The percentages reported by NALP are based upon survey respondents rather than the total number of law school graduates.

The entire 1986 report will be available in April 1988 and will

contain a more detailed analysis of these results, as well as other topics:

- Employment location,
- Salary reports,
- Analysis of types of employment,
- Employment patterns and rates of respondents grouped by sex and race.

The 1984 Employment Report and Salary Survey is presently available and may be purchased for \$50 from the Administrative Office of the National Association for Law Placement Inc., Suite 402, 440 First Street, N.W., Washington, D.C. 20001. The 1985 Employment Report was to be available in early January 1988.

NATIONWIDE TWELVE-YEAR EMPLOYMENT SURVEY PROFILE 1974 TO 1986

Twelve-Year Comparison of Employment by Field of New J.D. Graduates
(Percentage of Respondents With Job Category Identified)

Employment Field	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Private Practice	52.2	51.0	52.4	53.0	53.0	54.0	55.1	57.9	59.6	60.4	57.4	60.2	61.6
Public Interest	5.3	5.6	5.0	5.3	5.9	5.4	4.3	3.4	3.0	3.1	3.1	3.3	3.0
Business/Industry	9.2	9.6	10.0	10.0	10.6	10.5	11.0	11.3	10.8	10.8	10.8	10.4	9.2
Government	16.2	17.6	17.5	16.7	15.5	14.7	14.0	12.0	10.9	11.5	10.9	12.7	12.0
Judicial Clerkships	8.2	9.6	9.1	8.9	8.9	9.8	10.1	10.4	11.0	11.7	10.1	11.9	12.5
Military	2.5	2.4	1.7	1.8	1.9	1.7	1.8	1.7	1.7	1.8	1.5	1.6	1.5
Academic	3.3	3.4	3.4	3.3	3.5	3.0	3.1	3.1	3.1	1.5**	1.8	1.5	1.7

Copyright © The National Association of Law Placement

**In 1983, the academic category excluded those pursuing an advanced degree. These individuals are counted separately in the report.

Associates Wanted

Our practice involves commercial transactions, Native corporations, securities, bankruptcy, real estate, litigation and related matters. We are seeking one associate with one to three years of experience, and another associate with or without such experience.

Send resumes, writing samples and inquiries to:

BOB HUME
Copeland, Landye,
Bennett and Wolf
420L Street, Suite 302
Anchorage, Alaska 99501

276-5152

PROFESSIONAL OFFICES

1,000 square feet with access to Tax Library and Conference Room. Midtown location. Most pleasant atmosphere and ample parking.

PHONE RUSS **563-1065**



THE LUNCH CIRCUIT

By Philip Matricardi

First North American Serial Rights Only

Like it or not, Alaskan attorneys aren't always able to eat lunch in Alaska. Sometimes we have to eat lunch out of town. Sometimes Alaskans even have to eat lunch in (gasp, shudder, wheese) LOS ANGELES.

In Los Angeles you will find three Thai restaurants on every block. You can also find Jamaican and Ethiopian restaurants. What do you suppose happens in an Ethiopian restaurant? Well, service is real slow. By the time you place your order, you're starving. As the food reaches your table, out of nowhere appear Eritrean rebels who destroy the good with fire and explosives before you can eat any.

The latest L.A. ethnic food rage happens to be ITALIAN. I kid you not. Some of the best new Italian eateries can be found on Melrose avenue, a strip of east/west pavement beginning in Beverly Hills and driving deep into the heart of West Hollywood.

One of the best is Rosso E. Nero Ristorante. This place looks, feels and smells Italian. The flavors favor the subtle rather than the bold. That may not be your idea of what tastes Italian, not unless you've been to Italy.

You see, this place doesn't serve pizza. What Rosso E. Nero does serve is two dozen kinds of anti-pasto. The antipasto selection in

the glass case includes fresh produce from both garden and sea -- several types of roasted peppers, eggplant, artichoke hearts, stuffed mushrooms, mussels, clams, shrimp, squid, olives, capers, oysters, pine nuts, tomatoes and tuna, flavored with a wide variety of aged cheeses and fresh herbs as well as butter, olive oil, wine, lemon and garlic prepared by baking, frying or marinating.

After a mixed selection of anti-pasto the menu at Rosso E. Nero provides many alternatives, seafood, veal, pasta and risotto. The best risotto features gorgonzola and fontina cheeses. One of the best pastas is spinach fettucini with forest mushrooms Genovese style.

For desert, try the ricotto pie -- not as sweet as cheesecake, this delicious concoction tastes very much like cannoli. Rosso E. Nero serves Italian wine by the glass, both sparkling and still Italian mineral water, and espresso and cappucino.

Rosso E. Nero Ristorante, 7371 Melrose Avenue. Call (213) 658-6340 for reservations (P.S. if you really must have pizza, try Mario's in Westwood Village near U.C.L.A. or stop off in Waikiki on your way back to Anchorage and pay 99 cents for a real New York slice at Zorro's).

Philip Matricardi speaks out about food on KSKA FM 91.1 listener-supported radio on Saturday mornings.

Alaska Supreme Court affirms Disciplinary Board decisions

In an order dated Nov. 12, 1987, the Supreme Court affirmed and adopted the decision of the Disciplinary Board recommending that Robert J. Buckalew be disbarred from the practice of law in the State of Alaska. The effective date of the Court's order is July 18, 1985. The Board's recommendation was based on a stipulation between Mr. Buckalew and Discipline Counsel.

In an order dated January 12, 1988, the Supreme Court affirmed and adopted the decision of the Disciplinary Board recommending that Roger W. Carlson be suspended from the practice of law for a period of two years effective Feb. 15, 1988. The order further provided that the suspension may be stayed if, at anytime within those two years, Mr. Carlson submitted a probation plan which complies with the conditions listed in the Board's recommendation and the plan was approved by the Board and adopted by the Court. Further, the Court ordered that regardless of whether Mr. Carlson submitted a probation plan or applied for reinstatement pursuant to Bar Rule 29 after the expiration of the period of suspen-

sion, any reinstatement to practice would be conditioned upon Mr. Carlson paying full restitution of \$576.60 to Mr. and Mrs. Rodney L. Stovall and passage of the Multistate Professional Responsibility Exam. On Feb. 12, 1988 the court granted Mr. Carlson a stay of the suspension until March 31, 1988 to permit the consideration of a probation plan by the Board and the Court.

In an order dated Jan. 13, 1988, the Supreme Court entered an order placing Bryan E. Schuler on interim suspension by reason of his conviction of the crime of concealment of merchandise under A.S. 11.46.220(a)(c)(2). This matter was referred to Discipline Counsel for the initiation of a formal proceeding and on Jan. 26, 1988 a petition for formal hearing was filed.

Attorney A received a written private admonition for practicing law during the time that Attorney A was suspended from the practice of law for failure to pay bar dues.

Attorney B received a written private admonition for failing to file a financial declaration in a civil matter and failure to communicate with the client.

HUMOR



GENERAL

1. Any person with a valid Alaska State hunting license may harvest Attorneys.
2. Taking of attorneys with traps or deadfalls is permitted. The use of currency as bait is prohibited.
3. Killing of attorneys with a vehicle is prohibited. If accidentally struck, remove dead attorney to roadside and proceed to nearest car wash.
4. It is unlawful to chase, herd, or harvest attorneys from a snow machine, helicopter, or aircraft.
5. It shall be unlawful to shout "WHIPLASH", "AMBULANCE", or "FREE SCOTCH" for the purpose of trapping attorneys.
6. It shall be unlawful to hunt attorneys within 100 yards of BMW or Mercedes dealerships.
7. It shall be unlawful to use cocaine, young boys, \$100 bills, prostitutes, or vehicle accidents to attract attorneys.
8. It shall be unlawful to hunt attorneys within 200 yards of courtrooms, law libraries, warehouses, health spas, gay bars, ambulances or hospitals.
9. If an attorney is elected to government office, it shall be a felony to hunt, trap or possess them.
10. Stuffed or mounted attorneys must have a state health department inspection for AIDS, Rabies, and Syphilis.
11. It shall be illegal for a hunter to disguise himself as a reporter, drug dealer, female legal clerk, sheep, accident victim, physician, bookie, or tax accountant for the purpose of hunting attorneys.

