



## Pants, No Pants

By Larry Zervos

“Pants, No Pants” was a slightly evocative headline in the December 23, 1965, edition of the FAIRBANKS DAILY NEWS-MINER. It refers to a controversy that started at a regular meeting of the North Star School Board and then captivated our community for weeks.

On the cold evening of December 14, 1965, the North Star School Board President, Janet Baird, called a regularly scheduled meeting of the Board to order. After the Board approved the minutes from the previous meeting, the President, as was routine, asked if any persons present had any communications for the Board. After two mundane administrative reports, a parent, Mrs. Duncan Plowman, rose to speak. Her concern was not mundane and not routine, and it set the stage for a month of intense and often emotional debate between the School District administration, teachers, parents and students.

Mrs. Plowman presented petitions from concerned parents demanding that the School Board do away with Lathrop High School’s policy of prohibiting girls from wearing pants in school. Eliminating this policy, according to Mrs. Plowman, was especially important during cold weather.

President Baird and School Board member Nancy Mendenhall said they had received calls from parents opposed to the policy as well. School Board Member, R.M. Fenton said that the Fairbanks Medical Association was concerned about girls’ health because of the no-pants policy.

President Baird directed Superintendent Charles Lafferty to investigate the policy and report back to the Board.

At the next meeting, on December 21st, Dr. Lafferty presented his report. He said the policy about girls and pants differed from school to school in the district. In the elementary schools, girls were allowed to wear pants, but they were “encouraged to wear their slacks or snow pants with skirts and to remove the slacks or snow pants while indoors.”

At the North Pole schools, girls could wear pants but not “stretch pants.”

At Main Junior High and Lathrop High, Dr. Lafferty said girls must wear “dresses or skirts during school hours while indoors.” But girls who take buses “are permitted to leave their classrooms three minutes prior to regular dismissal

*Continued on page 3*

## Sitka Students See Themselves in Legal Careers, Thanks to Color of Justice Conference

By Jamey Bradbury,  
 CITC Senior Communications  
 Specialist

One day in November 2023, 86 Mount Edgecumbe High School (MEHS) students became lawyers, judges and jurors for a single afternoon as they decided the fate of fictional defendants. The mock trial, which provided the students with a glimpse of what it’s like to work in the field of law, was part of the Color of Justice youth conference, held

in-person in Sitka for the first time since 2019.

Started by the National Association of Women Judges in 2001, Color of Justice is a two day event designed for high school juniors and seniors to learn and experience what a career in the legal field could look like for them. The program particularly encourages participation among women and people of color, populations traditionally underrepresented in the legal field.

This year’s cohort of students enjoyed a packed agenda, including activities like the mock trial, “Constitutional Cranium,” a Tribal justice quest, and “You Be the Judge,” where players debated and decided the outcomes of real cases. Through a speed-mentoring session and presentations from Alaska Native lawyers and law schools, the students

spent time with legal professionals like Bobbie Allen, a Fairbanks Superior Court law clerk, and Peter Boskofsky, Koniag general counsel, both MEHS graduates who talked about their journeys from Sitka to law school and beyond.

Supreme Court Justice Jude Pate, who originally hails from Sitka, returned to the community to bring incredible energy and support to the event. He reminded participating MEHS students that “this is their court” and shared that his dream is for a MEHS graduate to replace him when he retires from his position.

One goal of the program is to increase the number of Alaska Native lawyers and judges. Color of Justice alumni, including Magistrate Judge Pam Smith, participated as adult mentors at the event. Smith,

an Alaska Native magistrate judge for the Nome District Court, shared how attending Color of Justice as a teen inspired her to become a lawyer. Kawerak Staff Attorney Megan “Sig” Tapqaq also supported students throughout the event and mentored student judges during the mock trial.

Additional thanks for supporting and hosting Color of Justice goes to: University of Washington School of Law, the Alaska Federation of Natives, Gonzaga University School of Law, the National Association of Women Judges, the Alaska Court System, the Alaska Native Justice Center, RurAL CAP, the Sitka Tribe of Alaska, Seattle University School of Law and MEHS.

The next Color of Justice event will take place in Anchorage, in November of this year.

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# Bar President Provides CLE Update

By Jeffrey Robinson

As you may know, on January 17, 2024, the Alaska Supreme Court signed SCO No. 2016 amending Bar Rules 65 and 66 to increase mandatory continuing legal education for active bar members to twelve CLE credit hours per year. Three of those twelve CLE credits must be ethics CLE. The rule will go into effect on January 1, 2025, and the first reporting deadline for the new rule will be February 1, 2026. SCO No. 2016 also expanded the activities that count for CLE credit.

The promulgation of the rule change had been a long time coming, and this column does not seek to re-litigate the history of the change. By way of background, however, it is important for the Bar to know that after a 2020 legislative audit concluded that Alaska's CLE participation and requirements remained far below most states and recommended a mandatory CLE increase, the Bar formed a subcommittee of members of the CLE committee, solicited opinions in favor of and against the change (which were then printed in the March 2022 *Bar Rag* and the June 2023 *Bar Rag*), requested further comment from sec-

tion members regarding the opinions, and, in May 2023 published the rule proposal to increase the MCLE requirement. The Board additionally considered national reporting requirements, improving lawyering skill, protecting the public, and how and when best to initiate the change.

The Bar has published and circulated a helpful guide regarding the increased CLE requirement. The guide has a Q & A section, a link to SCO No. 2016 and a copy of the Board's recommendation to the Supreme Court. The guide explains, for example, that there are nearly a dozen ways for members to earn CLE credits, including participating as a volunteer in Youth Court or similar law-related educational youth activities, attending local bar association programs and meetings of professional legal associations, and teaching CLE



"The Bar has published and circulated a helpful guide regarding the increased CLE Requirement."

courses or viewing CLE courses on video on demand. Currently, the Bar offers 15 general credits and eight ethics credits available to watch for free on our video on demand library, and an additional eight free general credits and three free ethics credits scheduled from now until the end of May. The big picture is that our requirement amounts to an average of one hour per month to work on professional development and we are not required to bear additional cost.

Kara Bridge serves as the CLE Director for the Alaska Bar Association and oversees CLE opportunities for our members. Her department hosts at least 35 annual CLE events and plans the Bar Association's annual convention. (As a reminder, the next Alaska Bar Convention will occur in spring, 2025). Kara previously served as CLE Coordinator under Barbara Armstrong's leader-

ship and later transitioned to the position of CLE Director. She left Alaska with her family (her husband is in the military) to cross the Pacific, and finally returned "home" to Alaska approximately two years ago. Kara has worked tirelessly to deliver top-tier CLEs by fostering partnerships within the Alaska Bar community, our local bar associations and other outside legal education providers. Kara's persistence in developing these relationships has created ample opportunities for our membership to fulfill our increased CLE obligations in the coming years. The Board thanks Ms. Bridge for her work and encourages our membership to reach out to her with any CLE related questions.

*Jeffrey Robinson is the president of the Alaska Bar Association. He was born and raised in Rhode Island. He has been a resident of Alaska for 16 years. Jeff graduated from Boston College and received his law degree from Notre Dame Law School. He is a shareholder in the Commercial Litigation Group of Lane Powell.*

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## EDITOR'S COLUMN

# Beistline's Last column

By Ralph R. Beistline

All right, this is my last Editorial column. After all, at 75 years old, it is time for new blood, and my wife, Peggy, needs some help with the wood pile. This is not to say that I am disappearing or that you will not hear from me again - just releasing the reins. However, as I look back over the years, and page through old editions of the paper, I find myself growing nostalgic and enjoying the trip down memory lane. I am impressed with



"Over the years we have had poetry. Good poetry, not so good poetry and bad poetry. But, again, we try."

the quality and variety of what has appeared in the paper in past years, although not unaware of some arguably marginal work. But, we try.

Over the years we have had poetry. Good poetry, not so good poetry and bad poetry. But, again, we try. Harry Branson, Editor Emeritus, loved poetry and wrote extensively for the paper. One thoughtful piece that he was proud of was "Old Tom,"

a poem that we have included herewith for your consideration.

And we have been educated. Steven O'Hara, author of THE ESTATE CORNER has taught us for years. In fact, he has written steadily for us for decades, longer than any other contributor. His work has consistently been exceptional. The only change is his hairstyle. When he began, he had hair that would make Elvis jealous—today, not so much.

There have been interesting historical columns as well. In fact, in this edition, Larry Zervos, in his article "Pants No Pants", presents some history about one of the issues that dominated debate in interior Alaska in the mid-60s, i.e., whether girls should be permitted to wear pants in school. I enjoyed this because I was there and recall the debate, which seemed to arise whenever the temperatures would

drop to forty below. Can you imagine what the School Board members who opposed the idea of girls wearing pants in school in the 1960s would think if they could see the subjects of debate today?

Over the years I have written on, and wrestled with, about every subject imaginable, ranging from lost socks to foam outhouse seats. We covered substantive subjects ranging from tort reform to treks up Denali and everything in between. We covered the flatulent attorney who disrupted court proceedings, and we even reported on the young attorney who killed a grizzly bear on Kodiak Island and then had to spend the night inside the bear's carcass to avoid freezing. All exciting and informative.

Throughout much of this time we were comforted by an advice columnist who was there to address and resolve many of the problems we faced. This, of course, was **Samantha Slanders**. She worked, without compensation, to address our many questions. Her advice is still relevant today. So, we have included, herewith, some of her columns for your edification.

As much as we appreciate our past, it is time now to focus on the future and, with new blood, make the paper even better than before. Certainly, that is my hope and expectation.

So, good luck!

*Ralph R. Beistline is editor of the Bar Rag and a senior U.S. District Court judge.*

As much as we appreciate our past, it is time now to focus on the future and, with new blood, make the paper even better than before.



Ralph Beistline's wife telling him to quit writing and help stack wood. Photo by Ralph Beistline.

## The Alaska BAR RAG

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Bud Root

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Alaska Bar Association  
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# Pants, No Pants

*Continued from page 1*

time to change into slacks.”

Dr. Lafferty told the board that the principals and the school administration unanimously supported the no-pants policy. Also, the Main Junior High Teacher Association, the Lathrop Unit of the North Star Education Association, and the District PTA groups, all supported the policy.

The School District administration seemed to have three reasons for the no-pants policy. The first reason was the belief that girls in pants would lower school morale and have a negative effect on the atmosphere in the school and on student discipline. Mrs. Josephine Parrott, the principal of Main Junior High, cited this loss of morale and discipline as the reasons for Main Junior High’s prohibition on girls wearing pants. Also, Lathrop Principal Dee Durst said the type of clothing worn in school has a “great effect on the atmosphere and the behavior of students.” He pointed out that cold weather was not always the reason girls wore pants to school and the pants they chose to wear “ranged from stretch pants, to peddle push-

ers and clam diggers.”

Parents and students were not buying this argument. One mother, apparently responding to Mr. Durst’s description of the type of pants girls chose to wear, said “you ought to put them all in mother Hubbard’s and do away with it,” an apparent reference to the sack-like, shapeless dresses worn by women in the late 1800s. She also pointed out that her daughter wore slacks and her morale was just fine. Other par-

**Also, according to many parents, the girls did not have enough time to change clothes as required by the policy, and one father said he thought it degrading for a girl to have to change clothes in a “filthy toilet.”**

ents agreed and said that wearing pants did not cause a problem for the girls, it was the one-sided prohibition that caused the problem.

A father argued that morale was not the issue anyway. The issue was the common-sense need to follow the “accumulated experience of mankind[.]” When it is cold out, he said, you “put on more skins[.]” And Dr. Raymond Evans, representing the Fairbanks Medical Association, discounted the morale and behavior issues, too. He wrote that the policy needed to be discontinued in the “interest of student health.”

