

Changing the online legal research landscape

Casemaker to launch in Alaska

This fall, Casemaker will become available for all Alaska Bar Association members. Casemaker is an online legal research tool with a powerful search engine providing access to state and federal materials.

There is no cost for your use of Casemaker – it is included in your Alaska Bar membership dues.

Founded by the Ohio State Bar Association in 1998, the Casemaker Consortium now includes 29 states.

Casemaker levels the playing field for lawyers who are sole practitioners or who practice in small firms – many of whom cannot afford to subscribe to other online legal research services. Large firms also benefit, realizing a cost savings when they ask their lawyers to use Casemaker before turning to more expensive tools.

Q. What is Casemaker?

A. Casemaker is a Web-based research library and search engine that allows you to search and browse a variety of legal information such as codes, rules and case law through the Internet. It is an easily searchable, continually updated database of case law, statutes, regulations and more.

Q. When will Casemaker be available?

A. If everything goes as planned, Casemaker will be available this fall.

Q. How will I know?

A. Bar members will be notified through E-News, the Alaska Bar Rag and a letter sent to all members.

Q. What will it cost to use Casemaker?

A. Nothing! The use of the Casemaker Web Library is free to all Alaska Bar Association members. It's a benefit of membership.

Q. What will the Casemaker library contain?

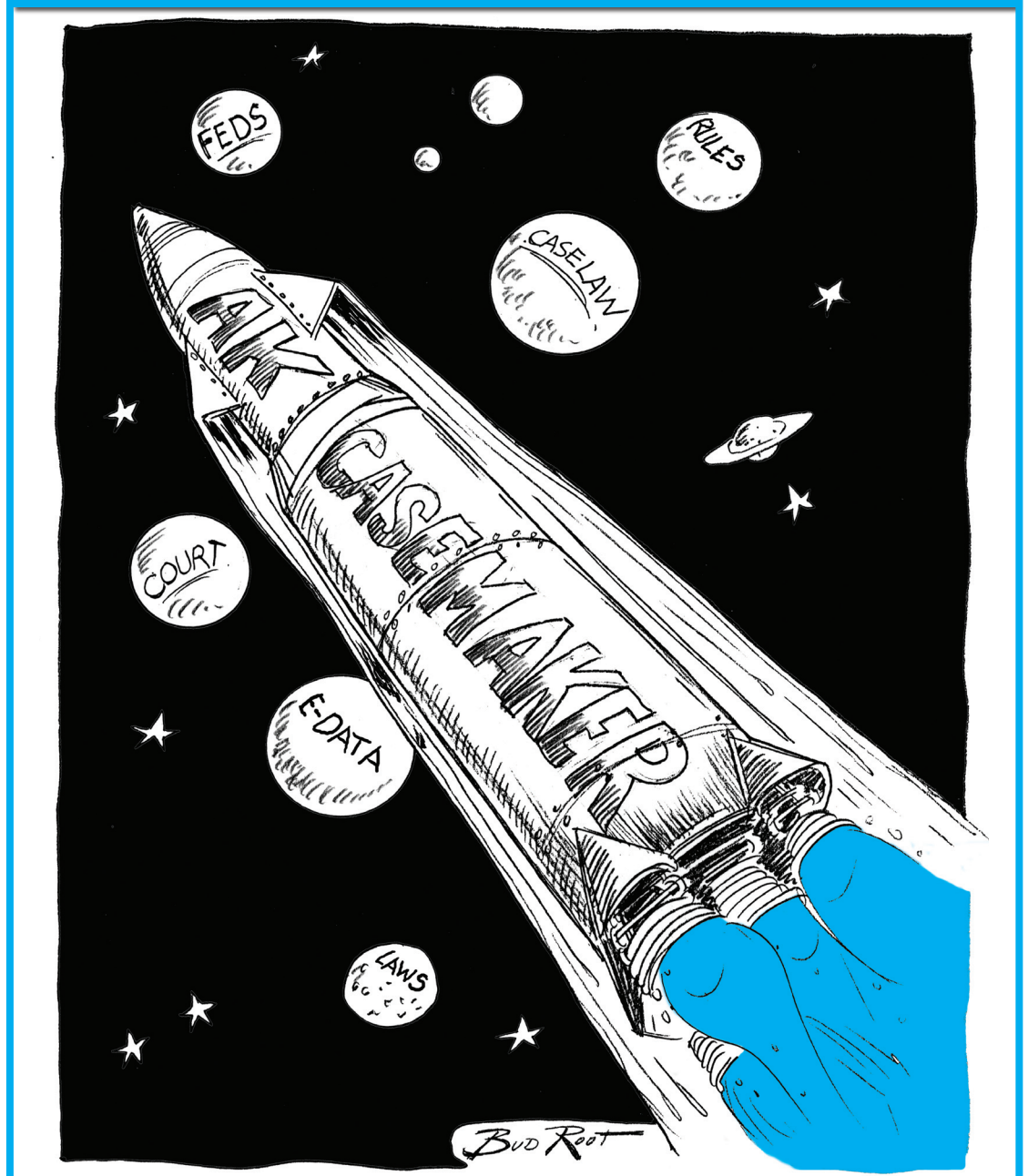
A. Included are caselaw and statutes from all 50 states, court and bar rules, SCO's, Attorney General's Opinions, Municipal codes, jury instructions, federal decisions, codes, regulations and more. For a listing of the databases that will be available to you, see the sidebar in this issue.

Q. Where will I find Casemaker?

A. Once it is launched, you'll log in and access Casemaker through the Bar's Website (www.alaskabar.org) More information will be sent later.

[List of Casemaker Libraries . . . pg. 3](#)

ARRIVING IN LAW OFFICES FALL '07



State courts hit the road

By Barbara Hood

Alaska's chief justice and the Alaska Court System's administrative director are leaving the bench and engaging communities in public discussions of the justice system.

The new Open Court program is a judicial outreach program that brings Chief Justice Dana Fabe and Administrative Director Stephanie Cole together with members

of the justice community and the public for discussion and problem-solving on specific topics of mutual concern. Since February, Open Court sessions have been held in Juneau, Ketchikan, Sitka, and Anchorage.

Each local court was asked to select the focus of Open Court in their community, and the following topics have been addressed to date:

The goal of Open Court is

two-fold.

First, the program seeks to identify practical solutions to the challenges facing the justice system by creating a forum for discussion, identification of best practices, and consensus-building among the decision-makers involved.

Second, the program aims to foster greater public understanding of our justice system

Continued on page 7

FEATURED IN THIS ISSUE

- President & Editor ponder legacies of law 2
- 'Faubit' laments passing of Smedley..... 4
- Dan Branch has a summer of transitions 9
- Trust but verify online data 12
- Whatever happened to . . . ? 15
- Think outside the (Internal Revenue) Code 16



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

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

Five rules for whitewater boating

By Matt Claman

Service on the Board of Governors includes speaking at induction ceremonies for judges and new attorneys. At the swearing in for new members to our bar, I often tell the new admittees about the Five Rules for Whitewater Boating and how the rules apply to the life as a lawyer. Krista Scully, the Bar's Pro Bono Director, urged me to write a column that includes the Five Rules. Leaving it to your imagination to figure out how these rules apply on the water, here they are:

1. Hold On

Hold on to skills that are the foundation for every effective attorney. In court, holding on is an important technique when a judge asks a particularly difficult question during oral argument. Remembering sage advice to "show the court the law," I literally hold onto the podium with both hands, think quickly and carefully about the best response, and then explain the case to the judge. Hold on to the out-of-work activities

that give meaning to your life. In both office and home, hold on to your family and friends, because they are your greatest supporters.

2. Pay Attention

Paying attention is one of the most important skills to develop as an attorney. Listening to our clients helps us understand the reason they need legal advice and makes it possible to tailor our advice to their particular needs. In trial, we must listen to the witnesses so that we can use their testimony to our greatest advantage. Paying attention keeps us in touch with our family and friends so that we remain connected with lives other than our own. With our colleagues, paying attention helps us recognize if they need help and assistance so that they do not neglect their clients.

3. High Side into the Big Waves

Rule #3 is the shorthand for "When the going gets tough, the tough



"Rule #5 is the most important rule of all!"

get going." As attorneys, we frequently face difficult legal issues that will either make or break a case or a business deal. It is important to address the difficult issues in ways that serve our client's interests under all the circumstances. Ignoring, avoiding, or backing away from the difficult issues can lead to greater problems in the future.

Outside the practice of law, high siding into the big waves means facing the challenges of life with courage and strength.

4. Bail When Told

Following instructions from someone else can challenge each of us. As both attorneys and as individuals, we must be able to hear instructions from others and follow those instructions. In court, we must be able to accept an adverse decision with respect for the rule of law and convey that same respect for the rule of law to our clients. In the office, we must be able to adapt our strategy when the

original plan is not succeeding. When the load of work at the office starts to become overwhelming, it may be time to pause and develop perspective on the work that needs to be done. Garrison Keillor would likely explain that "bail when told" means to have "the courage to get up and do what needs to be done." At both work and home, we must be able to accept and follow advice from our family, friends, and colleagues.

5. Have Fun!

Rule #5 is the most important rule of all!

Applying these Five Rules also helps me address another component of service on the Board of Governors: considering disciplinary matters in our role as the Disciplinary Board, which makes recommendations to the Alaska Supreme Court. Time and time again, we address disciplinary

Continued on page 3

EDITOR'S COLUMN

Out with the old

By Thomas Van Flein

It seems the last few years there has been a lot of turnover on the bench, as well as for the private and public sector lawyers.

According to the government, those born between 1946 and 1964 are starting to retire in substantial numbers. Thus, the surge in Alaska Bar members in the 1970's and 1980's may now foretell a surge in retiring bar members. For some, retirement creates anxiety, especially if you read the National Center for Policy Analysis March 2006 report that states that "[a]s 77 million members of the Baby Boom generation begin to retire, America is about to experience one of the most dramatic economic, sociological and demographic changes in its history. The institutions we have relied upon in the past are completely unprepared for what lies ahead."

I will leave the "institutional" issues for another day. Everyone who retires leaves something behind (no, not just a full trash can). Many may want to leave something to the next generation filling the ranks. What can lawyers pass on? Our tools of the trade consist of our judgment, analysis, integrity, work ethic and other intangibles. It is not likely a future lawyer will need or even appreciate the handing down of an old laptop computer (and today, anything over three years old is "old" when it comes to office technology).

We could pass on a cherished book. Many lawyers have extensive book collections. One day, more or less out of the blue, Randy Clapp gave me "The Law" by Frederic Bastiat. He thought, correctly, that I would appreciate what this French legal

philosopher and economist had to say. But books and book collections are endangered. Today, the majority of lawyers don't really use books (at least reporters and treatises) in traditional book form since everything is online. I was visiting Kathy Weeks at her office a few weeks ago and she had several hardback Pacific Reporters opened on her desk. It was like a stroll down memory lane (for me). Look around at lawyers working and you will likely conclude most read online or print-out decisions in paper form. Probably 10 years from now they won't even print hard-back reporters.

I had a friend whose father was a carpenter. When his father died, he did not want to throw away various hand tools and power tools that his father had used for years.

Some of the tools were practically ancient, having been brought to Fairbanks in the 1940's but still usable. I know that when he looks at those tools, he sees his father making a cabinet, a desk, or a baby bassinet. He gave many to me knowing I do some carpentry (maybe hoping his father's skills would assist my rough carpentry. Even when I do finish carpentry I do rough carpentry).

Likewise, I inherited some power tools from my dad and some from my father-in-law. These tools are solid steel. They were made to withstand a lot, unlike today's hardened plastic tools. You could melt down one of these old drills and have about the same amount of steel they use in



"What can lawyers pass on? Our tools of the trade consist of our judgment, analysis, integrity, work ethic and other intangibles."

cars today. And, having all been made in the 1960's or before, these tools have few of today's safety features. One power circular saw takes about 2 minutes for the blade to wind down, whereas today's saws take about 2 seconds. My father and father-in-law each had missing fingers from run-ins with tools.

Back then you did not sue the manufacturer for lack of safety devices or warnings. Instead, you held up your hand to neighborhood kids (or your own kids) like a pirate waving his hook arm and warned them about "not being stupid" when he was working in the garage with tools.

So I now have a shed full of tools I use occasionally, but mainly I keep them out of respect for the men who used them in their day. Whether they used them to earn a living, or to add on to the house, build a deck, or build a rocking chair, these tools are a physical connection between those who once held them and those that can now hold them.

For the retiring judge or the retiring lawyer, what tools will you hand down to those who come next? Teaching judgment, analysis, integrity, and work ethic is not easy, and is best done by example. In many ways, when it comes to lawyering, you begin your legacy, and you start your endowment for the next generation, not at the end of your career, but at the beginning. It is then built upon every day.

There won't be a tool shed to store any of this. But if we are successful, there will be another generation of lawyers and judges who will work to make our institutions--the same institutions that some fear are completely unprepared for the future--better, fairer and stronger.

The Alaska BAR RAG

The Alaska Bar Rag is published bi-monthly by the Alaska Bar Association, 550 West 7th Avenue, Suite 1900, Anchorage, Alaska 99501 (272-7469).

President: Matthew W. Claman
President Elect: Mitch A. Seaver
Vice President: Bill Granger
Secretary: Krista S. Stearns
Treasurer: Sidney K. Billingslea

Members:

Christopher R. Cooke
Joe Faulhaber
Don McLean
Allison Mendel
Philip M. Pallenberg
John J. Tiemessen
Jason A. Weiner

New Lawyer Liaison: Maude Blair

Executive Director:
Deborah O'Regan

Editor in Chief: Thomas Van Flein

Managing Editor: Sally J. Suddock

Editor Emeritus: Harry Branson

Contributing Writers:

Dan Branch
Joe Kashi
Kenneth Kirk
Catherine Lemann
Steven T. O'Hara
Drew Peterson
Steve Pradell
Vance Sanders
William Satterberg

Contributing Photographers

Barbara Hood

Contributing Cartoonists

Bud Root

Design & Production:

Sue Bybee

Advertising Agent:

Details, Inc.
PO Box 11-2331
Anchorage, Alaska 99511
(907) 276-0353

Publication Dates	Editorial Deadlines
January-March	Feb. 10
April - June	May 10
July - September	Aug. 10
October - December	Nov. 10

Board of Governors meeting dates

September 6 & 7, 2007
October 25 & 26, 2007
January 31 & February 1, 2008
April 28 & 29, 2008
April 30 - May 2, 2008 (Annual Convention - Anchorage)

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

Letters

Bar could use review

Legislative review of the Alaska Bar Association should be welcomed rather than criticized or resisted. Frequent review offers an opportunity for serious outside perspectives on the role and performance of the association.

As a self-regulating organization with public responsibilities, we should be concerned about accountability in the exercise of our duty to the public and the three branches of government. The failure to continue to approve the Alaska Bar Association for an eight-year period for which it formerly received approval may not signify a great departure so much as a greater legislative willingness to scrutinize state agencies and state related agencies.

I am a member of other bar associations that operate in the context

of, and whose major decisions must be consistent with, plans formulated for the reasonably foreseeable long term. I do not know of our bar association engaging in such perspective or planning over a broad array of major issues affecting the administration of the association. Does it have a plan to make progress from now to 2015, eight years from now, in serving its members and the public? If not, why not, and why is it entitled to approval for such a lengthy period?

There are a number of features that are worthy of consideration for our long term progress. Given our geographically widespread membership, for example, our ability through the bar association to interact electronically is poor. Our website presence is unimpressive and its functionality leaves much to be desired. I have looked to other bar associations for quality CLE by distance delivery using modern web conferencing, which is only beginning to be offered here. Communication with colleagues with interests in common is not facilitated by the bar association through means such as bar-sponsored topic-based or practice-area listservs, bulletin boards, or other virtual communities. Wouldn't it be helpful if not ideal if our bar association took steps to facilitate official communication using bar-related email identities for its members? The foundation for our email identity is right in front of each of us in the form of our bar numbers. Such conveniences could be helpful as courts move increasingly to e-filing and as courts and the bar association utilize electronic means for primary communications of importance. This could become one official means of contact that is readily known and accessible.

The failure to achieve another eight-year period of legislative approval raises no concern on my part since our association has manifested the need for significant improvement in responsiveness and transparency in accountability.

It remains to be seen whether there are ulterior motives by some legislators, as suggested in the Bar Rag, or whether the scrutiny will bring us to improved realization of the role of the bar to a constituency outside of its membership. An example of what I regard as poor accountability is the routinely uninformative "Action Items" from the Board of Governors meetings, which are printed in the Bar Rag and posted to the website. Why not provide some insights into the discussions or differing perspectives on the meeting topics that are part of the public agenda? Why not give attribution by name to the members of the Board of Governors so that the reader can better assess the performance of individual members? We learn such information about our legislators, who are held accountable for votes and whose debates are of public record; similarly, we read in our newspapers about public positions of borough assembly members or city council members. Why not be accountable in a manner similar to others who hold public office? The "Action Items" feature is uninformative and provides no illumination of intentions, differing perspectives, participation by board members, and so many other aspects that would be helpful to know.

It is interesting, too, that President Claman's mention of the four-member task force to work with him does not mention which of his colleagues have been invited to par-

ticipate and have accepted. Why not indicate who they are and why each was selected? What strengths does each one offer for this task or what important perspective can be expected of each? In short, why this team for this task?

Altogether, greater illumination on the affairs of the bar association would be a welcome prospect. If it has to come from the legislature, then so be it since the historical practice of the bar association is not consistent with easy transparency or ability to objectively appraise itself. One good start along the path would be to leave the present attitude behind in responding to the legislature. The if-it-ain't-broke attitude is a familiar path of inertia that does not lead to productive long term results. It does not reflect willingness for self-appraisal in any meaningful level of insightfulness or objectivity.

Finally, I am not now and have not been an anonymous or non-anonymous complainant to legislators. When I've had comments, I offered them to the BoG.

—Paul B. Eaglin

Five rules for whitewater boating

Continued from page 2

problems of client neglect that arise when one of our colleagues is suffering from physical and emotional difficulties. Without identifying the particulars of any single case, these client neglect cases are often a product of depression, alcohol or drug abuse, physical incapacity, or physical injury. While the proper consequence for neglecting a client is a matter for reasoned debate, there is a consensus on the Board that client neglect is preventable. The most important message: Attorneys neglect their clients when they neglect themselves.

Providing assistance and support to our colleagues in trouble is one of our most important roles as attorneys. Fall is the season when our children return to school and the long days of summer rapidly shorten toward the long nights of winter. Fall is also a time to remind ourselves to pay attention to our friends and colleagues who may need our support as they may be facing one of life's challenges.

When an attorney is suffering from severe depression and he cannot get out of bed in the morning, he cannot provide effective service to his clients. When an attorney suffers severe medical problems that leave her physically exhausted, she cannot devote the energy to her work that her clients deserve. When an attorney loses a loved one, he or she may lose the ability to focus on the client's needs. Following Rule #2 (Pay Attention) helps us identify a colleague in need. Following Rule #3 (High Side into the Big Waves) gives us the courage to talk with our colleague and offer to help. Following Rule #4 (bail when told) helps a colleague in need follow our advice. We all know of examples where we stepped in to help a friend or colleague in need. As a result of our vigilance, the attorney's clients did not suffer.

Of course, it's easier to recognize a colleague in need when our own life is in balance. It's hard to take care of our clients—and our colleagues—if we are not taking care of ourselves. For me, bar president, full-time attorney, and part-time whitewater guide; remembering the Five Rules in my work and life has helped me keep a balanced perspective while serving my clients.

Notice

The Alaska Bar Association reminds attorneys that it is important to keep us informed of any changes in your street address, telephone number, or e-mail address. The Bar Association provides street and e-mail address lists to the Alaska Judicial Council to use in its judicial selection and retention surveys. We encourage you to keep your addresses current to insure that you receive all communications from the Bar and the Judicial Council. E-mail changes to info@alaskabar.org —Thank you.

ALASKA CASEMAKER LIBRARIES

Alaska Data

Alaska case law from statehood with West pagination and casecheck
Alaska Unreported Decisions as available in digital format
Statutory Code with superCODE
Alaska Constitution
Adoption Rules
Alaska Bar Rules
Alaska Civil Jury Instructions
Alaska Criminal Jury Instructions
Alaska Law Review
Alaska Rules of Professional Conduct
Attorney General Opinions from 1995
Bylaws of the Alaska Bar Association
Child in Need of Aid Rules
Code of Judicial Conduct
Commentary to Alaska Rules of Evidence
Delinquency Rules
District Court Rules of Civil Procedure
District Court Rules of Criminal Procedure
Judicial Conduct Commission Rules
Rules of Administration
Rules of Appellate Procedure
Rules of Civil Procedure
Rules of Criminal Procedure
Rules of Evidence
Rules of Probate Procedure
Supreme Court Orders (SCOs)
Borough or Municipal Codes:
Anchorage
Fairbanks
Juneau
Kenai Peninsula
Seward
Links to 22 other City or Borough Codes

Federal Library

US Supreme Court — case coverage from 1788 and US Reporter cases from 1754
US Court of Appeals from 1950, some from as early as 1921
Bankruptcy Reporter Advance Sheets from 12/2005
USDC decisions from 12/2005
US Code
US Code of Federal Regulations (CFR)
All USCCA Appellate Rules
District Court Rules of Consortium states
Federal Rules of Appellate Procedure
Federal Rules of Evidence
Practice Rules for the US Supreme Court
Federal Rules of Bankruptcy, Criminal and Civil Procedure

Other state materials as they exist in Casemaker Libraries

Case law of all other 49 states with average starting date of 1924
Statutes of all Consortium and most other states
Consortium states' material including:
jury instructions
codes of regulation
rules of procedure
law reviews
municipal codes
state court rules
administrative decisions and more

Alaskan Attorney Bo Smedley dies, age 55

By *Kenneth Kirk*

Ed. Note: Not a real obit

Beauregard Belial "Bo" Smedley died Thursday of a heart attack at a Wasilla fast food eatery. He was 55. Smedley was a long-time Alaskan attorney and a pioneer and innovator in the area of attorney/client relations.

Little is known of Smedley's life before moving to Alaska in 1975. He is known to have clerked for a Fairbanks law firm for several years before finally being admitted to the bar in 1978. In his early years he primarily represented criminal defendants, including many of those accused of solicitation during that rambunctious pipeline era. His creative financing arrangements for such defenses usually involved security being put up by male business associates of the accused defendants, and at one point he was reputed to own eight Cadillacs. He was a firm believer in alternative dispute resolution, so much so that his cases never went to trial, and none of his clients ever testified against anyone else. He was particularly charitable toward his younger defendants, sometimes writing off the debt after they had gotten out of jail. Two of his former clients were successful in establishing his paternity of their children conceived after release.

In 1985, with the Alaska economy in recession, Smedley moved his practice to Anchorage and began handling personal bankruptcy cases. His creative interpretations of the bankruptcy code allowed him to charge

\$200 less up front than most other bankruptcy attorneys, a fact he aggressively advertised, while charging an additional \$500 after the bankruptcy was granted. He continued in this practice until 1991, when he found it necessary to terminate his paralegal for demanding unreasonably high pay. Soon after that he entered into a consent agreement with the local bankruptcy court under which he would no longer practice in that court.

Smedley signed a large number of Exxon Valdez plaintiff clients in the early 1990s, after making many trips to Valdez and Cordova. He offered a lower contingency percentage than most other attorneys, with an understanding that he would let the other attorneys do the vast majority of the litigation work and would himself merely keep an eye on his own cases. Always one who believed in the rehabilitation of former offenders, he had several of his former Fairbanks clients work for him in this endeavor as marketing assistants. Once Smedley had the cases, he contracted with other attorneys to do the work for him, and charged their fees as an expense to the client, to be paid separately from his own percentage. Unfortunately most of the fees he eventually received were awarded to his wife in divorce proceedings.

After Smedley's divorce was fi-



"He was particularly charitable toward his younger defendants, sometimes writing off the debt after they had gotten out of jail."

nalized in 1993, he took an interest in family law and added it to his areas of practice. He led the way in developing value billing in divorce. Typically he would obtain money up front, then a few weeks before trial he would contact his client and persuade him or her to pay an additional, much larger retainer on the threat of withdrawal, and also to sign an agreement allowing him to charge an added value billing amount, to be paid from assets awarded to the client, if he (Smedley) was satisfied with the job he had done. While a few clients refused and he had to represent them at trial anyway, most of them signed his agreement, with the result that he was able to maintain a fairly lucrative divorce practice.

Smedley also maintained a somewhat successful personal-injury practice, success being primarily defined as never having had to actually take such a case to trial. As noted, he was a great believer in alternative dispute resolution and oftentimes, instead of being litigious and preparing for a trial which neither side really wanted, he would spend the last days before trial seeking an appropriate settlement.

In the late 1990s Smedley won the Alaska Bar Association's Pro Bono Award. The award was later revoked when it was discovered that despite the large number of hours submitted, the only case he had actually handled was a relatively simple eviction in which the tenant moved out before the hearing. Nonetheless he took

great pride in the initial receipt of the award, and kept the certificate on the wall of his office throughout the remaining years of his practice.

