

# The Alaska BAR RAG

Special Issue:

Pro Bono  
Efforts  
in Alaska

Dignitas, semper dignitas

VOLUME 45, NO. 3 July - September, 2021



## I did not choose public interest law, it chose me

By Nikole Schick

When I agreed to write this article, I immediately set a calendar reminder a few days ahead of the due date. As with most things, it was promptly out of sight and out of mind until the week the reminder appeared. It was only then that I realized I had typed "Alaska Bar Rage Article Due." If that doesn't tell you everything you need to know about how things have been going lately, well, I'm not sure what more there is to say.



But they gave me 1,000 words. I work as an attorney guardian ad litem for the Office of Public Advocacy in Fairbanks. The Fairbanks Civil Section includes both public guardians and guardians ad litem, all working to fulfill OPA's mission statement of providing "legal advocacy and guardianship services to vulnerable Alaskans." Our public guardians and guardians ad litem provide critical assistance and advocacy for Alaskans of all ages, helping to meet the needs of vulnerable adults and giving a voice to abused and neglected children in court proceedings. We are busy, tired and frequently frustrated by the systems

Continued on page 6

### What's inside:



Watch for logo to identify pro bono stories in this and future issues.

## Newest Supreme Court justice commended for pro bono efforts

By Jessica Graham

**EDITOR'S NOTE:** Justice Dario Borghesan was sworn in recently to the Alaska Supreme Court. He was appointed to the position in 2021. Below are comments presented at the event by Alaska Bar Association President-Elect Jessica Graham. They are focused on Justice Borghesan's career-long commitment to pro bono and public service.

I am here on behalf of the members of the Alaska Bar Association — your professional community — to formally congratulate you and thank you for your willingness to serve the people of Alaska.

There is much that can be said about your accomplishments, your personal characteristics, your humility, the borderline fan universe that surrounds you even though you might not know it. My time window does not allow me to share all of the truly remarkable things that your colleagues have said about you, and how much confidence we all have in your service as a Supreme Court justice. What I would like to highlight, and publicly commend you on, is your sustained commitment to pro bono service over the course of your career in Alaska.

It is said that a commitment to access to justice starts early and your story tracks. In law school you volunteered at a low-income litigation

clinic over a decade ago when you were a special assistant to then Attorney General Dan Sullivan, working on the part of the "Choose Respect" campaign that was focused on increasing pro bono representation to victims of domestic violence and sexual assault. As part of that, you and your friend/colleague/fellow Special Assistant Jon Katchen co-counseled a case for the Alaska Network on Domestic Violence and Sexual



Justice Dario Borghesan

Assault together. In the 10 years since, you have handled cases for both the Network and Alaska Legal Services, staffed the Alaska Legal Services landlord-tenant hotline, and acted as the Department of Law's pro bono coordinator. This last role was pivotal to increasing the participation of fellow assistant attorney generals in pro bono through both policy and practice. You have both done

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Appearing for Justice Borghesan's investiture are from left: Judge Tracy Wollenberg, Court of Appeals; Judge Leslie Dickson, Anchorage District Court; Justice Borghesan, Justice Peter Maassen, Chief Justice Daniel Winfree, Justice Susan Carney, and Justice Jennifer Henderson, Alaska Supreme Court; and Judge William Morse, presiding judge, Third Judicial District. (Photo by Margaret Newman, Alaska Court System).

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# Let this Bar Rag begin momentum toward MLK Day

By Ben Hofmeister

For over a decade, the Bar Association's signature pro bono service event has been the Martin Luther King Jr. Day Legal Aid Clinic. Every year, members across Alaska volunteer their time by meeting with low-income clients who present a variety of legal questions. Last year with the pandemic in full swing, the clinic pivoted to a phone-bank system as members fielded calls from around the state while tuning in to meet with fellow volunteers on a virtual platform. If you have not observed or participated in the MLK Day event, I would strongly encourage you to do so in January 2022.