Also, according to many parents, the girls did not have enough time to change clothes as required by the policy, and one father said he

thought it degrading for a girl to have to change clothes in a “filthy toilet.” When the administration representative objected to the father’s characterization of the bathroom facilities, a junior high student confirmed the father’s concern by telling the Board that the bathrooms were usually filled with cigarette butts and paper towels.

The second argument posed by the School District to support the no-pants policy was that girls in pants caused a distraction in class. A father, Chester Vanderbilt, quickly debunked this argument by pointing out that “[t]he district is trying to rule that all girls in slacks are distracting and that all skirts are not.” This position, he emphasized, is not tenable. Another parent made the same common-sense point that slacks are no more a distraction in the classroom than short skirts or tight sweaters.

The administration’s third argument was that girls in pants became too warm. It is not clear what this argument was based on, but Lathrop High sophomore Lara Hampton quickly and effectively responded. She asked the Board, “If [girls] are too hot in slacks and have to change,

are the boys going to be made to take off their long johns?”

After three meetings concerning pants and after three meetings with a persistent deadlock, Board Member Frances Miller made a motion that “acceptable cold weather wearing apparel for girls and boys may include proper slacks from October 15 to March 15.” Ms. Miller’s motion quickly passed with only

one dissenting vote. The controversy about girls in slacks was not unique to Fairbanks. All over the United States in the mid-sixties this issue was being debated. Fairbanks was fortunate, however. Unlike many school districts, our Board was able to set aside a policy based on gender discrimination well before Title IX of The Education Amendments Act of 1972 prohibited such policies in public schools.

*Larry Zervos was a District Court Judge in Fairbanks from 1988-1990 and a Superior Court Judge in Sitka from 1990-2007.*

Quotations are taken from documents and news articles on file with the author.

**The controversy about girls in slacks was not unique to Fairbanks. All over the United States in the mid-sixties this issue was being debated.**

## Old Tom

By Harry Branson

Oldborn Tom.  
Tomcat, gray.  
Told no one.  
Gave none away.  
Never slept,  
At least, alone.  
Not about.  
Always home.  
Any night  
Front light on  
Come right up  
Talk until dawn

Aristotle?  
Knew him well.  
Pass the bottle.  
What the hell.  
Drank with Plato.  
Shared his cup.  
Ideal way to fill  
The evening up.  
He summoned the arts  
Of friends like these:  
Bacon, Descartes,  
Diogenes.

We questioned schemes  
For the Highest Good:  
The End of Man  
Is fatherhood?  
Does God exist?  
If not, do we?  
How about this -  
Is my will free?  
Are the shadows we see  
On our cavern wall  
The only things that we  
Are meant to see at all?

He answered every question  
And replaced it with another.  
He knew more than anyone.  
Yet, none of us would bother  
To try to discover some of those

Unknown sources he drew from.  
Or even, who the hell he was.  
Cogito, ergo sum?  
Some of those questions that we  
didn’t ask,  
None of our business, I suppose.  
Only, sometimes I think we passed  
Because we didn’t want to know.

Tom died of drink, the Coroner  
said.  
The downstairs neighbors testified:  
“We found him alone. A long time  
dead.  
There was an empty wine bottle at  
his side.  
Lived by himself - no friend or visi-  
tor  
Except for Aristotle, his old gray cat  
And the delivery man from the  
liquor store.  
He talked to himself. Nothing  
wrong with that.  
We didn’t mind. Oh, maybe once in  
a while  
When he had a skinful. Then he  
would pace  
And yell and answer back all riled  
Like someone else was there, in his  
place.”

Oldborn Tom.  
Tomcat, gray.  
Told no one.  
Gave none away.  
Never slept,  
At least, alone.  
Not about.  
Always home.  
Any night  
Front light on  
Come right up  
Talk until dawn.



## Samantha Slanders

*Advice from the Heart*

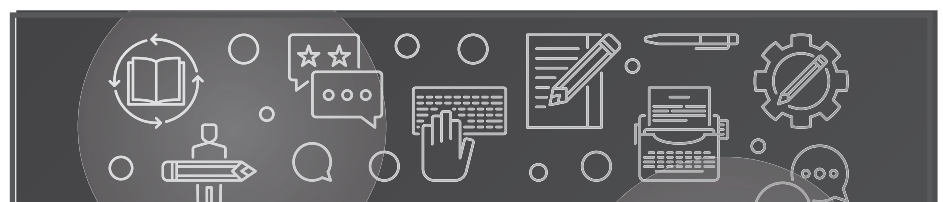
**DEAR SAMANTHA:** I am a 27-year-old, unmarried attorney who has recently become very active in the Anchorage Bar Association. Several months ago, I began dating a wonderful young veterinary assistant and have fallen in love. Although her working conditions are filthy, she is beautiful! I want to marry her. Lately, however, I have noticed a strong smell on my clothes at the end of the day and have dis-

covered fleas in my hair. As much as I love this woman, I know I will not be able to live this way forever. How can I solve this delicate problem?

**Lovesick in Anchorage**

**DEAL LOVESICK:** Take hot showers and soak well after any contact with members of the Anchorage Bar Association.

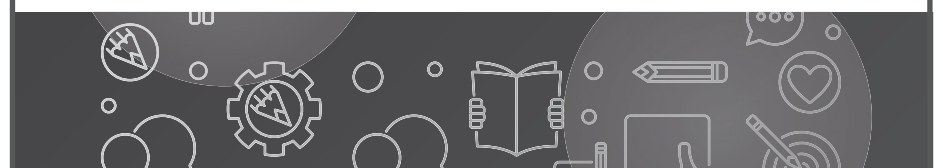
**Samantha.**



## New Bar Rag Editor Needed

Ralph Beistline has resigned as editor of the Bar Rag, and a new editor will need to be appointed. The editor writes a quarterly column, helps decide which articles should be printed, and discusses what should be on the front page. The editor reviews articles prior to publication and meets quarterly with the managing editor and production managers (non-lawyers who are paid to edit and layout the paper) and the Executive Director. Some editors are more active and solicit lawyers to write articles about specific subjects or write additional articles.

**If you are interested, send a letter and your resume to Danielle Bailey at [bailey@alsakabar.org](mailto:bailey@alsakabar.org) by April 15, 2024.**



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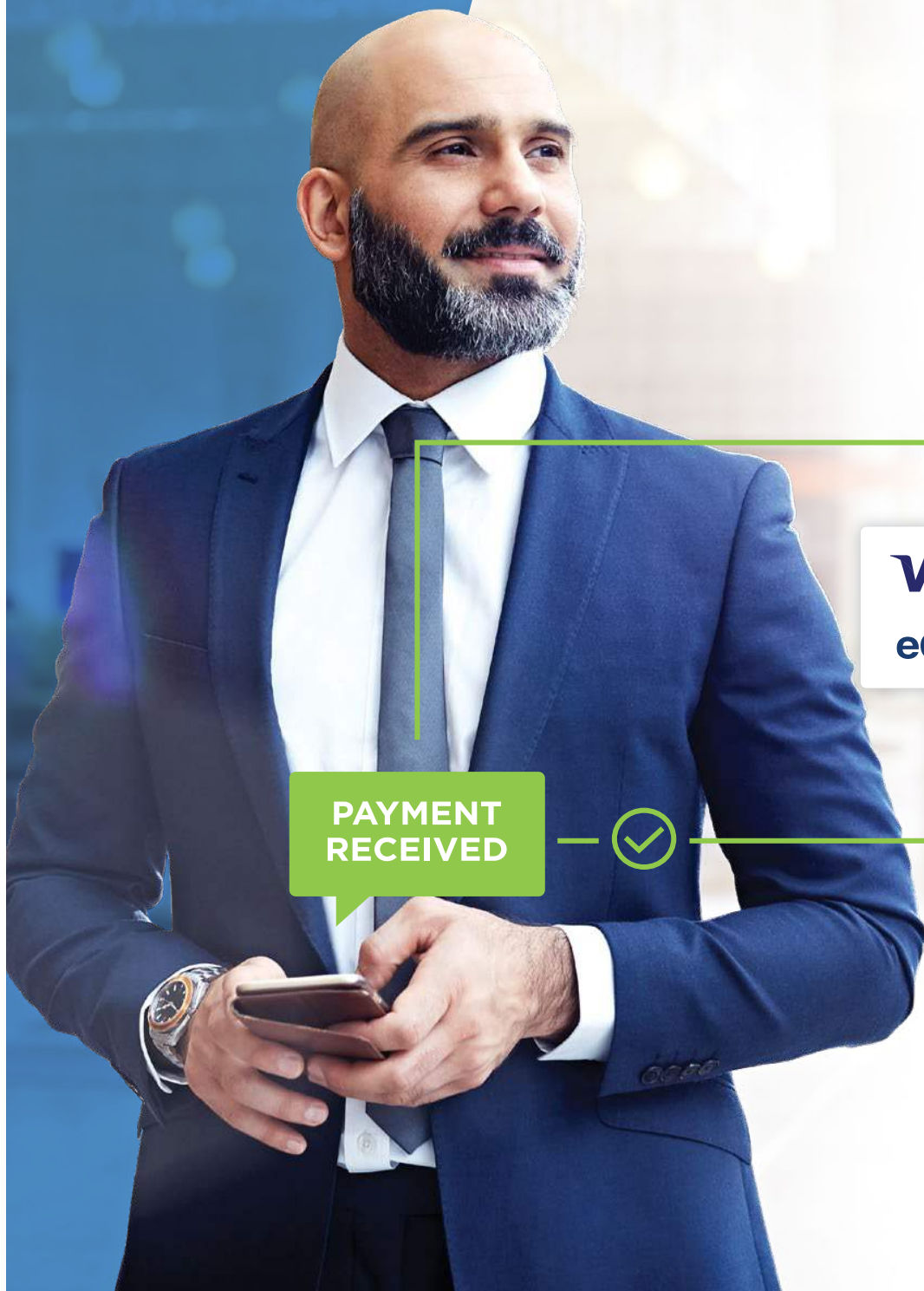
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# AI and Automation are a Lawyer's Best Friend

By Ashley Sundquist

Many lawyers fear that AI will replace lawyers and the legal profession will be obsolete. However, we are a far cry from that reality. Instead, AI and automation can be valuable tools for lawyers, enhancing efficiency and effectiveness. Rather than resisting change, lawyers should embrace these technologies to stay competitive in an evolving landscape.

Chat GPT, a widely known AI platform, offers valuable assistance. Instead of resorting to traditional Google searches, lawyers can leverage Chat GPT for quick answers related to their cases. For example, Chat GPT can be helpful when considering various potential causes of action for complaints or addressing contract enforceability concerns. It can also help with creating or revising letters or emails or even creating employee handbooks or policies.

Legal research giants like Westlaw and Lexis are also developing AI software tailored for lawyers. Westlaw's recent acquisition of CoCounsel, a legal AI company, puts them ahead in providing advanced legal AI services. CoCounsel, leveraging Chat GPT technology, offers a range of legal research capabilities and can even assist in reviewing discovery materials. For instance, you can upload documents and ask CoCounsel specific questions such as "which emails should be marked as privileged?" or "where in the transcript did the deponent discuss his

mother's capacity at the time she signed her will?" While these features can greatly benefit lawyers, it is important to exercise caution. Lawyers cannot solely rely on AI-generated outputs and are still responsible for thoroughly reviewing the information provided by AI.

Automation is another powerful tool to help lawyers and is increasingly integrated into customer relationship management (CRM) platforms such as MyCase. Automation saves time by generating documents you create on a routine basis. For example, when initiating a probate matter, the court requires several forms that include information about the decedent and about the individual seeking appointment as the personal representative. MyCase's automation simplifies this process by allowing lawyers to create client intake forms directly from the client that then are fed into the forms, reducing the need for manual document creation. MyCase's capabilities merely scratch the surface of what automation can achieve.