The passage of the Sarbanes-Oxley Act brought new opportunities, and in 2004 Smedley stopped taking individual cases and was retained by a few local corporations to work on Sarbox issues. However his cash flow was affected when all of his clients availed themselves of fee arbitration, and he was forced to close his office in Anchorage in 2005.

Never one to let financial reverses, lack of malpractice insurance, or letters from the Lawyers' Assistance Committee keep him down, Smedley reopened in Wasilla in 2006, encouraged by the shortage of lawyers in the growing Matanuska Valley. He had a general practice consisting of whatever he could get, until his recent untimely demise. He reportedly enjoyed practicing there, as the delays at the courthouse caused by the local population boom made it possible to avoid going to trial, and to instead productively use the time trying to settle cases, which he did successfully for the year and a half he practiced there, never having to actually try a case in the Palmer courthouse. On the few occasions when he was scheduled for trial, he successfully pleaded with the court to instead allow additional time for the parties to try to work things out.

Bo Smedley was survived by several children and ex-wives, all of whom threatened legal action if the Bar Rag printed their names in connection with him. No service is planned, as any available funds have been frozen. Donations may be made to his creditors.

Attorney fees increased!

By *Doug Wooliver*

At the request of the Alaska Court System, and with the help of persuasive testimony from Anchorage attorney Ken Kirk, the Alaska Legislature recently appropriated the funds necessary to increase the fees paid to attorneys who accept court appointments under Administrative Rule 12(e) of the Alaska Rules of Court. Effective July 1, 2007, the fee has been increased from \$40/hour to \$75/hour.

Attorneys are appointed under Rule 12(e) when a litigant has a right to counsel but neither the Public Defender Agency nor the Office of Public Advocacy has the statutory authority to provide representation. Appointments are made in several types of cases, but the majority relate to guardianships and conservatorships, adoption cases where a party seeks waiver of a parent's consent, and estate cases involving heirs who are minors and incompetents when attorney's fees cannot be paid from the proceeds of the estate.

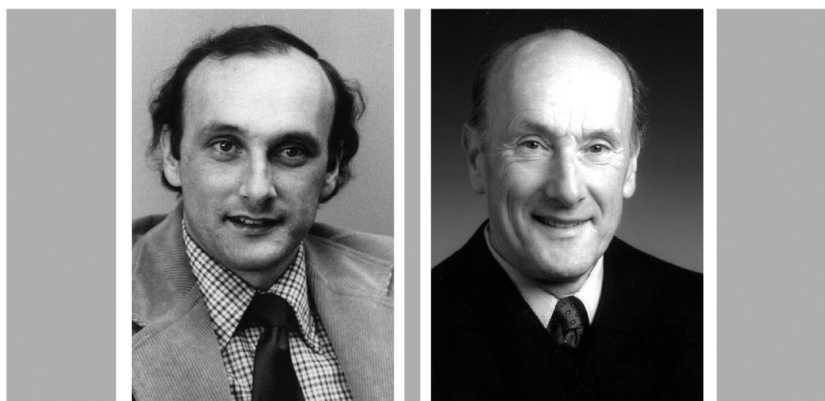
Although judges make dozens of Rule 12(e) appointments each year, the number of attorneys who volunteer for these cases has steadily declined. One of the primary reasons for this is that the fee paid has long been inadequate to cover most attorneys' overhead. The decline in the number of people willing and able to take these cases has resulted in a small number of attorneys assuming an ever greater burden of below-cost representation. The court hopes that the higher fee will help with that problem.

Additionally, because \$75/hour is still significantly below the full rate typically charged for legal services, Rule 12(e) appointments remain an excellent way for attorneys to meet their public service responsibilities under Rule 6.1 of the Alaska Rules of Professional Conduct. Section 6.1(b)(2) of that rule specifically encourages attorneys to provide legal services at a substantially reduced rate, and the rule's commentary states that one way to satisfy this responsibility is to accept "court appointments in which the fee is substantially below a lawyer's usual rate."

The court system is extremely grateful to those attorneys who have for many years agreed to accept Rule 12(e) appointments for such small fees, and hopes that by increasing the hourly fee more attorneys will be able to provide this important public service.

Attorneys willing to accept appointment in these cases are asked to contact the following people:

- First district appointments – Presiding Judge's Office at 463-4741
- Second district appointments – Tom Mize at 451-9251
- Third district appointments – Linda Keil at 264-0415,
- Fourth district appointments – Ronald Woods at 452-9201



You are invited to help pay tribute to

Justice Alexander O. Bryner

on the occasion of his retirement from the
Alaska Court System
after 30 years of dedicated service to the people of Alaska.

Friday, October 26, 2007
6:30 PM

Anchorage Museum at Rasmuson Center
Appetizers & Dinner catered by the Marx Brothers
Music by McLeod No-Host Bar

\$50.00/person

The evening will include a *SILENT AUCTION* in Justice Bryner's honor on behalf of pro bono legal services programs statewide.

Please RSVP by mailing your name(s) and a check for \$50/person by no later than October 15, 2007, to:
Alaska Court System Attn: Lesa Robertson
303 K Street, 5th Floor
Anchorage, AK 99501

Supported by generous contributions from:
The Alaska Bar Association
The Anchorage Bar Association

The Second Season: New rule allows pro bono by inactive, retired bar members

By David Newman &
Krista Scully

American Bar Association Past-President Karen Mathis declared the “Second Season of Service—A Giving Generation” as part of her presidential initiative, which encourages the continued use of talents and experience of non-practicing attorneys for the purpose of providing pro bono service. With this in mind, the Alaska Bar Association’s Pro Bono Services Committee proposed the “Emeritus Attorney” rule to the Alaska Supreme Court and now joins 20 other states that provide practice rules for inactive and/or retired attorneys to do pro bono work.

Pro Bono legal project to benefit Alaska’s senior citizens

The Alaska Bar Association and Anchorage Bar Association’s Young Lawyer Section jointly announced July 27 that they have received a grant from the American Bar Association to create and disseminate the first ever legal information and resource guide for Alaska’s senior citizens.

Alaska’s project is one of eight national projects funded through the American Bar Association’s Law and Aging Program. The Alaska Bar section identified a problem affecting many Alaskans and mobilized a volunteer team to explore solutions.

“Seniors & The Law: A Guide For Senior Citizens In The Last Frontier” will be written by volunteer attorneys; additionally, the guides will be delivered to three rural hub communities only accessible by plane, snow machine, or dog sleds. Volunteer attorneys will visit these communities to host a legal information day and provide services to citizens.

With a growing senior citizen population in Alaska, the creation of a legal resource guide is timely. Additionally, it is an excellent opportunity to catalyze a pro bono project for new attorney practitioners with experienced practitioners to provide legal services and information. “The Young Lawyer Section is always looking for ways to give back to the community”, stated Bill Falsey, President, Young Lawyer Section of the Anchorage Bar Association. “We are especially excited about this project because it will allow us to be a resource not just for populations in our home city but throughout Alaska.”

The need for pro bono service and equal justice access in Alaska is acute. According to the Alaska Supreme Court Civil Access to Justice Task Force Report, approximately 50% of Alaska’s 80,000 low-income citizens will face a legal need in any given year.

The guide will be available to communities and organizations in early 2008.

Previously, the Pro Bono Services Committee had received inquiries from many of Alaska’s 170 inactive and retired Bar members into the possibility of their performing pro bono service without having to pay the full amount of bar dues. While preparing its proposal for the Supreme Court’s consideration, 16 inactive Bar members residing in five communities around Alaska were interviewed to gauge their support of the rule and whether they would participate. Comments from interview participants were overwhelmingly positive. Some comments we heard:

- I would be interested in assisting with family law issues, specifically those with domestic violence issues.

- I think it’s a great proposal. There is a good talent pool to draw from and I would definitely do it when I could make the time.

- I definitely support the proposal—it’s a perfect way for inactive members to give back to the com-

munity and stay involved. In fact, upon moving from active to inactive status, I asked whether such a rule existed and was surprised to learn that it didn’t. I’m thrilled by this opportunity.

The Alaska Supreme Court adopted Alaska Bar Rule 43.2 on June 26, 2007, which authorizes an emeritus attorney to undertake legal services performed in association with a “qualified legal service provider.” An emeritus attorney is defined as an inactive or retired member of the Alaska Bar Association who is not otherwise engaged in the practice of law; a qualified legal services provider is a not-for-profit legal assistance organization approved by the Board of Governors. This rule becomes effective October 15, 2007.

As of this writing, the Board of Governors has not yet given final approval to any legal service providers that may be interested in participating under this rule. However, there are many not-for-profit organizations that offer legal assistance to Alaskans

in need that will be excellent candidates. Those include: Alaska Legal Services Corporation; the Alaska Network on Domestic Violence and Sexual Assault; the Alaska Pro Bono Program; and the Alaska Immigration Justice Project. These providers offer excellent support to attorneys willing to take pro bono cases, including providing malpractice insurance and mentoring attorneys. There is also a wide range of cases available for placement. While there is always a need in family law, attorneys can also take pro bono cases dealing with landlord-tenant issues, and estate planning and immigration, just to name a few.

If you are a retired or inactive member of the Alaska Bar, please consider taking advantage of this new rule. It is a great way to provide an invaluable service to those in need. If you are interested, be sure to contact Krista Scully, Pro Bono Director at the Alaska Bar Association at (907) 272-7469 or via email at scullyk@alaskabar.org.



Now showing on a single screen:
the best medical resources for Alaska litigators.

Now you have access to the **same** peer-reviewed medical information that doctors use – plus an incredibly easy way to find it. The new thesaurus-driven Westlaw® search engine adds synonyms, brand/generic drug names, related topics, and medical and scientific terminology to your search terms. So your plain-English description of a disease, injury, device, or drug on Medical Litigator™ delivers all relevant

content from the world’s leading medical journals, abstracts, specialized dictionaries, and more. You even get trial-ready medical illustrations. This library is fully integrated on Westlaw, so one search covers both the legal and medical content. For more information, call our Reference Attorneys at **1-800-733-2889 (1-800-REF-ATTY)**.

©2007 West, a Thomson business L-330098/11-07

THOMSON
WEST

Westlaw®

Have lunch with the Federal Bar Association

By Gregory Fisher, Pres., AK Chapter, Federal Bar Assn.

The Alaska Chapter of the Federal Bar Association invites all members of the Alaska State Bar Association to join us at one of our upcoming lunch meetings in November or December 2007. Information on the lunch meeting dates can be found at the Chapter's web page, <http://www.fedbar.org/alaska.html>.

The Federal Bar Association is a national organization dedicated to improving the administration of justice in federal courts. Members include justices, judges, court personnel, and lawyers in private and public practice.

The Alaska Chapter meets for quarterly lunches that feature a presentation or program of interest to the Bench and Bar. We are frequently joined by one or more of our local federal judges, and the lunches offer members and guests an opportunity to meet on an informal basis to share information and discuss trends and developments.

Recent speakers have included Senior United States District Judge H. Russel Holland, who discussed "do's and don'ts" of federal practice and pro-

cedure; Ninth Circuit Judge Alex Kozinski, who addressed issues related to the proposed Ninth Circuit split; Leonard Feldman, the District of Alaska's Ninth Circuit Pro Bono Appellate Coordinator, who explained how the pro bono appellate program benefits the courts and lawyers; Federal Defender Rich Curtner, who discussed CJA panel issues; and United States Attorney Nelson Cohen. The Alaska Chapter is an accredited CLE provider.

In addition to its quarterly lunches, the Alaska Chapter has actively partnered with the Alaska Bar Association to present CLEs of interest to judges and lawyers. Recent CLEs have included a July 2006 Appellate Practice and Procedure CLE in Anchorage, a May 2007 Electronic Discovery CLE in Fairbanks, and the recently conducted Ninth Circuit Bench/Bar "Informal Discussion CLE" that was videotaped and streamed statewide via webcast.

For more information, please visit our web page or feel free to contact current Board members Gregory Fisher (276-1550), Lloyd Miller (258-6377), Paul Eaglin (374-4744), Leslie Longenbaugh (321-3402), Mike Moberly (339-7200), or Melanie Osborne (258-6377).

Alaska Bar CLEs: Now Available By LIVE Webcast & On Demand

The Alaska Bar has partnered with LegalSpan to provide LIVE webcasting of selected CLEs for Alaska Bar members -- not every live CLE will be webcast.

What is webcasting?

- Basically it is broadcasting over the internet.
- Watch the live CLE program in real time via the internet on your computer.

How much is a webcast?

- A webcast of a CLE is the same price as the regular registration fee for the live program.

What do I need to watch a webcast?

- A computer with working speakers and an internet connection
- Windows Media Player 6.4 or later software -- webcast programs will only work with this format which you can download for free by clicking on the Help tab
- Adobe Acrobat Reader to view the course materials -- available for free download by clicking on the Help tab
- LegalSpan will send you an e-mail after you register with instructions on how to test your equipment to make sure you can receive the webcast.

How do I register for a webcast?

- You must register for a webcast on the LegalSpan website -- Go to www.legalspan.com/alaskabar/catalog.asp
- Click on the green Log In/Sign Up button on the top right hand side of the screen
- Follow the prompts to set up your account or log in
- Click on the Webcast tab and register for your selected program

How do I log in to watch the program on the day it is webcast?

- Go to www.legalspan.com/alaskabar/catalog.asp
- Click the Log In button
- Click the My Account tab
- Select the program you want to watch
- Click Launch Program button
- LegalSpan will send you e-mail reminders about the webcast

What if I have problems?

- Click the Help tab
- Call LegalSpan tech support at 877-880-1335 between the hours of 4:00 a.m. and 4:00 p.m. Alaska time (7:00 a.m. -- 7:00 p.m. Central time).
- You can also e-mail tech support at support@legalspan.com

What if I have to leave in the middle of the program?

- The program can be accessed for 30 days by clicking the My Account tab.

What about course materials?

- Course materials are available for download usually 24 hours before the scheduled program date.

How do I ask questions of the presenter(s)?

- Once you are viewing the webcast, there will be a small window in the lower left-hand corner of your screen for e-mailing questions.
- Type your question in the box and click send.
- Your questions will be received at the live program site and given to the presenter(s).

How do I get a certificate of completion?

- At the end of the program you will get a prompt to complete the electronic evaluation form and to print a certificate of completion which you keep for your records.

Will webcasts count for VCLE or MCLE in other jurisdictions?

- Webcasts count toward Alaska VCLE credit.
- Check with any other jurisdiction about webcasts counting as approved MCLE. Some jurisdictions do not accept technology-delivered CLE and/or have a cap on the number of hours they will accept.

24/7 -- On Demand -- On Your Desktop!

The Alaska Bar has partnered with LegalSpan to provide online CLE for Alaska Bar members.

How do I get online CLE?

- Go to www.legalspan.com/alaskabar/catalog.asp

How do I setup an account or log in to my account?

- Click on the green Log In/Sign Up button on the top right hand side of the screen
- Follow the prompts to set up your account or login

What is the cost?

- Alaska Bar CLEs are about \$30 per hour of instruction

Do I have to watch the whole CLE program at once?

- You can watch portions of the program at different times for up to 30 days.

What if I have problems?

- Click the Help tab
- Call LegalSpan tech support at 877-880-1335 between the hours of 4:00 a.m. and 4:00 p.m. Alaska time (7:00 a.m. -- 7:00 p.m. Central time).
- You can also e-mail tech support at support@legalspan.com

What happens when I complete the program?

- Follow the prompts to fill out an electronic evaluation form and to print a certificate of completion which you keep for your records.

What programs are available?

- You may view the entire catalog of programs at www.legalspan.com/alaskabar/catalog.asp without registering or logging in.
- Currently, There are 33 Alaska Bar programs, plus CLEs from other bar associations and CLE providers that are approved under our VCLE Rule.
- The Alaska Bar Association will be continuously adding programs to its catalog.

What do the programs look like?

- You view and hear the original CLE program through your computer.
- Course materials are available for download.

What kind of computer and software do I need?

- A computer with Windows 95/98/NT/XP with working speakers and an internet connection
- Media Player 6.4 or later or RealPlayer -- you can download these from the LegalSpan website
- Adobe Acrobat Reader to view the course materials -- downloadable for free from the internet

For additional information, call the Bar office at 907-272-7469 or e-mail info@alaskabar.org



OPEN COURT...

an outreach event the Alaska Court System has been hosting across the state

Anchorage Children's Court Master William Hitchcock makes a point during the afternoon session of Anchorage Open Court, which focused on reducing unnecessary delay in children's cases.



On August 29, Chief Justice Dana Fabe hosted a session of Open Court in Anchorage, which addressed the topic **Avoiding Delay in Child Protection Cases: Ensuring Timely Progress for Families**. The afternoon session for court officials, child welfare officials, and members of the children's justice community began with a presentation by the leadership of Facing Foster Care in Alaska (FFCA), a new group of young people who have spent time in the foster care system. Here, the chief justice meets with FFCA Secretary Kimberly Kirkman, L, and FFCA President Amanda Metivier, R,



Several representatives from the Office of Children's Services attended the Open Court afternoon session in Anchorage. Over fifty professionals involved with child welfare issues took part in the session, which took place in the Snowden Training Center.



Judge Morgan Christen, L, Presiding Judge of the 3rd Judicial District, answers a question from the audience during the Open Court public forum in Anchorage. Judge Mark Rindner, R, also participated on the panel during the public forum segment of the program, which took place in the supreme court courtroom.

State courts hit the road

Continued from page 1

and the role of courts in addressing community problems. To address these goals, the program format is divided into two parts: a work session for justice professionals and policy-makers followed by a panel discussion for the public at large.

"Open Court provides a unique opportunity for members of the justice community and members of the public to come together to address issues of mutual concern, outside the courtroom context. Whether the issue is therapeutic courts, juvenile substance abuse, or the challenges posed by the rise in self-representation, there is much we can learn from each other to make our work more effective," says Chief Justice Fabe.

To date, each Open Court forum has resulted in specific recommendations that have been acted upon by the court system and legal com-

munity, with excellent turnouts of interested parties and the public in each community.

For example, the principal recommendation from the Juneau session was to establish a mental health court on a trial basis, and plans for a Juneau mental health court are now underway. Sitka Open Court participants identified the need for greater information and training about unbundled legal services as one of the best ways to address the rise in self-representation, and, with the assistance of the Alaska Bar Association a CLE on the issue has now been scheduled.

The next Open Court session is scheduled for October 30, in Kodiak, where the featured topic will be Resolving Family Cases: Taking the Burden Off the Kids. Sessions will be scheduled over the next two years at all other superior court locations across the state.

Topics of the sessions to date have been:

- | | |
|---------------------|--|
| Juneau, 2/27/07: | Closing the Revolving Door: Therapeutic Courts & Community Corrections |
| Ketchikan, 4/4/07: | Closing the Revolving Door: Therapeutic Courts & Responses to Juvenile Substance Abuse |
| Sitka, 4/6/07: | The Rise in Self-Representation: Examining the Impacts & Alternatives |
| Anchorage, 8/29/07: | Avoiding Delay in Child Protection Cases: Ensuring Timely Progress for Families |

For more information about OPEN COURT, please contact Barbara Hood, Alaska Court System, 907-264-0879, bhood@appellate.courts.state.ak.us.

"OPEN COURT provides a unique opportunity for members of the justice community and members of the public to come together to address issues of mutual concern, outside the courtroom context. Whether the issue is therapeutic courts, juvenile substance abuse, or the challenges posed by the rise in self-representation, there is much we can learn from each other to make our work more effective."

— Chief Justice Fabe

Because
justice
has a price.

*The staff and board of Alaska Legal Services Corporation
extend our sincere thanks*

to the individuals, firms, corporate sponsors, and friends of legal services who contributed to the Robert Hickerson Partners in Justice Campaign. We are especially grateful to Guess & Rudd & CIRI for their respective challenge and to our 2006-2007 campaign co-chairs Dan Bruce, Walter Featherly, Saul Friedman, Bob Groseclose, Michael Lessmeier, Joan Rohlf, Ethan Schutt, Conner Thomas and Jim Torgerson.

JUSTICE SOCIETY MEMBERS
CIRI

Morgan Christen & Jim Torgerson
Feldman & Orlansky
Guess & Rudd
Mauri Long & Phil Volland
The Marie C. & Joseph C. Wilson Foundation
Patton Boggs
Mark W. Regan
Vanessa & Michael White

SENIOR PARTNER
Vance & Rachel Sanders

BENEFACTORS

Anonymous Donor
Alyeska Pipeline Service Company
Baxter Bruce & Sullivan
Birch Horton Bittner & Cherot
Borgeson & Burns
Robert C. Bundy
Burr, Pease & Kurtz, PC
The Carr Foundation, Inc.
Clapp, Peterson, Van Flein, Tiemessen & Thorsness
Charles E. Cole
Carol & Tom Daniel
Robert & Carolyn Denham
The Dorsey & Whitney Foundation
Saul R. Friedman
John B. Gaguine
Andrew R. Harrington
Heller Ehrman
Beth & Ted Heuer
Elizabeth J. Hickerson
Holmes Weddle & Barcott
Hughes Bauman Pfiffner
Gorski & Seedorf
Ingaldson, Maassen & Fitzgerald
Erik LeRoy
John Letorneau
Peter A. Michalski
Lloyd B. Miller & Heather Kendall
Myra M. Munson
Art Peterson
Preston Gates & Ellis
Jim & Susan Reeves
The Seattle Foundation
Bryan P. Timbers

PARTNERS

Anonymous Donor (2)
Daniel L. Callahan
David S. Case
Joseph M. Cooper
Erick & Karen Cordero
Bill Cummings & Carmen Clark
Paul B. Eaglin
Robert A. Evans
Faulkner Banfield
Walter T. Featherly, III
Eric B. Fjelstad
Marissa Flannery
Hugh W. Fleischer
Maryann E. Foley
Michael A. Gershel
Robert B. Groseclose
Mary Leone Hatch
Jamin Schmitt St. John
Marc W. June
Jonathon A. Katcher
Michael E. Kreger
James N. Leik
Don W. McClintock
Donna McCready
Robert Minch & Mary Borthwick
Nancy J. Nolan
Brad D. Owens
Poulson & Woolford
Dan Rodgers

Scott & Cammie Taylor
Donna C. Willard

ASSOCIATES

Anonymous Donor (2)
Ilona M. Besseney
James A. Bowen
Timothy R. Byrnes
Robert G. Coats
Allen T. Compton
Wilson & Susan Condon
Bill Cotton & Sharon Gleason
Durrell Law Group, P.C.
Sheila Fellerath
H. Ryan Fortson
Heather H. Grahame
Bethany S. Harbison
Thom F. Janidlo
Juneau Bar Association
Linda L. Kesterson
Amrit Kaur Khalsa
Gabrielle R. LeDoux
Cameron M. Leonard
Keith & Jan Levy
Jahna & Paul Lindemuth
McConahy Zimmerman & Wallace
Janine J. Reep
Mark Rindner & Christine Schleuss
Richard M. Rosston
Bill Saupé
Grace B. Schaible
John W. Sedwick
John M. Starkey
Thomas B. Stewart
Fred Torrissi
Steven C. Weaver

COLLEAGUES

Anonymous Donor (4)
Daniel W. Allan
Katherine R. Alteneder
Elaine M. Andrews
Helene M. Antel
Lawrence A. Aschenbrenner
Mary Ellen Ashton
Adrienne P. Bachman
Gail M. Ballou
Theresa L. Bannister
Deborah E. Behr
Eugene R. Belland
Karen E. Bendler
Carl & Ruth Benson
Julia B. Bockmon
Barbara K. Brink
Andrew M. Brown
Daniel G. Bruce
Roger L. Brunner
Charles F. Bunch
William E. Caldwell
Shane C. Carew
Elizabeth P. Carew
Jacqueline Carr
BethAnn B Chapman
Teresa R. Chenhall
Dan Cheyette & Rachel Gernat
William L. Choquette
Joan M. Clover
Stephanie J. Cole
Daniel Consentein
Stephen Cooper
Teresa B. Cramer
David C. Crosby
Joseph D. Darnell
Jody Davis & Jim Hoppenworth
Jim & Nancy DeWitt
Jan Hart DeYoung
Barry Donnellan
Goriune Dudukgian
Donald W. Edwards & Karen L. Russell
Bill & Melinda Evans
Randall E. Farleigh
Rhonda Fehlen-Westover
Dennis & Harriet Fenerty

Lea E. Filippi
Teresa L. Foster
J. John Franich
John N. Garner
Ann Gifford
Mary A. Gilson
Francis A. Glass
Donna J. Goldsmith
Marla N. Greenstein
Grueing & Spitzfaden
R. Poke Haffner
Joan Hamilton
Jennifer L. Holland
Richard W. Hompesch II
Barbara J. Hood
Michael P. Hostina
Karla F. Huntington
James E. Hutchins
Mike & Esther Jeffery
Jermain Dunnagan & Owens
Stephanie E. Joannides
Erling T. Johansen
G. Rodney Kleedehn
Margot O. Knuth
Jo A. Kuchle
Sally J. Kucko
Karen L. Lambert
Robert W. Landau
Terri Lauterbach
Law Offices of Davison & Davison
Law Offices of Rita T. Allee
H. Van Z. Lawrence
Michael L. Lessmeier
Lewis & Thomas
Buck & Angela Lindekugel
Leonard & Patricia Linton
Paul F. Lisankie
Kay E. Maassen Gouwens
Margie MacNeille
David Mannheimer
Marilyn May
Amy A. McFarlane
James W. McGowan
Chris E. McNeil, Jr.
Nancy B. Meade & Gregory A. Miller
James Q. Mery
Dennis M. Mestas
Stephen D. Mierop
Devra Milam
Richard D. Monkman
Douglas O. Moody & Elizabeth D. Brennan