BAG LIMITS:

Yellow bellied sidwider 2	Honest attorney EXTINCT
Two faced tort feasor 1	Cut throat 2
Back stabbing divorce litigators 3	Back stabbing whiners 3
Small breasted ball buster (female only) 3	Brown nose judge kisser 2
Big mouthed pus gut 2	Silver tongued drug defender \$500 BOUNTY
	Hairy assed civil libertarian . . . 7

— Submitted by Wayne Anthony Ross

INFORMATION SERVICES OF FAIRBANKS

Investigation for Alaska Attorneys & Businesses Since 1976
Computer Research • Trial Preparation
Skip Tracing • Undercover

WE PRODUCE RESULTS

Personal Contacts
Statewide • Nationwide • Worldwide

MIKE TEEL
Investigator

452-8335

P.O. Box 707
Fairbanks, Alaska 99707

ANCHORAGE REALTY
704 WEST SECOND AVENUE
ANCHORAGE, ALASKA
99501

DOWNTOWN LEASE SPACE

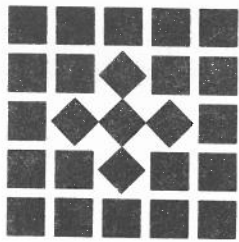
!!WITH A VIEW!!

Only 2 blocks to Court House

Just \$1.00 Sq. Ft.

Free Parking, Utilities and Janitorial.

Call 258-7824 or 279-4338



SOLID FOUNDATIONS

By MARY K. HUGHES

The Interest on Lawyers' Trust Accounts (IOLTA) program sanctioned by the Alaska Supreme Court and effective March 15, 1987, is continuing to grow in attorney membership. Over \$20,000 has already been donated to the Alaska Bar Foundation's IOLTA program. It is expected that \$40,000 will be available for distribution by the Trustees in May. The Trustees are presently reviewing the application form for grants which will be available from the Foundation. Grants will be disbursed for fiscal year July 1, 1988 through June 30, 1989. Grants are available to sup-

port provisioning of legal services to the economically disadvantaged or enhancement of the administration of justice.

All lawyers are encouraged to participate in the IOLTA Program. Information with respect to each individual financial institution's IOLTA program can be obtained from the financial institution or the Bar Foundation. IOLTA literature is sent to attorneys upon request. Further, the Board of Trustees, Winston Burbank, John Conway, Mary Hughes, Bart Rozell and Sandra Saville, are available for private consultation.

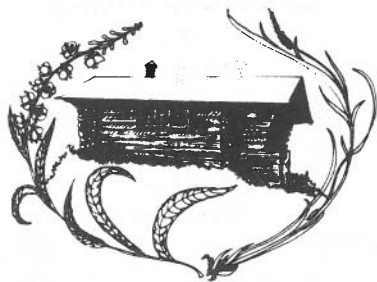
Verdicts, settlements reported

Deborah Purcell on behalf of Wm. Purcell, a minor, v. Vincent Mikulski. (3AN-84-6589 Civ). Wife sued husband for loss to her son's eye from rock thrown by lawnmower operated by defendant's husband. Manufacturer of mower settled for \$25,000.

Don R. Erickson v. Medical Arts Pharmacy. (3AN-85-1300 Civ). Medical malpractice and breach of warranty action against Pharmacy for damages allegedly incurred due to incorrect performance of service in filling prescription for special support stockings. Plaintiff suffered loss of leg, loss of business, pain and suffering, physical impairment.

Alleged amount in excess of \$6 million. Plaintiff's demand: \$1.1 million. Defendant's offer: \$100,000. Defense verdict.

Motorola Inc., et. al. v. Korean Air Lines Co., Ltd., et. al. (3AN-85-15655 & 3AN-85-16305 Civ). KAL Airlines crash in December 1983 destroyed cargo of Plaintiff. Issue: Was the airline's conduct "willful misconduct" so that the damage limitation in the Warsaw Convention can be overcome by Plaintiffs and they can recover actual damages (stipulated to by the parties)? Jury found willful misconduct but determined that it was not cause of the crash.



HISTORICAL BAR

Practicing in the Territory

By HAROLD E. STRINGER

Anchorage was a small, isolated, and somewhat provincial community in 1946 when I was admitted to practice law in Alaska. The Anchorage Bar was composed of only a handful of lawyers, some of whom were, uh, colorful. There were no women practicing in Anchorage then unless you count Alice Hubbard in Warren Cuddy's office who should have been admitted since she knew more law than most of us.

The practice was not overly lucrative in those days (we had not yet felt the effect of the post-war boom) and many of the attorneys had an "ace in the hole." Warren Cuddy had the First National Bank; Davis and Renfrew had their city retainer; Almer Peterson had his "probate practice" from the Matanuska Valley; Jerry Williams had Slim Eagleson, and Tom Price was U.S. Commissioner but maintained an office with Stan McCutcheon on G Street behind Art Burston's drug store.

I had nothing going for me but a hard working bride who helped to pay the bills during the first few years. The legal training of many of us was sketchy but some "grew into the job," developing skills and specialties which resulted in a successful practice in later years.

The bar examination was prepared and conducted by a committee of the Alaska Bar which included Henry Roden, the Territorial Attorney General. Mr. Roden was reputed to be an expert on Alaska mining law. One candidate for the bar examina-

tion, limited in his knowledge of mining law and knowing the examination would include questions on that subject, sought advice on how to prepare for the examination. "Read my pamphlet" advised Mr. Roden in his rich, Scandinavian accent.

Each candidate was examined orally in open court before a District Judge. Dorothy Tyner, Cecil Roley, and I were examined by a member of the Bar Examining Committee before Judge Dimond. Some of the questions put to us as we squirmed in the witness chair, ill at ease before a packed courtroom in the old Federal Building on 4th Avenue, verged on the ludicrous. Miss Tyner was requested to define an Agistor's lien. I was asked how much it cost to file Articles of Incorporation for a profit corporation in Alaska. Having never incorporated a business for profit or otherwise, I had to admit that I did not know. Judge Dimond frowned, cleared his throat as he always did when exasperated, and said to me, "Never mind, young man; I don't know the answer either." Anthony Dimond was a generous and great-hearted gentleman—a fine Judge.

The "Handfull"

The handful of attorneys practicing in Anchorage when I was admitted included Ed Davis, Bill Renfrew, Warren Cuddy, Ed Arnell, Tom Price, Jerry Williams, John Manders, Stan McCutcheon, Bill Olsen, and Karl Drager. John Hellenthal, Hal Noggle, Clyde Ellis, John Lathanan, and J.L. McCarrey may have returned from military service and resumed practice by that time, but I'm not sure about that. And then there was the one and only George B. Grigsby. Perennial President of the Anchorage Bar, raconteur par excellence, and protagonist of a thousand courtroom dramas, George was a legend from Kotzebue to Ket-chikan.

After my admission I worked for the Chamber of Commerce for about

a year as its first Executive Director and then another year for the Territory handling collections and foreclosing mortgages for the Alaska Veterans Commission. By then I had saved enough money and acquired enough confidence to open my own office. This consisted of sharing space with John Dimond in Jerry Williams' office in the Central Building.

Within a few months Jerry was elected Territorial Attorney General and moved to Juneau, taking John with him. Cecil Roley decided to return to Government service and turned over to me his files and office space. Later I formed a partnership with John Connolly and we embarked on the hard road to building a successful practice.

The "First Wave"

About 1949 the first wave of bright, young men arrived on the scene. Attorneys such as Wendell Kay, Paul Robison, Ray Plummer and Ralph Moody. Another wave followed shortly thereafter. Competent and aggressive lawyers such as Roger Cremona, Cliff Groh, Ed Boyko, Ralph Cottis, Buell Nesbitt and Bailey Bell. Some of the old timers were no longer active. Tom Price, Clyde Ellis, and Karl Drager were dead; Warren Cuddy had moved down the street to devote full time to his bank, and Almer Peterson had departed for the Lower 48.

There were some good lawyers in the early days—and some turkeys. The misfits did not survive the influx of the new generation.

There was one Judge for the entire Third Judicial Division, appointed by the President for a four-year term, and one U.S. Commissioner in Anchorage in addition to an elected City Magistrate. Nearly all the District Judges were capable and dedicated and some of their opinions are classics. See, *i.e.*, *McGinley v. Cleary*, decided in 1904 and reported in 2 Alaska Reporter at 269.

The U.S. Commissioners were usually not attorneys. Rose Walsh

succeeded Tom Price as Commissioner in Anchorage and many were the anecdotes associated with that kindly maiden lady. Once I sought a continuance in a criminal matter pending before her due to a conflict in District Court. Rose granted it immediately. "I had intended to continue it anyway," she declared, "since one of our [Government] witnesses is not available." Gordon Hartlieb, an attorney, succeeded Miss Walsh as Commissioner when she retired.

Late 40s, Early 50s

During the late 40s and early 50s, as is the case in most small towns, the members of the Anchorage Bar all knew each other well. This had its advantages and disadvantages. It was not that we didn't trust one another but we soon learned that opposing counsel (not all, but some) might have verbally consented to additional time to file a responsive pleading, it was nonetheless prudent to be in court on Friday for the calendar call, just in case. The Bar was clubby, though, and when outside influences threatened, we circled the wagons.