Platforms like Zapier take automation to the next level. By streamlining workflows, Zapier allows law firms to automate various processes, saving valuable time. For instance, a website's potential new client form can trigger different actions based on keywords written in the case description. If a potential new client mentions "probate" or "died," an automated workflow can send the potential new client an email with an initial client intake form as described above. Additionally, Za-



Photo by iStock.

pier can perform conflict checks and schedule consultations with the relevant attorney. With integration options for hundreds of software applications, Zapier enables law firms to optimize their processes efficiently.

Overall, AI and automation should be seen as tools to optimize law practices, enabling lawyers to focus on the intellectually challeng-

ing aspects of their work. Embracing these technologies is essential for legal professionals to evolve and thrive in a dynamic and competitive field.

*Ashley Sundquist is a solo practitioner with a J.D. and M.B.A., specializing in estates and trust litigation, probate and commercial litigation.*

## A Message From Judge Kleinfeld

For those who came to my wake on September 22, 2023, I just want to express my deep appreciation. All of you inconvenienced yourselves and some of you inconvenienced yourselves greatly by traveling. A lot of TVBA members went to a lot of trouble to put it on.

I am overwhelmed with appreciation. I just had no idea that so many of you cared about me, liked me, or, for that matter, knew who I was. You have given me a wonderful gift. And if Charon pulls up his boat a block north of my chambers, because he doesn't understand the unusual TVBA custom of doing a wake before the subject is dead, it will be even more of a pleasure to tell him to get lost.

— Andy Kleinfeld

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# The Other Side – What They Don't Teach You In Law School

By William R. Satterberg

## Part III of a series

One of my first significant civil cases was *Arctic Mechanical v. Matomco*. The case eventually made its way to the Alaska Supreme Court. My two insurance subrogation co-counsel in the case were Richard Weinig and Ken Lamb. Scott Taylor, a tenacious litigator, was the defense attorney. Chris Zimmerman was the judge. Sadly, all four attorneys have since passed on. I am sure they would enjoy this story. Since they have moved on, I have even greater literary license. I might even exaggerate a bit, something I am never prone to doing.

Arctic Mechanical was a complex case involving a major fire loss. Trial had gone on for almost three weeks. Everyone was becoming a bit irritable. We even worked on one Saturday until a juror stood up, grabbed the sides of her head and loudly screamed, "I can't take this anymore!" She then ran crying from the courtroom, only to return the following Monday.

Over 700 property items had been lost in the fire. Each one was discussed extensively by my client, with a handwritten list appearing on a large screen projected from

a slightly blurred image from an overhead projector. In retrospect, this laborious, two-week presentation likely explained the frustrated juror's outburst. One of the issues was the value of a destroyed black bear rug. Bryan Borjesson (also now deceased), was the defense expert and had opined that a bear rug had absolutely no financial value. Although an engineer by training, Bryan was known to hire out as an expert on lots of different subjects. I even used him occasionally. This time, he chose to be a personal property valuation expert. Eventually, it was time for my cross examination. After questioning Bryan about numerous lost items, the subject of the bear rug was on the floor. Once again, Bryan reiterated that the rug had absolutely no value. Anticipating the answer, I had co-counsel Ken Lamb waiting outside the courtroom watching us through the small window in the door to the courtroom. Over Ken's shoulders was draped a black bear rug which my parents had given me. There were only minutes left before we would adjourn for yet another weekend. Feigning righteous incredulity, I challenged Bryan's assertion while pointing dramatically to the courtroom door. "Are you telling us that something like THAT has no absolutely no value, sir?" The word "THAT" was Ken's cue to come bursting through the door with the bear rug draped over his shoulders, wildly waving the claws up and down. Ken next dashed in circles around the center of the courtroom like Arnold Schwarzenegger in *Conan the Barbarian*, even though Ken lacked Arnold's body. It couldn't have been played better. As expected, Scott Taylor became immediately upset (Scott was always tightly wrapped). As the jury laughed hysterically,

Scott demanded that my prized family bear rug be marked and introduced into evidence. In response, Judge Zimmerman loudly declared, "It's a Lamb in bear's clothing!" He then adjourned court for the weekend without ever ruling on Scott's request. No sanctions resulted and I left that day with my rug firmly in hand.

During one bench trial against attorney Bixler Whiting, known to be quite effective in his

years, I was advised in a recess by a court clerk that I should really try to be more polite in the courtroom. At the time, I was a young attorney. I had not yet learned that you usually get more with honey than vinegar and that the finders of fact appreciated courtroom civility as opposed to television drama. Wanting to improve my apparently rusting image, I chose to immediately change my style. So, after the recess, with the greatest degree of respect and humility I could muster, I politely asked Bix if he would like me to pour him some water. Not even looking up, but responding to my kind offer with a

dismissive wave of his hand as if I were a pesky nuisance, Bix said "Go ahead." Not even a thank you or a please. My fragile self-esteem suffered another attack. I then tried to pour the water into Bix's waiting water cup. Nothing happened even though the heavy container weighed as if it were full to the brim. The pitcher was one of those tan plastic pitchers bought from the lowest bidder. It had a black top with a flipper to open for pouring. I next pushed down hard on the flipper. To my surprise, the top quickly popped open. Before I could regain control, the entire liter of water sloshed out and fully inundated Bix's desk, soaking his scrupulously prepared pleadings and exhibits. Then, rather than expressing gratitude for my genuine act of kindness, Bix immediately began to accuse me of calculated sabotage, demanding sanctions. Fortunately, Judge Blair saw what took place and was laughing too hard to rule on Bix's request. I, too, was surprised since I didn't think Bix's arguments would float from the start.

One of my favorite jokes is about judges. I told it at the investiture of Superior Court Judge Thomas Temple in Fairbanks. I will tell it again at the formal ordination of Judge Amy Welch, whenever that event takes place, if ever. "What do you say to a lawyer with an IQ of 40?" The answer? "Your Honor." At Tom's swearing in, most of those jurists seated at the courtroom bench laughed. Except for one. That was Supreme Court Justice Bolger. To my dismay, Justice Bolger actually appeared to take the joke quite seriously. Fortunately, the other jurists on the bench at least knew that it was me and I got another, "That's just Bill" pass. Retired Justice Dan Winfree would have liked it, however. Dan always used to tell lawyer



"At the end of the trial, Judge Blair had surprisingly ruled against me. I was disheartened to have lost."

jokes at Rotary lunches.

My very first trial was a bench trial before Judge James Blair. During the case, Judge Blair appeared to be enthralled with my presentation. He was constantly writing notes down at the bench when I would perform. After the trial, being a young attorney, I ventured behind the bench when the courtroom was empty to see what it felt like to be in the judge's chair. I

wanted to view the courtroom from his lofty position. While pretending to be Judge Blair, I glanced down at a desk pad upon which he apparently had been doing some scribbling. I quickly realized that Judge Blair had been computing his days until retirement, complete with projected retirement payments. So much for the quality of my presentation.

At the end of the trial, Judge Blair had surprisingly ruled against me. I was disheartened to have lost. Adding salt to the wound, opposing counsel filed an application for full costs and attorney's fees. By law, it was a condemnation action which provided for full costs and attorney's fees. At argument, I challenged the accuracy of my opponent's billings. In response, Judge Blair summarily stated, "You lose, Satterberg!" and granted the landowner's full request. It was like I was in a basketball game. A chubby guy, I never could jump.

During my tenure with the Attorney General's Office, I tried another case, *Pankratz v. State*, which also eventually went on appeal. Pankratz involved a claim by a landowner that a dike surrounding his property on the Chena River had

accreted through river flow. Pankratz had sued the State of Alaska claiming that an upstream bridge was directing the river at his property, effectively eroding his dike. Pankratz was laying a claim to the frontage even though the State had strong evidence showing that the purported accretion had mechanically taken place by a D-8 bulldozer. I even had NASA U-2 photographs to prove it.

The court wanted to hear evidence on accretion. Fortunately, I had anticipated the issue. At considerable state expense, I had retained a highly credentialed expert, Dr. Jan Cannon, who taught at the University of Alaska. Dr. Cannon was a geomorphologist who had written a book on the meanderings of the Tanana River. He also was a remote sensing expert who led the NASA team that had selected the landing spot for the first Apollo lunar landing mission. Eminently qualified, to say the least. Through an extensive geomorphological formula, Dr. Cannon testified that the size of the rocks in the dike could not have possibly accreted through river flow. Rather, mathematically, accretion was a function of the density of the rock, the downward weight of the water on top of the rock, and the velocity of the river. All were contrib-

uting factors to determine whether or not the rock could have been rolled by the river into position on top of the high bulwark. Theoretically, that claimed accretion simply was not possible. Instead, the only logical explanation was that the rocks were rolled into position by a D-8 Cat blade, having appeared during only one summer season when Fairbanks was devoid of floods. Dr. Cannon also pointed out the culprit D-8 in one of the U-2 photographs to further buttress his opinion.

When it became time for my closing argument, Judge Hodges appeared confused by my expert's explanation. In fact, the judge challenged me, saying that my expensive expert clearly was not credible. Per the court's understanding, Dr. Cannon had been arguing that it would have taken over 200 ft of water flowing over the top of the rock to move the rock into position. Under the court's analysis, my expert simply was not to be believed because the Tanana Valley had never had 200 feet of water on top of the flood plain during recorded history.

Realizing that the case was in jeopardy of being lost due to a judicial misunderstanding of mathematics and empirical formulas, I respectfully asked the court if Dr. Cannon could explain how the formula worked, why his conclusion was correct, and why the court was wrong. In response, Judge Hodges told me that it was the closing argument. Too late for that. He would not allow Dr. Cannon to do the explanation. Fortunately, I had taken a rather extensive amount of mathematics as part of my undergraduate

studies in chemistry. (Ultimately, I had opted to pursue a career in law instead of chemistry due to some unfortunate encounters with Fish and Game authorities while I was a

commercial fisherman during my college summer months.) The case depended on me to reverse Judge Hodges' challenge. So, summoning up my ancient training in algebra, I took my Sharpie and, on the courtroom easel, worked the complex formula to demonstrate to the court that there had never been 200 feet of water over Fairbanks and that, in fact, the rock had been wrestled into position by a yellow D-8 bulldozer. To my relief, at some point, Judge Hodges experienced understanding. This became most evident when he laid his head on his bench with both hands over the back of his head and muttered, "Jesus Christ! Now I understand!" He then resumed his full short stature and ordered me to conclude my case. Clearly, Judge Hodges didn't like mathematics any more than I. Fortunately, in the end, Judge Hodges ruled in favor of the State's case, having achieved supreme enlightenment. The decision was affirmed on appeal.

This series will continue in future *Bar Rag* publications.

*Admitted to the Alaska Bar in 1976, William R. Satterberg Jr. has a private, mixed civil/criminal litigation practice in Fairbanks. He has been contributing to the Bar Rag for so long he can't remember.*

Everyone was becoming a bit irritable. We even worked on one Saturday until a juror stood up, grabbed the sides of her head and loudly screamed, "I can't take this anymore!"

Fortunately, in the end, Judge Hodges ruled in favor of the State's case, having achieved supreme enlightenment. The decision was affirmed on appeal.

# Meet the Alaska Law Review Executive Board

By Connor Sakati

These four students at Duke Law School manage the Alaska Law Review, and are committed to publishing a law review that serves the Alaska legal community's needs.



Photo provided by Alaska Law Review.



Photo provided by Alaska Law Review.



Photo provided by Alaska Law Review.