MLK Day represents an amazing tradition of pro bono service for the Bar and our members. But the tremendous support the event gets every year really begs the question: Can we do this all the time? The answer is clearly "yes." The better question is how do we move forward to reach that ideal?

To answer that question, we thought we would try to start the

momentum for MLK Day early this year. Like right now. Starting with this copy of the Bar Rag. In this edition, you will read articles written by our members about their experiences with pro bono work along with articles from agencies and nonprofits that depend on pro bono volunteers. The hope is that the stories you read in this Bar Rag will inspire all of you to reach out and take action — to volunteer your time to pro bono service as we head toward MLK Day.

The momentum does not stop with the Bar Rag. October is the time for the national pro bono celebration. In keeping with the spirit, the Bar will be offering a week of pro bono CLEs for those members who want to know more about how to volunteer their time. We will be offering a variety of courses that will show all of you that, regardless of what you do in your daily practice, you have the capacity to make the difference in the lives of others through pro bono work.



"... the Bar will be offering a week of pro bono CLEs for those members who want to know more about how to volunteer their time."

I think everyone agrees that volunteerism generally is both important and necessary for the health of our communities. We can also agree that volunteering our time as attorneys to pro bono service is equally important. The trick is the commitment. Our careers, families and the daily business of life often push our will to commit to pro bono service to the back of the priority list. It is understandable that the thought of taking on one more responsibility can seem overwhelming, even if it is for a worthy cause.

That is why I am calling on all of you who are reading this edition of the Bar Rag — all of our members — to take one small step toward pro bono service this fall. And there are a number of ways to take that small step. For instance, this past year I have been picking up shifts working the legal information and referral hotline for the Alaska Network on Domestic Violence and Sexual Assault (AND-VSA). For a couple of hours, I will

THANK YOU FOR THE HARD WORK YOU'VE PUT IN MY CASE AND WALKING WITH ME THROUGH A DARK TIME. I AM MORE GRATEFUL THAN I CAN EXPRESS.

AIJ CLIENT

take phone calls from people statewide who generally have multiple legal issues impacting their lives. What I have learned is that I spend most of my time helping people try to focus on what they can control operating within a legal framework that seems incomprehensible to them. The call will involve whittling down to the most pressing legal issues in order to come up with a game plan. By the end of the conversation, the caller is much calmer and more focused on what he or she

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## EDITOR'S COLUMN

# Unexpected adventures await the pro bono attorney

By Ralph R. Beistline

Pro bono service obviously is the theme of the month and something well worth considering for all the altruistic reasons included in this edition, but for other reasons as well. For me, in most instances where I found myself doing pro bono work, it

was due largely to the incessant pestering of Seth Eames, the director of Alaska Legal Services through much of my pre-judicial career. He convinced me to take one pro bono case a year and rewarded me annually with a paper placard to place under the glass on my desk. In every instance, the experience was educational and personally rewarding. However, none of these yearly experiences were anything like the first "pro bono" case I received very early on in my legal career. This was back before the Office of Public Advocacy was there to do criminal conflict cases and when the presiding judge in the district merely appointed someone to take the case regardless of their experience or qualifications. I got such a call and it had an extensive impact on my life and on my career. So much so, that I actually have written a book on the experience, which I may publish someday. But here's how it started — the book and my pro bono career.

### THE CHICKEN MURDERS

I didn't expect the call. Not two days before Christmas, not ever.

How often does a young attorney, a novice, with virtually no experience in criminal law, receive a phone call from the presiding judge of the Superior Court with an assignment to

represent a 17-year-old boy charged with two counts of first-degree murder? Even in Fairbanks, Alaska, in the late 1970s, this was not a common occurrence

"I don't do criminal law," I protested.

"That won't be a problem," the judge jokingly replied. "Your client is guilty."