Linda M. O'Bannon
Neil T. O'Donnell
Deborah O'Regan
Ruth E. O'Rourke
Melanie Baca Osborne
Philip M. Pallenberg
James H. Parker
Rodger W. Pegues
Willa B. Perlmutter
Michael S. Pettit
John L. Rader
Gregory P. Razo
Audrey J. Renschen
Lisa R. Rieger & Matt Claman
Caren Robinson & David E. Rogers
Herbert & Donna Ross
William B. Rozell
Phillip E. Santerre
Jeffrey F. Sauer
Richard D. Savell
William B. Schendel
Barbara L. Schuhmann
Thomas E. Schulz
Wev Shea
Anthony M. Sholty
John R. Silko
Spencer C. Sneed
Robert A. Sparks
Anselm C. H. Staack
Andrena L. Stone
John Suddock
Terry L. Thurbon
Dean Tirador
Breck C. Tostevin
Nelson Traverso
Julia S. Tucker
Richard N. Ullstrom
Leon T. Vance
Marcia Vandercook
Jennifer Wagner
Tom Wagner
Thomas & Anitra Waldo
Nancy Waterman & William C. Leighty
Jason A. Weiner
Lisa Ann Weissler
Corinne Vorenkamp
Marshall & Elizabeth White
Geoffry B. Wildridge
Winfree Law Office
Tonja J. Woelber
Eric & Caroline Wohlforth

SUPPORTERS

Anonymous Donor (1)
Eric A. Aarseth
Kenneth D. Albertsen
David K. Allen
David L. Allison
Glen C. Anderson
Barbara A. Armstrong & John Tuckey
Laurie M. Ault-Sayan
Dawn D. Austin
Pamela T. Basler
Michael A. Bell
Michael Biderman
Greg E. Bidwell
John Bigelow
Sheila D. Bishop
Robert Blasco
Heidi H. Borson
Lyudmila Botchkareva
Robert J. Bredesen
Gregg B. Brelsford
Alexander O. Bryner
Winston S. Burbank
Larry D. Card
Victor D. Carlson
Susan M. Carney & Peter Braveman
John P. Cashion
Scott M. Choate
Jennifer Christensen
Alicemary L. Closuit
Susan D. Cox
Barbara R. Craver
Glenn E. Cravez
D. Elizabeth Cuadra
Louisiana W. Cutler
Pamela Dale
Tamara E. De Lucia
Leslie N. Dickson
Lisa Doehl
Robert A.K. Doehl
Louise R. Driscoll
Peter Drysdale
Shannon Eddy
William L. Estelle
Gordon E. Evans
Susan Falk
James J. Fayette
Pamela L. Finley
James E. Fisher
Susan Behlke Foley
Richard H. Foley, Jr.
Richard C. Folta
Alexis G. Foote
Samuel J. Fortier
William H. Fuld
Deidre S. Ganopole
Harold W. Green Jr
Clifford J. Groh
Andrew H. Haas
Robert A. Hall, Jr.
Mark T. Handley
Robert E. Henderson
Joseph R. Henri
Kelly E. Henriksen
Carole A. Holley
Blaine H. Hollis
Roger F. Holmes
Paul E. Hunter
Christine E. Johnson
Henry G. Jones
Sarah E. Josephson
Barbara Karl
Kathy J. Keck
Thomas F. Klinkner
Tina Kobayashi
Jennifer A. Kohout
Alex Koponen
Bruce M. Landon
Mary C. Langan
Jeanne M. LaVonne
Gabriel D. Layman
John Lepore
Colleen A. Libbey
Daniel Libbey
Robert M. Libbey
Daniel L. Lowery
Krista Maciolek

Christopher M. Maisel
John T. Maltas
Stacey Marz
Walter W. Mason
Byrona J. Maule
J. Trevor McCabe
James H. McComas
Dwayne W. McConnell
D. John McKay
Mary Alice McKeen
Laurel McLaughlin
Susan S. McLean
Jill McLeod
Douglas K. Mertz
Timothy G. Middleton
Dagmar Mikko
Michael G. Mitchell
Molly Mulvaney
Margaret L. Murphy
Russell A. Nogg
Thomas S. O'Connor
Gregory M. O'Leary
James Ottinger
Jean Paal
Amy W. Paige & John Dunker
Brita Patterson
Bill Pearson
Deborah K. Periman
Elizabeth Phillips
Jeffrey G. Pickett
Kristian B. Pickrell
Aleta Pillick
Raymond E. Plummer, Jr.
Barbara L. Powell
Glenn E. Cravez
Suzanne Rapoza
Jerald M. Reichlin
Linda Rosenthal
Jean W. Sato
Nancy S. Schierhorn
Debra J. Schnebel
David M. Schoeggl
Barrett Schultz
S. Jay Seymour
R. Brock Shamberg
Connie J. Sipe
Thomas J. Slagle
John C. Smith
Michael J. Stark
Trevor N. Stephens
Catherine Ann Stevens
Walter Stillner
Nicole D. Stucki
Holly Suozzo
Saralyn Tabachnick
James W. Talbot
Sue Ellen Tatter
Valerie M. Therrien
Ellen Toll
Patrick J. Travers
Eric Troyer & Corrine Leistikow
Valerie A. VanBrocklin
Kenneth E. Vassar
Megan-Brady Viccellio
Sidney D. Watson
Judy F. Whittaker
Sandra J. Wicks
DeWayne A. Williams
Lisa M. Wilson
Linda K. Wilson
Ethan L. Windahl
Thomas J. Yerbich

*Contributions received after July 1 will be credited
in the upcoming campaign.
Thank you, one and all, for your generous support.*



The Annual Campaign
for Alaska Legal Services Corporation

Access to Justice for Alaskans in Need

Our 2007-2008 Robert Hickerson Partners in Justice campaign will begin in September. If you would like to join your colleagues in supporting this worthwhile cause, please send your tax-deductible contribution to:

Alaska Legal Services Corporation
9170 Jewel Lake Road, Suite 100
Anchorage, Alaska 99502-5390

For information or to request a pledge form,
e-mail us at donor@alsc-law.org.

**ALASKA BAR
CONVENTION'S SILENT
AUCTION ITEM DONORS**

Indra Arriaga
Kate Burkhart
Currey Cook
Erick Cordero
Chancy Croft
Carol Crump Bryner
Ryan Fortson
Ted Heuer
Monica Jenicek Lyall
Carl Johnson
Krista Scully
Ileana Traylor

Transitions with families in summer

By Dan Branch

Those assembled for the wedding, still moved by the couple's first kiss, didn't seem to notice that the bride chose music by REM over that of Richard Wagner for the recessional. My niece, looking very traditional in her mother's wedding gown managed a sly smile as the first strains of "It's the End of the World as We Know it and I Feel Fine" began to flow over the congregation. "So," I thought, "this is how two lawyers marry in the South.

The marriage took place in the high country of North Carolina in a garden grotto filled with attorneys from the happy couple's Virginia law firm. Many of these arrived in the Woo Hoo Party Bus — a form of transportation that combines motor vehicle, disco and bar.

After the wedding we attended a reception, which was a bit like going to church in France. There were many familiar bits mixed with ceremonies unique to the region. Someone claimed that the cake was cut with a saber but I was outside at the time drawing myself a half of glass of local brew. If a sword had been used the major domo had replaced it with a silver cake knife by the time I helped myself to cake.

There were the traditional speeches honoring/humiliating the happy couple that were longer and better drafted than you would expect at a wedding of accountants. The groom, a graduate of the Crimson Tide's school of law, was honored by the playing of "Sweet Home Alabama" and the best man with "I have Friends in Low Places." Then one of the senior partners called the men of the firm outside for brandy and cigars. The dance floor filled with beautiful young women dancing to "The Love Shack" as performed by the B 52's.

We spent the days after the wedding with the father and mother of the bride. They were content if a little tired, having survived perhaps the final transition of their daughter to adulthood.

A month after the wedding my wife and I were in Los Angeles delivering our daughter to college. This, more than her high school graduation in June, seemed to mark her as a fledgling adult. It was a little like a funeral for the daughter's childhood

with many funereal qualities, like the priest-like college administrators trying to assure us that our daughter was now in a better place. Other parents were there to offer solace and assurance. There was also the sadness mixed with uncertainty over what the future would bring for our daughter and her parents.

Watching your child start college is also like a rebirth. You watch the little Phoenix take the first steps of her new life — organizing her dorm room, mapping out the routes to her new classrooms, collecting the assigned texts from the campus book store.

A christening and the first days of college both require trust. After a christening the new parents must learn to trust their ability to provide



"I thought of all the Juneau kids who had already survived this rite—this leap of faith—and felt better."

for the child. They must suppress self doubt and believe that they can provide their child a wonderful childhood. When that child starts college, parents must trust their child and the staff of the University chosen by the new undergrad. Parents must also trust that they have adequately prepared their child for adulthood.

There were times during the move that I had my doubts. While lugging our daughter's massive luggage up the three flights of stairs to her dorm room, I questioned how she would fit 18 years of stuff into her half of allotted space. Surely she would need an annex just for her shoe collection.

In the end, she found space for all her stuff and she had everything she needed for success. We

left her at the dorm room door and headed down the stairs toward the swollen SUV we had rented for the task. My friends had warned me that it would be hard to get through this moment and it was tough. Then I thought of all the Juneau kids who had already survived this rite—this leap of faith—and felt better.

Watching your child start college is also like a rebirth.

As we exited the dorm we saw two upperclassmen flirting with some female freshmen through the screened window of the ladies' ground floor room. Having been denied entrance into the all-woman dorm by the attendant, these young men were seeking a more direct line to their goal. "Take off the window screen, I'll show you how," one of the men said. It seemed to justify all the effort of moving my daughter into a third-floor room.



ALPS comprehensive professional liability program offers industry-leading guidance, financial stability and protection to you and your law firm.

SUPERIOR POLICY FEATURES AVAILABLE:

- **Defense in Addition to the Limits of Liability**
- Selection of mutually acceptable **defense representation**
- **No "Hammer Clause"** regarding the appropriateness of a settlement
- **First Dollar Defense** covers cost to investigate and defend a claim
- **Directors and Officers Coverage** while serving select tax-exempt organizations
- **Extended Reporting Endorsement** for solo attorneys in the event of death, disability or full and permanent retirement if insured with ALPS for 5 continuous years
- **Innocent-Insured Coverage**
- Courtesy defense to **non-lawyers, who refer** business to our insured firm
- **Coverage for services provided to family members**
- **Deductible:** pay no more than two in a policy year
- **Reduced Deductible** for claims resolved through formal mediation
- **Supplementary Payments:** Defendant's Reimbursement Coverage and Grievance Defense
- **Claims/Incident Reporting** is available 24 hours per day, 365 days per year

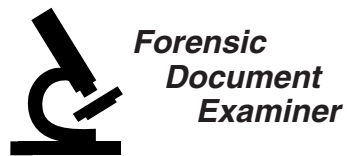
IN ADDITION ALPS SERVICES INCLUDE:

- Providing you and your firm with the best coverage and assistance possible
- Highly-efficient claims management and procurement
- Industry-leading education and risk management programs

CALL ALPS TODAY FOR YOUR NO-OBLIGATION QUOTE: 1-800-FOR-ALPS

ALPS works diligently to promote the honor and dignity of the legal profession and provides resources to address issues affecting lawyers, law firms and bar associations. Examples include lawyer assistance programs, rookie camps, access-to-justice support and professionalism programs.

ALPS is the endorsed or affiliated lawyers professional liability carrier for more state bars (12) than any other insurance company in the market and is rated A- (Excellent) by A.M. Best Company.



- Qualified as an expert witness in State & Federal Courts.
- Experienced!
- Trained by the US Secret Service and at a US Postal Inspection Service Crime Lab.
- Fully Equipped lab, specializing in handwriting & signature comparisons.
- Currently examining criminal cases for the local and federal law enforcement agencies in the Eugene (Oregon) area.

James A. Green

888-485-0832

Territorial lawyers reminisce -- a forward looking back

By Suzanne Barker

Many of Alaska's legal community, both past and present, gathered in late June at The Petroleum Club in Anchorage to share dinner and stories with colleagues. The annual event has grown both in size and scope. The program is held to honor those attorneys who began their work in Alaska when it was still a territory of the United States. Joining the territorial lawyers in the celebration are those who have been practicing law in Alaska 40 years or more.

With more than 70 in attendance, the dinner was punctuated with colorful stories from the past. Tales now legion among many of the members of the bar were still able to bring raucous laughter and sometimes an occasional correction from those who seem to remember events somewhat differently.

Nonetheless, the comradeship was apparent. The lawyers of yesterday and today marvel at how it was then and how it is now. It was a poignant mixture of nostalgia and present day events. Catching bits and pieces of conversation revealed a curious blend of memories and megabits. Lawyers with a footprint in the development of Alaska's legal system took a moment to remember, while plunging ahead with new goals.

All in all it was a fun time. Many thanks go to the organizing committee: Lucy Groh, Betty and Russ Arnett, Priscilla Thorsness, Jim and Verna Von der Heydt, Roger and Ghislaine Cremo, Karin Fitzgerald and Leroy Barker. In addition, the committee is indebted to Barbara Hood for her skilled photography.

At the podium



Charlie Cole



Russ Arnett



Roger Cremo



Judge von der Heydt



Jim Delaney and Verona Gentry



Mary and Gene Kulawik



Ted Pease, Ann Rabinowitz, and Claire Pease



Suzanne Barker, Mildred Opland, Velma von der Heydt, and Lucy Groh



Suzanne and Leroy Barker, and Lucy Groh



Judy & Jim Powell- Mary Kulawik



Bernie & Dave Ruskin



Eric & Caroline Wolforth



Joe & Ludj Young



Priscilla Thosness- Betty Arnett



Claire Pease- Jack Roderick

Territorial lawyers reminisce -- a forward looking back



Judge & Karin Fitzgerald



The territorial lawyers dinner seems to grow larger each year — a crowd squeezing for the annual group photo.



Charles & Louise Tulin

‘This I Believe’ . . .

By William Holston

I believe that to be great you need to be a servant. What do you think of when you think of a great person? Do you think of someone who is highly educated, wealthy, or powerful? If we're honest, most of us do.

Dr. Martin Luther King once said, "Everybody can be great because anybody can serve. You don't have to have a college degree to serve. You don't have to make your subject and verb agree to serve. You only need a heart full of grace. A soul generated

by love."

These are beautiful words, but I'm not sure I understood them until an event several years ago. Through this experience I came to believe that service is a privilege.

I have practiced law for over 25 years. I have had the privilege of providing pro bono representation for people seeking asylum here in the United States. Through that experience, I've had the opportunity to hear the stories of very brave people who faced prison and torture because of their race, their pro democracy activities or how they worship God. It feels pretty good to help someone.

A number of years ago, I represented a young man from Zaire, now called Congo. He had been a pro democracy activist. This resulted in his arrest. He had miraculously managed to escape and make his way to America. His wife and children were in hiding in the town of Brazzaville. I assisted this young man to obtain political asylum here. Months later,

he showed up at my office with his wife and children. They were no longer in hiding, but now making a new life in the United States. He introduced me to them and thanked me. I told him it was my pleasure. He looked at me, paused and said, "No, I know what you did for me, you gave me my life." Then it hit me. It was I who was getting the most out of this relationship. Most people never get a chance to hear something like that. This was perhaps the greatest moment in my career. It was unobserved and produced no money, but it was as close as I've ever felt to greatness. I learned that it is a privilege to serve others.

So, this act of service on my part resulted in the highest compliment I've ever received. Jesus once told his disciples, "Whoever wants to become great among you must be your servant." I think he was telling the truth.

Reprinted with permission by William Holston; commentary aired on public radio station KERA-FM 90.1 in Dallas, Texas on August 29, 2007.

Larry Wiggins suspended

The Alaska Supreme Court on May 25, 2007 suspended Palmer attorney Larry Wiggins for 90 days. The discipline followed Bar Association proceedings in which a hearing committee found that Wiggins neglected and failed to communicate with clients, engaged in a conflict of interest, and failed to respond to requests for information from Bar discipline authorities.

Wiggins represented a client in a child custody matter but did not notify the client about court documents served on him and did not take action, resulting in entry of default against the client. Wiggins represented the same client in two car accident claims, but took no steps to advance the client's interests. Wiggins represented another client in an estate and an adoption matter. The hearing committee found that Wiggins did not take necessary steps to secure estate assets, did not advance the adoption, and did not make a promised refund of fees. He represented another client in a claim for damages resulting from the theft and destruction of a vehicle. He did not file a civil claim against the thief, and meanwhile came to represent the thief on criminal charges arising from the same incident. He failed to recognize the connection, and negotiated a plea agreement that included discounted restitution

for the value of the vehicle. In four of the five grievances under investigation Wiggins failed to respond to Bar Counsel's discovery requests and to reminder letters. Among factors in mitigation found by the hearing committee, Wiggins restored the value of the stolen vehicle to the client he represented in that case.

The Area Hearing Committee recommended that Wiggins be suspended for 90 days with all 90 days stayed, that he attend continuing legal education courses on ethics and law practice management, that he make the promised refund of fees to the estate client, and that he be on probation for six months. The Board of Governors, sitting as the Disciplinary Board, adopted the findings of fact and conclusions of law of the hearing committee, along with the disciplinary conditions, but recommended that Wiggins be suspended for 180 days, with 90 days stayed as a probationary period. The Supreme Court adopted the Disciplinary Board's recommendation. Wiggins began serving his suspension on June 25, 2007. As a condition of reinstatement to practice, the Court ordered him to pay the Bar Association \$2,500 in costs and attorney fees.

A public file is available for inspection at the Bar Association office in Anchorage.

NOTICE OF PUBLIC DISCIPLINE

By order of the Alaska Supreme Court,
entered August 15, 2007

WILLIAM S. LABAHN

Member No. 8301002
Anchorage, Alaska

is disbarred from the practice of law
effective September 14, 2007
based on his disbarment by the Oregon Supreme
Court effective March 12, 2007,
for a false representation to a court, neglect,
practicing law while suspended for nonpayment of
dues, false statement in a reinstatement application,
and issuing trust account checks when he knew
the trust account had insufficient funds

Published by the Alaska Bar Association,
P.O. Box 100279, Anchorage, Alaska 99510
Pursuant to the Alaska Bar Rules

30th Anniversary dinner for Justice Matthews

— hosted by his Law Clerks



Enjoying the festivities at the 30th Anniversary dinner are, L-R: Justice Matthews, Mera Matthews and Donna Matthews.



Justice Warren Matthews was honored on the 30th Anniversary of his swearing-in to the Alaska Supreme Court at a surprise dinner hosted by his law clerks, both past and present. Joining Justice Matthews for the celebration held July 22, at the home of Chief Justice Dana Fabe, were: (front row, L-R) Rep. Lindsey Holmes (2001-02); Sue Bailey Perry, current Judicial Assistant; Justice Matthews; Marie Meehleis, former Judicial Assistant; Keith Laufer (1987-88) (front); and Tom Amodio (1984) (back); (standing, L-R) Ann Bruner (1993-94); Heidee Stoller (2006-07); Don McClintock (1980-81); Bruce Falconer (1981-82); Marjorie Allard (1999-2000); Alex Luchenitser (1994-95); Thomas Dosik (1995-96); Kimber Rodgers (2004-05); Bill Saupe (1980-81); Guy Ruttenberg (1999-2000); Frank LaForge (2006-07); Nelson Page (1978-79); Natasha Summit (1997-98); Kris Cassidy (1981); Judge Craig Stowers (1986-87); Josie Garton (2000-01); Michael Fluhr (2006-07); Michael Mitchell (1985-86); Chuck Cohen (1977-78); and Brian Boyd (1981-82). Clerks in attendance but not pictured: Richard Todd (1979-80); Brewster Jamieson (1984-85); and Barbara Hood (1982).

Trustworthiness of online info concerns legal community

By Catherine Leman

Are you relying on government information viewed on the Internet? Do you know if the information is official? Is it authentic? In 2006, the American Association of Law Libraries Access to Electronic Information Committee undertook a 50 state survey that investigated whether government-hosted legal resources on the Web are official and capable of being considered authentic. The trustworthiness of online legal resources is fundamental to permanent public access and is inherently a matter of great concern to the legal community.

The *State-by-State Report on Authentication of Online Legal Resources*, www.aallnet.org/aallwash/authen_rprrt/AuthenFinalReport.pdf, was published in April 2007. The Reporter for the Alaska section was former State Law Librarian, Cynthia Fellows.

The survey investigated six sources of law: statutes and session laws,

administrative codes and registers, and high and intermediate court opinions. The survey concluded that:

A significant number of the state online legal resources are *official* but none are *authenticated* or afford ready authentication by standard methods. State online primary legal resources are therefore not sufficiently trustworthy. Citizens and law researchers may reasonably doubt their authority and should approach such resources critically.

Information is defined as official if it is governmentally mandated by state statute or rule. There are ten states which deem one or more online primary legal resources as official. There are no states which provide authentic online legal resources. Authentic legal resources are those whose content has been verified by a government entity to be complete and unaltered when compared to the version approved or published by the content originator. Authentic information would bear a certificate

or mark that conveys information relating to the certification of authenticity.

Alaska is one of the ten states with official online primary legal resources. The *Alaska Online Public Notice System* substitutes for the former official print *Alaska Administrative Journal*. The latter was eliminated in 2000 pursuant to statutory provisions creating the notice system. By statute, the *Alaska Online Public Notice System* contains notices of proposed actions adopting, amending or repealing administrative regulations and a variety of other official notices. AS 44.62.175(a). Unfortunately, the web site, notes5.state.ak.us/pn, has no indication whether or not the information is official.

Session laws, statutes, and the administrative code are posted on the Alaska Legislature website, www.legis.state.ak.us/folhome.htm, with the following notice:

These Infobases are not the official versions of the Alaska statutes and regulations currently in effect. The Infobases may contain errors or omissions. They will not contain information that has been inserted after their preparation. These Infobases are intended as informational guides only. The State of Alaska makes no warranty, express or implied, of the accuracy of the Infobases. To be certain of the current version of the statutes and regulations, please refer to the official printed version of the statutes and regulations.

It is likely that many users or viewers of the statutes do not pay attention to this disclaimer and consider the online statutes to be official. The official version is the Alaska Statutes published by the Alaska Legislative Council, printed by LexisNexis.

In order to discuss the issue of official and authentic online legal information, AALL convened **Authentic Legal Information in the Digital Age: A National Summit**. This day and a half discussion brought together

delegates from the ABA, the National Conference of Commissioners on Uniform State Laws, the National Conference of State Legislators, the Government Printing Office, Library of Congress, National Archives and Records Administration, state supreme court justices, revisors of statutes, law librarians, and more.

I attended this conference as chair of the AALL State, Court, and County Law Library Special Interest Section. It was extremely valuable for law librarians to convey to these other groups that we recognize the authentication problem and would like to help resolve it. Conversely, law librarians heard from other constituencies who deal with the issue and were able to hear their thoughts.

At the end of the conference, there were break-out groups to discuss possible next steps. There are a variety of technological approaches to the authentication issue: PKI, a watermark, a time stamp, hashing. Each state is at a different place with their technology so no particular technological solution was recommended.

Another consideration is how to bring the authentication issue to the attention of legislators and convince them that it is critical. One suggestion is to gather stories where individuals relied on seemingly official and/or authentic online information to their detriment. If you have such stories, please share them with me.

Finally, we discussed who else should be invited to participate in this discussion and came up with some ideas. We decided that the conference had been valuable and hope that there can be a follow-up meeting in the future. In the meantime, you will hopefully see more about this issue in other Bar Journals, as conference programs, and as a study topic for NCCUSL. The issue of authentication of digital legal information will not be settled quickly and easily but it will be exciting to watch what happens.

We Can Serve Your Process!



**North Country
Process, Inc.**
ncpi@alaska.net
274-2023

Anchorage
Fairbanks
Kenai
Ketchikan
Mat-Su Valley

ALSC PRESIDENT'S COLUMN

Chapter 63 of SLA 2007, Judge Larry Weeks, Staffing, Partners in Justice

By Vance Sanders

It's nice to be able to give credit when and where it's due, and ALSC wants to give credit in two regards. First, to several legislators who worked hard to secure the passage and signing into law of a particularly helpful bill. Second, to just-retired Juneau Superior Court Judge Larry Weeks.

S.B. 69. In 2004, the same year he line-item vetoed the Longevity Bonus, former Gov. Murkowski also vetoed the much smaller amount of the appropriation the legislature made to Alaska Legal Services Corporation, to represent low-income families in Alaska's civil courts.

Now, thanks to the work of Sen. Lesil McGuire (R.-Anchorage), Gov. Sarah Palin has signed into law a bill establishing a civil legal services fund, with a designated program receipt of the one-half of any state court punitive damages award forfeited into the general fund under current law.