**Sam MacDuffie** grew up in Maine, where he learned to love everything outdoors. After graduating from Duke, he hopes to move back north and practice law in a rural community, using the skills he gained while at law school to benefit his home state.

**Flora Lipsky** is the editor in chief of *ALR*. Despite growing up in Brooklyn, N.Y., she was drawn to Alaska's unique and rich history. Her curiosity about land use law, Native and Tribal law, and issues of domestic violence and sexual violence led her to the *Alaska Law Review*. Upon graduation from Duke in May, Flora will clerk on the federal district court for District of New Hampshire.

Flora is grateful to have had the chance to visit Alaska, spend some time fly fishing for sockeye, trolling for King Salmon and admiring the Katmai bears. She eagerly looks forward to future visits.

**Scott Anderson** is the executive articles editor of *ALR*. He grew up in Southern California and lived there his whole life before law school. Scott joined *ALR* because he always felt drawn to Alaska's natural beauty and less touched environment. He also wanted to be part of a group that served a smaller legal community.

Following graduation, Scott will work for a law firm in California. He is grateful he had the chance to visit Alaska during his last fall break. He enjoyed visiting the Alaska Wildlife Conservation Center, seeing the aurora borealis and meeting with numerous attorneys who shared their knowledge about Alaska law.



Photo by Cameron Perales.

## Meet An Upcoming Alaska Law Review Author: Elza Bouhassira

By Connor Sakati

Elza Bouhassira is a third-year student at Duke Law School. At Duke, she is the online editor for the Alaska Law Review and the editor-in-chief of the Duke Environmental Law and Policy Forum. She is also the senior editor of GlacierHub, a blog focused on all things glacier related. She aspires to practice environmental law.

Her upcoming student note, *Among the Rarest: Saving the Eastern North Pacific Right Whale*, discusses perhaps the rarest, most endangered large whale species in the world. Only about thirty surviving individuals make up the eastern population, which live in waters around Alaska. Her note aims to highlight the crisis facing eastern north pacific right whales (NPRWs) and the steps that can be taken to support the recovery of this rare whale.

The note first presents information on the history of the species and its importance. It next examines existing international and domestic U.S. legal regimes as well as a pending petition to revise NPRW critical habitat off of Alaska. Finally, it advances six recommendations to support the eastern NPRW's recovery: (1) more data collection should be facilitated; (2) the precarious situation of the NPRW should be shared to raise public awareness and support for protection measures; (3) the critical habitat designation should be expanded, but to a lesser extent than the petition has requested; (4) a whale-ship interaction risk reduction regime should be adopted; (5) whale-friendly fishing gear should be widely adopted; and (6) commercial whaling must remain illegal. It argues that with the right protections, eastern NPRWs can avoid extinction.



Photo Courtesy of Elza Bouhassira.

**Connor Sakati**, another New Englander grew up in New Hampshire, where moose would occasionally prance across his yard and he spent all his time outside. Before law school, he taught high school in rural Appalachian Kentucky, and he too hopes to eventually practice law in his rural homeland. After law school, he will practice law for the U.S. Army. He spent a summer in Alaska at the Department of Law. He loved his time there.

*Alaska Law Review: The Alaska Law Review is an academic law journal that examines legal issues affecting the state of Alaska. It is published by students at Duke Law School every June and December. The journal is not published in Alaska, because no law school operates within the state.*

**NOTICE TO THE PUBLIC**

By order of the Alaska Supreme Court,  
dated 12/15/23

**NATASHA M. NORRIS**

Member No. 0111071  
Anchorage, Alaska

is transferred to  
disability inactive status  
effective December 15, 2023.

Published by the Alaska Bar Association,  
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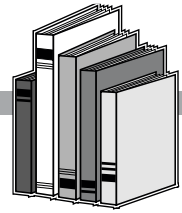


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# Law Library



## Legislative Histories for ANCSA and ANILCA

By Susan Falk

The Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA) are two incredibly important pieces of federal legislation for Alaska. They impact both indigenous people and federal lands in Alaska, and both have had wide-ranging implications. They took years to pass – ANCSA in 1971 and ANILCA in 1980 – and are linked to one another. Together, these two pieces of legislation represented a new way of looking at indigenous rights and federal land management in the United States, though many of their novel ideas have not become widely implemented elsewhere. It is difficult to discuss the history of Alaska without grappling with one or both of these acts.

The Anchorage Law Library owns two comprehensive histories of these two pieces of legislation. The 14-volume ANCSA legislative history was compiled by the staff of the United States District Court



Jay Greenfield, U.S. Senator Ted Stevens and AFN President Emil Notti discussing ANCSA in the Senate TV Studio in 1969. Wikipedia photo

Library in Anchorage, likely sometime in the 1970s. The Alaska Department of Fish & Game produced a 41-volume legislative history of ANILCA in 1981. These sets are

the most extensive histories of these laws that we know of, and are very rare. In recent years, some copies of the ANILCA set were discarded by

people who didn't recognize how few exist.

The Anchorage Law Library is now working with HeinOnline to digitize this material and make it more widely available on their platform. This process will involve cutting off any existing bound covers to improve scanning quality. It also means that the library's copies will be unavailable for the time required to scan and rebind our volumes. If anyone happens to have an errant copy of either set, or knows where one might exist, and would be willing to lend it for this project, the library will pay for rebinding.

Regardless of whether you're diving into ANILCA research or just need appellate briefs from 1977, library staff is available to help Monday through Thursday, 8:00 a.m. to 6:00 p.m., 8:00 a.m. to 4:30 p.m. on Fridays, and 12:00 to 5:00 p.m. on Sundays. Call us at (907) 264-0856, or email us at [library@akcourts.gov](mailto:library@akcourts.gov).

Susan Falk is the Alaska law librarian.

## CLE ALASKA BAR ASSOCIATION

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12:00 – 1:00 p.m. | Zoom | 1.0 General Credit

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**Thursday, March 28 | CLE Rerun: Set Your Mind to Success: 10 Essential Ways of Thinking to Catapult Your Career and Well-being**

3:00 – 4:00 p.m. | Alaska Bar Association Office | 1.0 Ethics Credit

**Thursday, April 11 | CLE Rerun: Just Mercy**

2:00 – 4:00 p.m. | Alaska Bar Association Office | 2.0 Ethics Credit

**Wednesday, April 17 | CLE SharedEd: Master Microsoft Word's Most Useful Hidden Features**

9:00 – 10:00 a.m. | Shared CLE/Webinar | 1.0 General CLE Credit

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**Friday, April 26 | Free Ethics: The Firm Retreat**

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**Tuesday, May 21 | CLE Rerun: Free Ethics: The Firm Retreat**

1:00 – 4:15 p.m. | Alaska Bar Association Office | 3.0 Ethics Credit

**Wednesday, May 29 | Monthly Chapter 11 Lunch Series: TBA**

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ALASKA BAR ASSOCIATION



Free legal help is advertised during the Alaska Bar Association's 15th Annual MLK Day clinic in Fairbanks, Alaska. Photo by Rachael Delehanty.



The Bethel volunteers are left to right: Joy Anderson, Ben Farkash, Maggie Massey, Spencer Wilson and Judge Nate Peters. Photo provided by MLK Day volunteers.



The Juneau volunteers are back row, left to right: Orion Hughes-Knowles, Kevin Gullufsen and Max Segal; middle row: Susan Cox, Corinne Conlon, Mary Calderon, Jane Mores and Maggie Humm; front row: Dylan Krueger, Ben Hofmeister and Kevin Higgins. Photo provided by MLK Day volunteers.

## Alaska Bar Association Provides Free Legal Clinic

By Krista Scully

The Alaska Bar Association celebrated its 15th annual MLK Day free legal clinic in four communities this year! 77 volunteers braved blizzards, travel and subzero temps to provide generous counsel in Anchorage, Bethel, Fairbanks and Juneau to 176 low income Alaskans with civil legal needs. Mark your calendars to join us next year on Monday, January 20, 2025. If you are interested in offering an MLK Day free legal clinic in your community, contact Krista Scully, Pro Bono Director at [scullyk@alaskabar.org](mailto:scullyk@alaskabar.org).

- |                    |                  |                  |                      |
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The Anchorage volunteers are on left, Judge Andrew Peterson; right top to bottom: Judge Kari McCrea, Judge Leslie Dickson and Judge Jo-Ann Chung. Photo by Rebecca Koford, Alaska Court System.

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Judge Amy Mead



Judge Paul A. Roetman



Judge Thomas A. Matthews



Judge Brent E. Bennett

## Presiding Judges Appointed for 2024

**Anchorage, Alaska, December 4, 2023** – Chief Justice Peter J. Maassen of the Alaska Supreme Court announces the re-appointment of three of the four presiding judges: Superior Court Judge Amy Mead for the First Judicial District; Superior Court Judge Paul A. Roetman for the Second Judicial District; and Superior Court Judge Thomas A. Matthews for the Third Judicial District. The Chief Justice is appointing Superior Court Judge Brent E. Bennett for the Fourth Judicial District.

The chief justice annually appoints a presiding judge for each of the four judicial districts. The appointments are for a calendar year, and incumbents are eligible for re-appointment. In addition to regular judicial duties, the presiding judge has the administrative responsibility to review the trial court's operations in the district to assure adherence to statewide court system objectives and policies. The presiding judge works also with the district's area court administrator to ensure efficient administration of the district's courts including hearing and trial schedules and staffing needs.

**Judge Amy Mead** was appointed to the superior court in Juneau in 2018. She earned her undergraduate degree from Boston University and law degree from Tulane Law School. Originally from the East Coast, she moved to Alaska in 1996 to serve as a superior court law clerk in Ketchikan. She went on to practice law as an assistant district attorney, an assistant attorney general, and in private

practice, working in all areas of law. In 2010 Judge Mead joined the City and Borough of Juneau's Law Department and was appointed a few years later to serve as the CBJ's Municipal Attorney, continuing in that position until her appointment to the bench.

Judge Mead was appointed to the Alaska Commission on Judicial Conduct as an attorney member in 2012, serving in that capacity until 2018. She was reappointed to the Commission as a judicial member in 2022. The First District covers Angoon, Haines, Hoonah, Juneau, Kake, Ketchikan, Petersburg, Prince of Wales, Sitka, Skagway, Wrangell and Yakutat.

**Judge Paul A. Roetman** moved to Alaska in 1972 and has lived in Kotzebue for 17 years. He was appointed to the superior court in 2010. He earned a B.A. in economics from the University of Alaska-Anchorage, and received his law degree from Regent University School of Law. Prior to law school he worked out of Valdez as a commercial fisherman and as Executive Director of the Prince William Sound Economic Development Council. After law school, he worked for a civil law firm, the Alaska Legislature, and as a prosecutor for the State of Alaska. Judge Roetman currently serves as Chair of the Alaska Commission on Judicial Conduct, and is a member of the Three-Judge Sentencing Panel and the Statewide Security and Emergency Preparedness Committee. The Second District covers Kotzebue, Nome, Unalakleet, Utqiagvik and over 20 villages.

**Judge Thomas A. Matthews** was appointed to the Anchorage Superior Court by Governor Bill Walker in 2018. He received his undergraduate degree from UC Berkeley in 1981, and his law degree from the Northwestern School of Law at Lewis & Clark College in Portland, Oregon in 1985. Judge Matthews enjoyed a long career in private practice focusing primarily on civil litigation and representation of small businesses. Matthews has served for more than 25 years on the Ethics Committee of the Alaska Bar Association. He also served as a member of the Civil Pattern Jury Instruction Committee and serves as a mentor judge to newer judges. He also established and runs a bi-weekly meeting for civil judges around the Third Judicial District.