I had clerked for Judge Gerald Van Hoomissen my first year out of law school and, like most in the community, I had a great deal of respect for him. I knew, however, that "No" was not an option. Besides, I was next on the appointment list. The fact that I had never done a criminal trial in the short time that I had been an attorney, or even had a criminal case, didn't matter. It was my turn and, like it or not, I had been drafted. I had been launched on an odyssey that would take me into the back-



"... none of these yearly experiences were anything like the first 'pro bono' case I received very early on in my legal career."

woods of Alaska and introduce me to some of its strangest and most intriguing characters. It would culminate in a courtroom drama that would raise as many questions as it would answer.

My first step was to find out what had happened.

Information concerning events of the previous day was sketchy. Something tragic apparently had taken place in what generally was referred to as the "Fortymile country," a remote and rugged area surrounding the South Fork of the Fortymile River near the Alaska-Canada border. The closest community was the town of Chicken, so named, according to legend, because old timers were unable to spell ptarmigan, a game bird found in abundance in the area, for which most preferred to name the community.

The six-month period, between December 1977 and June 1978, ending with a trial that was actually reported in *People* magazine, was an emotional roller-coaster, but it was very educational and, despite a lot of murmuring on my part, it probably was one of the most exciting experiences of my legal career. I mention this not only as a teaser for my forthcoming book, but as a testament to the wide-ranging opportunities and endless learning opportunities that can come from pro bono work. And in the long run, I mean the long, long run, I think it helps you sleep better at night.

Give it a try.

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



Harry Branson, counsel for a co-defendant, stops along the trail enroute to a crime scene.

## The Alaska BAR RAG

The Alaska Bar Rag is published quarterly by the Alaska Bar Association, 840 K St., Suite 100, Anchorage, Alaska 99501 (272-7469).

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Mara Rabinowitz  
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**Contributing Cartoonist:**

Bud Root

**Design & Production:**

Sue Bybee

**Advertising Agent:**

Alaska Bar Association  
840 K St., Suite 100,  
Anchorage, Alaska 99501  
(272-7469)

Board of Governors meeting dates

September 16-17, 2021

Publication Dates	Editorial Deadlines
March	Feb. 10
June	May 10
September	Aug. 10
December	Nov. 10

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# Pro bono representation should be expected and applauded

By Peter Maassen

Twenty years after leaving the post of Bar Rag editor — and after more than a few years as an appellate judge — I find that I can no longer opine on any subject without anchoring the discussion in case law. (Maybe that's why I don't get invited to parties anymore.) So my observations about pro bono service necessarily begin with the 1966 case of Jackson v. State, in which the Alaska Supreme Court rejected the argument that “an attorney appointed to represent an indigent prisoner in a criminal matter has [a] constitutional right to receive compensation for his services.” The court based its decision largely on the “time-honored and traditional obligation of the bar to defend the indigent, without compensation, if called upon,” finding Alaska-specific support in both the attorney oath — which at the time included the promise to “never reject, from any consideration personal to myself, the cause of the defenseless or oppressed” — and the Canons of Pro-

essional Ethics, which, although lacking today's general endorsement of pro bono service, did advise lawyers to respond graciously and competently when appointed to represent an “indigent prisoner.” The court reversed Jackson two decades later in DeLisio v. Superior Court, holding that “compelled gratuitous representation” is an unconstitutional taking. But the court was clearly aware that the lack of compelled representation left a hole that lawyers would have to fill voluntarily, writing: “We cannot emphasize too strongly our support for the “policy favoring public service and affirming the profession's ethical obligation to ensure representation of those in need... . We applaud those attorneys who voluntarily accept this obligation and deeply regret that there are those



Peter Maassen

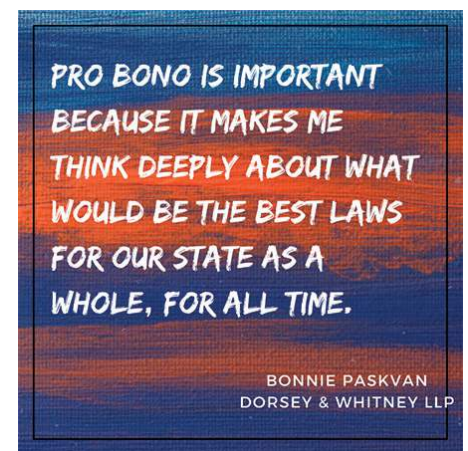
who refuse to do so.”