Senator McGuire worked closely with the sponsors of the bill's House counterpart, Representatives Jay Ramras (R.-Fairbanks) and LeDoux (R.-Kodiak). They collaborated and managed to assemble a large bipartisan majority in both Houses.

Bar Rag readers understand, but it is not widely known to the general public, that although Alaskans who are charged with crimes are entitled to appointed attorneys, Alaskans who have civil legal problems are left on their own.

Thus, Alaskan families can face evictions or foreclosures forcing them out of their homes, garnishments or attachments raiding their bank accounts or paychecks, loss of health insurance coverage, victimization by domestic violence, and any number of other hazards, with none of the legal assistance or protections made available to an indigent Alaskan facing a criminal charge.

ALSC's mission is to provide meaningful access to justice in resolving civil legal problems for low-income clients, thus promoting family stability and reducing the legal consequences of poverty.

The bill supports ALSC by drawing on the 50% of each state court punitive damages award which, under a 1997 law, is forfeited to the state. "Punitive damages" are monetary

amounts that can be awarded to a plaintiff in a lawsuit, beyond the damage amounts to compensate that plaintiff, in order to deter particularly reprehensible conduct or activities. The 1997 legislature, as part of its attempt to limit punitive damage awards, provided that half of each punitive damage award would go to the State of Alaska.

That law was upheld as constitutional by the Alaska Supreme Court in 2006.

It's not a large amount of money; it has not exceeded \$300,000 coming into the state in any particular year. Most civil cases settle, and of those that go to trial, relatively few involve punitive damage awards – and when punitive damages are awarded, there is frequently a long delay in getting them actually paid, as can be attested by any of those injured by the Exxon Valdez spill. (That damages award, in federal court, is not subject to the state forfeiture law.)

The new law is a creative way to harness the revenue generated by the "high-stakes" damages cases in our civil justice system, and use that to help ALSC provide assistance to Alaskans who have more mundane, day-to-day civil legal problems.

The bill garnered several other cosponsorships as it went through the legislature, including from Senators French, Ellis, Elton, Wielechowski, Thomas, and Dyson, and from Representatives Johnson and Gardner.

"And justice for all" is a promise that should not be limited to those facing criminal charges; law-abiding Alaskans, regardless of their wealth, have a right to expect fair results from our civil justice system as well.

Governor Palin, Senator McGuire and Representatives Ramras and LeDoux and their colleagues in the Legislature have brought that promise one step closer to reality, and they deserve our accolades for having done so.

Judge Weeks. On 30 June 2007, Juneau Superior Court Judge Larry Weeks retired after serving almost 17 years on the bench, the vast majority of which he also served as presiding judge for the First Judicial District. As he was literally headed out the door, Judge Weeks quietly donated his entire set of Alaska Reporters, complete since statehood, to Alaska Legal Services Corporation. This

selfless act best personified Judge Weeks's consistent approach toward all who appeared before him in court: each person -- party, witness, juror, and counsel -- was treated with dignity, respect, and in a manner which exemplified the very best of Alaska's judicial system. He will be missed throughout Southeast Alaska. Happy trails, Larry and Maureen.

Staffing. ALSC has recently filled several vacancies. We wish to welcome Wendy Whitt who joins Mark Regan in our Bethel office. Wendy graduated in 2001 from Cornell Law School and worked extensively as a military prosecutor and in the Air Force Judge Advocate General Corps in Arkansas, Texas, Oklahoma and Korea, before signing on with ALSC. She still serves in the Air Force Reserve.

Another Wendy has joined our Fairbanks office, Wendy Lamar. After graduating from Tulane Law School in 1999, Wendy worked for Preston Gates and Ellis in Seattle as a contract attorney for several years, then entered the Peace Corps for two years to work as a Community & Organizational Development Volunteer in Plevan, Bulgaria.

Former Fairbanks Magistrate Katherine Bachelder also joined our Fairbanks office this summer, and her experience and perspective from her several years in the Alaska Court System as magistrate and standing master, as well as her prior background as law clerk and public defender, are invaluable to ALSC's interior clientele.

And joining our Anchorage staff is 2007 University of Montana graduate Davyn Williams. Davyn got her undergraduate degree from UAA magna cum laude, and returned to Alaska to spend two summers as a law clerk for ALSC's Anchorage office – so she can't say she didn't know what she was getting into in taking the job. Welcome Davyn!

It's an eclectic bunch we have working for ALSC, but each in her or his own way is committed to helping achieve equal access to justice in Alaska. All of them know they could be earning more elsewhere (and many of them have already done so before coming into ALSC), and as President I'm deeply appreciative of their willingness to tackle their often-daunting but always-important work on behalf

of our clientele.

Partners in Justice. Finally, I want to urge everyone to look over the list, appearing elsewhere in this issue, of donors to the Robert Hickerson Partners in Justice campaign. None of us has time to individually thank every name on the list, and in fact probably none of us recognizes every name on the list, but all of us should be able to recognize at least a few names, and I encourage you to pick at least one, and next time you see that person make a point of mentioning that you saw she or he was included.

The generosity of Alaska's attorneys, so contrary to the too-prevalent public image of lawyers generally, is notable, and will be discussed in a future article.

Sneak Preview. ALSC's pro bono program turns 25 in December 2007 – look for upcoming events!

Conclusion. I trust each of you has had a relaxing, productive summer. Alaska is such a wonderful and magical place, especially in the summer. I have been fortunate this summer to visit wonderful friends in Fairbanks (including Andy Harrington, Beth Heuer, and Bill and Patt Caldwell) and kick soccer balls on the Kenai Peninsula at the state soccer cup. And as I write this, the sun continues to blaze in Juneau. I trust Judge Weeks is now on his fishing boat somewhere close setting a hook in the mouth of a 20-pound silver salmon. That would be entirely right and proper.

Notice

The Alaska Bar Association reminds attorneys that it is important to keep us informed of any changes in your street address, telephone number, or e-mail address. The Bar Association provides street and e-mail address lists to the Alaska Judicial Council to use in its judicial selection and retention surveys. We encourage you to keep your addresses current to insure that you receive all communications from the Bar and the Judicial Council. E-mail changes to info@alaskabar.org

Thank you.



Lawyer's Assistance Committee offers substance abuse help

CALL US! WE WILL:

- Provide advice and support;
- Discuss treatment options, if appropriate; and
- Protect the confidentiality of your communications.

In fact, you need not even identify yourself when you call.

Contact any member of the Lawyer's Assistance Committee for confidential, one-on-one help with any substance use or abuse problem.

We will not identify the caller, or the person about whom the caller has concerns, to any other committee member, the Bar Association, or anyone else.

Heather L. Gardner
(Anchorage) 375-8776

Michelle Hall
(Barrow) 852-2521

Sonja D. Kerr
(Anchorage) 222-4512

John McConaughy III (Anchorage)
343-6445 (private line)

Michael S. McLaughlin
(Anchorage) 793-2200

Michael Sean McLaughlin
(Anchorage) 269-6250

Antone Nelson
(Anchorage) 336-3888

Gregg M. Olson (Sitka) 250-1975
gregg_olson@law.state.ak.us

John Reese (Anchorage)
345-0275 (work)
345-0625 (home)

Lawrence F. Reger
(Fairbanks) 451-5526

Nancy Shaw
(Anchorage) 565-8258

Vanessa H. White (Anchorage)
278-2386 (work)
278-2335 (private line)
258-1744 (home)
250-4301 (cell)
vwhite@alaska.net

*Ab initio part two:***Practical technology advice for the newly solo or small firm lawyer***By Joe Kashi*

In my prior article, I discussed some cost-effective basic network hardware infrastructure for an attorney in a newly solo practice. This month, I'd like to explore some other essential law office hardware for the new or technologically updated solo or small law firm. Your new office will be more operationally effective and cost-efficient if you adopt document imaging and digital store as your operational paradigm from the onset.

Telephone systems:

There are a lot of really expensive telephone systems on the market and, speaking from personal experience, they're mostly overkill for the small law firm and even harder to use than a VCR with 100 functions controlled by two unlabelled buttons. There's a fairly easy and not very expensive long-term alternative for small law firms: virtual phone systems based upon Centrex, where a series of separately wired phone lines are integrated at the phone company's central exchange. Centrex-based phone systems are often easier to use and richer in useful features; they're worth exploring.

There are some less-expensive short term alternatives. You can use your cell phone as a primary contact because that avoids any problem with locating you. You may want to add caller-ID so that you can ignore unnecessary calls. Secondly, Costco and other big box stores usually stock surprisingly good cordless telephones that include a base station and three or four separate phones with recharging bases. Complete systems typically cost about \$100 and often have more than adequate range and a surprising number of useful features, such as intercoms. Such systems make a lot of sense for that initial period when you first getting started. You would then need only a single inexpensive phone line if you also include call waiting notification and use of your own cell phone to make out-going calls.

Fax, and multipurpose machines: A multipurpose machine usually combines a scanner, printer, fax, and copier functions. I don't like them because I've found that the low-end devices are great for occasional home use--their intended purpose--but too

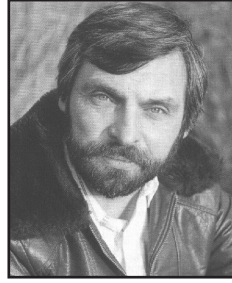
limited to be effective in the office over the long term. Networked multifunction devices typically cost several thousand dollars, can be quite effective, but usually have their own operational limitations. I personally find it inconvenient to run down the hall to scan documents being handed to me by a client or to retrieve a document that I'm printing. These higher-end multifunction devices tend to be effective but expensive to purchase and maintain because there is less competition than in the computing device market. You'll typically find high-end multifunction devices at business machine dealers and, depending upon features, they may make a lot of sense for a small law office that still depends upon a traditional photocopier rather than working with imaged document files in PDF.

By and large, I personally believe that it's more convenient, more redundant, and less expensive to put a medium speed scanner and color laser printer on everyone's desktop and to also use the scanner/printer combination as a quick photocopier when needed.

Having said that, a dedicated laser fax machine makes a lot of sense even for a small law office and is usually quite inexpensive. For years, I used \$700 HP 33xx series multifunction devices as our office's fax machine, replacing them every two years or so as the automatic document feeder wore out. Finally, I realized that I never really used the scanner, printer or copier functions and simply bought a Brother laser fax machine at Costco for \$188. It's proven more than satisfactory.

Photocopiers:

Traditional photocopiers are dead as the Dodo except for low-end convenience machines. Vendors often don't even want them back when the lease runs out. It's worth remembering that a photocopier is basically a laser printer hooked up to an integrated scanner. Scanning all documents into Adobe Acrobat with a separate scanner and printing



"Your new office will be more operationally effective and cost-efficient if you adopt document imaging and digital store as your operational paradigm from the onset."

them as needed with a fast laser printer is both more efficient and less expensive than buying and servicing a standalone photocopier for 8.5" wide documents. Although basic laser printers do not collate per se, you can easily achieve the same end result by controlling how you print a series of Acrobat documents, which is actually a lot faster and easier than standing over a "collating" copier and feeding 25 documents at time in proper order.

Scanners:

It makes a lot of sense to put a scanner on everyone's desk rather than run down the hall to use a faster centralized scanner. Unfortunately, there's no perfect solution. The Xerox 252/26/272 series, which is made by Visioneer, has nearly bullet-proof paper handling and 25 sheet to 33 sheet per minute scanning speeds, both features that you will appreciate when meeting a deadline. Prices for these scanners typically range between \$750 and \$1,100. These come with a full-featured copy of Adobe Acrobat Standard version 8. My only gripe with the Xerox scanners is that the scanning interface software provided by Fujitsu, even with their less expensive ScanSnap scanners (\$420 Internet price), is much more sophisticated than the software provided by Xerox. Fujitsu's software includes automatic color and paper size detection, automatic re-orientation of upside down documents, and automatic blank page deletion when used in duplex scanning mode. The Fujitsu's 18 sheet per minute (single or double sided) scanning speed is more than adequate for most desktop uses. Unfortunately, recent ScanSnap models seem more prone to paper misfeed and jamming as a result of simple design flaws.

Wider 11"x17" documents, so-called "B-size," are frequently used in the real estate and construction industries for plats and construction plans and you may need some means of scanning and printing such documents. Unfortunately, 11" wide scanners and laser printers are inexplicably much more expensive.

If you use larger B size documents only rarely, then by far the most cost-effective approach is to simply take the occasional large document to a local UPS Store or Kinko's and have the requisite number of copies made along with a high resolution copy reduced to 8.5"x11" suitable for high resolution scanning and storage back at your office. You really should have your own 13"x19" color printer for producing smaller exhibits and you can use this printer to make enlarged copies as needed. The least expensive pseudo-11x17 scanner is the Canon 2580, which will simultaneously scan both sides of an 11x17 document that's folded in half and then reassemble the two scans as a single 11x17 image file. Overall, at about \$700 street price and 25 sheets per minute, the Canon 2580 seems like an excellent scanner for the price and I will probably buy one within the next few months. Current Canon owners have spoken

highly of them.

Printers:

You'll need several printers, particularly if you've designed your office around the concept of document imaging. Firstly, you'll need some fast color laser printers to produce printouts of imaged documents as needed. I found that the use of color photographs is very effective in a litigation practice; I also found that separately printing and then collating color pages is tedious and prone to error. Other litigators have had the same experience and we all arrived at the same time-saving solution: buy a fast color laser printer and use it for every day use. Unfortunately, the print quality and effectiveness of color lasers and their cost per page vary, a great deal even among different models from the same manufacturer. You'll need to do your homework before buying any of them. Be sure that you get a fast one, though. There's nothing more excruciating than a slow printer and a rapidly approaching filing deadline. Be sure that your intended laser printer easily feeds and prints envelopes one at a time; that will save a lot of hassle when you are short on staff.

In the digital age, it's now easy and inexpensive to make your own enlargements for use as in-court exhibits rather than using the traditional approach of sending them out to a lab, which might result in a few days delay and a few hundred dollars per print. However, you'll need an economical wide format color printer. 13"x19" is the bare minimum for making enlargements useful in Court but is probably too small for presentation to a jury. Among the readily available 13"x19" printers, the Canon Pixma 9000, at about \$400, is probably the best and most economical. I did not like the folded paper feed on the more expensive HP 9180. Canon's medium format printers have enjoyed an excellent reputation for high quality printing at a relatively low purchase price.

Larger exhibits require a really wide carriage printer, preferably at least 24" wide. The HP z2100 and z3100 have received excellent reviews but are quite expensive. I use an HP DesignJet 130, which will make 24"x36" or wider prints. Although the cut-sheet feed tends to jam or scratch prints, the roll feed option works beautifully and at a much lower cost per print. I prefer to use 24" rolls of HP PhotoSatin for everyone. A 50 foot roll costs about \$80 and the thick paper and tough finish greatly reduce damage. HP's high capacity 84/85 series ink tanks seem to last forever, even with 24" wide prints and that greatly reduces the cost per print. Overall, I found that a 24" x 36" print cost me about five dollars to produce, which is trivial compared to the cost using a third party lab. Using big prints in a courtroom, especially when they're made on photo roll paper, can be a problem unless they are mounted on rigid foam board. The best and most economical way to mount and handle big prints is to buy a box of 32"x40" foam mounting board that incorporates a self-adhesive layer that

Continued on page 15

63 years in Alaska Knowledgeable staff
Alaska's only full service photo store • Your digital camera source

Olympus E300

Stewart's Photo Shop
531 West 4th Ave., Anchorage, AK 99501
907-272-8581
www.stewartphoto.com stewartphoto@gci.net

What ever happened to...?

Reindeer-farming attorney wins some, loses some

Back in 1991, under the influence of then-Editor Ralph Beistline, the Bar Rag did a series of stories about lawyers who opted to pursue non-law avocations (there was much talk about lawyer burn-out back then.)

One of the subjects of these features was Tom Williams, the son of a dairy farmer and an Eagle River attorney whose Palmer Reindeer Farm was a pocket of Alaskana in the burgeoning urbanization of Southcentral Alaska. Little did the *Bar Rag* know that its writers were walking into a tangled web of federal intrigue as we innocently pursued said attorney to get the story. (Alaska Bar Rag, Vol. 15, No. 2, March-April 1991.)

At the time we wrote the story, Williams' reindeer were threatened with destruction, potential victims of the obscure Alaska Reindeer Act of 1937, which stipulates that only Alaska Natives can own and/or breed Alaska reindeer. The Dept. of Interior had informed Williams that his herd would have to be destroyed. (Having previously read the act, himself, Williams had procured 20 reindeer from Canada to start his herd in 1987.) He'd dodged that bullet in 1991, and was slowly building a reindeer business and his dream for retiring to the farm in a decade or so. Back then, he had 250 reindeer. Some he sold to reindeer farms Outside. Some were sold to Alaska Sausage Co. (yup, for reindeer sausage). Some were leased out for events and Christmas celebrations. Some were in show business—appearing in movies, ads for Carnival Tours, and as models for ads in magazines like *Vogue* and *Vanity Fair*. Some were antlerless, to serve the Korean trade (“that was before Viagra,” says Williams today. “That market's pretty well dried up.”)

And the farm was starting to become a mini-tourist attraction—for a couple dollars, visitors could pet and



Raising hay for the livestock.



Dolly the buffalo tries to steal moose-buddy's water.



Horseback ride, anyone?

feed the reindeer, and get a small tour of the compound.

Jump forward to 2007. A *Bar Rag* writer was toodling along the Old Glenn Highway with a visiting friend, and they decided to stop into the farm. “Holy cow,” commented the *Bar Ragster*, “this has really become a tourist attraction...”

The parking lot was populated with cars coming & going, with visitors walking around and visiting with the animals. Friendly folk greeted

them. Rescued wildlife provided visitors with perhaps their only sighting of a moose, buffalo, black-tail deer, elk, or Western-tack horse on their trip to the Greatland. The Butte and surrounding mountains were scenic backdrops to...a big herd of REINDEER.

So, we thought, Williams must have won his battle over his right to keep reindeer.

Maybe not.

Since the *Bar Rag's* last visit, Native corporations and federal agencies have brought actions under the Reindeer Act that progressed from the Interior Board of Indian Appeals (which said it could not rule on Williams' assertion of the unconstitutionality of the act under the 14th Amendment), to the U.S. District Court in Anchorage (Williams lost), the 9th Circuit Court of Appeals (Williams won), and to the U.S. Supreme Court with 7 federal agencies & Native corporations lined up amicus against him (certiorari denied, win for Williams, 1998.) None of the appeals were decided on the constitutionality question.

“I was pretty quiet from 1998 to 2005, pretty much tending my herd,” Williams said. Then, on St. Paul Island, the Interior Dept. dispatched a hunting party under its policy to thin overpopulated reindeer herds.

Pregnant females were shot, with the meat wasted where they fell. Williams was asked to accept several orphaned calves for rescue, which he did (paying the freight charges to Anchorage).

Last year, the Department of Interior's Bureau of Indian Affairs adopted new regulations that any Native-herd-origin reindeer bred with animals in a non-Native herd would ipso facto transform the non-Native herd into...an Alaska Native herd subject to the 1937 Reindeer Act, with said non-Native owner subject to a \$500 fine per animal.

For now, pending presumed argument over the 2006 regulations, Williams has his Canadian herd separated from other (non-Canadian, Alaskan) deer. No fines levied...yet. He hasn't yet retired. The state Department of Fish & Game has prohibited private parties and entities from taking in orphaned wildlife—“they'd just as soon kill them,” says Williams. And for now, Dolly the orphaned buffalo; Kathy and Bruce the rescued moose; and other rescued critters are safe for visitors to see. And Tom and wife Gene Williams are determined to preserve their right to keep reindeer.

Perhaps Maggie the Elephant would have done better in Palmer.

--Sally J Suddock

HI-TECH IN THE LAW OFFICE

Practical technology

Continued from page 14

will bind the print to the underlying foam core board.

Jet 130 is a big, heavy printer that will require some professional setup and color calibration before you can use it to full effect. You'll do best if you buy the printer from a local HP professional products dealer who can set it up at your location and run a color calibration. The DesignJet 130 has a base price of \$1,295 and the roll feed adds another \$450 or so, but the extra cost is very much worth it, both for greater convenience and effectiveness and because using roll paper will save you a lot of money over the long haul. I'll discuss making and using large photographic exhibits in a separate article but feel comfortable in recommending the DesignJet 130 as most economical large format printer that's suitable for all law office exhibit production and also for making large fine art photographic prints if you are so inclined.

Desktop Computers:

This area of law office equipment has been beaten to death and decent computers are generally pretty inex-

pensive anymore. We all need one but the proliferation of models can seem bewildering. Buying an instantly recognizable brand name like Dell or HP may be a good idea but even then, you can customize your system rather extensively. At this time, Intel's Core 2 Duo dual cored CPUs seem to have the best performance but AMD's dual core Opteron series also performs extremely well.

As with your file server, you'll want a very fast hard disk as your boot drive, at least a 7200 RPM SATA drive, preferably a 10,000 rpm Western Digital Raptor. Some of the later Seagate SATA Barracuda drives also perform well.

You'll need at least two, and preferably four, gigabytes of RAM.

Get a nice 20" widescreen monitor. These only cost about \$200 for a name brand like Viewsonic when bought over the Internet and the wide screen allows you to have two windows simultaneously visible, which allows you to view a PDF file at the same time that you are drafting a letter or pleading pertaining to the PDF file.

A Logitech wireless mouse and keyboard combination will give you a lot of flexibility about where you locate your computer and desktop.



Visitors gaze at the view and herds of reindeer.

Thinking outside the Internal Revenue Code

By Steven T. O'Hara

Last November a Washington, D.C., attorney by the name of David K. Colapinto put to an assembly of tax attorneys and judges: "You have to think outside the code!" Here he was discussing the meaning of "income" and a recent case (*Murphy v. IRS*, No. 05-5139 (D.C. Cir. Aug. 22, 2006)(which was recently reversed on July 3, 2007)).

Mr. Colapinto's statement sounds ridiculous. The following will show, however, that a significant question remains regarding the term "income" and thus we must not be content to think within the Internal Revenue Code ("code") only.

Article I, Section 8, of the *Constitution* authorizes Congress to "collect taxes, duties, imposts, and excises." The limitation under Article I is that if the tax falls directly on the income-producing capital itself, the tax must be apportioned among the states (*U.S. Constitution*, Article I, Sec. 9, Clause 4).

In 1913 the 16th Amendment to the *Constitution* was ratified, empowering Congress to tax "incomes" without apportionment. This Amendment provides: "The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

Congress has relied exclusively on its authority under the 16th Amendment to tax income (H.R. Rep. No. 1337, 83d Cong., 2d Sess. A-18 (1954); S. Rep. No. 1622, 83d Cong., 2d Sess. 168 (1954); Mullock, "The Constitutional Aspects of Realization," 31 *U. Pitt. L. Rev.* 615, 620 (1969-70)).

Neither the 16th Amendment nor Section 61(a) of the code defines "income." Section 61(a) merely gives examples.

Relying on *Commissioner v. Glenshaw Glass Co* (348 U.S. 426 (1955)), we might consider the meaning of the term "income" settled. *Glenshaw Glass* held that punitive damages are includable in gross income. In making this holding the Supreme Court stated: "Here we have instances of undeniable accessions to wealth, clearly realized, and over which the taxpayers have complete dominion" (*Id.* at 431).

It has not been settled, however,

that *Glenshaw Glass* defines "income" within the meaning of the 16th Amendment and Section 61(a) of the code. *Glenshaw Glass* may be an Article I case, not a 16th Amendment case (Wright, "The Effect of the Source of Realized Benefits Upon the Supreme Court's Concept of Taxable Receipts," 8 *Stan. L. Rev.* 164, 202 (1956); Yorio, "The Taxation of Damages: Tax and Non-Tax Policy Considerations," 62 *Cornell L. Rev.* 701, n.2 (1976-77); and Dodge, "Beyond Estate and Gift Tax Reform: Including Gifts and Bequests in Income," 91 *Harv. L. Rev.* 1177, 1185, n.37 (1977-78)).

To recap Section 61(a) of the code is based exclusively on the 16th Amendment, neither the code nor the 16th Amendment defines "income," and it is unclear whether *Glenshaw Glass* defines "income" within the meaning of the 16th Amendment.

Given the foregoing, we must apply common sense and the common understanding of the term "income" in determining whether a receipt is income (Mullock, "The Constitutional Problem of Taxing Gifts as Income," 53 *Minn. L. Rev.* 247, 250 (1968-69); see also Mullock, "The Constitutional Aspects of Realization," 31 *U. Pitt. L. Rev.* 615, 617 (1969-70)).

That the term "income" must be given its ordinary language meaning has not been denied by the courts nor by the academic community. This position has been criticized, but not denied, on the ground that it requires consideration of the ordinary language meaning of "income" as of 1913, the year the 16th Amendment was adopted (Del Cotto, "The Constitutional Problem of Taxing Gifts as Income: A Reply to Professor Mullock," 53 *Minn. L. Rev.* 259 (1968-69)).

A long line of cases support the position that "income" must be given its ordinary language meaning. In 1918 then U.S. District Court Judge Learned Hand stated:

[T]he tax, though it includes income 'from all sources,' nevertheless includes 'income' only, and the meaning of the word is not to be found in its bare etymological derivation. Its meaning is rather



The hypothetical repeal of Section 102(a) of the code illustrates that our income-analysis checklist must have on it not only "check the code" but also "think outside the code."

to be gathered from the implicit assumptions of its use in common speech.