After World War II some areas of Alaska, particularly Anchorage and Fairbanks, enjoyed unprecedented growth, and politics was a way of life to many of us. We became deeply involved in the political process, some in the Executive Branch of the Government, and others in the Territorial and State Legislatures. Multi-member firms proliferated and began to specialize. Additional Judges were appointed and the State Bar became more active.

In the middle 50s during a fight over one of the judicial appointments, a U.S. Senator from Utah characterized the Anchorage Bar as "the scum of the Earth." While the Senator was obviously wrong, having no direct knowledge of the individuals involved, nonetheless it

Continued on Page 21

SEWARD
Commercial
Office Space
Downtown, reasonable, attractive.
288-3175

JOE RUDD SCHOLARSHIPS
**1988-1989
Rocky Mountain
Mineral Law Foundation**

At the time of his death in 1978, Joe Rudd was acknowledged as the preeminent natural resources attorney in the State of Alaska and was well-known nationally for his expertise. In recognition thereof, his family and friends and the Rocky Mountain Mineral Law Foundation have established the Joe Rudd Scholarship. The first scholarship grants were awarded for the academic year commencing in the fall of 1980.

(1) **Purpose.** The purpose of these scholarships is to encourage the study of natural resources law by well-qualified law school students who have the potential to make a significant contribution to the field of natural resources law.

(2) **Eligibility.** Second year, third year and graduate law school students are eligible to receive the scholarship; provided, however, that first year law school students who can demonstrate a commitment to study natural resources law are also eligible to receive the scholarship.

(3) **Field of Study.** In order to be eligible, a law school student must be undertaking the study of natural resources law.

(4) **Law Schools.** The scholarship can only be used in connection with a program sponsored by one of the law schools which is a Governing Member of the Rocky Mountain Mineral Law Foundation:

University of Alberta
Arizona State University
University of Arizona
Brigham Young University
University of Calgary
University of California—Davis
University of California—Hastings
University of Colorado
Creighton University
University of Denver
Gonzaga University
University of Idaho
University of Kansas
Lewis and Clark College—Northwestern
University of Montana
University of Nebraska
University of New Mexico

University of North Dakota
University of Oklahoma
University of the Pacific—McGeorge
University of South Dakota
Stanford University
University of Texas
Texas Tech University
University of Tulsa
University of Utah
University of Washington
University of Wyoming

(5) **Amount of Grants—\$2,500-\$5,000.** These scholarships are to be awarded on an annual basis. Several scholarships are awarded each year, and it is estimated that the amount of these grants will be between \$2,500 and \$5,000 per year.

(6) **Criteria for Selection.** The following criteria will be used to determine the recipients of the scholarships:

- (a) potential to make a significant contribution to the field of natural resources law;
- (b) academic ability;
- (c) leadership ability; and
- (d) financial need.

This scholarship is open to all governing member law school students. Though some preference is given to Alaska residents and students, many past scholarship recipients have had no Alaska connection.

For further details and Applications Forms, contact:

Harris Saxon
510 L Street, Suite 700
Anchorage, Alaska 99501
(907) 276-5121

or:
Rocky Mountain Mineral Law Foundation
Porter Administration Bldg.
7039 East 18th Ave.
Denver, Colorado 80220
(303) 321-8100

DEADLINE FOR SUBMITTAL: April 1, 1988

PLEASE POST

If you or an attorney you know has a problem with substance abuse, you may want to talk with a member of the Substance Abuse Committee. All inquiries are confidential. You may call the Bar Association for the names of committee members, or call a member of the steering committee directly. The steering committee members are:

John Abbott	346-1039
Clifford J. Groh, Sr.	272-6474
Michael J. Lindeman	563-3657
Brant McGee	274-1684
John Reese	276-5231
Judge Douglas J. Serdahely	264-0401
Nancy Shaw	271-2277

Associate Position

**Insurance Defense Firm
Seeks Attorney With
Some Experience
In
Workers'
Compensation.**

**Excellent
Benefits**

Salary DOE

**Call
267-8558**

TO SCHEDULE DEPOSITIONS OUT OF TOWN ...

CALL

1-800-444-DEPS (3377)

Guaranteed:

- timely delivery
- accurate transcripts
- certified shorthand reporters
- proper filing of originals
- all necessary arrangements made
- free ASCII file on floppy (Discovery ZX™, Amicus™, Microtext™, word processing formats)
- 100% computerized tracking and scheduling
- all materials delivered C.O.D.
- flat placement fee

for complete
Professional Information Management

1-800-444-DEPS (3377)
for Worldwide Service

Discovery Data Management, Inc.



PRACTICAL POINTERS

Family mediator cannot represent either party

By Drew Peterson

The first thing you find out about upon writing a newspaper article, whether for a simple newsletter or a publication as sophisticated and prestigious as the *Alaska Bar Rag*, is the power of the press. For no sooner than mentioning him did I hear from my good friend WHITTAKER, who wrote me a letter.

For all you youngsters who may not know, Dick reminded me that he remains the only practicing attorney in Alaska who is not a member of the Alaska Bar Association, having resigned some years ago over a matter of conscience. It seems, however, that every year the "Let's Keep Whittaker Out of Unauthorized Practice Jail With the Realtors" memorial committee holds a fund raiser to pay Dick's bar dues. The Southeast Alaska recession has severely hurt fund raising efforts in recent years, but Dick shows his appreciation to the committee members (whose first names, incidentally, all start with the letter J) by regularly lending them sufficient funds to complete their drive. A real philanthropist, that Whittaker.

Maybe this time I will hear from a certain really refined rural judge of formerly bad taste. If not, I promise to stop mentioning him. And I certainly will not take any more court appointments in the Fourth Judicial District.

Speaking of Fairbanks, a reading of their latest bar minutes has just about convinced me to give up all pretensions of collecting war stories or otherwise attempting legal humor. The Fairbanks bar's concerns about our gallant and lively ex-president Harry Branson's "spinning in his grave — if he had one" presents a poetic image which I simply never could nor would ever attempt to surpass.

A family mediator cannot represent either party to a dispute. Turning to mediation, a comment I heard recently which worried me concerned an attorney who allegedly invited an adverse family law client to come in to his office to "mediate" a divorce. Such is clearly not family mediation in the defined ethical sense, as discussed in my last article.

While it is true that standardized family mediation is relatively new, and that mediation has a generic meaning of any procedure tending to settle disputes, it seems to me that now that the field has been defined and standardized by various of our professional organizations that we need to be careful in our use of the word, or run the risk of misleading clients and

the public.

Even Webster's definition ("to settle differences between persons by intervention") implies neutrality. While there remains much misunderstanding and confusion about family mediation in both the professional and non-professional world, it behooves us to be aware of the field and at least generally aware of its definition. The definition I find most useful, from the 'Model Standards of Practice for Family and Divorce Mediation' of the Association of Family and Conciliation Courts, is that family mediation is "a family-centered conflict resolution process in which an impartial third party assists participants to negotiate a consensual and informed settlement..." of family legal disputes.

A family mediator is not an advocate. While some state ethics opinions initially took the position that an attorney-mediator represents both parties, the present view, as reflected in both the American Bar Association Standards and the Standards of the Association of Family and Conciliation Courts, is that he or she does not represent either participant and indeed cannot be involved in mediation with any former clients nor represent either party to the mediation thereafter. Certainly one of the strangest and hardest parts of the mediation process from the perspective of an experienced family lawyer is that a mediator cannot be an advocate. The mediator's job is not to advocate any particular point of view, but only to assure that the parties engage in a fair and informed discussion of those issues in dispute and make decisions themselves based upon a fair understanding of their respective rights.

The mediator has a duty to both participants to ensure that the end product of the mediation is fair and just to both sides, within the context of the normal expectations in court in the appropriate jurisdiction. The mediator must suspend or terminate the mediation whenever he or she believes that continuation of the process would be harmful or unfair to any of the participants.

An attorney-mediator imparts legal information but does not give legal advice. After getting used to not advocating positions, unlike what we were taught in law school, the next hardest thing for attorney mediators to get accustomed to is the distinction between legal information and legal advice. The job of the mediator is to give legal infor-

mation but not advice. The concept is fairly strange but important and actually not so hard after getting used to it. A typical example would be informing clients in divorce mediation of the fact that there are different theories about the nature of marital property and how it should be divided, without advising them as to how it should be treated in a particular case or advocating any particular approach. That is the job of the parties in mediation themselves, to determine how to treat and divide the property.

Clients involved in family mediation still need their own attorneys. While a family mediator is not able to give legal advice, that in no way eliminates the need for the parties in mediation for such advice to reach the fairest resolution to their disputes. Experienced family mediators are virtually unanimous in their belief that for mediation to be most successful all parties should have their own independent legal counsel and advice during the mediation process.