That policy — the ethical obligation of all those who choose this profession — is now codified in Rule 6.1 of the Alaska Rules of Professional Conduct. Every lawyer should read the rule and its commentary every so often, remembering that it describes not just a once-yearly CLE topic but an ever-present “professional responsibility.” The rule states the aspirational goal of “at least (50) hours of pro bono public legal services per year.” (Yeah, I don't know why the “50” is in parentheses either; that's probably a question for Phil Shanahan. I'll bet he gets (10) calls a day on this.) The rule notably describes a pretty big universe of matters that qualify as “pro bono legal services,” including not just work for “persons of limited means” but also work for “charitable, religious, civic, community, governmental and education organizations.” Recognizing that “persons of limited means” are where the biggest need is, the rule asks us to focus “a substantial majority” of our pro bono hours on meeting that need.

Like most of you, I didn't take all the pro bono cases I aspired to in my years of practice. The ones I did were among my most rewarding (you hear that a lot, but it's invariably true). I sometimes tried to

hold out for cases in which I could feel competent from the get-go, but cases involving the interpretation of professional Errors & Omissions insurance policies proved rare. So I learned things about immigration law, adverse possession, housing, and social security. I sometimes shirked my responsibilities by, for example, passing a pro bono case on to an associate (you know who you are; sorry!) and, like many lawyers in private practice, telling myself that a written-off bill was pro bono work when the client was able to pay but didn't (the commentary to Rule 6.1 explains that it doesn't work that way).

We can all do better. From the



bench we often see excellent pro bono representation, and you can be sure that judges recognize your contribution and applaud you for it. Much more often, we see unrepresented litigants who would benefit from having a lawyer. Our profession has a fine tradition of pro bono service. Please look for opportunities to carry it on.

Peter Maassen is an Alaska Supreme Court justice and a former editor of The Bar Rag.

## Let this Bar Rag edition begin momentum toward MLK Day

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needs to do next. It is incredibly rewarding to use those skills I have developed as an attorney to bring a certain level of calmness to a person feeling stress from what can seem like an unforgiving system.

So, work the phone line for AN-DVSA. Make a call to Alaska Legal Services to find out what you can do to help. Reach out to colleagues and try to figure out how to collaborate to work on just one case. You are not being called on to solve all of the problems of the world with your law degree. You are simply using your skill and talent to create change for one person who needs your help. If we start with those small steps, we will inspire ourselves with our own capacity to serve and take the bigger steps that will create even greater change in the lives of others.

All of you can lend your legal skills to help others through pro bono service. If you are unsure of that, attend our pro bono CLE's in October. Talk to the organizations

that rely on pro bono services. Talk to your colleagues and fellow members who work with those organizations. You will find that you will have plenty of experienced people who will support you in taking on pro bono cases.

So, this fall — just commit. Take that one small step. Make that call. Let's start a wave of momentum that will last through the fall and into the next year. Let's build on the foundation of our MLK Day clinic now. Let's create change.

Ben Hofmeister is president of the Alaska Bar Association. He has been a member of the board since 2018. He graduated from the University of Notre Dame law school in 2001. He clerked for Mediator and Arbitrator John Reese after law school and then went on to the District Attorney's Office in Anchorage. Since then he has worked as a prosecutor in Dillingham, an assistant attorney general in Anchorage and Juneau and has been the district attorney in Ketchikan. He has litigated cases from Ketchikan to Nome.

Known for its often-irreverent and always-topical content, the *Alaska Bar Rag* is the official newspaper of the Alaska Bar Association.