(*U.S. v. Oregon-Washington R.R. & Navigation Co.*, 251 F. 211, 212 (2d Cir. 1918).)

Also in 1918 the Supreme Court explained:

And we deem it equally clear that Congress was at liberty under the [16th] Amendment to tax as income, without apportionment, everything that became income, in the ordinary sense of the word, after the adoption of the Amendment, including dividends received in the ordinary course by a stockholder from a corporation. . . . Dividends are the appropriate fruit of stock ownership,

are commonly reckoned as income, and. . ."

(*Lynch v. Hornby*, 247 U.S. 339, 344 (1918).)

In 1920 the Supreme Court stated: "For the present purpose we require only a clear definition of the term 'income,' as used in common speech,

in order to determine its meaning in the [16th] Amendment. . . ." (*Eisner v. Macomber*, 252 U.S. 189, 206-07 (1920).) Then in 1921 the Supreme Court stated:

In determining the definition of the word 'income' thus arrived at, this Court has consistently refused to enter into the refinements of lexicographers or economists, and has approved, in the definitions quoted, what it believed to be the commonly understood meaning of the term which must have been in the minds of the people when they adopted the 16th Amendment to the Constitution."

(*Merchants' Loan & Trust Co. v. Smietanka*, 255 U.S. 509, 519 (1921).)

In 1936 Justice Cardoza, giving the opinion of the Supreme Court, explained:

Income within the meaning of the 16th Amendment is the fruit that is borne of capital, not the potency

of fruition. With few exceptions, if any, it is income as the word is known in the common speech of men.

(*U.S. v. Safety Car Heating & Lighting Co.*, 297 U.S. 88, 99 (1936).)

Until the constitutional basis of *Glenshaw Glass* is clarified, we must not be content to think within the code only when considering the meaning of "income." To illustrate, what if Congress repealed Section 102(a) of the code? This Section excludes gifts, bequests, devises, and inheritances from gross income.

Gifts, bequests, devises, and inheritances fit the *Glenshaw Glass* definition, since they are ordinarily undeniable accessions to wealth, clearly realized, and over which the recipients have dominion. But if a parent gifts \$12,000 to a child, is that gift income within the meaning of the 16th Amendment? Professor

Philip Mullock for one does not think so:

If we take Congress at its word - that it is using the term 'income' in section 61(a) in the 16th Amendment ordinary language sense

- then, as long as this remains the case, one [exception to the all-inclusive nature of Section 61(a)]. . . would be that [the receipt]. . . did not come within the ordinary language sense of the word 'incomes' in the 16th Amendment. Certainly, a 'gift,' in the ordinary language sense, does not fit 'income,' in the ordinary language sense, any more than does recoupment of capital; thus even without section 102(a), gifts in the ordinary sense could not constitutionally be brought within section 61(a).

(Mullock, "The Constitutional Problem of Taxing Gifts as Income," 53 *Minn. L. Rev.* 247, 254 (1968-69).)

The hypothetical repeal of Section 102(a) of the code illustrates that our income-analysis checklist must have on it not only "check the code" but also "think outside the code."

Copyright 2007 by Steven T. O'Hara. All rights reserved.

Gifts, bequests, devises, and inheritances fit the *Glenshaw Glass* definition, since they are ordinarily undeniable accessions to wealth, clearly realized, and over which the recipients have dominion.

CASH NOW

We pay CASH NOW for:

- Real Estate Notes (*deeds of trust or real estate contracts*)
- Notes secured by mobile homes
- Seller Financed Notes from sale of business
- Structured settlement annuities or lottery winnings
- Inheritances tied up in probate

We also make loans for the purchase, sale, rehab or refinance of all types of commercial/income properties and land, including "Non-Bankable" deals. We also do professional appraisals of Real Estate Notes.

CA\$H NOW FINANCIAL CORPORATION

Phone (907) 279-8551 Fax (907) 274-7638
 Website: www.cash4you.net E-Mail: kgain4cash@msn.com

For Mortgage Investments: www.investinmortgages.net

accu.type

depositions, inc.

- ♦ Depositions & Trial Transcripts
- ♦ RAB Hearings & Transcription
- ♦ Public Hearings & Transcription
 - ♦ Medical Transcription
 - ♦ Digital Video-Taping
- ♦ Worldwide Video Conferencing
 - ♦ Compressed Transcripts
 - ♦ E-Tran
- ♦ Downtown Conference Rooms

In Business since
1975

ACS & AAERT
Certified

2 Anchorage Locations

16545 Southcliff Circle
310 K Street, Suite 200

(907) 276-0544

www.accutypedepositions.com

Board acts on 19 items at September 6-7 meeting

- Voted to approve funding for a webmaster/IT assistant in the 2008 budget; and authorized funding to hire this staff person in 2007, and to purchase needed IT improvements.
- Voted in a discipline matter to recommend a two year + one day suspension, and to require reimbursement to Trustee Counsel, and to pay fees and costs of \$1,000 to the Bar.
- Voted in a discipline matter to accept the stipulation and recommend a one year suspension, with 120 days to serve, and 245 days stayed; as a condition of applying for reinstatement, the attorney must view certain CLE programs, must reimburse the Bar Association for the expenses of retaining Trustee Counsel in the amount of \$3,608, must pay fees and costs of \$1,000 to the Bar, and upon reinstatement, the attorney will be

on probation for two years.

- Voted to recommend admission for 14 reciprocity applicants.
- Voted to approve a Rule 43 waiver (ALSC) for Wendy Lamar and Wendy Whitt.
- Voted to establish a New Lawyers Section of the Bar.
- Voted to fund travel up to \$3,000 for new lawyers to attend the four ABA Young Lawyers Division conferences in 2008; that the New Lawyer Section should determine to who and how this money is allocated.
- Voted to approve a resolution in support of enhanced private attorney involvement with Alaska Legal Services Corporation.
- Voted to approve the board meeting minutes.
- Voted to request Bar Counsel to draft a bylaw which would establish a

Standing Committee on the Practice of Law.

- Voted to accept the stipulation for discipline by disbarment in the Matter of Mark Avery.
- The Board recommended approval of the Joint Motion for Reinstatement in the Disability Matter of Ken Lougee.
- Voted to send to the Supreme Court the proposed amendments to Bar Rule 44, the legal intern permit rule.
- Voted to send to the Supreme Court the proposed amendments to Bar Rule 44.1 (f)(2)(A), and to adopt the amendment to Bylaw VIII, Section 1(a)(3); both amendments correct the reference of Code of Professional Responsibility to Alaska Rules of Professional Conduct.
- Voted to amend Bylaw VII, Sec-

tion 1(a)(11) which changes the name of the standing "Judicial Independence Committee" to the "Committee for Fair and Impartial Courts."

- Voted to publish an amendment to Bar Rule 6, deleting Section 7(b) relating to residency appeals.
- Voted to publish an amendment to Bar Rule 5, Section 3 which would allow any state or federal officer to enter an order of admission, and to allow the applicant to take the oath before any state or federal judicial or any person authorized to administer oaths.
- Voted to approve the Lawyers' Fund for Client Protection Committee recommendation for reimbursement of \$2,500.
- Voted to pay \$9,821.64 to Trustee Counsel for his work.

Proposed rules clean up ARDC reference, taking of oath

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

Article VII, Section 1(a)(3)

The Code of Professional Responsibility was replaced by the Alaska Rules of Professional Conduct in July 1993.

Unfortunately, the reference to the "Code of Professional Responsibility" in this bylaw was not changed at that time. This amendment corrects that oversight.

ARTICLE VII. COMMITTEES AND SECTIONS

Section 1. Committees.

(a) Standing Committees.

...
(3) the Ethics Committee, a nine member committee responsible for the issuance of opinions providing guidance to Association members in complying with the ~~Code of Professional Responsibility~~ Alaska Rules of Professional Conduct;

Alaska Bar Rule 6, Section 7(b)

It was recently discovered that Bar Rule 6, Section 7(b) still contained a reference to materials to be provided an applicant who was denied an examination permit because of a failure to meet residency requirements.

Residency requirements were struck down by the Alaska Supreme Court in *Noll v. Alaska Bar Ass'n*, 649 P.2d 241 (Alaska 1982). This amendment deletes the obsolete reference and renumbers paragraph (c) to paragraph (b).

Alaska Bar Rule 6 Section 7.

Only the following materials shall be subject to production by the Alaska Bar Association in any proceedings held pursuant to this Rule:

(a) Where certification for admission to practice has been denied, the failing applicant has the right to inspect examination materials only as provided in Rule 4(5); and,

~~(b) Where an examination permit has been denied because of failure to meet residency requirements, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which the applicant's~~

~~residency has been discussed, together with a synopsis of the facts with respect to any other person who, within the last two years, has been denied an examination permit for the same reason; and~~

(c) Where an examination permit has been denied on the basis of character and fitness, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which the applicant's character and fitness has been discussed, together with a statement of the specific grounds upon which denial of the permit was based.

Alaska Bar Rule 5, Section 3

Traditionally, new admittees to the Alaska Bar Association participate in a swearing-in ceremony conducted in the Alaska Supreme Court. A justice signs the order of admission.

Over the years, an increasing number of applicants have come from other jurisdictions making it difficult for them to be sworn in before an Alaskan justice or judge.

As a consequence, Alaska Bar Rule 5 was amended in 1996 to permit admittees to take the required oath before any state or federal judicial officer. However, some admittees found it difficult to take the oath before a judicial officer in the other jurisdiction and have been permitted to sign the oath and become "admitted on the paperwork."

In any event, the rule retained the language that the "Supreme Court may enter an order admitting the applicant" and was silent on the actual signing of the order of admission by a state or federal judge outside of Alaska.

As a practical matter, there hasn't been any problem with an applicant signing the oath or with a state or federal judge outside of Alaska signing the order of admission. But the appellate clerk's office has routinely required that the order of admission also bear the signature of an Alaska Court System judicial officer.

This amendment provides that the oath may be signed before a notary public and that any state or federal judge outside of Alaska may administer the oath and sign the order of admission.

Alaska Bar Rule 5

Section 1. (a) To be admitted to the practice of law in Alaska, an applicant must:

(1) pass the bar examination prescribed pursuant to Rule 4 or be excused from taking the bar examination under Rule 2, Section 2;

(2) pass the Multistate Professional Responsibility Examination by obtaining a scaled score of 80;

(3) be found by the Board to meet the standard of character and fitness, as required pursuant to Rule 2(1)(d);

(4) be determined by the Board to be eligible in all other respects;

(5) pay prorated active membership dues for the balance of the year in which he or she is admitted, computed from the first day of admission;

(6) attend a presentation on attorney ethics as prescribed by the Board prior to taking the oath prescribed in Section 3 of this rule;

(7) file an affidavit as required by Bar Rule 64 stating that the applicant has read and is familiar with the Alaska Rules of Professional Conduct; and

(8) take the oath prescribed in Section 3 of this rule.

(b) Within 60 days after completion of the requirements stated in subparagraphs (a)(1), (2), (6), and (7)* of Section 1 of this Rule, an applicant must file with the Alaska Bar Association the forms provided by the Board, formally accepting membership in the Association and admission to the practice of law in Alaska.

[*Amended effective October 15, 2007 to add sub paragraph (7)]

(c) The Board may conduct a character investigation of an applicant, or may continue such an investigation, after the applicant has been permitted to take, or has passed, the examination prescribed by the Board pursuant to Rule 4. The fact that the Board has permitted the applicant to take the examination, and has given the applicant notice that he or she has passed the examination, shall not thereafter preclude the Board from denying the admission of the applicant on the grounds of character and fitness as set forth in Bar Rule 2(1)(d).

Section 2. An applicant who fails to comply with the provisions of Section 1 of this Rule shall not be eligible for certification to the Supreme Court

for admission and shall be deemed to have abandoned the application.

Section 3. Upon receiving certification of the eligibility of an applicant, any state or federal judicial officer the Supreme Court may enter an order admitting the applicant as an attorney at law in all the courts of the state and to membership in the Alaska Bar Association. Each applicant ordered admitted to the practice of law shall take the following oath before any state or federal judicial officer or any person authorized to administer oaths:

I do affirm:

I will support the Constitution of the United States and the Constitution of the State of Alaska;

I will adhere to the Rules of Professional Conduct in my dealings with clients, judicial officers, attorneys, and all other persons;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any proceedings that I believe are taken in bad faith or any defense that I do not believe is honestly debatable under the law of the land;

I will be truthful and honorable in the causes entrusted to me, and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;

I will maintain the confidences and preserve inviolate the secrets of my client, and will not accept compensation in connection with my client's business except from my client or with my client's knowledge or approval;

I will be candid, fair, and courteous before the court and with other attorneys, and will advance no fact prejudicial to the honor or reputation of a party or witness, unless I am required to do so in order to obtain justice for my client;

I will uphold the honor and maintain the dignity of the profession, and will strive to improve both the law and the administration of justice.

A certificate of admission shall thereupon be issued to the applicant by the clerk of the court.

Please send comments to: Executive Director, Alaska Bar Association, PO Box 100279, Anchorage, AK 99510 or e-mail to info@alaskabar.org by October 15, 2007.

Romantic get-away goes nowhere

By William Satterberg

It was eleven years ago. Times were different, then. We were young and foolish, swept up by calculated impulsiveness. Or so we thought...

"A sex holiday, that's what you need!," our anonymous friend emphatically stated to Brenda, my wife, and me. (Author's Note: Brenda is my wife. It was not like there were three of us. Just two. Bad sentence structure.) He continued, "Your life has become boring. You have become too settled in your marriage. You need to throw some spice into it. Dump the kids, head for Anchorage, and behave like newlyweds!"

I yawned. Brenda's eyes lit up. Anchorage. Home of Nordstrom. I, too, began to think about it. "Isn't that where there is an Eagle Hardware Store?," I asked. Perhaps I could get a new drill. The anonymous friend quickly admonished me and unabashedly declared that the type of drill he was talking about would not be found at any hardware store.

I would pay good money for this expedition. More than one billable hour. Who cared if I was taking it out of Brenda's shopping money? Ultimately, I reasoned, it still came from the same source. In fact, that was one of our problems.

Plans were made. Brenda quickly developed a new interest in esoteric health foods. For some strange reason, my dinner diet changed suddenly from fatty, tasty foods

to things like ginseng root, carrot juice, and oysters. Brenda began to drop subtle hints all over the place, like those flimsy little things called pajamas that they sell for all sorts of money, love notes, and coy little attitudes. She even would do a cute little barefoot dance around the stove when she was dutifully catering my dinner each night, as I watched my favorite WWF professional wrestling show, with my Budweiser cradled lovingly in my right hand, remote control in the other. Clearly, I was going to be in for the holiday of my life. And, Viagra had yet to be invented. The concept of the four-hour emergency room health crisis was then but a rude joke

Our sixteenth anniversary was rapidly approaching. It seemed like an appropriate occasion to try out the advice. We decided to dump the kids, and head for Anchorage. After all, Fairbanks is a small town. We didn't want any more than the usual gossip. Undoubtedly, the fact that their parents would be leaving them would be devastating upon our then thirteen-year-old and nine-year-old daughters. What would they do during our absence? Would they be willing to sleep over at other houses? Could they stay with their friends without having nightmares? And, what fun would they have without us?

It was a terrible thing to do to one's children—to leave them with their best friends. But, they had to grow up some time. Now was as good a time as any. Besides, if the jet crashed, they would be well set for life. Brenda had made sure of their financial future by buying a healthy life insurance policy on me, naming herself as the

primary beneficiary with the children as alternates. In fact, it had always surprised me somewhat when Brenda suggested that we fly on different airplanes whenever we traveled. As for my daily diet, I was getting used to the crushed glass in my Maypo cereal each morning.

The big day arrived. Seizing the moment, I made reservations at a relatively inexpensive hotel in Anchorage, staggered by the cost of the relatively expensive motels. As an added feature, we would have a beautiful view of Merrill Field right across the street. I could watch the airplanes come and go. Rumor had it that this particular hotel also had hot tubs available, and mirrored ceilings. It was cheap—renting by the hour. Given my past performances, I figured we would save a significant sum of money, unless there was an hourly minimum.

I also made reservations for dinner. I decided to go with the "brother" approach. It would be Marx Brothers for dinner, and Hog Brothers for breakfast. Clearly, they were both part of an extensive fine food chain. I began to look for a night club owned by another organization known as "The Brothers" where we could go for dancing. After

all, they would all be of the same high quality, wouldn't they?

Mike, our able, single housesitter, agreed to take care of our cat, two dogs, and guinea pig with the understanding that we would be gone the whole next day. He planned his personal life accordingly.

Rather than gambling on Reno Air, which has since gone bankrupt, I chose Alaska Airlines to be our departure airline. After all, it was reliable. Reno Air was never on time. We would leave on the 6:20 p.m. flight, arriving in Anchorage shortly after 7:00 p.m. Following a quick change of clothes, we would go out for dinner and some power shopping. After all, shopping is what everyone in Fairbanks does when they do not have anything else to do. Anchorage would be no different. Moreover, Anchorage is a shopper's mecca for Fairbanksans. And, where the people from Fairbanks go to Anchorage to shop, those in Anchorage go to Seattle (most things tend to flow downhill).

At the appointed hours, we dropped our children off at their friends' houses. Our youngest could not even bring herself to say good-bye, but quickly ran off to inspect her buddy's new bicycle. It was obviously an avoidance tactic. Our older child did surprise us by giving us a quick good-bye, but then added, as an afterthought, that she would prefer that we not call her until at least 6:00 p.m. the following day so that she could have a full day to grieve our departure.

"It's just a way of hiding their profound insecurities," I told Brenda.

"Yes," Brenda agreed. "You can



"Although in theory, the concept of a 'sex holiday' was an intriguing idea, there was a lot to be said for simply taking the newspaper, a cup of coffee, and retiring to the family's living room to contemplate the latest in local arrests and traffic accidents."

see the hurt in their sad little faces, especially when we told them we were coming back tomorrow."

The children ditched, we headed for the airport. Typically, it was a last minute dash, pushing the speed limit and red lights all the way. Panting heavily, and having not even run to the terminal, we approached the ticket counter. It was at that moment that we were informed that the originating flight scheduled for 6:20 p.m. actually would not be leaving until 8:00 p.m. The traditionally delayed flight from Barrow, furthermore, would be leaving on time. Unfortunately, the Barrow originating flight was completely full, and Reno Air had already reliably left on time. It did not take much intelligence to conclude that, if we were lucky, we would be arriving in Anchorage closer to 9:00 p.m., if at all. Clearly, dinner could be expected to occur at 10:00 p.m. or later. I was relieved, commenting that McDonald's had a twenty-four hour drive through, or we could do sit-down dining at Denny's. This did not impress Brenda, however.

For the next one-half hour, we begged in vain to board an earlier flight. Despite my tears, which actually were real, nothing was happening. It became apparent that it would, indeed, be a late departure to Anchorage. Our plans clearly were unraveling rapidly.

"Seize the moment!," we had been told by our anonymous friend. "Be spontaneous! Put some spice in your life!" For a minute, I considered finding a private place at the airport. Any bagwell in a storm would do, I figured. The aircraft bathroom was obviously out of the question, and would have probably been occupied, regardless. But, such spontaneity was fraught with danger.

With a cute little giggle, borne partially out of the tremendous savings which would occur by staying in Fairbanks for the weekend, I suggested to Brenda that we instead secretly take a hotel room in Fairbanks. We would hide out, and enjoy our festivities locally. We could sleep in, have a leisurely breakfast, and still go someplace which had hot tubs. Upon reflection, who really needed the ceiling mirrors, anyway?

At that same time, my able paralegal, Jane, who has since become a respectable legislative aide, unexpectedly arrived at the airport to pick up the returning, world-touring, occasional attorney, Don Logan. Don, in my opinion, is the modern day Fairbanks attorneys' equivalent of the town crier of yesteryear. Without doubt, our little secret would soon be out. So much for our surreptitious getaway. The trip was already becoming a hazard.

During the wait for Don, Jane suggested that we (Brenda and myself only—not to include Jane. More bad sentence structure) go to a secluded

lodge located outside of Fairbanks on the Chena Hot Springs Road. Jane knew the place well. This is where Jane and her husband, Robert, also an attorney, had become married approximately one year earlier. The wedding had been an affair in itself, complete with the bridesmaid not showing up for two days, several impromptu family and friends emotional encounter sessions during the reception, and the typical neighborhood encounter sessions, all culminated by an understandably reluctant bride who suddenly decided that she probably did not want to marry the groom after all, who was predictably late for his own wedding. But, that did not necessarily matter either, since someone had forgotten to bring the bride to the wedding. As it turned out, everyone had left Jane at her home with the assumption that someone else would be giving her a ride. In the end, however, a binding contract was concluded between bride and groom.

The after-vows party had been a most gala affair. There is talk to even this day of the complaints which the neighbors registered about strange people stumbling through yards, raucous dancing to unbearably loud music, and numerous vehicles parked haphazardly in the neighborhood ditches, not to mention the strange sighting of a very angry looking lady reportedly in a hiked-up wedding gown hitchhiking frantically earlier on a remote stretch of Chena Hot Springs Road.

On balance, Jane's suggestion for a local getaway had distinct merit. Excusing myself, I located the airport pay phone, and called the lodge. Without identifying myself, I asked if there was a room available. To my surprise, two rooms were available. I was surprised, because the last time I tried to book a reservation at the establishment after Jane's wedding using my real name, I was told that they were completely booked up with a long waiting list for the next two years. Apparently, there had been some unanticipated cancellations in the interim.

One room was really a separate cabin with a hot tub. It commanded a price of \$200 per night. The other room was said to be a very large room with

three queen beds, a locking hot tub room "down the hallway," and a majestic view of the Tanana Valley. Remarkably, the price was considerably cheaper, only \$110 per night. Little did I realize that it also doubled as a dormitory for religious youth groups.

Accepting that the beds would probably be significantly damaged during our brief stay, I opted for the room with the three beds. I have always believed in backup systems. Besides, price had a lot to do with it. True to form, I was taking charge and making all of the arrangements as our anonymous friend had suggested. After all, it was the male thing to do.

Rather than risk a last minute room cancellation, the reservations were confirmed by me under a unique

Continued on page 19

TALES FROM THE INTERIOR

Romantic get-away goes nowhere

Continued from page 18

assumed name, Mr. and Mrs. John Smith. Our room reserved, I then confidently canceled our flight to Anchorage. Besides, it had been cancelled anyway, and the next Reno Air flight was already full.

Fresh out of quarters for the pay phones, Brenda and I left the airport driving helter-skelter for the elegant Two Rivers Lodge on Chena Hot Springs Road where we would first relish a romantic dinner. Besides, since I was totally out of quarters, the earlier idea of going to an erotic movie together obviously was out. Moreover, at our age, eating held greater attractions.

The dinner truly was a fine, intimate dinner. I had never seen Brenda eat so much at a sitting! Although the food did not necessarily agree later with my stomach, I simply chalked it up to my pre-holiday jitters. Still, I forced myself to eat. In fact, in retrospect, I ingested enough calories to blow my diet for six months. We then stared longingly into each other's eyes—trying to figure out what was for dessert.

The obligatory preliminaries over, we left Two Rivers and stole to our nearby romantic hideaway. Upon arrival, we were graciously met by the owners' daughter, who ungraciously informed us that "Mother doesn't like shoes" and that whatever we did, "Take off your shoes at all times." In fact, we could not even walk to our room without first taking off our shoes at the front door. For the next several minutes, we heard about how "Mother has fallen in love with the carpet" and would "kill anyone who wears shoes in the place."

Appropriately barefooted and in unkempt feet, we were then shown to our room. It was a spacious room with a majestic view, as advertised, overlooking the vast Tanana Valley. In fact, as a dormitory it had not only three beds, but four sinks in the three stall bathroom. I immediately began to look for a beer and a television set with a remote control. Some instincts are hard to break. To my dismay, I could not find either item. Apparently, Brenda had called ahead and warned them about my obsessions. Obviously, any wrestling that night would not be on local television.

We next asked our hostess about how to locate the hot tub. We were told that the main hot tub room was not actually just down the hall (as represented), but was, instead, down the hall, down the stairs, down the hallway, and out in the yard. Another, smaller tub was purportedly hidden elsewhere in the building. Still, the outside tub would be no problem. We were informed by our hostess to simply to go barefooted down the halls to the outside hot tub. After all, everyone else did it. Shoes were verboten there, also. Not that shoes were that acceptable, either. Experience had shown that shoes tended to get waterlogged with time. Since nothing was mentioned about dirty feet and clean carpets, I decided to ignore the issue.

Left with final explicit instructions

by our hostess to enjoy ourselves and reminded not to wear shoes, we gingerly settled into our room. We next selected just the right bed to victimize, similar to Goldilocks' tryout of the furniture in the house of the Three Bears. Prophetically, one was too soft and one was too firm, reminding me of some of our alleged marital issues. Fortunately, in desperation, a compromise was reached.