Judge Matthews is grateful for the opportunity to serve the people of Alaska, and is excited for the opportunity to expand his responsibility to address the needs of the entire Third Judicial District. The Third District covers Anchorage, Cordova, Dillingham, Glennallen, Homer, Kenai, Kodiak, Naknek, Palmer, Sand Point, Seward, St. Paul, Unalaska and Valdez.

**Judge Brent E. Bennett** was appointed to the superior court in Fairbanks in 2019. He earned his B.A. in politics & government and pre-law from Ohio Wesleyan University and his law degree from University of Cincinnati College of Law. He moved to Alaska in 2006 and practiced law as an assistant public defender and assistant public advocate. He has been a member of the Criminal Pattern Jury Instructions Committee as an attorney member. He currently serves as a member of the Civil Rules Committee, the Judicial Conference Planning Committee and as an alternate to the Statewide Three Judge Sentencing Panel. The Fourth Judicial District spans from the Canadian border on the east to the Bering Sea on the west, and includes Fairbanks, Tok, Delta Junction, Galena, Nenana and Fort Yukon in the east and Bethel, Hooper Bay, Aniak and Emmonak in the west.

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# Bar People

## Andy Erickson Joins Landye Bennett Blumstein as Partner

Andy Erickson has been with Landye Bennett Blumstein since 2016 and became a partner in January 2024. He focuses his practice on Alaska Native law, municipal, natural resources, appellate law and his extensive experience analyzing natural resources and subsistence issues is well-known throughout Alaska.

Before joining LBB, Erickson was an Alaska Supreme Court clerk and a U.S. Senate policy fellow. He received a J.D. from Lewis & Clark Law School, an M.S. in environmental policy at the University of Oxford and a B.A. from The University of Montana. He is a 2007 Harry S. Truman Scholar.



Erickson

## Suzanne Adler Joins Landye Bennett Blumstein as Associate Attorney

Suzanne Adler joined Landye Bennett Blumstein as an associate attorney in January 2024. She focuses her practice on business litigation, natural resources litigation and employment law. She has a successful track record in litigating natural resources matters in the Alaska Supreme Court, defending corporate clients in a wide range of administrative agendas.



Adler

Adler holds a J.D. from Boston University School of Law and a B.A. from Stonehill College in Massachusetts. She moved to Alaska in 2016 to clerk for the Honorable Louis J. Menendez in Juneau and then for the Honorable Bethany S. Harbinson in Fairbanks before entering private practice in Anchorage.

## Doug Karet Joins Landye Bennett Blumstein as Partner

Doug Karet is an experienced litigation and contracts attorney who joined Landye Bennett Blumstein as a partner in November 2023. With over 25 years in construction and construction law, Karet regularly represents general contractors, subcontractors, owners and design professionals in all aspects of construction and development, including litigation and dispute resolution.

Karet has an impressive academic background, holding both a J.D. and an M.S. from the University of Colorado, where he subsequently taught as an adjunct professor in construction law. He also earned a B.S. from the University of Massachusetts Amherst, is licensed to practice in Alaska and Colorado, and is a member of the Associated General Contractors of Alaska.



Karet

## John Crone Joins Landye Bennett Blumstein as Partner

John Crone joined Landye Bennett Blumstein as a partner in November 2023. He works with individuals and private entities on complex litigation matters involving a wide range of issues, including labor and employment, construction, business, commercial and administrative matters. Crone also advocates for clients before Alaska's Marijuana Control Board, and assists in solving marijuana-related problems in the areas of entity formation, operations and regulatory compliance.

Prior to joining LBB, Crone worked for a full-service Alaska law firm, handling a variety of litigation and transactional matters. He earned a J.D. from the University of Denver Sturm College of Law and a B.A. from Columbia College Chicago. He is licensed to practice law in Alaska and Colorado.



Crone

## Six Reasons Why You Should Take Your Mental Health Seriously

By Stan Popovich

Many people underestimate the impact mental illness can have on an individual or family. It can be difficult to admit that you have a mental health problem in your life. It can be just as difficult in getting the people you know to understand your situation without making any kinds of judgments.

Here are six reasons why you should make your mental health an important priority in your life.

1. Your situation will improve if you get help. Your anxieties and fears can be challenging to manage and more than likely you will need some help. Just as you talk to your doctor about your regular health, you should not be hesitant in seeking help for your mental health. If left untreated, your anxieties and fears may not go away.

2. Drugs and alcohol are not the answer. Drugs and alcohol can make your problems more complicated. Many people have said that drugs and alcohol will only add more problems to your situation. Be smart and learn how to cope with your mental health issues by talking to a qualified professional. There are many health professionals in your area that can give you some ideas on where you can go for assistance.

3. You will save time and money. Eventually, you will have to confront your fears and mental health issues. Save yourself the time and heartache and confront your problems now rather than later. You will save months of struggling by getting help right away. The sooner you get assistance the faster you will start getting some relief.

4. You are not alone. Everyone deals with fear, stress and anxiety in one's life whether your friends and others care to admit it. In addition, do not be embarrassed that you are getting help. We all learn new things from others on a daily basis and learning how to manage your anxieties is no different. In addition, your goal is to get your life back on track and not to get everyone's approval. If people start asking you questions, just say you're dealing with stress. Most people can relate to dealing with stress and anxiety!

5. Do not make the mistake of doing nothing. There are many people who struggle with anxiety and other mental health related issues, and they try to ignore their problems. As a result, some of these people struggle on a daily basis and eventually things become more difficult. It can be scary asking for assistance, but the key is to take things one day at a time.

6. You have a variety of options. There are many mental health support groups, organizations and counselors in your area that can help get your life back on track. Talk to your doctor to get more details on where you can go for some assistance. Help is available but you must be willing to make the choice of getting better. Remember that every problem has a solution. You just have to make the effort to find the answers.

Stan is the author of "A Layman's Guide to Managing Fear" which covers a variety of techniques that can drastically improve your mental health. For more information, please visit Stan's website at <http://www.managingfear.com>.

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## George Washington's Rules of Civility


3 "Every Action done in Company, ought to be with Some Sign of Respect, to those that are Present.

The *Bar Rag* doesn't intend to print them all but will offer one now and then.



Library of Congress

The first U.S. President wrote a copy of the 110 Rules of Civility in his school book when he was 14. The rules appeared in late 16th Century France and were popular in Washington's time. Some have application today.



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# Oberly Receives Distinguished Service Award



Board Member Ryan Fortson presenting Bill Oberly with the Benjamin O. Walters, Jr. Distinguished Service Award at the Anchorage Bar Association 2023 Annual Membership Meeting and Holiday Party. Photo by Dena Boughton.

*By Jory Knott,  
Executive Director of AK  
Innocence Project*

Attorney William B. Oberly was the founding Executive Director of the Alaska Innocence Project (AKIP) where he worked for over 18 years. In 2023, the Anchorage Bar Association awarded Bill the Benjamin O. Walters, Jr. Distinguished Service Award. The following is Bill's nomination by Interim AKIP Executive Director, Jory Knott.

Bill has exemplified an unwavering commitment to serving wrongfully convicted individuals in all areas of Alaska, offering selfless assistance to vulnerable Alaskans in need and acting as a beacon of hope for those seeking justice and support. Bill is a paragon of dedication, integrity and compassion within the legal profession. Throughout his distinguished career, he has consistently gone above and beyond to provide legal aid to those who might otherwise be left without recourse. At AKIP he was a literal "one-

man-show," processing hundreds of claims of wrongful conviction. He was the force behind fundraising and outreach efforts from AKIP's founding.

Bill is perhaps best known for his work in exonerating the Fairbanks Four where he spearheaded the investigation to exonerate four innocent men who collectively served over 72 years for crimes they did not commit. His advocacy has sculpted Alaska's future for the better. Bill informed the legislature and helped pass a DNA testing statute along with an evidence preservation policy.

Of course, Bill's tireless efforts have extended far beyond innocence work. Through his own brand - always with a kind and empathetic demeanor - he advocated for Alaska's future. He played an integral role in mentoring emerging lawyers. He somehow found time to become an adjunct professor, with the sole purpose to start a wrongful conviction class at the University of Alaska Anchorage, a class that continues to be offered once a year based on his curriculum. Bill actively engaged with local organizations aimed at addressing the legal needs of underserved and marginalized communities, having volunteered with the Alaska Native Justice Center, Disability Law Center and the Alaska Legal Services Pro Bono Program. Prior to AKIP, Bill was a solo practitioner with a general civil and criminal defense practice, handling cases from across the state. He is a former President of the Alaska Trial Lawyers Association, former co-chair of the National Innocence Network Indigenous People's Working Group, former Chairman of the Anchorage Zoning Board of Examiners and Appeals, and a former board member of various associations including Planned Parenthood of Alaska. Again, he just cannot help himself. Bill is so much more than an attorney and an advocate for Alaska. He is a loving husband, proud father of his two sons and one of the biggest baseball fans you will ever meet. Bill was a baseball and hockey coach, serving on Little League Boards of Directors. He was active in Irish history groups and various book clubs. Bill shows up. He is somehow everywhere, all the time, all at once, chauffeuring along an aura of humility, even thankfulness, just for being in the same room with you. Bill embodies the very spirit of selflessness and service. He sets a remarkable example for all, and I cannot think of a more deserving recipient for this prestigious honor. Without him, there would be no Alaska Innocence Project and no exonerations in Alaska.

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Lawyer joke ...



"I won't say anything without my lawyer present."

"But sir, you are the lawyer"

"Exactly, where's my present?"

# Delaware Tax Trap Clauses – Part IV

By Steve O'Hara

## Part IV of a series

This is the final installment in a four-part series on clauses relating to the tax planning potential of the so-called Delaware Tax Trap. A full presentation of this discussion can be found in my blog post at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "Delaware Tax Trap Clauses."

As touched on in the previous articles of this series, there is a 40% federal generation-skipping transfer ("GST") tax system and there is the Blattmachr/Pennell idea of giving a beneficiary a non-general power of appointment over a trust with GST tax exposure. There are code sections in the Internal Revenue Code known as the Delaware Tax Trap, which might be intentionally triggered for tax-planning purposes. Below I offer some language for illustration and discussion purposes only.

First, a quick review: The Delaware Tax Trap is about imputed, not actual, ownership. The trap can impute ownership of property to you for federal gift tax, estate tax and GST tax purposes. The elements of the trap are (1) someone has given you a non-general power of appointment known as the First Power; (2) you exercise the First Power by creating one or more new powers of appointment; and (3) the applicable state law permits the new power of appointment to be validly exercised without reference to the date of the creation of the First Power. IRC Sec. 2041(a)(3) and 2514(d) and *see, e.g., AS 34.27.051(b)*.

The hypothetical I am using in this series involves Jane A. Client, a United States citizen domiciled in Alaska and a widow with two children, Joseph and Charles, and several grandchildren from both her sons. Joseph is domiciled in Alaska and is self-supporting with no creditor issues. Charles regularly has creditors pursuing him. He has trouble with the law and is in and out of jail and marriages. He is domiciled in the U.S., outside of Alaska, and the state where he is domiciled has a significant death tax.

Client died December 31, 1999. As of her death, she funded two trusts for each of her children, namely: the Joe 1999 Trust – GST Exempt, the Joe 1999 Trust – Non-Exempt, the Chuck 1999 Trust – GST Exempt, and the Chuck 1999 Trust – Non-Exempt. As their names suggest, the GST Exempt Trusts have zero inclusion ratios under the GST tax system, while the Non-Exempt trusts have 100% exposure to the GST tax. *See* IRC Sec. 2641(a)(2) and 2642(a)(1) and (2) and (c).

These trusts are governed by the terms of Jane Client's revocable living trust, which became irrevocable at her death.