[www.alaskabar.org](http://www.alaskabar.org)

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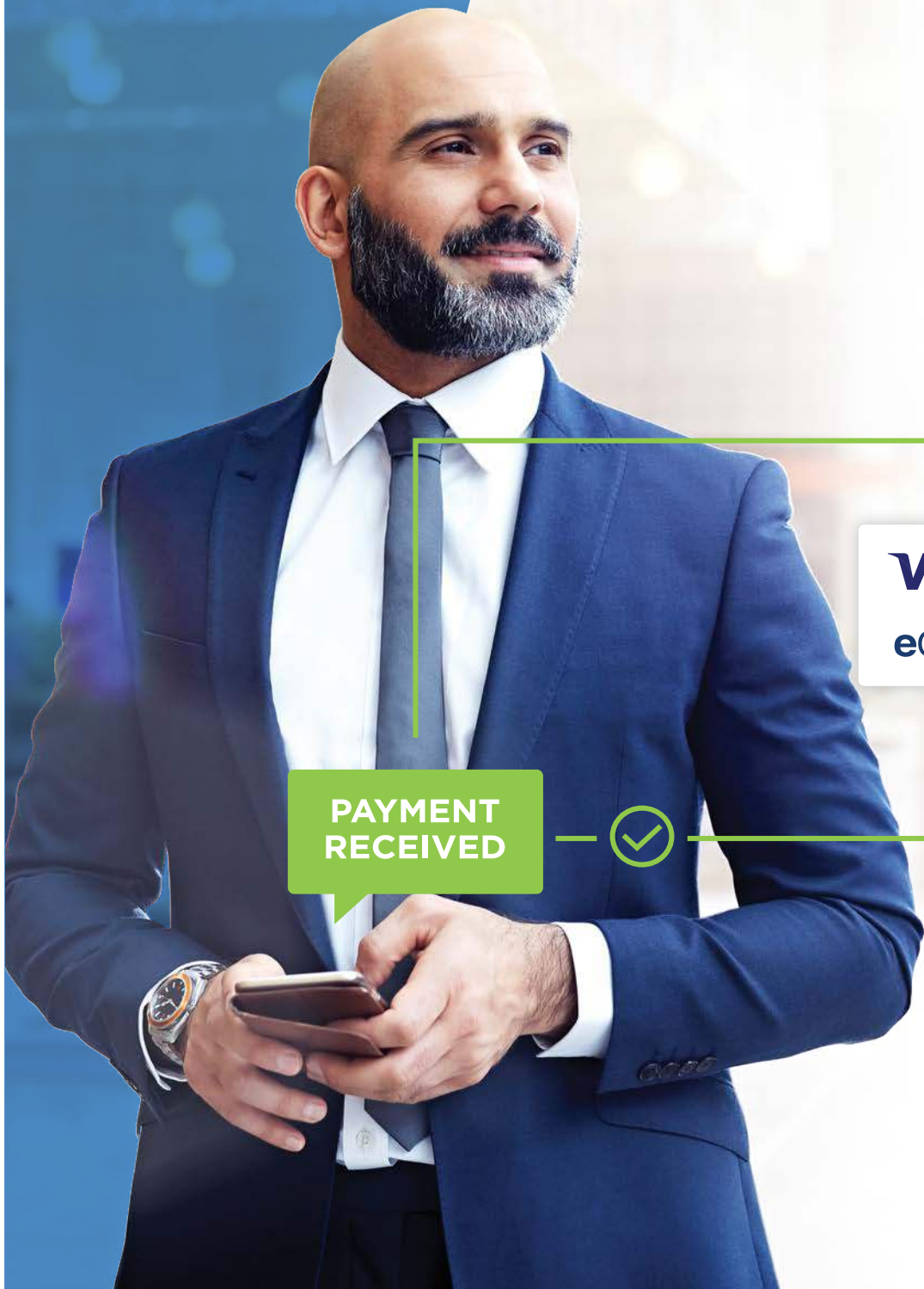
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## Law Library News

# Law Library can assist the self-represented

By Susan Falk

According to the Self-Represented Litigation Network, roughly three out of five people go to court without a lawyer in civil cases. What is true nationally is true in Alaska as well — in dissolutions, for example, the vast majority of litigants are unrepresented. This is a massive shift from an earlier era, when lawyers were essential for any complicated civil litigation. Now, members of the public face the gauntlet of sometimes arcane court procedures and rules, often without much of a lodestar to guide them. The Alaska State Court Law Library can be an excellent resource in these situations, offering a wealth of print and electronic resources, as well as staff experience and attention, aimed to help self-represented litigants work their way through the process.