The appropriate bed selected, we then checked out the nightstand. I was amused. The owners had thought of almost everything. Although the traditional Gideon's Bible was not present, since the religious group was gone, there thoughtfully was a healthy stack of rainbow colored and flavored prophylactics in the dresser drawer, apparently reflecting the new age that we now live in. (Although Gideon did not check out the next day, other things did to help with poor Rocky's revival. Usually, when leaving a motel, I just steal the soap and shampoo, but this departure resulted in different party favors, which I saved for the office Christmas party as valuable gifts.)

Our exploration of the immediate surroundings completed, we promptly leapt into bed and spent an incredible amount of time doing all of those unmentionable things that our anonymous friend had suggested we do. Two minutes later, the task completed, I asked whether or not Brenda wanted to enjoy a hot tub or put the matter off until morning. To my surprise, Brenda opted for a cold tub and courageously asked if I had a cigarette. I began to wonder what made her decide to consider smoking so suddenly, since neither of us smoked.

By agreement, we would sleep in until morning. We would then awaken, cuddling affectionately, and languish in the splendid view of the majestic Tanana Valley, and the mighty Tanana River which predominates below. At least, that was the plan. For some unexplained reason, Brenda kept her eyes open all night. I finally concluded that she was apparently enjoying the intricate view of the overhead ceiling. Without doubt, Brenda was truly captivated. In fact, looking back on the night, I do not think that she even blinked once. As usual, I chalked it all up to my famous skills of the boudoir.

Eventually, morning came, even if some things did not. It was then that we understood why the room was so discounted in price. Little did we realize that the reason our room was so cheap was because it was right off the main dining area of the lodge. Moreover, as part of the interior décor, the owner had decided that a plate glass window would be far more attractive than a solid core door to separate our room from the main dining area. As such, at 7:30 a.m., we were rudely awakened to the loud clinking of numerous cereal bowls, plaintive cries for more milk,

the patented "snap, crackle and pop" of Rice Krispies, and the happy babble of giggling geriatric tourists.

As if this surprise were not enough, another, unforeseen problem with the room was that it did open to the south over the mighty Tanana Valley, as advertised. Unfortunately, Fairbanks, during the short summer, is notoriously warm, something which was not advertised. As such, any room which has large picture windows opening to the south can quickly become intolerable, especially where air conditioning is not available. Sweltering under a

pile of blankets, Brenda and I soon realized that we were in a unique predicament.

Reasoning correctly that sound which travels into a room must, conversely, travel out equally well, Brenda and I politely decided that to continue our happy escapade with the tourists on the other side of the single pane glass window would be slightly inappropriate. Besides, it could start a stampede. We thought of other things to do while waiting for the obviously patient crowd to depart.

"Why not take a hot tub?," I suggested, looking for a pipe wrench.

"Nice idea," Brenda countered, apparently thinking I was talking about a bath. "You are always full of ideas, Bill. Let's just simply stroll casually through the dining area in our bathrobes carrying our towels, oblivious to all the leering old folks, impressionable children, and happy tourist families chewing on their Cheerios." Apparently, at least to Brenda, the idea left something to be desired.

About mid-morning, the cackling from the dining area finally quieted down. Sheepishly, we emerged from our room, figuring that everyone must have known what was happening behind the glass panels, much like people expectantly watch monkeys interacting in their cages at the zoo, or at less reputable former Anchorage nightclubs. After all, opaque drapes were lacking, and the Venetian blinds had been inadvertently left open. (At least, we hoped that the oversight on the blinds actually had been innocent and not billed as another local tourist attraction.) Not that there might have been much interest, but a set of opaque curtains still could have helped matters.

To our relief, the only people left in the lodge were the owners. While I distracted them, Brenda raced downstairs to try the door to the secret indoor hot tub. Apparently all of the other guests must have retired to the hidden hot tub room, since it was locked. So much for hot tubbing. Not to be dissuaded easily, I remembered that there was still the outdoors unit, complete with its ravenous mosquitoes. However, valuing our limited

blood supply, we eventually decided to pass up on it, also.

Just as we were preparing to leave, we realized that other unanticipated problems now existed, due to our flexible schedule. In short, no one expected us to be in town.

Unable to return home because of our housesitter Mike's romantic plans, we spent the rest of the day eating breakfast at the lodge, visiting with the loquacious owner, and eventually doing something which all Fairbanksans love to do: garage-saling. Fortunately, Fairbanks had some great bargains that weekend. The dumpster divers had certainly been busy.

True gourmards, we later dined on Subway sandwiches, and tried to remain anonymous in our small town. Unfortunately, everywhere we went we ran into someone we knew, except our anonymous friend, who I likely would have assaulted. We also discovered, much to our astonishment, that there was a regular cult of old married people, which also engaged in garage-saling. During the day, we kept running into the same people from location to location. Ultimately, we made a number of new friends, who wished us the best on our anniversary, adding that it was traditional in their group to go garage-saling on anniversaries. Brenda and I had obviously become of age.

As the end of the day drew near, we decided to contact our children. We planned to let them know that we had played a trick on them, and remained secretly in town. That surprise, too, was a wasted effort. Our older daughter was long gone to "the mall" and reportedly was having a good time watching boys. Eventually, we located our younger daughter at the local Farmer's Market with her friends. She, too, was allegedly having a delightful time. We both marveled at their recovery. Rarely has such profound sorrow been so easily consoled. In the end, one thing both of our children shared was a desire to spend more nights at their friend's houses.

As the sun finally set, it was with resignation that my wife and I concluded that we truly had arrived at our middle age. Although in theory, the concept of a "sex holiday" was an intriguing idea, there was a lot to be said for simply taking the newspaper, a cup of coffee, and retiring to the family's living room to contemplate the latest in local arrests and traffic accidents. Besides, the couch is still one of the best sleeping couches I've ever owned.

Author's Note: Originally, this article was censored by a certain source close to the author. However, it has now been over eleven years since this exposé was first written. The marriage has survived well, and is entering its twenty-eighth year. Priorities change with time, and science marches ever onward. Viagra and Cialis have hit the market, and Billy Bob is a happy fellow, and the envy of the town.

Unfortunately, everywhere we went we ran into someone we knew, except our anonymous friend, who I likely would have assaulted.

As the sun finally set, it was with resignation that my wife and I concluded that we truly had arrived at our middle age.

**Quote
of the Month**

“ One needs to be slow to form convictions, but once formed they must be defended against the heaviest odds. ”

— Mahatma Gandhi

Voluntary Continuing Legal Education (VCLE) Rule – Bar Rule 65 7th Reporting Period January 1, 2006 - December 31, 2006

The following is a list of active Alaska Bar members who voluntarily complied with the Alaska Supreme Court recommended guidelines of 12 hours (including 1 hour of ethics) of approved continuing legal education the 2006 reporting period.

We regret any omissions or errors. If your name have been omitted from this list, please contact the Bar Office at 907-272-7469 or e-mail cle@alaskabar.org.

We will publish a revised list as needed.

Aarseth, Eric A.	Bodwell, Lori M.	Childress, Carol L.	Dickson, Leslie N.	Friedman, Richard H.	Heese, Ruth Hamilton
Acharya, Surasree	Bohms, Ruth Bauer	Chleborad, Terisia K.	Dickson, Leslie N.	Friedman, Robert	Hegna, Monique
Adams, Benjamin T.	Bolger, Joel H.	Choate, Scott M.	Diemer, Kenneth J.	Friedman, Saul R.	Hegy, Karen R.
Aguero, Dorothea G.	Bolvin, Janet L.	Choquette, William L.	Dieni, Michael D.	Fucile, Mark J.	Henderson, David N.
Ahearn, Meredith Appel	Bomengen, Kristen F.	Christen, Morgan B.	Dillard, Miriam Dawn	Fullmer, Mark W.	Henderson, Robert E.
Ahsoak, Joshua	Bond, Marc D.	Christensen, Blair	DiPietro, Susanne D.	Funk, Raymond M.	Henri, Joseph R.
Alexander, Jennifer C.	Boreen, Maryanne	Christensen, Mark D.	DiPietro-Wilson, Diane	Fury, C. Steven	Herz, Robert M.
Allee, Rita T.	Botelho, Bruce M.	Christian, Matthew C.	Ditus, R. Stanley	Galahad, Giles	Hickerson, Elizabeth J.
Allen, Amy M.	Bottger, Laura C.	Christie, Reginald J.	Doherty, Brian M.	Gallagher, Sheila	Hiebert, Leslie A.
Allen, David K.	Boutin, Michelle L.	Chung, Jo Ann	Dolan, Jill S.	Gamache, Peter C.	Higuchi, Michelle D.
Allen, Kimberly	Bowen, Laura	Clark, Brian K.	Domke, Jenel	Gandbhir, Una Sonia	Hill, Holly Roberson
Allen, Richard K.	Bozkaya, Terri D.	Clark, Patricia A.	Domke, Loren C.	Ganopole, Deidre S.	Hillhouse, Theresa
Allingham, Lynn	Bradley, M. Kathryn	Clark, Victoria	Donnelley, Lisa H.	Gardner, Douglas D.	Hite, Jennifer
Allison, Megan	Brady, KeriAnn	Clement, Jonathan	Donovan, John	Garner, John N.	Holbrook, Deborah A.
Alves, Anita L.	Branch, Daniel N.	Clocks, Donald E.	Dooley, Timothy D.	Garrigues, Gayle L.	Holen, M. Lee
Andersen, Signe P.	Brand, Chrystal Sommers	Clover, Joan M.	Douglass, Patricia P.	Gater, Bradley N.	Holmes, Roger F.
Anderson, David B.	Brandeis, Jason	Coats, Robert G.	Dowling, Margaret A.	Gates, Dean T.	Holt, Chad Wynn
Anderson, Jerry D.	Brandt-Erichsen, Scott A.	Coe, Charles W.	Downes, Robert B.	Gatti, Michael R.	Hompesch, Richard W.
Anderson, Leonard R.	Brandt-Erichsen, Svend A.	Colberg, Talis J.	Drinkwater, Cynthia C.	Gazewood, Jason	Hookland, Douglas
Anderson, Robert T.	Brar, Devinder	Colbert, Lori Ann	Driscoll, Louise R.	Geddes, Mary C.	Hopper, James L.
Andrus, Beth M.	Brautigam, Peter B.	Colbert, William H.	Dronkert, Elizabeth M.	George, Jamilia A.	Hopwood, Donald D.
Angius, Christopher W.	Bray, Aisha Tinker	Colbo, Kimberlee	Dunlop, Brittany L.	Germain, Dawn C.	Horetski, Gayle A.
Aschenbrenner, Constance A.	Brecht, Julius J.	Colburn, William R.	Dunn, Kim	Gernat, Rachel K.	Horton, Bruce E.
Aschenbrenner, John L.	Breckberg, Robert L.	Cole, Steve W.	Dunnagan, Charles A.	Gershel, Michael A.	Hosie, Spencer
Ascott, Ivan L.	Brenckle, Carol A.	Cole, Suzanne	Durrell, Brian W.	Gibson, Kirk H.	Hotchkin, Michael G.
Atkinson, Kathy L.	Brennan, Elizabeth D.	Coleman, Terri-Lynn	Duvall, Wendy	Gifford, Allan H.	Hough, C. Michael
Atwood, Nathaniel B.	Bressers, Jacqueline R.	Collins, Patricia A.	Eaglin, Paul B.	Gifford, Ann	House, Dale W.
Auten, Eric A.	Brice, Monte L.	Collins, Robert J.	Ealy, Jonathan B.	Gillilan-Gibson, Kelly E.	Hovanec, Lorie L.
Auth, Robert	Briggs, Robert B.	Collins, Stephan A.	Earthman, John A.	Gilmore, Chester	Hughes, Mary K.
Bacchus, Sheila J.	Brink, Barbara K.	Condie, Craig S.	East, Windy	Gilson, Mary A.	Huguelet, Charles T.
Bachand, Rachel R.	Brink, Robert C.	Connors, John J.	Easter, Catherine M.	Ginder, Peter C.	Hume, Robert H.
Bachelor, Katherine R.	Brislawn, C. Dennis	Cook, Bret D.	Ebenal, Shelley D.	Gist, Jason	Humm, Marguerite
Bachman, Adrienne P.	Broker, Ann R.	Cook, Craig A.	Eberhart, John Michael	Gleason, Sharon L.	Huna-Jines, Patricia
Bailey, Allen M.	Bronen, Robin A.	Cook, Tim O.	Edmiston, Gregory A	Glogowski, Katrina	Huna-Jines, Patricia
Bair, Daniel S.	Brooking, Cheryl Rawls	Cook, William D.	Edwards, B. Richard	Goad, Raymond E.	Hunt, Gerald W.
Baird, Ronald L.	Brown, Bruce L.	Corbridge, Clark	Edwards, Brent	Goerig, George E.	Hunt, Karen L.
Bales, Candice Marie	Brown, Eric J.	Corey, David J.	Edwards, Bruce N.	Goering, Stuart W.	Hunter, Grant W.
Ballou, Gail M.	Brown, Fred G.	Coughlin, Patrick J.	Eggers, Kenneth P.	Goff, Darin B	Huntington, Karla F.
Bandle, John	Brown, Gayle J.	Coulter, James A.	Ellis, Donald C.	Goldman, Kenneth J.	Hyatt, Chris Foote
Banker, Anthony N.	Brown, Harold M.	Cox, Susan D.	Ellis, Peter R.	Goldsmith, Donna J.	Icardi, Patrice A.
Barber, Jeffrey J.	Brown, Molly C.	Crabtree, Richard L.	Engel, Martin A.	Goltz, Jon K.	Illsley, Sharon A. S.
Barice, Carole J.	Brown, Ray R.	Crail, Elizabeth F.	Erickson, Heidi K.	Gordon, Nancy R.	Iverson, Shawn Mathis
Barkeley, James N.	Brown, Valerie L.	Crane, James S.	Erickson, John W.	Gorski, James M.	Iverson, Jonathan
Barkis, AJ	Browning, Brooke	Cravez, Glenn Edward	Ericsson, Robert J.	Grace, Joanne M.	Jackson, Barry W.
Barlow, Nora G	Bruner, Ann M.	Crawford, S. Jason	Erlich, Richard H.	Graham, David A.	Jacobsen, Jordan E.
Barnhill, Michael A	Bryner, Alexander O.	Crepps, Janet L.	Erwin, Robert C.	Graham, Jessica Carey	Jacobus, Kenneth P.
Barr, Sharon	Buettner, David	Croft, Leland Chancy	Erwin, Roberta C.	Grannik, Andrew V.	Jahnke, Thomas M.
Barrack, Martin J.	Bundy, Robert C.	Crowell, Judith A.	Esch, Ben J.	Graves, Cary R.	Jamgochian, Thomas V.
Barry, Elizabeth J.	Burke, Edmond W.	Cucci, Mark	Estelle, William L.	Gray, J. Michael	Jamieson, Angela
Basi, Rajpreet S.	Burke, G. Dana	Cummings, Dennis P.	Evans, Charles G.	Gray, Russell	Jamin, Matthew D.
Bast, Melissa A.	Burke, Michael J.	Curda, Dale O.	Evans, Gordon E.	Green Jr, Harold W.	Janidlo, Thom F.
Bauer, David A.	Burke, Michael T.	Currie, Jennifer	Evans, Joseph W.	Greene, Angela M.	Jeffery, Michael I.
Bauer, Leigh Ann	Burling, James S.	Curtin, Richard A.	Evans, Marie	Greene, Mary E.	Jenicek, Monica
Bauman, Carl J. D.	Burseth, Stephen J.	Curtner, F. Richard	Evans, Susan L.	Greenough, Marc	Jensen, Jill
Baumetz, Jason	Bussard, Vicki L.	Cusack, Kenneth J.	Fabe, Justice Dana	Greenstein, Marla N.	Joanis, Jennifer
Baxter, Colleen Rae	Butterfield, Rhonda F.	Cutler, Louisiana W.	Faith, Joseph R.	Greer, Stephen E.	Joanis, Lance
Beardsley, Jennifer	Byrnes, Timothy R.	Dale, Pamela	Farleigh, Randall E.	Griffin, Robert L.	Johnson, Carl H.
Beardsley, Mary Ellen	Cahill, H. Frank	Dalrymple, DanaLyn	Fayette, James J.	Griffin, Robert Lee	Johnson, Carol A.
Beckwith, Martha	Cain, Rebecca H.	Daniel, Carol H.	Fehlen-Westover, Rhonda	Gross, Joseph B.	Johnson, Douglas G.
Beecher, Linda R.	Call, Blake H.	Daniel, Thomas M.	Felix, Sarah Jane	Gustafson, Gene L.	Johnson, Joyce Weaver
Behr, Deborah E.	Campbell, Kristen	Daniels, Susan L.	Fellerath, Sheila Hogan	Guy, Andrew J.	Johnson, Linda J.
Behrend, Andrew F.	Canarsky, Paul J.	Darnall, John M.	Ferguson, April S.	Haden, Mary Jane	Johnson, Robert M.
Beistline, Ralph R.	Cannon, James H.	Dattan, D. Scott	Findley, Matthew T.	Haffner, R. Poke	Johnston, Shanna R.
Beiswenger, Allan D.	Cantor, James E.	Daugherty, Steven A.	Fink, Joshua P.	Hafner, Janell	Jones, Barbara Ann
Bell, Keith W.	Card, Larry D.	Davis, Douglas R.	Fisher, Gregory S.	Haines, Nathan R.	Jones, David T.
Belman, Roger P.J.	Carew, Shane C.	Davis, James J.	Fitzgerald, Joshua D.	Hall, Helena	Jones, Margaret Sullivan
Bendler, Karen E.	Carey, William B.	Davis, Jody L.	Fleischer, Hugh W.	Hall, Leigh Michelle	Jones, Paul B.
Bennett, Brent E.	Carlisle, Robyn L.	Davis, Marcia R.	Fletcher, Ginger L.	Hall, Terrance W.	Jones, Walter S.
Bennett, Laurel Carter	Carlson, Craig A.	Davis, Mark R.	Fleurant, David C.	Halloran, Sean	Jordan, Charles S.
Benson, Ann E.	Carman, Dawn M.	Davis, Trigg T.	Floerchinger, David D.	Hamilton, Marvin C.	Josephson, Joseph P.
Berck, Margaret W.	Carney, Steven J.	Davison, Bruce E.	Foley, Maryann E.	Hammers, Patrick S.	Josephson, Sarah E.
Berdow, Lauren A.	Carney, Susan M.	Dawson, Jon S.	Foley, Richard H.	Hanley, James Patrick	Joyner, J. Mitchell
Bernitz, John A.	Carpeneti, Walter L.	Dayan, Allen N.	Foley, Susan Behlke	Harbison, Bethany S.	Juliusen, James H.
Bersch, F. Joseph	Carson, Italia A.	De Lucia, Tamara Eve	Footo, Alexis G.	Harrington, Andrew R.	June, Marc W.
Bey, Kirsten J.	Carter, David S.	Dean, Jill K.	Ford, Deirdre D.	Harris, Bonnie E.	Jungreis, Michael
Biderman, Michael	Cartledge, Cynthia L.	Dennis, Elliott T.	Fortier, Samuel J.	Harris, Daniel P.	Kalamarides, Joseph A.
Billingslea, Sidney K.	Case, David S.	Deuser, Richard F.	Fortson, H. Ryan	Hartig, Lawrence L.	Kammermeyer, Jacob
Birnbaum, Alan	Cashion, John P.	Devaney, Leonard R.	Foster, Diane L.	Hartle, John W.	Kantola, William W.
Bishop, Sheila Doody	Cason, Samuel W.	DeVeaux, LeRoy Gene E.	Foster, Teresa L.	Hatch, Mary Leone	Karjala, Kit
Biskowski, Lawrence	Cavaliere, Michael	Devine, David A.	Franciosi, Michael J.	Haviland, Aileen	Karnavas, Michael G.
Bjorkquist, Brian D.	Cavanaugh, Randall S.	Dewey, William F.	Francis, Camala C.	Hawkins, Karen L.	Karstetter, Rebecca
Blair, Maude	Chaffin, Shelley K.	DeWitt, James D.	Francis, Daniel R.	Hawley, William H.	Katcher, Jonathon A.
Blankenship, Douglas L.	Chandler, Brooks W.	DeYoung, Jan Hart	Franich, J. John	Hawn, Wayne D.	Kauffman, William R.
Blattmachr, Jonathan G.	Chapman, BethAnn B	Di Napoli, Vincent	Freeman, Lynne	Hawxhurst, Dorne	Kauvar, Jane F.
Bledsoe, Mark S.	Chari, Holly S.	Dickens, James R.	Friedman, Kenneth R.	Hazeltine, Sheri L.	
Bloom, Scott	Cheyette, Daniel L.	Dickerson, M. Ashley	Friedman, Kirsten T.	Heath, Gregory	

Continued on page 21

Voluntary Continuing Legal Education (VCLE) Rule – Bar Rule 65 7th Reporting Period January 1, 2006 - December 31, 2006