A family mediator is not a marriage or divorce counsellor. The role of a family mediator is to help individuals resolve a legal dispute, and not to reconcile a marriage or work on emotional or psychological issues, except as they relate to the legal resolution of the participant's dispute. Marriage counsellors help individuals and couples work toward the improvement of their marriage, while divorce counsellors help individuals and families work on a personal level with the stresses and traumas of separation and divorce. Both are extremely valuable services and are recommended to anyone contemplating divorce.

The role of a family mediator is much different, however, concentrating on reaching a just and enforceable legal resolution to individuals' disputes and not on the underlying causes. Mediation is normally not appropriate at the same time as marriage counselling, but only when it is clear that reconciliation is not possible to solve the remaining legal issues on a mutually agreed basis. Divorce counselling is often appropriate at the same time as mediation but the goals and methods are different. It is thus preferable to have separate professionals involved so as not to confuse the two roles.

A family law mediator is not a judge or arbitrator. It is not the role of a family mediator to take on the role of a judge, nor to otherwise make decisions for

individuals engaged in mediation. The decisions necessary are to be made by the participants, themselves, and not by the mediator. As noted above, attorney-mediators are required to differentiate between legal advice and legal information, limiting their discussion of the law to the latter. The mediator's duty is to ensure that the decisions made by the participants are entered into fairly and with a proper understanding of their import and effect, and that such decisions are based upon full and sufficient information and knowledge of the facts necessary to their determination.

Family mediation does not work for everyone. While mediation has proven to be an effective and innovative approach to family legal dispute in a great number of cases, there are many cases where it simply does not work, for a variety of reasons. Many of us have heard of cases where a large amount of time was spent in attempting mediation with no success. It is the belief of this writer that likely unsuccessful mediations can normally be recognized at the first interview, although the benefits of successful mediation are such that mediators cannot totally be faulted for attempting to mediate even the difficult cases. **Of particular importance to recognize, however, is the potential abuse of mediation by individuals involved in physically or emotionally abusive relationships.** It is not uncommon for abusive individuals to use mediation as a last-ditch effort to control their abused family members, to gain or maintain an advantage as part of the normal cycle of abuse in such relationships. A qualified family mediator, trained to recognize the symptoms of such an abusive relationship, should be able quickly to recognize such tactics and react appropriately. Unfortunately that has not always happened in the past, however, due particularly to inexperienced or unqualified practitioners. That has been the area where mediation has been most criticized, and rightfully so.

This seminar could save you a lot of headaches. . .

TEN MOST COMMON CAUSES OF LAWYER MALPRACTICE CLAIMS

Featuring

Forest J. Bowman, Professor of Law

West Virginia University

APRIL 15, 1988

9:00 a.m. to 4:30 p.m.

Egan Civic and Convention Center

A widely acclaimed and dynamic speaker, Bowman in 1985 presented his course on lawyer ethics to Alaska attorneys—a series which has proved to be popular throughout the country. This new seminar identifies the most common areas of malpractice risk, shows how to avoid malpractice claims, and delves into how to combat malpractice claims.

Registration information will be sent to Alaska Bar members approximately six weeks prior to seminar.

Charter North Hospital The Chemical Dependency And Mental Health Leader For Alaska

OFFERING INDIVIDUAL TREATMENT FOR:

- Adult Emotional Problems
- Children/Adolescent Behavior
- And Emotional Disorders
- Alcohol & Drug Addiction
- Eating Disorders
- Cocaine Abuse

Treatment is covered by most insurance policies, including CHAMPUS and MEDICARE.



CHARTER
NORTH HOSPITAL

A Member of the Charter Medical Corporation
family of quality health care facilities.

2530 DeBarr Road
Anchorage, AK 99508-2996
(907) 258-7575

Outpatient Resource Center
240 East Tudor Road, Suite 240
Anchorage, AK 99503
(907) 561-7576

Optifast Program (907) 561-7577

Valley Clinic
951 E. Bogard Road, Suite 102
Wasilla, AK 99687
(907) 373-7575

FOR MORE INFORMATION CALL 258-7575 (24 HOURS)
TOLL FREE 800-478-7575

Legal education tapes available to Bar members

Videotapes of the following CLE programs held in the fall of 1987 are now available for rental. Please contact the Bar office for more information.

ABA Law Office of the Future, September 1987

This videotape, produced by the American Bar Association, is a 25 minute studio production on the uses of computers in the law office. The tape briefly describes such uses as legal drafting, office management, electronic mail, legal research, litigation support, expert systems, and computers and the courts.

Videotape (25 minutes) \$5.00

Computers in the Law Office, September 1987

This two-day seminar describes today's law office computer technology. Subjects covered include PC's, productivity aids, litigation support systems, management systems, word processing, telecommunications, on-line research, and how to locate and contract with consultants and vendors. Local faculty are assisted by experts of national prominence: C. Rudy Engholm, Phil J. Shuey, and Thomas H. Gonser.

Book (110 pages) \$25.00

Videotape (11 hours) \$20.00

Women in the Courts, October 1987

This seminar is a course on gender bias in the legal system and the role of women as litigators. Judge Marilyn Hall Patel discusses gender bias in the application of substantive law and the treatment of women in the courts. Local faculty discuss the view from the bench, women in the law office, and courtroom savvy.

Book (140 pages) \$25.00

Videotape (5 hours) \$10.00

Business Valuation for Attorneys, November 1987

Steven F. Schroeder, Certified Business Appraiser and local valuation expert, presents information on the techniques of valuing a wide variety of business interests, selecting and evaluating business valuation experts, evaluating a sample valuation report, and cross examining valuation experts.

Book (100 pages) \$35.00

Videotape (5 hours) \$15.00

The Mystery and Folklore of Forced Entry and Detainer Action, November 1987

This luncheon presentation was made by Judge Ralph Stemp to the Real Estate Law Section.

Materials \$5.00

Audiocassette (40 min.) No Charge

The New Federal Sentencing Guidelines, November 1987

This seminar presents an overview of the new federal sentencing guidelines and application process. A workshop covering several sample exercises is part of the program.

Book (80 pages) \$5.00

Videotapes (15½ hours) \$15.00

Admiralty Law in Alaska, November 1987

This seminar introduces practitioners to maritime matters that arise frequently in Alaska, with emphasis on the law of personal injury, wrongful death, maritime product liability, marine insurance, and arrest and foreclosure.

Book (140 pages) \$25.00

Videotape (6 hours) \$10.00

Arden House III National Conference on the Continuing Education of the Bar Makes Recommendations

The Arden House III National Conference on the Continuing Education of the Bar, held November 13 to 16, 1987, recently released its final statement on the quality of continuing legal education as it presently exists and provided recommendations for future developments in CLE within the context of the rapidly changing environment in which law is practiced today.

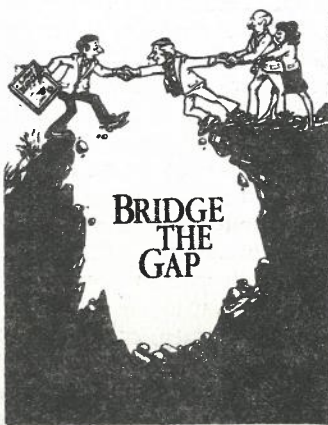
The conference, attended by over 140 judges, law teachers, CLE administrators, and lawyers identified emerging educational and professional needs that are manifested today. CLE providers should promptly identify groups of lawyers who presently are underserved and make intense efforts to serve them so that they will be better able to serve their clients effectively. Continued efforts must be made to ensure that mat-

ters of professional responsibility are creatively and adequately covered both in law school and in CLE offerings.

Arden House III recommended that in order to provide comprehensive post-admission legal education, CLE providers need diversely constituted governing bodies with a significant degree of functional independence and regular contact with all segments of the profession.

The Conference concluded with the recommendation that all lawyers, including law teachers and judges, should support and participate in all phases of CLE. It is particularly important that senior lawyers serve as mentors and role models in professionalism for younger members of the bar.

Copies of the full Arden House report are available from the bar office.



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

The first update to the Bridge-The-Gap Manual is now available. Editing or substantive changes are included in updates to the following sections: Administrative Law, Bankruptcy Law, Business Law, Clerk to Court, Ethics, Family Law, Law Office Management, Legal Resources, and Probate Law. Cost of the update is \$10.00. Checks should be made payable to the Alaska Bar Association, P.O. Box 100279, Anchorage, AK 99510.

CLE CALENDAR

Following are the CLE seminars currently scheduled for winter and spring. Several more may be scheduled for spring.