The law library is open to the public, providing the same reference assistance and support for the community at large as we do for court staff and members of the Alaska Bar. Non-attorneys are not able to borrow books or use interlibrary loan services, but are eligible for all of our other services. Our public computers provide access to all of our subscription databases, including Westlaw, HeinOnline, Cheetah (which includes material from Wolters Kluwer and Aspen), the Lexis Digital Library, West Academic's Nutshells and Hornbooks, Nolo's self-help eBooks, and digital treatises from the National Consumer Law Center. We also provide access to Word, so self-represented litigants may draft pleadings, motions, and briefs. Word is especially helpful for patrons without computer or internet access at home, and for those who want to consult our print materials as they draft their documents. And the slice of Westlaw offered through our patron access subscription is now the same as that provided to judges, law clerks, and other court staff — complete primary law for all federal and state jurisdictions, often including briefs and trial court opinions, as well as a generous collection of treatises, annotations, encyclopedias, and other secondary source materials. Patron-access computers, as well as a basic Alaska print collection of statutes, rules and regulations, are available in 16 Superior Court locations around the state.

A large swath of the library's collection caters specifically to self-represented litigants. Most prominently, we offer the whole of Nolo's library of legal books and articles. Nolo is a California-based publisher of plain language, easy to understand materials on a variety of subjects with materials geared toward lay people. Law libraries around the state have Nolo books on subjects as varied as starting a business, consumer protection, landlord-tenant issues, family law, social security, and wills and trusts. In addition,

patrons can access the entire Nolo library on our public computers. Though these books are not Alaska-specific, many include appendices with references to state statutes, regulations, and rules. Two of the most popular titles available in our libraries are *Represent Yourself in Court: How to Prepare & Try a Winning Case* and *Beat Your Ticket: Go to Court & Win*.

Another publisher helpful to self-represented litigants is the National Consumer Law Center. While the NCLC's materials are written at a somewhat more complex level, and are often directed more toward practitioners than litigants, their comprehensive coverage of debt and debtors' rights, mortgages and foreclosures, consumer litigation, and unfair and deceptive practices render them invaluable for any self-represented litigant dealing with these issues. The library carries many of these books in print, and also offers digital access to the entire NCLC library — including sample pleadings, practice aids, and primary sources — on our public computers.

West Academic's nutshells and hornbooks, again, are aimed more at practitioners but many self-represented litigants find the overviews helpful. We maintain a healthy collection in print but have access to all of the nutshells, hornbooks, and concise hornbooks electronically.

For more procedural assistance, we maintain a broad selection of form sets, checklists, how-tos, and practitioner guides, essential both for newer attorneys and for self-represented litigants alike. We have four comprehensive sets from American Jurisprudence alone — *Am. Jur. Forms*, containing sample language for transactional documents on just about every subject in American law; *Am. Jur. Pleading and Practice Forms*, which boasts similar breadth for litigation-based documents; *Am. Jur. Proof of Facts*, which breaks down the elements of proof, practice and evidentiary considerations, and defense considerations for a variety of causes of action, and also provides model discovery; and *Am. Jur. Trials*, which is based on actual cases and provides techniques, strategies, and guidance for litigation in every practice area, including civil rights, consumer protection, criminal, employment, insurance, medical malpractice, products liability, real estate, and tort law. In addition to the comprehensive offerings from these four sets, the library has numerous other discovery, evidence and civil procedure guides and checklists from other publishers.