Continued from page 20

Kay, Brian Phillip	MacKinnon, Dawn	Moore, Christine	Pike, David A.	Schmidt, Jack	Strout, Cynthia L.
Keck, Kathy J.	Maffei, Albert	Moore, Colleen J.	Pillick, Aleta	Schmidt, Robert H.	Stryszak, Michal
Kendall, Heather	Mahlen, Jeffrey D.	Moran, Anna M.	Pinkel, Mary B.	Schnebel, Debra J.	Stuart, Jennifer
Kenworthy, Mary Anne	Mahoney, Francis S.	Moran, Joseph M.	Platt, Janet D.	Schneider, Michael J.	Suddock, John
Kerr, Sonja D.	Malchick, Barbara L.	Morris, Shauna	Pleninger, Stanley B.	Schoeogl, David M.	Summit, Natasha M.
Kerry, Glenda J.	Malin, Paul E.	Morrison, Douglas S.	Plumlee, Rachel	Schuetze, Charles F.	Suozzo, Holly
Kester, Olivia L.	Mandala, Cheryl	Morse, William F.	Plummer, Raymond E.	Schwaiger, Michael T.	Sutherland, Jody W.
Kesterson, Linda L.	Manley, Robert L.	Motyka, Gregory	Pomeroy, Richard L.	Scuderi, Joseph	Sutliff, Richard N.
Keyes, Christopher M.	Manly, John C.	Moudy, Julia D.	Pontious, Danee L.	Sears, Trina	Svobodny, Richard A.
Khalsa, Amrit Kaur	Mannheimer, David	Mulder, Steven E.	Porcello, Tasha M.	Seaton, Jean E.	Swanson, Danika
Kirk, Kenneth C.	Manning, Mark C.	Murphy, Dennis P.	Porter, Alicia D.	Sebens, Jane E.	Swiderski, Alex
Kirsch, Lisa M.	Manzella, Zachary T.	Murphy, Kathleen A.	Postma, Richard W.	Sebold, Hanna	Swinton, Richard B.
Kissner, Barbara E.	Marchand, Scott	Murphy, Margaret L.	Poulson, Jack G.	Seedorf, James M.	Syren, Lester K.
Kitchen, Donald R.	Marisseau, Medora A.	Murphy, Michele	Powell, Suzanne	Seekins, Benjamin A.	Talbot, James W.
Kittleson, Nicholas J.	Marsh, Michael S.	Murphy, Sigurd E.	Power, Michele L.	Seid, David M.	Tangen, J.P.
Klasen, James F.	Marshall, Sharon	Murtagh, John M.	Pradell, Steven	Severin, Samuel C.	Tans, Gordon J.
Kleedehn, G. Rodney	Marx, Curtis	Murto, Susan D.	Pribila, Bethany	Seville, Michael W.	Tatsuda, Laurel K.
Kleinsmith, Philip M.	Martin, Curtis	Nangle, Paul J.	Price, J. David	Seymour, S. Jay	Tatter, Sue Ellen
Klinkner, Thomas F.	Marx, Brandon	Nash, Phil N.	Provost, Chris	Shaffer, Michael D.	Taylor, Christopher J.
Knoll, James L.	Mason, Walter W.	Neeleman, John R.	Pryzmont, Erica R.J.	Shaftel, David G.	Taylor, Kneeland L.
Kobayashi, Tina	Mathis, C. James	Nelson, Antone	Rabe, Cynthia K.	Shamburek, Steven J.	Taylor, R. Scott
Kolbe, Thomas	Mattern, Scott L.	Nelson, Lance B.	Racette, Justin	Shanahan, Philip E.	Taylor, Tregarrick R.
Kossler, Douglas H.	Matthews, Meredith S.	Nelson, Richard L.	Raforth, John H.	Shea, Wev	Taylor-Welch, Karla
Koteff, Stephen N.	Matthews, Warren W.	Nemecek, Vennie E.	Rahoi, Alice M.	Sherwood, Todd K.	Teaford, Matthew
Kraft, Barbara S.	Maule, Byrona J.	Nesbett, David A.	Ralston, Richard S.	Shine Sr, James M.	Teal, Gilbert Earle
Kraly, Stacie L.	Maxey, Rebecca L.	Newman (Maio), Amy	Randall, Deborah H.	Shipps, Ra	Tempel, Janet K.
Kron, Michael C.	May, Marilyn	Nogg, Russell A.	Rankin, Christina	Shoemaker, David B.	Theiler, Shana L.
Kulas, John Noel	McCann, Kelly	Nolan, Nancy J.	Rapoza, Suzanne	Shorey, Daniel K.	Therrien, Valerie M.
Lamantia, Vanessa M.	McClintock, Donald W.	Norris, Natasha Marie	Rasley, Alicemary L.	Shortell, Caitlin	Thibodeau, Nicole
Lambert, Karen L.	McClure, Maurice R.	Norville, Michael	Rawitz, Margaret J.	Siemers, John C.	Thomas, Cindy
Lamoureux, Yvonne	McCollum, James H.	Novak, John J.	Ray, Colleen A.	Sigmon, Sharon DeLana	Thomas, Lisa N.
Landau, Robert W.	McComas, James H.	Nyquist, Kara A.	Raymond, Carla M.	Silvey, Gregory G.	Thompson, Colette G.
Landreth, Natalie	McConnaughy, John E.	O'Bannon, Linda M.	Razo, Gregory P.	Simel, Nancy R.	Thompson, Darryl L.
Landry, David S.	McConnell, Dwayne W.	Oberg, David D.	Redmond, Sonja	Simon, Geraldine	Thompson, David L.
Latta, Leroy K.	McCord, Elizabeth Anne	O'Brien, Mike	Reep, Janine J.	Simpson, Edward B.	Thompson, G. Nanette
LaVonne, Jeanne M.	McCoy, Kevin F.	O'Bryant, Jeffrey A.	Reese, John E.	Simpson, Sara E.	Thompson, Michael A.
Lawrence, David	McCready, Donna	Odsen, Frederick J.	Reineke, David D.	Sims, Steve	Thoreson, Christine M.
Lawrence, H. Van Z.	McDannel, Marcelle	Ogg, R. Danforth	Rhoades, Stephanie L.	Singer, Matthew	Thorsness, John B.
Lawrence, Leslie Droubay	McDermid, Lea S.	O'Hara, Steven T.	Rice, Janet L.	Sivertsen, John W.	Tiemessen, John J.
Layman, Gabriel D.	McDermott, Thomas M.	O'Kelley, Judith R. T.	Richard, John M.	Skidmore, John B.	Tillery, Craig J.
Lazarus, Denis R.	McDonough, Michael	Olmstead, Karmyn	Richardson, Ann Marie	Skinner, Rebecca	Tilly, Cassandra J.
Leaders, Scot Henry	McFarland, Renee	Olsen, Dianne E.	Rieger, Lisa R.	Skladal, George Wayne	Timmerman, Heather J.
Lebo, Andrew M.	McFarlane, Amy A.	Olsen, Randy M.	Rindner, Mark	Skrocki, Steven E.	Timmermans, Todd J.
Ledden, Michael P.	McFarlane, Robert E.	Olson, Gregory M.	Ringsmuth, Eric	Sleeper, Eugenia G.	Tindall, John H.
Lee, S.J.	McGrady, Jamie	Olson, Gustaf	Ritchie, Barbara J.	Sleeper, Gary	Tipp, Bryan C.
Lee, Wei-Drin	McGrady, Philip	Oravec, Aimee Anderson	Robbins, J. Michael	Slusser, Joseph S.	Tony, Paul D.
Legacki, Kenneth W.	McKay, Cheryl L.	Oravec, Scott A.	Robbins, Rebecca	Smith, Diane A.	Torgerson, James E.
Leonard, Cameron M.	McKay, D. John	O'Regan, Deborah	Robertson, J. Martin	Smith, Elizabeth-Ann	Torrisi, Frederick
Leonard, David F.	McKay, Patrick J.	Osborne, Shelanie Baca	Robinson, Kari A.	Smith, Eric B.	Tostevin, Breck C.
Lepore, John	McKim, Bradley S.	Osowski, Shane J.	Roetman, Paul A.	Smith, Jack W.	Treiber, Mary P.
Leque, John A.	McLaughlin, Michael Sean	Ostrovsky, Lawrence Z.	Rogers, Margaret O'Toole	Smith, Michael R.	Tresser, Irene S.
Lerman, Averil	McLean, Susan S.	O'Tierney, Daniel Patrick	Rohlf, Joan E.	Sniffen, Clyde E.	Trickey, Howard S.
LeRoy, Erik	McLeod, Jill	Owens, Bradley D.	Roley, Ryan R.	Snodgrass, John R.	Triem, Frederick W.
Leuning, Scott J. Hendricks	McNamara, Cara	Owens, Thomas P.	Roosa, Kenneth S.	Snow, Harold E.	Trumble, Jay W.
Levesque, Joseph N.	McQuerry, Samuel A.	Page, Brenda B.	Rosano, Lisa	Soberay, Gary	Tuberg, Judd E.
Levitt, Rachel E.	McVicker, Suzanne	Page, Nelson G.	Rose, Erin	Sorensen, Stephen F.	Tucker, Julia S.
Levy, Janice G.	Meachum, Robert F.	Pallenberg, Philip M.	Rose, Stephen D.	Spaulding, Franklin Eleazar	Urig, Susan L.
Levy, Keith B.	Meade, Nancy B.	Palmer, Lance E.	Rosen, Joshua	Spencer, John R.	Ustasiewski, James J.
Lewis, Eben T.	Meddleton, Mary-Ellen	Palmier, Joseph P.	Rosenstein, Kenneth M.	Sperbeck, Aaron D.	Valdez, Fred H.
Lewis, Robert D.	Menard, Amy R.	Parker, James H.	Ross, Herbert A.	Spiers, Mary	Valenta, Lisa
Libbey, Colleen A.	Mendel, Allison E.	Parkes, Susan A.	Ross, Patrick G.	Spiers, William A.	Vallentine, Diane F.
Libbey, Daniel	Menser, Samuel Tye	Parrish, Albert	Ross, Steven G.	Spikes, M.R.	Van Flein, Thomas
Liburd, Ann C.	Merdes, Ward M.	Paskvan, Bonnie J.	Roumagnoux, Bhree	Spiopoulos, Nicholas	Van Goor, Stephen J.
Limon, Lynda A.	Merriner, Charles M.	Paslay, Paul W.	Routh, Stephen D.	St. John, Matthew	Van Meter, Heather J.
Lindemann, Cole	Mersereau, David H.	Patch, T.W.	Rozell, William B.	Staack, Anselm C. H.	Vance, Jeffrey H.
Linton, Leonard M.	Mertz, Douglas K.	Pate, Christine M.	Runnels, Katholyn A.	Stanage, Todd A.	Vance, Leon T.
Lintott, Robert W.	Messenger, John R.	Pate, Michael J.	Russell, Andrea K.	Stanley, Michael A. D.	Vandor, Marjorie L.
Linxwiler, James D.	Messick, Jennifer	Paton-Walsh, Margaret	Russell, Margaret R.	Stanton, Loren K.	Varela, M. Elizabeth
Liska, Joyce	Metcalfe, James K.	Patterson, Brita	Russo, Elizabeth M.	Stapp, Gary L.	Vasauskas, Alexander K.M.
Lisowski, Maria	Metras, Lisa	Patterson, Michael J.	Rutherford, Jan A.	Stark, Jeffrey P.	Vassar, Kenneth E.
Loeffler, Karen L.	Metzger, Yale H.	Patteson, Curtis W.	Ryman, Danielle M.	Stearns, Krista S.	Vazquez, Elizabeth
Loesch, John L.	Meyen, Bradley E.	Pauli, Rebecca L. Cohen	Sachtjen, Eric J.	Steeves, Michael	Veerman, Louis R.
Lohff, John R.	Meyer, Thomas J.	Pawlowski, Stephanie B.	Sandberg, Annette M.	Stein, June	Vermilyea, Jeremy T.
London, Toni B.	Michaelson, Peter L.	Payne, Richard K.	Sato, Jean W.	Steinberg, Stacy K.	Viccellio, Megan-Brady
Long, Mauri E.	Michalski, Peter A.	Payton, Gwendolyn C.	Satterberg, William R.	Steinberger, Toby N.	Viergutz, Herbert A.
Longacre, Roy L.	Miller, A. Fred	Pearson, Stephen J.	Sauer, Jane E.	Steiner, John L.	Vochoska, Virgil D.
Longenbaugh, Leslie	Miller, Gregory A.	Pearson, William	Saupe, A. William	Steiner, Quinlan G.	Voigtlander, Gail T.
Lord, Daniel B.	Miller, Joseph W.	Peck, George	Savell, Richard D.	Stemp, Donald R.	Vorenkamp, Corinne M.
Lowery, Daniel L.	Minor, David	Pederson, Elizabeth A.	Saxby, Kevin M.	Stephens, Trevor N.	Wagner, Jennifer
Luckhaupt, Gerald P.	Minor, Michelle V.	Pederson, Lawrence A.	Saxe, Keith E.	Stevens, Rebecca Wright	Wagstaff, Robert H.
Luke, Jacquelyn R.	Mitchell, Michael G.	Periman, Deborah K.	Scanlon, Kathleen M.	Stewart, David	Walashek, Paula J.
Lundquist, Mary Ann	Mitchell, P. Susan	Perkins, Douglas C.	Schadt, Gordon F.	Stock, Margaret D.	Walker, Herman G.
Luther, Frederick C.	Mock, Lisa C.	Perkins, Joseph J.	Schally, Daniel J. M.	Stohler, Lyle	Walker, William K.
Lyle, George R.	Moeller, Jeffrey S.	Peters, Gregory L.	Schandel, William B.	Stoller, Robert E.	Walsh, Diane Busch
Lynch, Ardith	Molloy, Robert J.	Peters, Timothy P.	Scherger, Judy M.	Stone, Andrena L.	Walther, Byron D.
Ma, Louise E.	Monkman, Richard D.	Peterson, Alfred A.	Schickli, Scott	Stone, Catherine M.	Walther, Dale J.
Maassen, Peter J.	Montgomery, Greg	Peterson, Drew	Schillinger, Scott A.	Stone, Jack R.	Walton, William B.
	Montgomery, Tom	Pfiffner, Frank A.	Schindler, Cathy	Stone, Timothy M.	Wan, Andrea V.W.
	Moore, Bruce A.	Pickrell, Kristian B.	Schlereth, Ernest M.	Stowers, Craig F.	Wanamaker, Caroline P.

Continued on page 22

Voluntary Continuing Legal Education (VCLE) Rule – Bar Rule 65 7th Reporting Period January 1, 2006 - December 31, 2006

Continued from page 21

Wanner, Heidi C.	Weeks, Kathleen A.	White, Jimmy E.	Wilson, Joan M.	Wolverton, Michael L.	Yim, Chong M.
Ward, Timothy C.	Weeks, Larry R.	White, Marshall T.	Wilson, Linda K.	Wood, John P.	Young, Clay A.
Warren, Robert J.	Weeks, Mandy	White, Morgan	Wilson, Lisa M. F.	Wood, Larry D.	Young, David
Wasche, Kenneth M.	Weiner, Jason A.	Wibker, Susan G.	Wilson, Lisa M. F.	Wood, Mark I.	Young, Min H.
Watts, Darren R.	Weiner, R. Leonard	Wielechowski, William P.	Winner, Russell L.	Woodell, Michael H.	Youngmun, Gregory L.
Wayne, Daniel C.	Weiss, Pamela	Wilder, Patricia C.	Winston, Taylor Elizabeth	Woodman, Jonathan A.	Zeman, Adolf V.
Weaver, Steven C.	Wells, Jennifer K.	Wilhelm, Marc G.	Wittow, Mark H.	Woods, Fronda C.	Zerby, David A.
Webb, Linda A.	Wendlandt, Diane L.	Wilkerson, Daniel	Woelber, Mark	Woodworth, Glen E.	Zervos, Larry C.
Webb, Megan R.	West, Stephen R.	Wilkerson, Joan M.	Woelber, Tonja J.	Woolford, Larry R.	Zipkin, Gary A.
Weber, David R.	West, Susan M.	Willard, Donna C.	Wohlforth, Eric E.	Wright, Janel L.	Zobel, Patricia
	Westbrook, Randall W.	Williams, D. Kevin	Wolfe, John W.	Wyatt, Mitchell	Zuanich, Robert P.
	Whipple, Benjamin I.	Willoughby, Julie	Wolter, Lindsay	Yerbich, Thomas J.	Zwink, David L.



Samantha Slanders*

Advice from the Heart

DEAR SAMANTHA: For years I have been reading your column but never dreamed that I would have occasion to write for advice. Now I have a problem and I need your help. An associate who works in our law offices in Juneau began wearing braces several years ago. Recently, he reached the point where he now only has to wear a retainer. The problem is that he always takes his retainer out of his mouth when he gets to work and lays it on his desk in plain sight and in front of anyone who might be present — even clients. It grosses me out and I don't know how to tell him. It has reached the point where no one even wants to go into his office. What do you think?

Grossed Out In Juneau

DEAR GROSSED OUT: I worked for a lady several years ago who would do the same thing, but always at lunch. She would sit down, take out her retainer, place it on the table in front of all of us, and order lunch. At first we would simply lay our napkins over the retainer so that we didn't have to stare at it while we ate. The problem, though, continued, and we finally reached a point where we had to do the right thing. During the course of the meal, we would secretly slip the retainer off of the table and onto the floor. On three different occasions, our friend found herself at the end of the meal crawling around under the table looking for her retainer. The last time this happened, the waitress stepped on it. From that point on our friend continued to take her retainer out at lunch, but she would put it in her purse. I suggest you do the same thing with your associate. While he is out of the office, merely slip his retainer into the garbage can. Eventually he'll learn to either keep it in his mouth or in a more secure location. Please write and let me know if this works.

SAMANTHA

DEAR SAMANTHA: There is a senior partner in our firm who claims to be able to see behind him. He says that we will never get away with doing anything behind his back. Is this possible?

Confused in Anchorage

DEAR CONFUSED: The only way I can imagine someone being able to see behind them is if they wear contacts and put them on backwards.

SAMANTHA

DEAR SAMANTHA: I am a professional woman in Anchorage. I am still having difficulty adapting the social rules that have developed as a result of the women's movement. Frequently when I enter doorways, I do so with men at my side or nearby. Time and time again, I am confronted with the question as to whether I should open the door, or wait like a drama queen and allow him to open it? Also, what do I do about those double-doorways in large public buildings, and the gentleman opens the first door for me? Should I enter

and open the second door myself, open it for him in an exchange of courtesy, or wait for him to do that? If you can answer this one, I will write you later about revolving doors.

Shut Out in Anchorage

DEAR SHUT OUT: Flexibility is the key here. You must act according to the situation in which you find yourself. If you are with a spouse or significant other, allow him to open the door for you if he is so inclined and if all else is equal. Otherwise, the first person to the door should open it.

This rule of etiquette, though, should not be rigidly applied. For instance, if you are being chaste, open it quickly and then slam it behind you.

SAMANTHA

** The foregoing is a reprint from the November-December 1990 Bar Rag. Then-Editor Ralph Beistline prevailed upon the renowned advice-columnist to respond to questions of etiquette from Alaska lawyers who didn't learn the social niceties in law school. Her column ran from time to time, and her advice holds as true today as it did then.*

Alaska Bar Association Fall 2007 CLE Calendar

October

- 17 High-Conflict Opposing Parties & Counsel: How to Deal with Them!** (CLE#2007-020)
Hotel Captain Cook; 8:30 a.m. - 12:30 p.m.
3.75 general CLE credits including 1.0 Ethics credit; \$100 registration fee
- 17 High-Conflict Personalities and Child Alienation in Divorce** (CLE#2007-035)
Snowden Training Center, Anchorage; 1:30 - 3:30 p.m.
2.0 general CLE credits; \$50 registration fee
- 24 Unbundled Legal Services: Creating a Profit Center Using Limited Scope Representation in Your Civil Practice** (CLE# 2007-032)
Marriott Downtown, Anchorage; 8:30 a.m. - 12:30 p.m.
3.75 general CLE credits; \$100 registration fee
- 31 Common Interest Communities in Alaska: Condominiums & Planned Communities** (CLE# 2007-028)
Hotel Captain Cook; 8:30 a.m. - 12:30 p.m.; 3.75 general CLE credits; \$100 registration fee

November

- 8 The Basics of Basic Wills** (CLE#2007-014)
Hotel Captain Cook; 8:30 a.m. - 12:30 p.m.; 3.75 general CLE credits; \$100 registration fee
- 15 Nuts & Bolts of Deposition Practice with Larry Cohen** (CLE#2007-030)
Marriott Downtown, Anchorage; 8:30 - 11:45 a.m.; 3.0 general CLE credits; \$100 registration fee
- 15 Scientific Evidence: 7 Things You Need to Know with Larry Cohen** (CLE#2007-036)
Marriott Downtown, Anchorage; 12:45 - 4:00 p.m.; 3.0 general CLE credits; \$100 registration fee
- 30 13th Annual Worker's Comp Update** (CLE#2007-012)
Hotel Captain Cook; 8:30 a.m. - 12:30 p.m.; 3.75 general CLE credits; \$100 registration fee

December

- 6 Child Support Calculation and Self-Employment** (CLE#2007-033)
Hotel Captain Cook; 8:30 a.m. - 12:00 p.m.; 3.75 general CLE credits; \$100 registration fee
- 13 Ethics at the 11th Hour** (CLE#2007-011)
Hotel Captain Cook; 8:30 - 10:30 a.m.
2.0 Ethics credits; \$65 registration fee (includes buffet breakfast)

For more information or to register, visit us online at www.alaskabar.org

Alaska Bar Association ❖ 907-272-7469 ❖ info@alaskabar.org

Custody strategies occur in a fluid environment

By Steven Pradell

Attorneys involved in custody cases may sometimes miss one of the key differences that these matters present from other types of cases that they handle: things change over time. In other areas of the law, many of the facts of the case have already occurred before the client ever steps in your office: a contract was formed, and a breach occurred. A driver was pulled over for a DWI. An injured person was involved in an automobile accident. Attorneys are trained to go back and see what happened, lock parties into their statements and positions, gather evidence and interview witnesses, and proceed to trial, attempting to prove who was at fault, what the damages are, and other remedies.

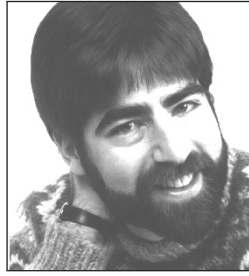
However, unlike these matters, in a custody case, parents and children are still engaging in interactions on a daily basis from the date the complaint is filed until and even after the trial occurs. As a result, a case that begins a certain way can drastically change midstream and what is presented at trial may be much different than what is contained in the opening

briefings.

Custody, unlike other cases, is an ongoing process, because the needs of children change over time. Custody orders can be modified in the future if a substantial change of circumstances occurs. You don't have only one chance to assist your client: it is possible that you may return to court at a future date to change existing orders.

As a result of the above, a custody attorney's job is different than that of an attorney in other types of cases. In order to effectively assist clients in making good presentations in court, a custody lawyer must also assist clients in making their day to day decisions relating to how they parent their children, how to relate to the other party, i.e. the other parent in the case, and to how they make choices which concern their lives, decisions which also affect the children in some way.

To be most effective, a custody



"A case that begins a certain way can drastically change midstream and what is presented at trial may be much different than what is contained in the opening briefings."

lawyer should train clients at the start of the attorney-client relationship to contact the lawyer before making impulsive decisions which could have a negative impact on their case. Clients can keep their attorneys informed of their ongoing issues in many ways which do not require in person meetings, i.e. email, fax, phone, mail, etc.

An attorney can form judgments as the case proceeds as to the level of involvement the client needs to have with the lawyer regarding ongoing

issues that arise. There are some clients who intuitively and historically make good decisions which involve their children and the other spouse. These clients may need less day to day involvement than other parents who have problems in this regard. Those clients may benefit from reading parenting books, attending parenting classes, counseling, or other professionals who can address their issues. Generally, judges in custody

cases are pleased when parents take steps to educate themselves about parenting issues.

In working with the client to determine how to proceed, you, the lawyer, can look at the big picture, which is something that a client caught up in an emotional conflict may not be able to do. How does the decision the client needs to make effect the overall case? How does the issue relate to the factors that the court must consider in making a custody determination? Is what the parent wants to do in the best interests of the child(ren)? How can your client explain to a judge, in court, under oath, the reasons for their behaviors, choices and actions?

By discussing these matters as they arise and assisting clients in making good decisions, and referring them to other resources as the need arises, you can help the client both to present well at the hearing, and, also, as an added bonus, train the clients to be better parents, making decisions in their children's best interests, rather than their own self interests.

© 2007 by Steven Pradell. Steve's book, *The Alaska Family Law Handbook*, (1998) is available for family law attorneys to assist their clients in understanding domestic law issues. Steve's website, containing additional free legal information, is located at www.alaskanlawyers.com.

AMERICAN BAR NEWS

New ABA president introduces world justice project

As one of his first actions, William H. Neukom, newly installed president of the American Bar Association, has introduced the World Justice Project to advance the rule of law.

The ABA says the initiative is based on the concept that "a fair, functioning system of laws is the foundation of communities of opportunity and equity. In the absence of the rule of law, violence, poverty, corruption, sickness, and ignorance flourish."

The World Justice Project (WJP) is a multidisciplinary and multinational initiative to foster human well-being by advancing the rule of law. The WJP defines the rule of law as:

I. A system of self-government in which all persons, including the government, are accountable under the law;

II. A system based on fair, publicized, broadly understood and stable

laws;

III. A robust and accessible process in which rights and responsibilities based in law are enforced impartially; and

IV. Diverse, competent, independent and ethical lawyers and judges

Through its multidisciplinary focus and analytical work, the WJP is filling the nexus between the rule of law and such important global goals as peace, reducing poverty and building economic prosperity, decreasing corruption, improving public health, and strengthening education systems.

The WJP consists of four near-term, complementary initiatives:

- Mainstreaming rule of law advancement into the work of a wide range of disciplines, such as education, labor, media and public health. This is being done through multidisciplinary outreach meetings in Europe, Africa, Latin America, Asia, and the United States.

- Scholarship led by prominent scholars from the fields of economics, law, and political science examining why and how the rule of law matters to thriving communities.

- Developing a new Rule of Law Index that will measure countries' adherence to the rule of law and identify areas where a country's rule of law is weak. The WJP plans to administer the Index in ten countries, including the United States, by summer 2008.

- A World Justice Forum of 500-700 leaders from different fields to be held in Vienna, Austria in July 2008. The Forum will feature discussions on the scholarship, Rule of Law Index, and multidisciplinary approaches to advance the rule of law and incubate a number of new and enhanced projects.

Neukom is a partner in the Seattle office of K&L Gates. His one-year term began in August 2007 at the adjournment of the association's Annual Meeting in San Francisco.

Neukom was Microsoft Corp.'s chief lawyer for nearly a quarter-century. As executive vice president of Law and Corporate Affairs, Neukom managed Microsoft's legal, government affairs and philanthropic activities for 17 years. Previously, he was the firm's lead counsel while working as a partner at Preston, Gates & Ellis. Neukom rejoined Preston Gates in 2002.

As Microsoft's lead counsel, Neukom led the company's efforts to establish, distribute and protect intellectual property rights around the world. He was instrumental in securing the landmark legal victory in *Apple Computer v. Microsoft Corporation*, a copyright case which spanned 1988 - 1995. Neukom also led Microsoft's defense of antitrust claims brought by the U.S. Federal

Trade Commission, U.S. Department of Justice and the European Union, which culminated in consent decrees in 1994 and 2001.

Under Neukom's direction, Microsoft's community affairs program initiated a number of key corporate giving strategies, including the Microsoft Giving Campaign, the Microsoft Matching Gifts program, the Microsoft Volunteer Program, and several national scale projects, including Libraries on Line.

Before joining Microsoft, Neukom was a partner of Preston Gates & Ellis LLP, where he had a general practice with emphasis on litigation, commercial law and nonprofit organizations.

Other ABA online news at www.abanet.org

The ABA has expanded its online content to include legal news updated throughout the day; a directory of more than 1,000 legal blogs; and ABA magazine article archives through 2005.

Four blogs are listed for Alaska:

- The Polar Digress (anonymous)

Covers issues involving feminism in Alaska, family law policy, child and parent-raising, and "the meaning of life."

- A Public Defender's Life in Alaska (anonymous)

Life as a public defender in Alaska, punctuated by hunting and fishing trips.

- Alaskablawg (anonymous)

Alaskablawg says it is about "law and life in the last frontier." It often focuses on criminal law issues.

- Fairbanks Alaska Statewide Personal Injury Lawyers (Ward Merdes)

Discussion of personal injury law and legal issues, with Alaska focus.

INTERESTED IN SUBMITTING AN ARTICLE TO THE ALASKA BAR RAG?

The Bar Rag welcomes articles from attorneys and associated professionals in the legal community. Priority is given to articles and newsworthy items submitted by Alaska-based individuals; items from other regions are used on a space-available basis. Remember -- you get VCLE credit for substantive law-related articles printed in the Bar Rag.

A Special Note on File Nomenclature (i.e. filenames)

Use descriptive filenames, such as "author_name.doc." Generic file names such as "Bar Rag September" or "Bar Rag article" or "Bar article 09-03-01" are non-topic or -author descriptive and are likely to get lost or confused among the many submissions the Bar Rag receives with similar names such as these. Use, instead, filenames such as "Smith letter" or "Smith column" or "immigration_law."

Submission Information:

By e-mail: Send to oregan@alaskabar.org

By fax: 907-272-2932.