Date	Topic	Location
January 23 Half Day	Civil Jury Instructions and the New Non-Fast Track Pretrial Order (Judge Karen Hunt)	Hotel Captain Cook
February 26 Full Day	Drug Testing in the Workplace (ABA VideoLaw Program with local commentators)	Hotel Captain Cook
March 3, 10, 17 Half Days	Medical Malpractice Litigation	Holiday Inn
March 21 - 27	Deposition Skills (Roger Haydock) (Hawaii Mid-Winter Program)	Kona Hilton
April 7 Full Day	Will and Trust Drafting	Anchorage Hilton
April 13, 20, 27 Half Days	Corporate Law Mini-Seminars	Hotel Captain Cook
April 15 Full Day	The 10 Most Common Causes of Lawyer Malpractice Claims	Egan Conv. Center
May 20 Full Day	Listening and Memory Skills for Judges and Lawyers (Jacquelyn Wonder) Co-sponsored with the Professional Education Group (PEG)	Hotel Captain Cook

Please submit suggestions for CLE seminar topics to the CLE Director, Alaska Bar Association, P.O. Box 100279, Anchorage, Alaska 99510.

EXAMINER OF QUESTIONED DOCUMENTS (Court Qualified)

HANDWRITING IDENTIFICATION
 FORGERY DETECTION
 TYPEWRITING IDENTIFICATION
 ALTERATIONS, ERASURES & ADDITIONS
 ELECTRO-STATIC DETECTION APPARATUS—
 Indented Writing (The only one in the Northwest owned by a private document examiner)

Record a Call for your convenience

Member
 Independent Association of Questioned Document
 Examiners, Inc.
 World Association of Document Examiners

907-561-5394

Leonard F. Schultz

2344 Mt. Vernon Court
 Anchorage, Alaska 99503



HAWAII CLE

DEPOSITION SKILLS

featuring

ROGER S. HAYDOCK

Professor of Law

William Mitchell College of Law

St. Paul, Minnesota

SIGN UP NOW!!

\$195 by March 11

\$225 after March 11

March 21 - 27, 1988

Kona Hilton Beach & Tennis Resort

Board adopts sex standards

Ethics Opinion 88-01

Re: Potential Impropriety of Sexual Relationship with a client during the time the attorney represents a client.

The Committee has been asked whether it is in violation of the Code of Professional Responsibility for an attorney to engage in a sexual relationship with a client during the time the attorney is representing that client. While the opinion request submitted to the Committee provided specific facts regarding the professional representation of an attorney, during which a sexual relationship occurred, it was felt by the Committee that more effective guidance could be given to the Bar Association by dealing with the question in a general context.

It is the opinion of the Committee that a sexual relationship between a client and an attorney during the time the attorney is representing the client is improper under circumstances that would include, but not be limited to, the following:

1. The relationship is initiated by the attorney under circumstances which may have deprived the client of the ability to exercise free choice;
2. The attorney exchanges legal services for sexual favors from a client;
3. The sexual relationship has an adverse affect on the lawyer's ability to protect his client's interest, or is otherwise prejudicial or damaging to the client's case; or
4. Where the client is in an emotionally fragile condition, and the sexual relationship may have an adverse affect on the client's emotional stability;
5. Where the sexual conduct is illegal.

There are some circumstances and types of representation under which that sexual relationship is inconsistent with the professional relationship.

Sexual relationships are potentially harmful to the client in a situation involving the loss or po-

tential loss or incarceration of other persons of significance to the client. Examples of this principle may include, but are not limited to, situations involving wrongful death, divorce and separation, child custody or adoption disputes, and criminal defense representation of the client's spouse or other family member.

A sexual relationship with a client that is initiated by the attorney under circumstances reflecting that the client may have been deprived of a free choice with regard to the relationship is unethical. As an example, in the case of *People v. Gibbons*, 685 P.2d 168 (Co. 1984), an attorney undertook representation of seven co-defendants charged with burglary. The lawyer, who was sixty-six years of age, initiated a sexual relationship with a twenty-three year old female defendant as a condition for his representation of her and her husband. Following the conclusion of the criminal case, his clients filed a complaint alleging blackmail because the sexual relationship was made a condition of representation.

The lawyer conceded that the relationship violated DR 5-101(A), which prohibits a lawyer from accepting employment if the exercise of his professional judgment on behalf of the client will be, or reasonably may be affected by his own personal interests, without the client's consent, and DR 7-101(A)(3), which prohibits a lawyer from intentionally prejudicing or damaging his client during the course of the professional relationship. In disbaring the attorney, based upon the sexual relationship and other matters relating to the attorney's responses to the grievance proceeding, the court noted that the client was in a stressful situation and she was placed "in a position in which she was unduly dependent on the respondent and in which she may not have been able to exercise free choice." *Id.* at 175.

An arrangement between an attorney and client under which the client would provide sexual favors in exchange for legal representa-

tion, would violate DR 1-102(A)(3), which prohibits an attorney from engaging in illegal conduct and involving moral turpitude.

In some situations, a sexual relationship with a client, during the period of time the attorney is representing the client, may adversely affect the client's case or otherwise prejudice or damage the client's position. These facts were presented to the Oregon State Bar when asked for an opinion with regard to an attorney who was retained by an unemployed woman to represent her in a divorce proceeding. The opinion stressed that when reviewing the propriety of an attorney's sexual relationship with a client, the particular facts are extremely important in each case. It was noted that the lawyer's conduct could significantly aggravate the other spouse in a domestic action, possibly making reasonable settlement nearly impossible. Moreover, in the event of a trial, it was felt the potential for embarrassing disclosure of the lawyer's affair could cause the attorney to curb effective and aggressive representation. In that type of situation, the attorney's conduct would be improper under DR 5-101. Oregon State Bar Ethics Opinion 429 (May, 1979).

A similar opinion was expressed in Maryland Ethics Opinion 84-9 (September 7, 1983), which advised that a lawyer must withdraw from employment when he is sexually involved with a client who is seeking advice regarding the sale of property owned by the client and her husband, the transfer of property from the husband to the wife, and a possible divorce. In those circumstances, an intimate personal relationship between the lawyer and the client may have had an adverse affect on the lawyer's ability to protect his client's interest.

Finally, if the sexual relationship with the client, or sexual conduct toward the client, is illegal, the attorney is violating DR 1-102(A)(3), which prohibits a lawyer from engaging in illegal conduct involving

moral turpitude. *In Re Littleton*, 719 S.2d 772, 776 (Mo. banc 1986) dealt with an attorney who had been retained to represent a female client on a driving while under the influence charge. The attorney made sexual advances to the client in the jail library and later in his car. The court noted that DR 1-102(A)(3) does not require a conviction of a crime, but only illegal conduct. The court further noted moral turpitude includes everything contrary to justice, honesty, modesty and good morals. In holding that the attorney had violated his professional obligations, the court said:

Respondent and [client] entered into a professional relationship. [Client] had a right to expect that Respondent would conduct himself in that relationship in a manner consistent with the honorable position of the legal profession a tradition founded on service, integrity, vigorous commitment to the client's best interest, and that leads us to the rule of law. Instead of remaining true to that tradition, however, Respondent chose to exploit it, seeking to turn the professional relationship into a personal one.

While the court stressed the exploitation, the non consensual nature of the conduct would be an important factor. Similarly, *In the Matter of Adams*, 428 N.E. 2d 786 (Indiana 1981), an attorney who grabbed his female client, kissing her and raising her blouse, was found to be guilty of illegal conduct involving moral turpitude.

This opinion is not intended to prohibit representation of a client in a case where the attorney and client have been engaged in a mutually consensual and on-going sexual relationship prior to the commencement of the representation.

Adopted by the Alaska Bar Association Ethics Committee on November 3, 1987.

APPROVED BY THE BOARD OF GOVERNORS: January 9, 1988

Board takes varied actions in January

After hearing concerns by Judge Pegues regarding the possibility of complainants making false statements on attorney grievance forms, the Board directed that appropriate verification language that would meet the unsworn falsification statute requirement be added to the Bar's attorney grievance forms.

The Board accepted a stipulation to a private reprimand in Discipline matter 86.255.

The Board adopted, as modified, Ethics Opinion 88-01 entitled "Potential Impropriety of Sexual Relationship with a Client During the Time the Attorney Represents a Client."

The Board received an update on CLE programs and the 1988 Annual Convention. They discussed the possibility of holding a Northern Legal Conference, and inviting lawyers from the Soviet Union (Siberia), the Yukon, Northwest Territories and British Columbia, possibly in 1989.

The Board heard the Discipline and Fee Arbitration Report. There were 156 open discipline cases and 47 open fee arbitration cases at the end of the 4th quarter of 1987.

The Board declined to take action on a proposal by Justice Burke that would change the maximum period of suspension for an attorney from 5 to 3 years.

The Board voted to change the LEXIS Group Program to the stand-

ardized plan as administered by Mead Data Central and to credit or refund the \$100 sign-up fee paid by member firms.

The Board appointed Daniel L. Callahan to fill the vacancy on the Alaska Judicial Council.

The Board heard a report from Anchorage Bar President John Thorsness on the activities of the Anchorage Bar.