Client's children do not have general powers of appointment over the trusts. Joseph has a non-general testamentary power of appointment over the Joe 1999 Trust – Non-Exempt as well as the Joe 1999 Trust – GST Exempt. Also, Charles has a non-general testamentary power of appointment over the Chuck 1999 Trust – Non-Exempt as well as the Chuck 1999 Trust – GST Exempt.

The Blattmachr/Pennell idea

provides flexibility by positioning trust beneficiaries to sit down with their tax advisors and decide what to do in particular circumstances in real time.

Charles has not yet sat down with his tax advisors or with a lawyer to make a Will. By contrast, Joseph has done so. He has an estate plan, including a Will in which he exercises his non-general powers of appointment. Joseph intends to trigger the Delaware Tax Trap in one exercise of his power and intends not to trigger the trap in another exercise. His Will includes the provisions illustrated for discussion purposes only in my blog post at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "Delaware Tax Trap Clauses."

Joseph is careful in his tax apportionment clause in his Will not to disrupt the default provision that his mother included in her governing instrument. (For a discussion touching on the importance of tax apportionment clauses, see my blog post at [www.oharatax.lawyer](http://www.oharatax.lawyer) titled "Interrelated Computations: Part 2.")

For illustration and discussion purposes only, the hypothetical clause Jane Client included in her revocable living trust is as follows:

*Notwithstanding the foregoing provisions of this instrument, the following provision shall apply on the death of any beneficiary other than me: On the death of any beneficiary (other than me), unless he or she directs otherwise by Will with specific reference to this provision, (1) the Trustee shall pay from that trust principal which is included in such beneficiary's taxable estate for federal estate tax purposes the amount by which estate and inheritance taxes (including interest and penalties, if any, but excluding any GST tax) payable in any jurisdiction by reason of such beneficiary's death shall be increased as a result of the inclusion of all such trust principal, without reimbursement or contribution, and (2) where such trust principal is held in two or more separate trusts with different Inclusion Ratios, the amount to be paid under this provision shall be charged against and paid out of the trusts sequentially (to the exhaustion of each of them respectively) in descending order of their Inclusion Ratios. The Trustee may rely on federal estate and other death tax returns and related valuations and calculations prepared by such beneficiary's Personal Representative, if any, without verification or liability, and taxes due from trust principal under this provision may be paid either directly or to that Personal Representative in the Trustee's discretion.*

In addition to implementing the Blattmachr/Pennell idea, Jane Client wanted the additional flexibility that comes with an independent trustee having broad discretion to make distributions. Cf. AS 13.36.153. Accordingly, she inserted a provision in her revocable living trust granting broad discretion to a special trustee. Below for



"The Delaware Tax Trap is about imputed, not actual, ownership."

illustration and discussion purposes only is hypothetical language:

*With respect to a trust held under this instrument after my death for the benefit of an eligible beneficiary (as defined later in this paragraph with respect to one or more trusts), the Special Trustee (appointed pursuant to this paragraph) may, in the Special Trustee's absolute discretion, distribute to the eligible beneficiary part or all of the principal of the trust, to the extent that the Special Trustee determines that the distribution is in the best interests of the eligible beneficiary. Here the term "best interests" includes trying to avoid or minimize any tax whatsoever that is or could be connected in any way whatsoever to the eligible beneficiary or the trust or property connected in any way whatsoever to the eligible beneficiary or the trust, including without limit any one or more of income tax, gift tax, estate tax or generation-skipping transfer tax, regardless of whether the eligible beneficiary would be alive when the possible tax savings may occur. The authority of the Special Trustee shall be limited to making distributions under this paragraph, and the Special Trustee shall not participate in any actions or decisions of any other fiduciary under this instrument. Under no circumstance shall the Special Trustee be liable for the acts or omissions of any other fiduciary, beneficiary or other party in interest, even where such acts or omissions constitute fraud or gross negligence. The Special Trustee shall have no duty to keep informed as to the acts*

*or omissions of others or to take action to prevent or minimize loss. The Special Trustee's exercise or non-exercise of discretion in good faith shall be conclusive on all persons. Notwithstanding any other provision of this instrument, during the lifetime of the eligible beneficiary, no person shall be entitled to remove the Special Trustee. For purposes of this paragraph:*

*1. "Eligible beneficiary" means the individual for whom the trust is named with respect to a trust administered under [the applicable provision]; and*

*2. "Special Trustee" means the following person (whether or not he or she or it is serving as a Trustee of the trust pursuant to another provision of this instrument): Jane A. Independent, currently of Anchorage, Alaska, or if she fails or ceases to act as Special Trustee pursuant to this paragraph, John B. Independent, or if he then fails or ceases to act as Special Trustee pursuant to this paragraph, any bank or trust company (not related or subordinate to the eligible beneficiary within the meaning of IRC Section 672(c)) appointed by the Superior Court for the State of Alaska, Third Judicial District, at Anchorage, as Special Trustee of the trust.*

Nothing in this article is legal or tax advice. Non-lawyers must seek the counsel of a licensed attorney in all legal matters, including tax matters. Lawyers must research the law touched upon in this article.

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*In private practice in Anchorage, Steven T. O'Hara has written a column for every issue of The Alaska Bar Rag since August 1989.*

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# It's Always Good to Have a Crutch

By William Satterberg

Judge Herschel Crutchfield was truly a legendary judge in the Alaskan interior. Contrary to most jurists, who traditionally attended law school, took a bar exam, served an apprenticeship as a lawyer and later became a judge, Judge Crutchfield owned a service station in Delta Junction, Alaska. As a side job, Judge Crutchfield had worked as a magistrate both in Delta and later in Fairbanks for several years. The consensus was that Judge Crutchfield's work was so exceptional that the local attorneys wanted him to become a formal district court judge and not simply be a magistrate. In time, Magistrate Crutchfield became Judge Crutchfield. Over the years, Judge Crutchfield was well respected for his rulings from the bench and his management of the many jury trials over which he presided. He was a true commoner, something that endeared him to practitioners and clients alike. True, Judge Crutchfield had a DUI himself one time, but Fairbanks attorneys felt that the experience gave him even more depth of understanding and knowledge. As a defense, Judge Crutchfield claimed that he had drunk a cough syrup compound called terpin hydrate. Although creative, the defense didn't go far and his conviction resulted in a Supreme

Court decision.

One of my very first DUI clients was Vietnam veteran David Lambert. The David Lambert I represented then was not to be confused with the David Lambert I represented later who operated a respectable pull-tab and vending business in Fairbanks. My DUI David Lambert claimed to be a "Collection Agent" for the "Lower 48 Collection Agency." A Marine who had served as a long-range reconnaissance patrol (LRRP) combatant in Vietnam, David was nobody to be messed with. Yet, he also had a remarkably funny and unique sense of humor. Over the years, Brenda and I enjoyed going up to David's cabin on the Chatanika River in the spring and setting off dynamite charges to blow up ice dams. As a client, David later became famous for the "Nyquil case" which I handled for him in Fairbanks. At the time, the State of Alaska was using the infamous Intoximeter 3000.

The Intoximeter 3000 had been touted as a machine which would capture a portion of the subject's breath sample in a potassium perchlorate tube for later testing. Most lawyers had simply assumed that the test on the potassium perchlorate tube would replicate the breath reading in the machine. As such, no local attorneys ever had independent testing done. Remembering President Reagan's famous

statement "trust, but verify," I decided to have the potassium perchlorate tested in David's case. Surprisingly, where David's intoximeter reading was a .15, the independent test of the potassium perchlorate tube came back with a .05. Simply stated, one test showed David well over the legal limit. The other test showed him well under the legal limit. Subsequent investigation indicated that the o-rings had failed on the Intoximeter 3000, similar to the o-rings on the ill-fated Columbia space shuttle. Accepting the law that the Defendant had a right to cross examine the accuracy of the breath test, the prosecution subsequently opted to initiate the right to an independent chemical test at the Defendant's expense or a blood test at the State's expense. The potassium perchlorate tube quickly became a thing of the past, but David's case lived on. The prosecution was intent upon prosecuting David. In time, the State proceeded to trial on an Under the Influence theory only.

At trial, David took the stand. A videotape of his field sobriety test which had been performed by the Alaska State Troopers was played to the jury. It was quite humorous. In the old days, the tests which were used are not the tests which were used in the present day and age. Rather, the tests consisted of the Romberg balance test, where the subject tilted their head back and would try to touch fingers to nose upon command, then followed by circling a flashlight while pointing a finger at the flashlight, and finally attempting to walk a straight line in a heel to toe test. All of these tests were performed in the trooper station and were recorded on video. In David's case, during the demonstration of the tests, at the conclusion of each demonstration, the then younger rookie trooper, Trooper Manns, would ask David if he would perform the tests as demonstrated. Each time, David would respond that he thought the trooper did quite well on the tests, but that he did not intend to do them himself. Eventually, the trooper asked David why he was refusing to do the tests. David's response? "By now I figured that you would have understood that I don't do tricks for cops." This drew a laugh from the jury.

At trial, David was asked how much Nyquil cough syrup he had drunk. He answered, "Up to the bottom of my false teeth." David was

then asked if Nyquil was the only substance he had consumed. Looking up innocently at Judge Crutchfield from the witness box and cracking a smile, David added, "And I may also have had some terpin hydrate, your Honor." The message was not lost upon Judge Crutchfield who actually handled the answer quite well and did not respond to the bait.

David's defense in the case was that Nyquil was not an alcoholic beverage because it could be purchased in any reputable grocery store. True, Nyquil had a rather high alcohol content, but the defense position was Nyquil was not regulated by the Alcoholic Beverage Control Board and, therefore, legally was not an alcoholic beverage. Admittedly, it was a creative defense.

The jury wrestled with the concept for a while and eventually sent out a question. It wanted to know whether or not the alcohol in Nyquil was the same alcohol which was sold in a liquor store. Over the defense objection, Judge Crutchfield ruled that the alcohol in Nyquil was the same alcohol found in an alcoholic beverage. Shortly thereafter, the jury returned a guilty verdict.

Not willing to accept the conviction, David chose to appeal the case to the Alaska Supreme Court. There was no Court of Appeals at the time. Ultimately, the Alaska Supreme Court came back with the conclusion that Nyquil contained the same alcohol sold in a liquor store, and, as such, David's conviction was sustained. The decision has been cited many times over the years, and is nothing to sneeze at. In retrospect, perhaps a Mucinex defense would have fared better. The irony of the matter was that David's case actually brought about the independent blood test process once the State realized that the o-rings on the potassium perchlorate tubes could not be successfully manipulated by law enforcement officers charged with inserting the tubes into the Intoximeter. Yet David never got any credit for that evolution of Alaska's DUI laws.

And now you know the rest of the story.

*Admitted to the Alaska Bar in 1976, William R. Satterberg Jr. has a private, mixed civil/criminal litigation practice in Fairbanks. He has been contributing to the Bar Rag for so long he can't remember.*



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If you are aware of anyone within the Alaska legal community (lawyers, law office personnel, judges or courthouse employees) who suffers a sudden catastrophic loss due to an unexpected event, illness or injury, the Alaska Bar Association's SOLACE Program can likely assist that person in some meaningful way.

Contact the Alaska Bar Association or one of the following coordinators when you learn of a tragedy occurring to someone in your local legal community:

Fairbanks: Aimee Oravec, [aoravec@doyonutilities.com](mailto:aoravec@doyonutilities.com)

Mat-Su: Greg Parvin, [gparvin@gparvinlaw.com](mailto:gparvin@gparvinlaw.com)

Anchorage: Stephanie Joannides, [joannidesdisputeresolution@gmail.com](mailto:joannidesdisputeresolution@gmail.com)

Through working with you and close friends of the family, the coordinator will help determine what would be the most appropriate expression of support. We do not solicit cash, but can assist with contributions of clothing, transportation, medical community contacts and referrals, and other possible solutions through the contacts of the Alaska Bar Association and its membership.