By mail: Bar Rag Editor, c/o Alaska Bar Association, 550 W. 7th Avenue, Suite 1900, Anchorage, AK 99501

Bar People

Kindred joins Complex Litigation Practice Group

Joshua Kindred has joined Lane Powell as an associate attorney in the Complex Litigation Practice Group, where he concentrates his practice in complex commercial litigation, including insurance law.

Kindred joined Lane Powell after serving as a law clerk for the Oregon Supreme Court, Chief Justice Paul DeMuniz. He also worked as an intern with the District Attorney's Office (State of Alaska) and a law clerk at the Mental Health Court in Anchorage. He has been a resident of Alaska for sixteen years.

Kindred received his J.D. from Willamette University, and his B.A. in History with a minor in Political Science, from the University of Alaska.



Patton Boggs Anchorage office honored with top rankings in Chambers USA Survey

Patton Boggs LLP is pleased to announce that Anchorage partner Douglas J. Serdahely and the firm's environmental and commercial litigation practices have been recognized in the 2007 edition of Chambers USA. This well-respected survey ranks the nation's top firms and attorneys who are considered leaders in their field.

Mr. Serdahely was honored with a number 2 ranking in both the Environment, Natural Resources & Regulated Industries (Alaska); and Litigation: General Commercial (Alaska) categories.

In addition, Chambers USA singled out two of the firm's Alaska-based practice groups for special recognition. In the categories Environment, Natural Resources & Regulated Industries and Litigation: General Commercial, each received a number 2 ranking.

Chambers' methodology is based on interviewing a vast range of lawyers and their clients (i.e. commercial users of legal services). Greater weighting is given to the views of the clients. All interviews are conducted purely for research purposes and are entirely confidential and un-attributed.

According to Chambers, for the current U.S. directory, more than 14,000 of these interviews were conducted throughout the United States by over 40 full-time researchers during a six-month period.

Fjelstad appointed Anchorage managing partner at Perkins Coie

Perkins Coie announced July 24 that its executive committee has appointed Eric B. Fjelstad to succeed Thomas Daniel as managing partner of its Anchorage office.

Fjelstad has been with the firm for eight years, and has practiced environmental and natural resources law in Alaska since 1994. His practice focuses on project development, NEPA, and permitting of mining, oil and gas, forestry, and heavy infrastructure projects. He advises clients on contaminated sites and decommissioning of industrial projects, compliance, due diligence, OSHA proceedings and governmental investigations. He also provides litigation services, including the defense of governmental and citizen enforcement actions. His clients include Alaska Native corporations as well as outside companies operating in Alaska.

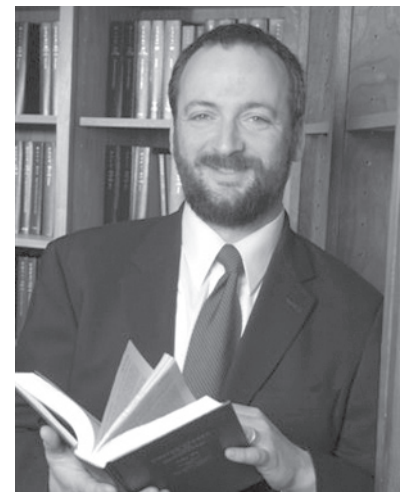
"We are pleased that Eric has agreed to take on this new role and thank Tom for seven-and-a-half years of outstanding service," said Robert Giles, the firm's managing partner. "For 30 years, Perkins Coie has been proud to serve the Alaska market. Eric's strong leadership will enhance our position in the market as we continue to provide exceptional legal service to our valued clients to meet their legal needs and help them grow their businesses."



Jon Woodman of Guess & Rudd, announced the renewal of the Guess & Rudd challenge at ALSC's 40th birthday celebration in Anchorage in September 2006. For the past two years the Guess & Rudd challenge has given the Partners in Justice campaign a powerful boost, said the ALSC.

Singer becomes shareholder in firm

Jermain, Dunnagan & Owens, P.C., announces that on August 1, 2007, Matthew Singer became a shareholder of the firm. Mr. Singer is admitted to practice in the state and federal courts of Alaska and Oregon, the Ninth Circuit U.S. Court of Appeals, and the United States Supreme Court. Mr. Singer represents businesses, including business disputes, employment lawsuits, professional malpractice claims and other torts. He also speaks regularly on topics related to litigation and employment law. Mr. Singer graduated with honors from Lewis & Clark Law School and clerked for Alaska Supreme Court Justice Alexander Bryner before joining the law firm.



Matthew Singer

Tindall Bennett & Shoup partner named top business lawyer

Anchorage law firm Tindall Bennett & Shoup, P.C. has had one of its lawyers, John Tindall, named in the 2007 edition of "Chambers USA: America's Leading Lawyers for Business."

Partner John Tindall was named by Chambers to "Band 1" - the highest individual ranking - in its Real Estate Law listing, with Chambers noting his work in innovative real estate joint ventures and complex transactions as well as telecommunications (Tindall is also Chairman of the Board of Alaska DigiTel, LLC).



John Tindall


Doherty & Menard welcomes new associates

Doherty & Ménard PC is pleased to announce that Elizabeth H. Leduc and Ryan A. Stuart have joined the firm as associate attorneys.

Ms. Leduc obtained her Bachelor's Degrees in biology and psychology at Brown University in 2001, and she also holds a Master's Degree in Regional Planning from the University of Massachusetts at Amherst. She obtained her Juris Doctorate degree in 2007 from Northeastern University School of Law in Boston. Ms. Leduc recently co-authored a petition for certiorari submitted to the United States Supreme Court, arguing that execution by lethal injection is cruel and unusual punishment. She was actively involved in Shelter Legal Services in Boston providing free legal services to homeless and low-income women. Liz is returning to the firm after a law clerkship in the fall of 2006.

Mr. Stuart was raised in Alaska. He obtained his Bachelor's Degree, summa cum laude, from Montana State University in 2002, and his Juris Doctorate from the University of Colorado School of Law in 2005, where he was the Bernard J. Seeman Scholar. Following law school, he was a judicial clerk for the Anchorage District Court, and then was the law clerk to the Honorable Ben Esch of the Nome Superior Court.

Both attorneys will add to the firm's overall defense practice, including representing clients in both civil and criminal litigation in the federal and state courts across Alaska, as well as before administrative and regulatory agencies. The firm's civil defense focuses on medical and legal malpractice, professional licensure defense, employment law, premises liability, and product liability defense. The firm also provides criminal defense of individuals and represents corporations in the areas environmental and criminal matters.



The DISABILITY LAW CENTER is celebrating 30 years of service to Alaskans with disabilities.

Join us in Anchorage for bowling, refreshments, & door prizes!

**Saturday, September 22, 2007
1:00 - 4:00 p.m.**

At Dimond Bowl (in Dimond Center Mall)

Your contribution will help make this event a success. For more information visit www.dlcak.org or call 1-800-478-1234.

30
YEARS
OF
SERVICE

Washington State begins bar examination of Indian Law

Aspiring lawyers in Washington State must now understand federal Indian law to be bar licensed; South Dakota will also begin bar testing Indian law this month.

On Tuesday, July 24, the Washington State Bar Association (WSBA) offered the first bar licensing exam to include federal Indian law among the legal topics bar takers must know.

"The relations between the Tribes and the State of Washington have come a long way and this historic change will bring us even closer," said Swinomish Tribal Chairman and Association of Washington Tribes President Brian Cladoosby. "Because of their training and preparation for the exam, today's lawyers will be better equipped to respond to the increasing integration of Tribes into the economic life of Washington State. Their clients will be the real beneficiaries of this big step forward."

In October 2004, after a 2 ½ year campaign by Northwest tribal lawyers, the WSBA Board of Governors unanimously agreed that beginning this summer, Washington's bar exam would include Indian law. Washington followed precedent set in New Mexico, which in 2002 became the first state to test Indian law.

South Dakota became the third state to adopt Indian law as a bar exam topic in October 2006, when its Supreme Court voted to bar test the topic beginning this July as well.

Bar leaders and tribal lawyers in Arizona, Oklahoma, Wisconsin, Montana, Idaho and Oregon are vetting the issue and could soon follow suit. In March 2007, the Inter-Tribal Council of Arizona's 20 member tribes passed a resolution urging the Arizona State Bar to bar test Indian law.

Increasing lawyer competence in the burgeoning area of Indian legal practice will first and foremost ensure that citizens' legal rights are pro-

tected. Commentators observe that state Indian bar exam policy will also allow indigent Native and non-Native persons access to lawyers and courtrooms like never before; increase the diversity of the legal profession (with Native lawyers comprising a mere 1,700 of America's 1 million lawyers); and, help heal the historically strained relations between state and tribal sovereigns.

Alaska Association of Legal Administrators elects officers, celebrates Professional Legal Management Week

The Alaska Association of Legal Administrators, Inc. announced the election of officers for the 2007/08 term. President of Alaska ALA is Susan Lamb, administrator of Turner & Mede, P.C. Other members of the Alaska ALA board are Brada Wilson, Russell Wagg Gabbert & Budzinski, PC, President-Elect; Karen Ponsness, Heller Ehrman LLP, Vice President; Nikki Langford, Hartig Rhodes Hoge & Lekisch, P.C., Secretary; Connie

Perkins, DeLisio Moran Geraghty & Zobel, PC, Treasurer; Mary Hilcoske, DeLisio Moran Geraghty & Zobel, PC, Director at Large; Diane Pennington, Davis Wright Tremaine, LLP, Director at Large; and Lee Reed, Delaney Wiles, Inc., Past President. Alaska ALA is comprised of approximately 40 members, representing private law firms, corporations and government offices from around the State of Alaska.

Alaska ALA is a chapter of the Association of Legal Administrators, an international organization of more than 10,000 members in 30 countries. ALA is dedicated to improving the quality of management in legal services organizations, promoting and enhancing the competence and professionalism of legal administrators and all members of the management team, and representing professional legal management to the legal community and beyond.

ALA and its Alaska chapter celebrate Professional Legal Management Week (PLMW), October 1-5, 2007. In its third year, PLMW promotes awareness, understanding and education about the legal management profession and increases knowledge of the diverse roles within the profession.

"The week provides a forum for recognizing those in legal management for what they do and the role they play in the success of the organization, and in its service to its clients and those who work in the organization," said John J. Michalik, ALA Executive Director.

Professional Legal Management Week was organized by the Association of Legal Administrators and co-sponsored by the ABA Law Practice Management Section, the American Association of Law Libraries, Australian Legal Practice Management Association, the International Legal Technology Association, the International Paralegal Management Association, the Legal Marketing Association, Managing Partners' Forum (MPF) and NALP – The Association for Legal Career Professionals.


For more information on Professional Legal Management Week, visit www.alanet.org/plmw.

Notice

The Alaska Bar Association reminds attorneys that it is important to keep us informed of any changes in your street address, telephone number, or e-mail address. The Bar Association provides street and e-mail address lists to the Alaska Judicial Council to use in its judicial selection and retention surveys. We encourage you to keep your addresses current to insure that you receive all communications from the Bar and the Judicial Council. E-mail changes to info@alaskabar.org

Thank you.

Presenting....





Anchorage Is Our Home

A project for
*Healing Racism in Anchorage
and
Leadership Anchorage*
(A program of the Alaska Humanities Forum)

By *Mollie Boyer, Erick Cordero &
Marie Husa*

For more information, please call Marie Husa at 522-5172





2008 ALASKA BAR
ANNUAL CONVENTION &
JUDICIAL CONFERENCE

Anchorage
April 30, May 1, and May 2

Don't miss
Justice Ruth Bader Ginsburg
Supreme Court
of the United States

Federal Practice and Procedure news: Ninth Circuit Judicial Conference

By Gregory Fisher,
9th Circuit Lawyer Representative

The Ninth Circuit's annual Judicial Conference was held the week of July 16-19, 2007 in Honolulu. Conference attendees included judges, lawyers, and court personnel from all districts in the Circuit. Of administrative interest, Judge Mary Schroeder's tenure as the Ninth Circuit's Chief Judge is drawing to a close later this year. The new Chief Judge will be Judge Alex Kozinski, whose Chambers are in Pasadena. The Ninth Circuit currently is near capacity, with 27 regular active judges (one short of its allotted 28). There are currently 23 senior judges.

The conference's central theme concerned privacy and security issues in federal court. One workshop addressed the rigorous standards

for approving stipulated protective orders and requests to seal court files. Another examined the tension between media and the courts. Sharp debate accompanied a resolution that would encourage the Judicial Conference of the United States to permit district courts to allow videotaping or television broadcasting for non-jury proceedings, at the district judge's discretion. The resolution passed on an overall vote of 171 to 96 (Judges voted in favor 90-63, lawyer representatives voted in favor 81-33).

Judge Bybee and Professor Vik Amar presented a summary of recent voting trends in the United States Supreme Court, and also reviewed the Ninth Circuit's performance before the Court in the recently concluded 2006-07 Term. The data indicates that the overall reversal rate for all cases was 74 %, that the overall



Gregory Fisher, one of Alaska's 9th Circuit Lawyer Representatives

reversal rate for the Ninth Circuit was 90%, and that the reversal rate for three Circuits was 100%. However, the raw numbers do not reflect other considerations so it is difficult to draw meaningful conclusions from the data.

On the subject of electronic filing and CM/ECF, no federal Circuit Court of Appeals currently has that capacity, but the Tenth Circuit is accepting electronic filing with duplicate paper filing. However, test programs will be run sometime in the near future, and it is believed that long-term the Circuit Courts will follow the district and bankruptcy courts in implementing some form of CM/ECF.

Of interest to the District of Alaska, Chief Judge Sedwick will be celebrating his 15th year on the Bench in October. Wayne Wolfe, the Clerk of the Bankruptcy Court, is

retiring on December 31, 2007. The Bankruptcy Court is in the process of soliciting applicants for Mr. Wolfe's position.

Most appellate practitioners know that the court's opinions are available on its website, <http://www.ca9.uscourts.gov>. But unpublished memoranda and audio files are also available on the court's website. In addition, the court posts petitions for rehearing *en banc* on its *en banc* status page.

If you have a question or concern related to the recently concluded conference in particular, or federal practice and procedure in general, the lawyer representatives to the Ninth Circuit from the District of Alaska include outgoing co-chair Lloyd Miller (258-6377), who was recently elected to fill one of three lawyer representative seats on the Ninth Circuit Conference Executive Committee; Ken Diemer (269-5255); Peter Partnow (264-3317); Gregory Fisher (276-1550), and Ruth Hamilton Heese (465-3600). The primary roles of these attorneys is to represent and advocate the concerns of all federal practitioners in Alaska, both to the District Court and the Ninth Circuit, while also assisting those Courts on projects as requested. Federal practitioners are encouraged to be in communication with these attorneys on any issues of concern involving federal practice. Anyone interested in what the LRCC does, or who might be interested in applying for an attorney representative position in the future may check the LRCC website www.ca9.uscourts.gov/lawyerreps.

CLASSIFIED ADVERTISING

DOWNTOWN OFFICE
Sunny exposure,
1 block from state court.
2,961 sf only \$1.60/sf.

Call 694-9555
Robert D. Martin
Ravenwood Real Estate

Alaska Permanent Fund Board
Confirmation Committee
P.O. Box 191078
Anchorage, AK 99519-1078
(907) 278-9455

"If it is to be, it is up to me!"
www.apfboardconfirmation.org
(907) 278-9455

LUMP SUMS CASH PAID For Seller-Financed Real Estate Notes & Contracts, Divorce Notes, Business Notes, Structured Settlements, Lottery Winnings. Since 1992.
www.cascadefunding.com
CASCADE FUNDING, INC. 1 (800) 476-9644

*Support
Bar Rag
Advertisers*



The National Association of Women Judges would like to thank the following individuals & organizations for their invaluable contributions to the success of

Color of Justice 2007

Encouraging Young Women & Youth of Color to Pursue Careers as Judges

McConnell Adams, KFAT
Vara Allen-Jones, UAA
Ella Anagick, Law Office of Ella Anagick
Kevin Anderson, Anderson Law Group
Denise Anthony, ACS Anchorage
Prof. Lorraine Bannai, SUSL
Thelma Buchholdt, Buchholdt Law Office
Maude Blair, NANA Development Corp.
Rex Lamont Butler, RLB & Associates
Lori Colbert, Mendel & Associates
Karen deLeon & Kimberly Crow
Karol Dixon
Provost Michael Driscoll, UAA
Whitney Earles, SUSL
Lael Echo-Hawk, President, NIBA
Yessenia García-Lebrón, LSAC
Joe Garoutte
Bonnie Giordano, Photographer
Johnny Gibbons, Dickerson & Gibbons
Joy Green-Armstrong, M.A.D. Ch, NBA
Jeff Groton, NAWJ
Jacqueline Hancock, CLEO
Kyrstin Hardin, ACS Dillingham

Barbara Hood, ACS Anchorage
Barbara A. Jones, Chair, LRE Committee
Monica Kane, UAA Provost's Office
Susan Lee, GUSL
Lynda Limón, Limón & Walker
Dr. Sandra Madrid, UWSL
Dean Earl Martin, GUSL
Prof. Susan McClellan, SUSL
Julia Meier
Donna Meyers, Delaney Wiles
Meredith Montgomery
Denise Morris, ANJC
Leslie Need
Margaret Newman, ACS Anchorage
Marvin, Lucas & Alex Newman
Chiara Reillo
Dave Smith, UAA Conference Services
Cassandra Sneed Ogden, CLEO
Prof. Deb Periman, UAA Justice Center
Maureen Pettibone
Ann Rabinowitz
Lesa Robertson, ACS Anchorage

Robert Roehl, Southcentral Foundation
Hon. Sen Tan, Anchorage Superior Ct
Willie Templeton, UAA
Hannah Thorssin-Bahri
Helen Trainor, TRIO Programs, UAA
TRIO Program Chaperones
Tina Veldkamp, UAA Conference Svces
Herman Walker, Limón & Walker
Pamela Washington
Hillary Williams, ACS Anchorage
Thomasine Williams, CLEO
Deborah Wing, ANJC

NAWJ-Alaska COJ Committee:

Chief Justice Dana Fabe
Chair, NAWJ Program Committee

Judge Stephanie Joannides
Chair, COJ Alaska 2007

Judge Beverly Cutler
COJ Alaska Co-Founder





Over 120 students participated in the two-day Color of Justice (COJ) high school track this year. Here, participants gather with Chief Justice Dana Fabe, COJ Chair Judge Stephanie Joannides, and conference presenters in the supreme court courtroom on the second day of the program, which was held in the Anchorage courthouses.

COJ promoting diversity through law-related education

The Color of Justice (COJ) program, an initiative of the National Association of Women Judges, promotes diversity in the state and national judiciary through law-related education (LRE) programs for high school and college young women and youth of color.

The fifth annual Color of Justice 2007 program in Alaska took place June 21-23. The two-day "high school track" was presented on June 21-22, and included a series of workshops by law professors from sponsoring law schools, keynotes from inspiring attorneys, judges and other professionals from Alaska and the Northwest, and an in-depth mock trial presented by the students themselves. Nearly 120 students participated in this track, and over half of the participants spent the night in the UAA dorms as an introduction to campus life.

The half-day "college track" occurred on June 23. This new track, presented for the first time in 2007, allowed interested women and minority college students to meet with law school professors, admissions officers, current law students, recent law school graduates, and experienced attorneys in an informal half-day session held on the UAA campus.

The session provided an in-depth view of the law school process, an overview of careers that can be pursued with a law degree, and a presentation on the variety of support services at UAA and elsewhere available to students of color interested in pursuing a legal education. Access to such information and support is vital in a state without a law school, where comparable opportunities for dialogue and exchange are few and far between.



Color of Justice is made possible by generous support from the three major Pacific Northwest law schools and major funding from the Law School Admissions Council (LSAC) and the Council on Legal Education Opportunity (CLEO). Presenters for the COJ college track held at UAA's Consortium Library included, L-R: Whitney Earles, Associate Director of Admission, Seattle University School of Law; Susan Lee, Director of Admissions, Gonzaga University School of Law; and Dr. Sandra Madrid, Assistant Dean for Student Affairs and Community Development, University of Washington School of Law.



Anchorage Superior Court Judge Stephanie Joannides served as Chair of the Color of Justice organizing committee for the fifth straight year, and the University of Alaska Anchorage and the Alaska Native Justice Center were once again key supporters. Speakers at the opening luncheon on the UAA campus included, L-R: Monica Kane, Executive Assistant to the Provost, UAA; Judge Joannides; Deborah Wing, Director of Programs, Alaska Native Justice Center; and Kyrstin Hardin, Deputy Court Clerk in Dillingham, who attended Color of Justice to learn more about pursuing her career goal of becoming a judge.



A Color of Justice participant from Bethel checks out the view from the supreme court bench.



A Color of Justice participant receives his certificate of completion from Judge Stephanie Joannides at the close of the high school track.



On June 21 in the UAA Commons, several members of the new M. Ashley Dickerson Chapter of the National Bar Association met with Color of Justice participants for a special presentation in honor of the late Ms. Dickerson, who was the first African-American attorney in Alaska and the first African-American woman attorney in the state of Alabama. Anchorage attorney Rex Lamont Butler, Herman G. Walker, Jr., Johnny Gibbons, Lynda Limón, Joy Green-Armstrong, Chapter President, and Donna Meyers led an interactive discussion of career choices.

EDUCATING ON LAW & DEMOCRACY INSTITUTE

On June 6-7, the Alaska Teaching Justice Network, a joint project of the Alaska Bar Association's LRE Committee and the Alaska Court System, sponsored the third Educating on Law & Democracy institute on law-related education for teachers statewide.

For the first time, the institute was held in conjunction with the Anchorage School District's Summer Institute, which took place at Dimond High School in Anchorage. Jason Brandeis and John Sedor presented an interactive workshop on the *Morse v. Frederick* student free speech case, which was awaiting decision by the U.S. Supreme Court at the time.

Brandeis served as co-counsel for Frederick, the former Juneau high school student disciplined for carrying a banner with the message "Bong Hits 4 Jesus" at an Olympic torch relay, and Sedor wrote an amicus brief on behalf of the school district.

The workshop was designed to illustrate how to use community resource people effectively to help students understand both the issues involved in a controversial legal case and the process by which the issues are decided. At the workshop, teachers were evenly divided on how the court would rule in the case; shortly after the June workshop, the U.S. Supreme Court ruled in favor of the principal and the school district.



Participating teachers gather with (seated, L-R) program instructor Margaret Fisher, Adjunct Professor at Seattle University Law School and LRE Coordinator for the Washington State Courts; guest attorney Jason Brandeis of the Alaska Civil Liberties Union; and guest attorney John Sedor of Sedor, Wendlandt & Wang.



Participating teachers confer with teammates during a session of "Legal Jeopardy" at the ELD Conference, L-R: Kerrie Reynolds, Anchorage; Heather Walker, North Pole; Elizabeth Liefer, North Pole; and Ken Wooster, Anchorage.



Educating on Law & Democracy conference participants and organizers enjoyed a conference reception at the home of Chief Justice Dana Fabe. Visiting at the reception, L-R, are: conference instructor Margaret Fisher; Vicki Otte, a teacher at Gruening Middle School and Coordinator of We the People...Project Citizen; Krista Scully, Pro Bono Coordinator, Alaska Bar Association; and Chief Justice Fabe.

Advancing Law-Related Education for Alaska's Youth

The Alaska Teaching Justice Network would like to thank the following organizations and individuals whose generous support made the Educating on Law & Democracy Institute possible:

<p>Financial Contributors to the Alaska Teaching Justice Network:</p> <p>U.S. Congressional Conference for Civic Education (Mary Bristol, Chair) Dana Fabe & Randy Simpson Maryann E. Foley Barbara Hood & Dirk Sisson Michael & Esther Jeffery Jonathan Katcher, Pope & Katcher Barry Kell, Call, Hanson & Kell Dan Allan Rex Lamont Butler Joan M. Clover Faulkner Banfield Keith & Jan Levy</p> <p>Anchorage School District Assistance: Steve Ex, Karen Reeves, Dale Normandin</p> <p>UAA Assistance: Letitia Fickel, Jennifer Greene</p>	<p>Supporters of the Educating on Law & Democracy Institute:</p> <p>Margaret Fisher, Instructor Pamela Orme, Assistant Instructor</p> <p>Guest Presenters (Outside Resource Persons): John Darnall, District Attorney's Office John Bernitz, Alaska Public Defender Agency John Sedor, Sedor, Wendlandt & Wang Jason Brandeis, Alaska Civil Liberties Union</p> <p>Program Co-Chairs: Pamela Orme, West High School Eileen Foley, Service High School Pam Collins, Goldenview Middle School</p> <p>Institute Co-Coordinator: Barbara Hood, Alaska Court System</p> <p>Barbara Jones, Chair, Alaska Bar LRE Committee Krista Scully, Alaska Bar Association</p> <p>Institute Reception Host: Chief Justice Dana Fabe</p>
---	---



Conference instructor Margaret Fisher (from above photo), meets with guest attorneys John Bernitz of the Alaska Public Defender Agency, and John Darnall, Supervisor of the Juvenile Delinquency Unit at the Anchorage District Attorney's office, at the ELD Conference. Bernitz and Darnall participated in a discussion with teachers about the juvenile justice system.