Hal Brown, Executive Director of the Alaska Judicial Council, proposed that the Bar Association provide financing and staff assistance on a survey of the membership, with the Judicial Council providing their expertise on surveys. The Board voted to commit to 1/3 of the estimated \$12,647 cost and staff support, contingent on the rest of the funding coming from other sources.

The Board directed the staff to continue negotiating with the Bankruptcy Court and Motznik Computer Services to provide members with electronic access to Bankruptcy Court.

The Board voted to sponsor a group program to provide ABA/net to members and offer the discount on the subscription fee to \$20 per ID to members who sign up in the first 60 days.

The Board voted to put on its March agenda the recommendation that the Bar Rules be amended so

that discipline matters are confidential until final action is taken.

The Board expressed its appreciation to CLE Director Linda Nordstrand for her years of "classy service," as Linda is relocating to California.

The Board voted to commit to buying \$10,000 worth of advance capital in the Attorneys Liability Protection Society once we have received suitable protection in writing that this would be repaid at 6% interest, as attorneys buy subscriptions in the participating states.

The Board declined to take action on the request of several Judicial law clerks that they be allowed to become inactive members, or have one year to get sworn-in.

The Board heard a proposal to add a bar rule which allow foreign attorneys to get a limited license to practice the law of their country in Alaska, if that country would grant reciprocal privileges to Alaska attorneys.

The Board adopted the Bylaws of the Association as published in the November, 1987 *Bar Rag*.

The Board sat as the Discipline Board in three discipline hearings.

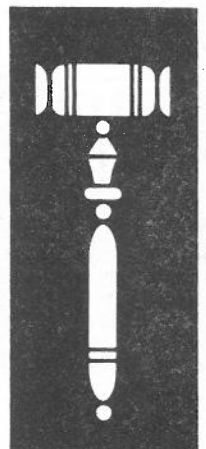
For more information on any of these items, please contact your Board representative or Deborah O'Regan, Executive Director, at the Bar office.

Tax Section

The Tax Section has tentatively scheduled the following for their April brown bag lunch at noon in the upstairs conference room at 717 K St.: Wednesday, April 13, 1988, John Wilkes, IRS Revenue Officer-Examiner, will address the topic, "The 100% Penalty: Assessment, Appeal and Collection."

On May 11, Donna Romero, CPA, Senior Tax Manager, Price Waterhouse, will speak on "New Corporate Subchapter-S Tax Rules" at the noon brown bag lunch at 717 K St.

Please come 5 minutes early to the lunches so the program may start on time. Guests are welcome. Contact Bob Brink, 563-2114, or any member of the Tax Section if you have suggestions for speakers and topics.



Our man picks the Academy Awards

Continued from Page 1

winners. That's because as America's best known cinema reviewers, they predict the movies that *should* win, without recourse to the common sense approach that not all of the movies nominated have been viewed by Academy voting members. They also disregard completely the effects of studio politics and active campaigning by some movie members.

This year's guesses by yours truly incorporate both the movie's capacity to win on its own and studio politics, and factors in the latest rumors gathered in person while in sunny Southern California the first two weeks of February. In short, I'm not saying who *should* win, as much as I'm saying who *will* win. Hopefully, my predictions will surpass the accuracy of Siskel & Ebert.

And the winners will be ...

BEST PICTURE: The Last Emperor

BEST ACTOR: Michael Douglas, for his fine performance in Wall Street.

BEST ACTRESS: Cher, as the convincing Italian in Moonstruck.

BEST SUPPORTING ACTOR: Vincent Gardenia for Moonstruck.

BEST SUPPORTING ACTRESS: Anne Archer, in Fatal Attraction.

BEST DIRECTOR: Norman Jewison, for Moonstruck.

BEST ORIGINAL SCREENPLAY: James Brooks, for penning Broadcast News.

BEST ADAPTED SCREENPLAY (from another medium such as books or plays): Mark Peploe and Bernardo Bertolucci, for the accurate, The Last Emperor.

BEST FOREIGN FILM: Au Revoir Les Enfants (France).

BEST ORIGINAL SONG: "I've Had the Time of My Life", from Dirty Dancing.

BEST ORIGINAL SCORE: Ryuchi Sakamoto, David Byrne and Cong Su, for the lovely composition heard throughout The Last Emperor.

BEST ART DIRECTION: Ferdinando Scarfiotti and Bruno Cesari, for their efforts in the spectacular The Last Emperor.

BEST CINEMATOGRAPHY: Allen Daviau, for the very light strokes of camera light and magic in Empire of the Sun.

BEST COSTUME DESIGN: James Acheson, for his Herculean efforts of great accuracy and expense in The Last Emperor.

BEST DOCUMENTARY FEATURE: The Wit and Legend of the Algonquin Round Table.

BEST DOCUMENTARY SHORT

SUBJECT: Francis Steloff: Memoirs of a Bookseller.

BEST FILM EDITING: Michael Kahn and Peter E. Berger, whose efforts proved quiet unpredictable in the timely Fatal Attraction.

BEST MAKE-UP: Rick Baker and the Abominable Snowman in the hilarious Harry and the Hendersons.

BEST ANIMATED SHORT FILM: The Man Who Planted Trees.

BEST LIVE ACTION SHORT FILM: Shoeshine.

BEST SOUND: The Witches of Eastwick.

BEST VISUAL EFFECTS: Predator

The 60th Annual Academy Awards will be broadcast live from the Shrine Auditorium in Los Angeles April 11 on KIMO Channel 13 in Anchorage. Try to watch it!

Board of Governors looks at foreign consultant plan

The Board of Governors is considering a foreign legal consultant proposal. That proposal, to be enacted as Bar Rule 64, licenses qualified foreign attorneys to give advice in Alaska on the law of their home jurisdiction. Unless that foreign attorney passed the Alaska bar examination or became otherwise licensed to practice Alaska law, the foreign attorney would be prohibited from advising clients on Alaska law. The purpose of enacting the proposal is to stimulate trade in legal services between Alaska and foreign countries and to decrease the costs of international business transactions for Alaskans.

Foreign law consultants could advise Alaskans who plan to engage in trade with that foreign law consultant's country. For example, a qualified Japanese attorney could advise Alaskans on Japanese law with regard to contracts, commer-

cial instruments, taxes, and anti-monopoly restrictions in Japan. Alaskan businesses would have the advantage of retaining a foreign attorney who has an office here in Alaska.

The proposal stems from legislation recently passed in the Japanese Diet that licenses foreign attorneys to practice the law of their home jurisdiction in Japan if the foreign jurisdiction licenses Japanese attorneys to practice Japanese law in the foreign jurisdiction. Alaska's proposal follows on the heels of similar legislation recently passed in California, Hawaii, Michigan, New York, and the District of Columbia.

For more information on the proposal, contact Douglas Barker who is associated with Lynch, Crosby, Molenda & Sisson in Anchorage or Deborah O'Regan, Executive Director of the Alaska Bar Association.

COMMITMENT TO EXCELLENCE

Our suits and sportcoats are equal to your high standards.

We take pride in offering our customers the finest tradition has to offer, and that means offering the best product possible combined with personal service.

QUALITY is our main priority. We know the difference between first-rate and second best. That's why we personally inspect each suit and sportcoat to make sure the quality of its fabric and craftsmanship will meet your expectations.

SELECTION means a lot to men who expect a choice in the clothing they buy. In our store, you'll find the very latest looks in depth. That means colors, sizes and styles.

VALUE counts, no matter how much, or how little money you have. And, while we won't cut corners to cut prices, we will make sure you get your money's worth with every purchase.



STYLE is important because a suit or sportcoat says a lot about who you are. We offer only the best that are rich in tradition yet sparked with the best of new menswear ideas.

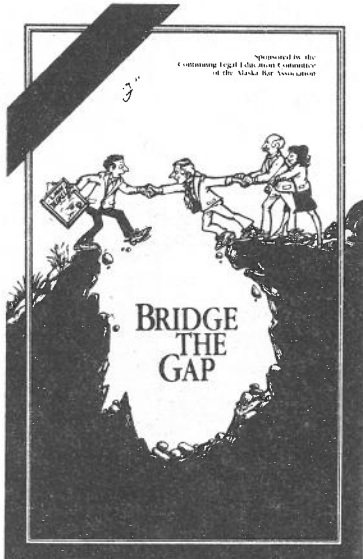
SERVICE makes a difference whether you want a second opinion from someone who's qualified or simply want shopping to be as quick and painless as possible. Our sales staff are professionals, here to serve you in finding your perfect selections. After all, if you're not happy, you won't come back. And we didn't make our reputation by not caring.

Come in today and examine our 1987 fall suit and sportcoat collection. We'll show you that we mean business.

Shown: our double breasted navy pinstripe in a lightweight poly wool blend.