## Alaska Department of Law Seeks Housing for Summer Interns in Anchorage and Juneau

**The State of Alaska 'hires' several volunteer law student interns at the department of law and other departments for 10 weeks every summer (generally between mid-May and August). These students are responsible for all of their expenses while they provide a service to the state, and explore Alaska on their free time. These students are Alaska's future state bar! In an effort to defray some of their expenses if you live in Anchorage or Juneau and have a spare room in your home to host one of these up and coming lawyers, currently enrolled in a law school program outside Alaska, please contact Nicole Thibodeau [Nicole.thibodeau@alaska.gov](mailto:Nicole.thibodeau@alaska.gov) or 907.269.4895; or KT Tallmadge at [kate.tallmadge@alaska.gov](mailto:kate.tallmadge@alaska.gov) or 907.465.3673.**





TVBA members enjoy their annual 4th of July party at Pike's Waterfront Lodge on January 19, 2024. Photo by Rita T. Allee.

## Tanana Valley Bar Association Holds 4<sup>th</sup> of July Party

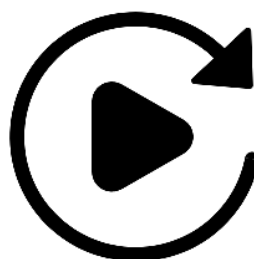
By Rita T. Allee, president of the TVBA

The Tanana Valley Bar Association (TVBA) held its annual 4th of July party January 19, 2024 (we got a continuance) at Pike's Waterfront Lodge. Pike's and their staff were terrific in the assistance they gave in planning and hosting of this event. I would recommend them to anyone thinking of putting on an event of this nature in Fairbanks. The party featured the usual, delicious prime rib and beer battered cod dinner. Gourmet desserts were provided by Batter & Crumb Bakery. The party included a generous number of door prizes, as well as a white elephant gift exchange. Attendees included long time TVBA members, new members and retired members. The Presidential Vest, as well as the Jacobus Award (a skull on a staff) was passed from outgoing President Amy Welch to this year's President of the TVBA, Rita T. Allee. The TVBA took this opportunity to award its Distinguished Service Award to retired Judge Robert B. Downes (Bob) for his service in the Fourth Judicial District as a judge and attorney. If you find yourself in Fairbanks in January, be sure to check on the date of the 4th of July party. It is an event you do not want to miss.

### CLE Reruns

Join us monthly for a special "Rerun" session where we revisit valuable CLE content from our archives. These exclusive in-person events, held at the AK Bar office, allow registrants to watch previously recorded sessions together. Due to limited space, pre-registration is mandatory.

While these sessions are in-person only, we're excited to extend this opportunity beyond Anchorage. If you're interested in hosting a CLE Rerun in your area, please reach out to our CLE Director, Kara Bridge (bridge@alaskabar.org).



Retired Judge Robert B. Downes displays his Distinguished Service Award at the TVBA 4th of July party on January 19, 2024. Photo by Rita T. Allee.

## Retired Judge Robert B. Downes Honored

By Rita T. Allee,  
President of the TVBA

Retired Judge Robert B. Downes (Bob) was honored by the Tanana Valley Bar Association (TVBA) with its Distinguished Service Award for the Fourth Judicial District as judge and attorney. The presentation was at the TVBA 4th of July Party on January 19, 2024. Bob was admitted to practice in Alaska in 1971, and achieved 50 year status in 2021. He was named a Superior Court Judge and served in that capacity from 2005 to 2012. Thereafter, Bob was in active practice in Fairbanks until 2020. In November 1983, he married Melissa and they had a long and happy marriage until her untimely death in 2018. Bob is a loving and doting father to his daughter Amy Schrum, as well as a loving grandfather. His pride in Amy joining the legal profession is boundless. Amy follows in her father's profession as a pillar of the Fairbanks Bar.

**It was not uncommon to hear Bob before seeing him, and often in a big voice would come the words "How about those Gold Kings?"**

In his many years in private practice, Bob provided dozens of jobs as a private practitioner, and put millions of dollars into the Fairbanks economy. Bob was a caring employer who supported his employees and was empathetic to their challenges. He was particularly appreciated for the care he took in assisting one of his attorneys with an alcohol problem and arranged attendance at a rehabilitation facility for the attorney. Bob was memorable because he was so human. He loves people, and always made a connection with the attorneys he worked with. There were times when it felt as if he was friends with everyone in the Fairbanks community.

In Bob's early days in Fairbanks, he maintained a small office on Second Avenue above the Arctic Bar, where the music started at 3:00 p.m. Law offices above the bar included Bixler Whiting, John Rosie, Jay Hodges and others. In the mid 70s, Fairbanks had all the class and charm of a runaway garbage truck. In those days, being in private practice required real fortitude. It was brutally cold, and often local residents would over indulge at our local establishments of refreshment, and pass out in the stairwell up to the law offices. Bob never lost his sense of humor or affection for Fairbanks and the legal community he joined. It was not uncommon to hear Bob before seeing him, and often in a big voice would come the words "How about those Gold Kings?"

Bob is much admired and loved as a role model in Fairbanks' legal community. This award from the TVBA for Distinguished Service is well deserved.

## *In Memoriam*

### Robert (Bob) Patrick Owens 1954-2024

*By Suzanne Little*



**Bob Owens**

Bob's life story begins on February 17, 1954, when he was born to Walter (Pat) and Cecile Owens in Spokane, Washington.

Bob enjoyed Spokane's elementary and high schools and attended Washington State University, going on to achieve a Juris Doctorate in Law from Gonzaga University. Seeking a postdoctoral degree, Bob attended Tulane University achieving a Masters in Maritime Law. Bob has carried his Washington State University loyalty throughout his life and remained suspicious of rival Huskies fans, consistently questioning all of his physicians about their affiliations.

Those who know will tell you Bob is the world's best father, always showing up with unending patience and a consistent, unwavering commitment to maintaining family relationships. Bob's first family in marriage with Robin Miller raised two children: Meghan Owens (Houston) and Ryan Owens (Anchorage). After ten years of singlehood, Bob joined Suzanne Little and Hattie Sage in 2011 where Bob became dad to Hattie and Suzanne's spouse and partner. Bob's loving, witty ways will be greatly missed by his family including five siblings, nieces, nephews and grandchildren. His dear friends, colleagues and the outdoor and pickleball communities will cherish memories of Bob.

Bob served on the Hope Community Resources Board for over 20 years, providing guidance for the organization through leadership transitions and pandemic challenges in order to continue the organization's services to people who experience intellectual and developmental disabilities. In the last ten years, Bob has been a loyal volunteer with the American Field Service exchange student program both as a host dad and as an AFS volunteer staff liaison to foreign exchange students, many of whom think of him as dad. Bob has served as a board member of the Anchorage Bar for decades, was a charter member of the organization's Young Lawyers section and was a founder of Anchorage Youth Court.

Bob has been a Senior Attorney for the Municipality of Anchorage Civil Division since 2005 and his legacy project for the last 13 years has been leading the Municipality's lawsuit against the federal government for the flawed port construction project at the Don Young Port of Alaska. Bob will

miss the penultimate action on the case before the Federal Court of Appeals in March, but the municipality will be well-represented there by Bob's long-standing solid legal team.

We're heartbroken that Bob's life came to a close on February 5, 2024, as the result of a heart attack. We hope that for every tear that falls, we are rewarded with twice that many memories of all the times that Bob made us feel like there was no such thing as sorrow.

In lieu of flowers, contributions in Bob's memory can be sent to Hope Community Resources at 540 West International Airport Road, Anchorage, AK 99518 - Or use this link

<https://www.hopealaska.org/product/DONATE-QUICK/donatetoday.php>

Condolence correspondence can be sent to 3521 Admiralty Bay Drive, Anchorage, AK 99515.

*Photo by Suzanne Little.*

### George Kent Edwards Passes Away

*Text and photo originally published in the Anchorage Daily News on December 10, 2023.*

George Kent Edwards – Oct. 3, 1939 - Aug. 9, 2021

Former Alaska Attorney General and U.S. Attorney, George "Kent" Edwards, 81, passed away in Ajijic, Mexico, on Aug. 9, 2021.

Born in Ogden, Utah, on Oct. 3, 1939, Kent was the only child of George and Sylvia "Ruth" (Engelke) Edwards and was raised in Fresno, Calif. He graduated with a B.A. in Economics from Occidental College in Pasadena, California, and was president of the SAE fraternity. He received a J.D. from UC Berkeley School of Law in 1964. One day in Spain he met and later married Barbara Day, a registered nurse.

After law school Kent took a job with the Legislative Affairs Council in Juneau, Alaska. There he worked closely with House Majority Leader Ted Stevens, who asked Kent to join his Anchorage office, which became Stevens, Savage, Holland, Erwin and Edwards.

At age 28, Kent was appointed Attorney General by Governor Hickel, making him the youngest in Alaska history and the youngest serving in the U.S. He continued in that position through the term of Governor Miller. Sadly, Barbara died in 1970, and Kent returned to Anchorage.

Kent was next appointed U.S. Attorney for Alaska by President Richard Nixon in 1971, again the youngest in the nation, a job he held under three presidents. His office handled nearly all federal cases - civil and criminal - ranging from military violations to international fishing interceptions, to Native Land Claim disputes, organized crime during pipeline construction and the Cannikin underground nuclear test on Amchitka Island. Kent served on the Metro Task Force and led many successful prosecutions to combat rising illegal drug use in the state.

In 1972, Kent married Patricia Brown and together they raised three children. In 1978, he returned to private practice, eventually becoming the managing partner of Hartig, Rhodes, Norman, Mahoney and Edwards. He wrote a monthly Anchorage Times editorial column, taught business law at UAA, was active in Rotary, and numerous public policy and youth support organizations. Kent was president of Common Sense for Alaska and the National Association of Former U.S. Attorneys. He served on the boards of the Anchorage Chamber of Commerce, Crime Stoppers and The Great Alaska Shootout.

In 1989, Kent married publisher Linda (Warren) Brown, and the two traveled the world, eventually purchasing "Los Artistas" in Ajijic, where they entertained hundreds of visitors and were rated by Fodor as the "Best B&B in Mexico." While in Mexico, Kent expanded his artistic pursuits and became a proficient water-color painter and photographer.

Mr. Edwards was preceded in death by his parents; and his first wife, Barbara. He is survived by his loving wife of 32 years, Linda Brown; daughter, Stacey Bender (Tom); sons, Scott (Christine) and Mark (Irma) Edwards; stepson, Jeffrey Brown (Julie); and seven grandchildren, Jess, Catherine, Julia, Olivia, Axel, Matthew, Alex and Derek - all of whom he was extremely proud and loved deeply - which is exactly how we all felt about him.



**Kent Edwards**

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## In Memoriam

### Anchorage Practitioner Michelle Minor Dies

*Text and photo originally published in the Anchorage Daily News on Feb. 22, 2024.*

On Feb. 11, 2024, Michelle V. Minor passed peacefully in Anchorage, Alaska. While her wish is not to disclose her birthdate, her grace, radiant smile and style were timeless. Michelle's fierce independence, big-hearted generosity, sharp wit and intellectual acuity were just a few highlights of her free-spirited nature that will be so missed.

Michelle graduated early from Point Loma High School in San Diego, Calif., and moved to Fairbanks, Alaska, to enroll in the University of Alaska. After losing all possessions in the historic Fairbanks flood, she worked for the Small Business Administration processing the loans which aided in Fairbanks' recovery. Michelle transferred to the University of Washington, where she completed her bachelor's, master's, and Ph.D. coursework in English literature, before graduating from the UW School of Law. Michelle was a lifelong member of the Washington and Alaska Bar Associations. She was well regarded in the legal community, cheerily "bringing happiness to the miserable."