Priced from \$395. Shown by

Kilgour,
French &
Stanbury



4007 Old Seward Hwy
Next to the University Center
562-3714
Open 10-6:30 Mon.-Fri. 10-6 Sat.



Andrie's



Custom Tailors, Clothiers, Haberdashers



THE MOVIE MOUTHPIECE

Edward Reasor



HONOLULU—The first time I visited China and the Forbidden City, I was on a mission. I wanted my teenage son to walk in the culture of his mother. After all, his grandfather had taught Chinese history and Chinese literature in Peking before the Revolution, and had even met briefly with both Chiang Kai-Shek and Mao Tse-Tung.

The second time I visited China and the Forbidden City, I tried to absorb the creativity, energy, and the powerful hopes of the generation between my teenage son and my own. This is the generation most tourists speak to today.

I mention it in passing because now Columbia Pictures through the good courtesy of director Bernardo Bertolucci ("Last Tango in Paris") in the stunning, well-photographed "The Last Emperor" allows you to stay at home and yet visit the Forbidden City as it is, just as it was centuries ago, and yes, as I viewed it.

The Forbidden City is so called because for more than 500 continuous years, all of the Emperors of China lived there, ruling China's billions of people. Commoners and foreigners were not allowed to look at the Emperor's face. He was the only man to stay overnight within the walls. With him, of course, were his wives, numerous concubines, and thousands of eunuchs, the real administrators of the city itself.

A masterpiece of architecture, the Forbidden City was built between 1406 and 1420, and although it has been sacked many times during China's dynasty conflicts and war—"The Last Emperor" portrays its still eye-catching beauty and former glory. Since a good portion of "The Last Emperor" was filmed in the Forbidden City itself, those sequences alone are well worth the price of admission to the movie.

Cinematographer Vittorio Storaro ("Reds" and "Apocalypse Now") is an expert on color spectrum. He really is the one who puts both light and shadow on Bertolucci's silver screen. In just the scenes behind the city's walls, Storaro goes from red—when the three year old Pu Yi is taken from his natural mother to become Emperor—to yellow, the color of power—the Emperor's own color. Yet the transition is so smooth, so quiet that even a non-artist can appreciate the subtle changes in mood just from the color on the screen. Storaro spent weeks inside the Forbidden City, right in the heart of present-day Beijing (formerly Peking) among 250 acres of palace and squares, its 9,999 rooms, courtyards, alleys, and gardens, all enclosed within high red walls, some 50 feet thick.

Not much missed his eye. Bronze tortoises, longevity cranes, golden lions, dragons, large doors—all of this—coupled with 9,000 varied costumes and 19,000 extras at \$3.50 American per day kept Storaro a virtual prisoner inside the city himself.

In brief, "The Last Emperor" starring John Lone (who I predict will be nominated for an Oscar as Best Actor) is the true story of Pu Yi, who became Emperor of China at the age of three, continuing to his death as a peasant gardener at the age of 62. In between Pu Yi lived with concubines and wives, became a prisoner of the city itself, a playboy (the best John Lone sequences of the film), an Emperor again, and once more a prisoner.

The life of Pu Yi embraces the whole century, from the end of the Ching Dynasty to Sun Yat-sen's Republic, to



Richard Vuu stars as the young Pu Yi in the sweeping saga of China's last emperor, Columbia Pictures' release of a Hemdale Film Corp. presentation of a Jeremy Thomas Production of Bernardo Bertolucci's "The Last Emperor." Starring John Lone, Joan Chen and Peter O'Toole, the screenplay was by Mark Peploe with Bertolucci, produced by Jeremy Thomas and directed by Bertolucci. COLUMBIA PICTURES PHOTO

the conquering warlords of the 1920s, Chiang Kai-Shek's Kuomintang, the Japanese invasion and occupation of Manchukuo, even to the People's Republic ending with the Cultural Revolution. It is the story of man forced by history to be a prisoner nearly all of his life. First as a prisoner in the Forbidden City itself (Emperor God and then house arrest when he abdicated), then as puppet Emperor prisoner of the

"The Last Emperor" uses flashbacks and flash-forwards in an attempt to cover the whole panorama of Pu Yi's extraordinary life. It is a life that cannot now be repeated, not even in the Third World countries.

Yet this task alone detracts visibly from the film. "The Last Emperor" is fully 20 minutes too long and unless one has a working knowledge of China's history, the flashbacks and forwards are



During Pu Yi's (John Lone) lifetime, China underwent its most sweeping changes and the last Emperor's own life was filled with excitement and turmoil in Columbia Pictures' release of a Hemdale Film Corp. presentation of a Jeremy Thomas production of Bernardo Bertolucci's "The Last Emperor." COLUMBIA PICTURES PHOTO

Japanese, followed by the capture at the hands of the Russian army, and re-education at the hands of the Communists.

It seems that only the first years of Pu Yi's life with his natural parents and the last three years as a gardener in Beijing were happy ones. The early days of Yi's life as Emperor (played by three different actors) were quite lonely: he could not leave the palace or play with other children. Even his blood brother bowed to him. In short, little of the joys of childhood were his.

confusing.

John Lone is excellent (playing the Emperor from age 18 to death) in every timeframe (from tennis-playing Emperor to a hunch-backed gardener), but why should the audience spend minutes wondering where the Emperor is and what outside influences are involved, when a simple, English printed sentence or two on the bottom of the screen with each flashback would keep us all abreast? Some of the Bertolucci's \$25 million budget could have been better spent on tighter editing.

I am not sure how "The Last Emperor" is doing at the American box office at this writing. Critically it has succeeded, winning already five Golden Globe nominations (best picture, best director, best actor, best screenplay, and best original score), but many well filmed epics have failed to return even their cost of production and in this economy \$25 million is a lot of money. The studio erred in releasing the movie in limited fashion—only to large cities with a definite oriental minority before Christmas. Students do watch epics and a lot of students returned home from colleges to cities that have hardly any orientals, i.e. Anchorage.

I do not believe "The Last Emperor" was the Best Picture of 1987 and certainly not the Best Screenplay. John Lone, however, was the Best Actor, but Oscar awards are partially political. How much campaigning is Columbia willing to do? Certainly Oscar winners collect more gross sales, but as of this writing "The Last Emperor" hasn't even visited Alaska, a well-tested market for almost any fair film. I saw the film early one evening after working in my Honolulu office (a city with an oriental majority, not minority). I'm now told that "The Last Emperor" will be playing both in Anchorage and Fairbanks in mid-February. Go see it and watch particularly for the following:

- All of the footage of Forbidden City. Hollywood hasn't dressed it up. It didn't have to.
- The contrasting long shots inside Forbidden City and across the square when the Emperor is three and again when the Emperor visits before death as an aged tourist gardener. The city will live on whatever the politics.
- The sequence where Pu Yi explains to his blood brother that as Emperor he can do no wrong.

Continued on Page 23

• Historical Bar

Continued from Page 16

must be admitted that many were freewheeling, unconventional individuals who had escaped the "but-toned down" environment of the older, settled communities and boldly set about meeting the exciting challenge of the last American frontier.

We believed this this was where it was—where financial and political success could be rapidly attained for those willing to pay the price. Many of these aggressive and capable individuals have become influential in state and local affairs and have contributed significantly to the cultural and economic development of Alaska.

Most were not great lawyers, perhaps not even good ones by today's standards, but we muddled through, most of the time within the system, and laid the foundation for what is today a judicial system that compares most favorably with other states.

The Judges

The Judges, particularly Dimond, Hodge, Forbes, Kelly and Simon Hellenthal, were usually tolerant and understanding of our deficiencies.

Judge Hellenthal, however, was not enamored with Noel Wenbloom, a dapper, youngish man who served as U.S. Attorney for the Third Division in the late 40s and who, it was said in jest, wore spurs in the privacy of the office.





Once, while prosecuting a defendant in a criminal case, Mr. Wenbloom was cross-examining a witness who had testified on direct examination that he, the witness, was present when the defendant referred to Wenbloom as "that prick in the U.S. Attorney's office." Apparently Wenbloom did not hear or understand the descriptive term used by the witness and asked him to repeat it. The Judge interrupted. "The witness said he heard you referred to as a prick, Mr. Wenbloom, P-R-I-C-K, prick," the Judge said with obvious relish and sat back, smiling.

With the tremendous changes in the last 40 years, I would not look forward to building a law practice again in Anchorage, but it was great fun then and I like to think that the small ragtag coterie of lawyers broke trail for those who followed—that we established the framework for what is now a flourishing and prestigious bar of which I am proud to be a senior member.

Editor's note: Herald E. Stringer recently retired as Chairman and Chief Administrative Judge of the Veterans Administration Board of Contract Appeals in Washington, D.C. He resides in Scottsdale, Arizona, where he is a consultant to a Phoenix law firm and occasionally handles arbitration matters in that area.

Benson

WANTED: The Gang of Four
(Last Seen Mugging Judge Bork in the Senate Judiciary Chambers)

 <p>TEDDY THE FISH KENNEDY ALIAS: JACK'S BROTHER ALIAS: BOBBY'S BROTHER</p> <ul style="list-style-type: none"> • CHEATED ON SPANISH EXAM; BOOED OUT OF HARVARD • TICKETED FOR SPEEDING AT LAW SCHOOL; TRIED TO AVOID DETECTION BY HIDING UNDER THE DASH-BOARD (BACK IN THE DAYS WHEN HE COULD FIT UNDER A DASHBOARD) • CITED FOR LEAVING SCENE OF ACCIDENT; QUOTED AS LATER SAYING "IT'S WATER UNDER THE BRIDGE" • LICENSE SUSPENDED; SERVED TWO-MONTH PROBATION • BEEN SERVING AND SNERVING EVER SINCE 	 <p>JOEY THE PARROT BIDEN ALIAS: NEIL KINNOCK ALIAS: JOHN BARTLETT</p> <ul style="list-style-type: none"> • CAREER FLAGRANT; BEGGINING IN LAW SCHOOL AND ENDING ABRUPTLY IN 1987 (SEE PAGE 16, 17, 18) • GRADUATED TOP OF HIS CLASS IN RESUME COUNTERFEITING • FAST TALKER; FLASHY SMILE • TRAFFICS IN USED CARS AND USED SPEECHES • SPORTS HAIR TRANSPLANT (ALSO RUMORED TO BE) FROM KINNOCK 	 <p>PATRICK 'LOOSE LIPS' LEAHY ALIAS: LEAHY LEAHY ALIAS: THE MOUTH</p> <ul style="list-style-type: none"> • FORMER MEMBER OF SENATE INTELLIGENCE COMMITTEE • VOTED NOT TO MAKE PUBLIC SENSITIVE MATERIAL ON IRAN-CONTRA INVESTIGATION—THEN LEAKED IT TO THE PRESS ANYWAY • FORCED TO RESIGN FROM INTELLIGENCE COMMITTEE • HOWEVER, STILL INSISTS HE'S INTELLIGENT 	 <p>HOWARD 'LEFTY' METZNERBAUM ALIAS: CONSCIENCE OF THE SENATE ALIAS: CONSCIENCE OF JOE STALIN</p> <ul style="list-style-type: none"> • SOLD REAL ESTATE WITHOUT A LICENSE • FORCED TO RETURN \$250,000 FINDER'S FEE (VIOLATED SENATE RULES BY SELLING HOTEL FOR OLD FRIEND AND CAMPAIGN CONTRIBUTOR) • DELINQUENT ON PAYMENT OF \$118,000 IN BACK TAXES • AFFILIATED IN 1940s WITH GROUPS DESIGNATED AS COMMUNIST FRONTS • OPPOSES SDI, B-1 BOMBER, AIC, AIP, W/AFEMAN, FREEDOM FIGHTERS, ETC. • FAVORS TRADE WITH BULGARIA • UNLIMITED SENSE OF HUMOR; CALLS HIMSELF A 'CAPITALIST'
--	--	---	--

Arizona Republic September 27, 1987

• The Movie Mouthpiece

Continued from Page 22

"When I'm naughty, someone else is punished," followed later by a short scene of an eunuch spanking an empty bicycle for the transgressions of taking the boy to the city's gate in a futile attempt to see his mother.

- Peter O'Toole as Reginald Johnston, Pu Yi's tutor for twelve years teaching the youth: "A gentleman should always mean what he says" knowing full well that it would be disastrous for the Emperor to do so or even to venture wishes aloud, lest they become immediate commands.
- The Emperor choosing a wife from photographs, followed by the bedroom scene of the Emperor under yellow covers with both (Joan Chen as Empress Wan Jung and Wu Mimei as Wen Hsiu, official consort) showing a youthful, playful, but totally inexperienced adolescent.
- John Lone as the playboy Emperor in exile in Tien-Tsin, singing Western songs, adopting Western

ways, carelessly spending part of the \$4 million a year he was allowed after abdication.

- The scenes of re-education. Here John Lone as Emperor gives a striking performance of a man who once thought he was better than anyone on earth and who now confesses that he was the worst of all. It is difficult for an Emperor to become an ordinary man. The Governor of Fushu Prison in these scenes is Ying Ruocheng, presently the Deputy Minister of Culture of China.

Japan was not gentle with its occupation of China. When the Japanese army entered Nanking in 1937, it summarily executed 430,000 civilians—women and children included. "The Last Emperor" is presently being shown in Japan, but the actual live newsreels used in the film showing Japanese atrocities has been edited out—by order of the highest government heads in Tokyo. The Alaska release will include the newsreel sequences.

University of Washington School of Law Continuing Education

WINTER/SPRING 1988 SCHEDULE

Date	Course #	Location	Title
2/19	8801	Washington Athletic Club	HELPING YOUR CLIENTS PROFIT THROUGH CHARITABLE GIVING 1:30-4:45—3 CLE credits—\$75
2/27	8802	Law School	MAKING AND MEETING OBJECTIONS (REPEAT) Demonstration, Participation and Instruction in Effective Courtroom Technique 8:30-4:00—6.5 CLE credits—\$135
3/5	8803	Law School	THE "TAKING" ISSUE - THE SUPREME COURT FINALLY ACTS (REPEAT) 8:45-12:45—4 CLE credits—\$75
3/12	8804	Law School	IMMIGRATION AFTER IRCA AND ASYLUM AFTER CARDOZA-FONSECA: Developments in Employer Sanctions, Legalization, Marriage Fraud and Political Asylum 9:00-4:00—6 CLE credits—\$135
3/25	8805	YAKIMA Red Lion Inn	INCORPORATING SMALL BUSINESSES 9:00-4:30—6.5 CLE credits—\$135
4/9	8806	Law School	INTRODUCTION TO COMPUTER-ASSISTED LEGAL RESEARCH 9:00-5:00—7 CLE credits—\$135
4/16	8807	Law School	SECOND ANNUAL FAMILY LAW INSTITUTE 9:00-4:30—6.5 CLE credits—\$135
4/23	8808	Law School	NON-PROFIT CORPORATIONS - LEGAL ISSUES AND CURRENT CONCERNS 9:00-3:30—5.5 CLE credits—\$135
4/30	8809	Law School	FEDERAL APPELLATE PRACTICE AND PROCEDURE Effective Written and Oral Advocacy; Rules of Practice and Demonstration 9:00-4:00—6 CLE credits—\$135
5/7	8810	Law School	MENTAL HEALTH LAW 9:00-4:30—6.5 CLE credits—\$135
5/14	8811	Law School	BASIC ESTATE PLANNING 9:00-4:30—6.5 CLE credits—\$135

For information, or registration by phone, call (206) 543-0059.

Registration Form

Name _____ Phone _____

Firm _____

Address _____

Please mail this form and your check, made Course # _____ payable to the **WASHINGTON LAW SCHOOL FOUNDATION** to: Brief Title _____

Continuing Education
University of Washington School of Law
1100 N.E. Campus Parkway,
430 Condon Hall
Seattle, WA 98105
Amount enclosed _____
Bill my firm _____

Carr-Gottstein Properties are

WANTED BY THE LAW

"I've got all the convenience I need." Phil Benson called Carr-Gottstein six months in advance of his discharge from the Air Force just to insure that there was room for him to open his private law practice in the Carr-Gottstein Building. "In the Carr-Gottstein Building I've got easy access to the courthouse, the law library, the municipal prosecutor and the district attorney's office. All of these functions of the law are only five minutes from my desk. I've got all the convenience I need."



Phil Benson

"I really like it when clients compliment me on the quality of our office space." "Moving into an office never seems to go smoothly. But that was not the case with Carr-Gottstein. They assisted me tremendously. Before our move-in we met with the in-house interior designer to conceptualize our office layout. We wanted something unusual. They were great at providing thoughts and insights that fit our needs. Clients recognize the work that went into our office."



Bill McNall

"Carr-Gottstein created an office that looks and feels good." "The tenant improvement department added all the extras that make an office conducive to conducting a law practice. They replaced the carpeting and added the additional desk and shelving that met my particular needs at no additional cost. They have really arranged the whole office layout according to my personal needs . . . and to top it off, the rent is reasonable too!"



Bob Frenz

"Carr-Gottstein knocks down walls for us." "The Carr-Gottstein in-house interior designer met with us when we first moved in. They offered us a substantial allowance for tenant improvements and I feel they really extended themselves. Even though our personal style is rather eccentric, she took our idiosyncrasies and managed to design a nice office layout in spite of us."



Wayne Ross

All office space isn't created equal. We strive to give our tenants the best location and service available.

Call Suzi Perri today and let us design that perfect office for you.
564-2424