An avid outdoorswoman, Michelle loved fishing, kayaking and camping with friends. She often declared, "It's not a Great Alaskan Adventure unless you're cold and wet!" She had many tales of travels throughout Alaska with some of the state's most prominent minds. Michelle traveled extensively internationally, from Europe to Tibet, India, and Vietnam, and co-piloted a small plane from Alaska to the Yucatan.

Michelle was known for gracious entertaining, and for being "like a second mom" to many of her daughter's friends, who annually performed plays Michelle wrote based on their Halloween costumes. Michelle loved hosting parties; she was an exceptional gourmet cook and an expert in wine, having co-founded one of Alaska's first fine wine import businesses. Often described as colorful and vibrant, she is no doubt the life of the party on the other side - and, she's probably hosting.

Michelle is survived by her daughter, Jennifer Minor of Asheville, N.C. She is known as "Mimi" to Jennifer's children, Julian Emerald and Adira. Michelle is survived by her brother, Michael Minor of California. Michelle also lives on through the family she helped create through her dear friend, Rita Allee of Fairbanks, and Mercedes Colbert of Juneau, Alaska.



Michelle Minor

much untrue storytelling late into the night. He was a very present father and raised his daughters like they were sons.

After his diagnosis in May of 2023, he spent many afternoons taking long drives with his daughter, Tara, every window in his car down, asking her to hit full speed down the highways, with the radio turned way up, and his hand out the window feeling the wind pass over him. He loved life and he was not quite ready to go.

Murphy's beautiful and generous of heart wife, Julene, passed before him in 2010. Murphy is survived by his daughters, Laresa Lee Kluth, (Bill) of Allyn, Washington and Tara Millan of Eagle Point, Oregon, by his grandchildren, Ronald William Kluth, Julene Geneva Kluth of Allyn, Washington, Murphy Gross of Eagle Point, Oregon and Sophie Gross of Anchorage, Alaska, and finally by his brother, Dana Martens (Lynette) of Anchorage Alaska. Murphy is also survived by a covey of relatives of the Wallace Martens and Victor Gill families in Anchorage, Alaska.

Murphy's ashes will be buried in the family cemetery on the ranch, as were his wishes, and a memorial will be held later in the spring of 2024. Murphy would not want people to send flowers, nor to make any donation on his behalf, but he would be well pleased to know that folks might tell stories about him to one another, and especially pleased if they exaggerate a few facts, upon learning of his passing. He will be so very missed, always honored, and well-remembered.

### Barry Donnellan Passes Away

*Text and photo originally published in the Fairbanks Daily News-Miner on Feb. 25, 2024.*

Barry Donnellan passed away peacefully, surrounded by loved ones, in the early morning of Feb. 6, 2024.

Barry is survived by his devoted wife, Loida; his seven children, Lowilleth, Louie, Louieza, Lawrence, Lousete, Lucy and Frank; as well as his family in Ireland, his sister Marie and her family, and his late brother Michael's family in Albuquerque, N.M.

During his youth, Barry enjoyed playing golf leisurely and for a brief time was a part of an amateur golf club. Throughout the years, Barry stayed connected to golf vicariously. During golf season, his family knew he had first-class reservations in front of the television.

Barry graduated from the University College, Dublin, Ireland with a bachelor's degree in engineering in 1955. He later received his master's degree in engineering from the University of Alberta, Canada in 1959, and his Ph.D. in engineering from the University of Illinois in 1964. He practiced as an engineer for various companies and universities and engaged in numerous research and projects in between these degrees, primarily on natural resources, a lifelong interest of his. As if that wasn't enough, while working as an engineer during the day, he went to law school at night. He received his Doctor of Law degree from the University of San Francisco in 1969. He continued his practice as an engineer until 1972; that year he engaged in the practice of law in Alaska, with emphasis on real property and natural resources law. Throughout the years, Barry became involved with almost anything that had to do with rocks and minerals in Alaska. He subscribed to mining journals and was a former member of the Alaska Mining Association.

From 1972 until his retirement in 2016, Barry spent his career diligently. He rarely refused cases within his scope of practice and often engaged himself in pro-bono cases simply out of kindness. He built a great rapport with the Fairbanks community and was often regarded as a "great man." He kept in touch with many of his clients throughout his career as an attorney and frequently visited with them.

His third career happened to be the journey of being a father and a husband. This journey started with a trip to the tropical islands of the Philippines in the 80s, where he met and wedded his wife, Loida. A few trials and tribulations later, he met her again and married her a second time, along with five children he chose as his own with no hesitations.

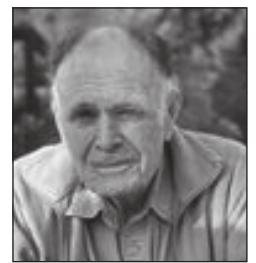
In the summertime, he could almost always be found camping and hiking with his children. To ward off any four-legged predators, he would have them recite Shakespeare out loud. Every fall and spring, he would conduct an "ornithological adventure" with his children to Creamer's Field in Fairbanks to see the harbingers of the seasons: the arrival and departure of the migratory birds. During the winter, he enjoyed taking brisk walks and watching the stars. He would compete with his children to see who could point out a satellite or name a visible planet the quickest. Above all else, Barry enjoyed taking pictures. He made sure that all of these experiences and memories were captured. In hindsight, it might have been his best hobby. Reliving these memories now has never been more precious.

Barry was consistent with the values he taught and took great care of his family. He made certain to share his interests and hobbies: which you might guess were natural resources, both of Earth and space, and his fondness for Shakespearean tragedies.

His family extend their gratitude to his lifelong friends, near and far, and the community of Fairbanks and others he became acquainted with throughout the years. Barry lived a full, substantial life creating lasting friendships and meaningful connections. Thank you for honoring his memory; a legacy that lives on. It has been a complete privilege being a part of his life. He will forever be missed.

As consideration and respect for his wishes, his family will not be directing any memorial services at this time. In lieu of flowers, have a cup of coffee while reading a passage from any Shakespearean work in his honor.

"Last scene of all, That ends this strange eventful history, Is second childishness and mere oblivion; Sans teeth, sans eyes, sans taste, sans everything." - William Shakespeare



Barry Donnellan

### Murphy Clark Passes Away at 86

*Text and photo originally published by Legacy Remembers on Dec. 14, 2023.*

Murphy Clark, much loved father, husband, brother, and most excellent friend, passed away on November 24, 2023, at home, on Yankee Creek Ranch, in Eagle Point, Oregon with family and friends by his side, at the age of 86 of pancreatic cancer.

Born in the holler, in Pebworth, Kentucky on May 20, some years back, Murphy grew up dirt floor poor, among a slew of cousins, and often recalled one of the early tasks of his childhood was checking the still on certain nights when the moon was just right and the crick was not too full.

Murphy came to Alaska in 1949, with family, and quickly fell into all things Alaskan. He was a regular winner at the sled dog races and would tell stories of mushing his dogs, from his folk's little home on Fourth Avenue and Barrow, all over Anchorage on the dirt trails, which later became major roadways. He hunted and fished and was flying his own super cub at age 14. He never did get called on the carpet for seriously clipping the power lines, at age 15, taking out power to a large part of Anchorage, as he landed his float plane one day on Lake Hood in Anchorage.

Murphy was an Anchorage High School graduate, went on to University of Oregon and finished out his schooling with a law degree from University of Washington. Murphy began lawyering in Anchorage as a young lawyer with the defense law firm of Hughes, Thorsness and Lowe, where he later became a named partner. Switching over to do God's work, Murphy spent most of his lawyering life as a plaintiff's lawyer, both with his partners at Clark, Walther and Flanagan and then later with his own solo practice.

Married in 1966 to the lovely Julene, the couple, in 1978, bought a ranch in Southern Oregon where Murphy had spent many summers as a young boy. With his family now transplanted from Anchorage and living on the ranch, Murphy flew back and forth from Medford to Anchorage, where he still kept his law practice. Murphy tailored his law practice to function, and had a gem in his assistant, Joyce Ekstrand, so he could be out of his office and spend time on the ranch. Always glad to be home on his ranch, Murphy spent much of his time examining the lines and planning breeding of his favorite Simmental cattle.

Murphy was a hunter, fisherman, pilot, skier and adventure seeker. He traveled all over the world hunting and fishing and even found himself in Afghanistan in 1978 on the very eve of the revolution. He was famous for his storytelling at the dinner table, or at a wine tasting, with many tales of what it was like living in post-World War II Anchorage. He never did anything in a small way. As but one example, his brother, Dana Martens, remembers rock hunting for a fireplace build with Murphy meant using C 4 explosives and a helicopter. His wine drinking friends remember fleets upon fleets of the best Bordeaux and Burgundies, world class food and



Murphy Clark

## Why the Anchorage Bar Association Supports Youth Court

By Alysyn Thibault



Photograph of Anchorage Bar Association President Joe Levesque presenting Alysyn Thibault, Executive Director of the Anchorage Youth Court with a \$500 donation collected from the members. Photo by Dena Boughton.

Anchorage Youth Court (AYC) is a diversionary program for youth in grades 3-12 who are accused of breaking the law to be judged by their peers. Local youth take on the roles of attorneys, judges, bailiffs and clerks. Anchorage Youth Court members develop and apply an understanding of the law through legal education, Anchorage Youth Court Bar Association membership and actual participation in AYC court hearings. AYC is a highly beneficial program because defendants are afforded a chance, in a court hearing by trained local youth, to resolve their legal problems without receiving a formal juvenile record, and the community receives valuable work service as redress for the wrongs committed.

AYC re-emerged as a primarily in-person program in 2023. AYC members served over 5,000 hours through education, court service and training. Of the 92 defendants who navigated our program, they served over 600 community service hours, not including their many hours of education they chose to complete as part of their sentence.

Currently, AYC is working to develop a more restorative juvenile justice program. We are working to develop local partnerships that provide for an array of sentencing options from which defendants and families can both benefit during their time with us, and long after. With a more restorative justice approach, sentences move beyond only community work service to include educational opportunities, mental health support, job skills training, cultural events and mentorship. We believe this restorative approach will build a strong base of success from which defendants, families and youth members will benefit.

## Alaska Bar Members Gather to Share Stories at ‘Diversity: Stories Affecting Our Lives’ CLE

By Kara Bridge

Alaska Bar members and other community members came together at the “Diversity: Stories Affecting Our Lives” event held on Tuesday, December 19, 2023, at the Hotel Captain Cook in Anchorage. The panel discussion, moderated by retired Alaska Supreme Court Justice Dana Fabe, aimed to highlight the importance of diversity in the legal profession and how personal narratives can shape and enrich the legal landscape.

The panelists included Megan “Sig” Tapqaq, Staff Attorney at Kawerak & Board of Governors, Alaska Bar Association; Aaron Schutt, President & Chief Executive Officer of Doyon, Limited; Lynda Limón from Limón Law Firm; and Aadika Singh, Senior Attorney at Public Rights Project. Each speaker brought a different perspective and narrative which added to a diverse array of experiences that emphasized the importance of inclusivity within our legal community.

A special thank you goes out to Outlook Law, in collaboration with the Alaska Bar Association, Anchorage Association of Women Lawyers and the Alaska Supreme Court’s Fairness Diversity & Equality Committee for their support in making this event possible.



Lynda Limón captivates attendees and panel members with her story at the Diversity: Stories Affecting Our Lives Lunch CLE. Panel members left to right, Justice Dana Fabe (ret), Aadika Singh, Aaron Schutt and Megan “Sig” Tapqaq. Photo by Lynn Whittingham.

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