While our print and electronic

offerings are vast, they are only one aspect of the services available in our libraries. These legal sources are paired with the patience and expertise of the library's staff. Sometimes people just need a little help, a friendly explanation of a form or a concept, or a guide to the dizzying array of materials discussed above. We cannot provide legal advice, of course, and sometimes it's difficult to feel that our hands are tied with the people who need us most. But while we can't be any-

one's advocate, we can be everyone's cheerleader. Sometimes the time spent teaching people to use the West digest, or walking them through the basics of legislative history, or even explaining the differ-

ences between statutes, regulations, ordinances and court rules can engender the confidence self-represented litigants need to navigate the obstacles inherent in filing and seeing through their cases.

We provide these services in person to self-represented litigants in Anchorage, Fairbanks and Juneau. We also can help users statewide via phone, email or snail mail. Our remote services have increased as a result of Covid, but we expect to maintain them once the pandemic is a memory. We also help users locate appropriate resources outside of our library.

The primary mission of the Alaska State Court Law Library is to serve the judges and staff of the Alaska Court System. One of the ways we fulfill this mission is by helping to prepare the self-represented litigants who appear before Alaska's judges. Though the task of representing oneself in court is difficult, we seek to prevent that difficulty from overwhelming the litigants who attempt it. By providing the legal resources required to successfully appear in court, and especially the patience and encouragement of our trained staff, we hope to make the experience of self-represented litigation a little more accessible.

Susan Falk is the Alaska law librarian.

## OBJECTIONS OVERRULED

✓ ~~Too Busy~~

✓ ~~Not a Litigator~~

✓ ~~Boss won't let me~~

✓ ~~Too Hard~~

✓ ~~Need Insurance~~

✓ ~~Don't know~~

~~where to start~~



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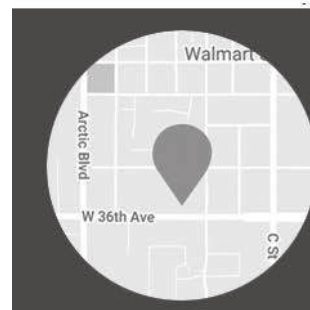
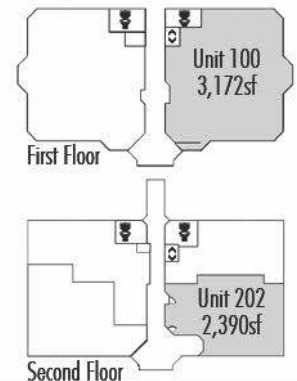
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# I did not choose public interest law, it chose me

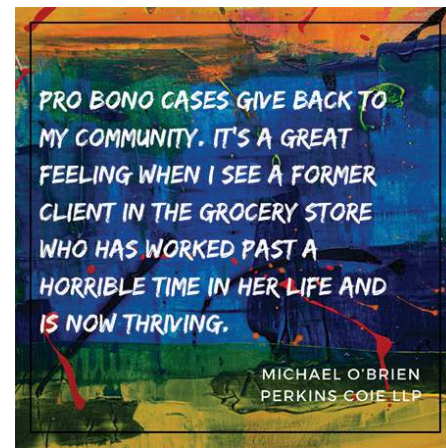
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within which we operate. We commiserate and complain with the best of them, while continuing to advocate for the best interests and basic needs of the individuals we serve. It is challenging and, at times, defeating. But there is so much value in trying to make things better, to improve outcomes for Alaska's most vulnerable citizens, that we continue fighting the proverbial good fight. The camaraderie is as deep as the trenches we're in, and the resiliency of the vulnerable youth and adults pulls us up time and time again.

As a young lawyer working in private practice, a well-respected District Court judge told me there is

little room for creativity in the legal profession. I found this disappointing, though I cannot say I disagreed with his assessment based upon my experiences at the time. Flash forward to advocacy amid a global pandemic and creativity is crucial. The past 18 months have presented myriad challenges for all of us. It's been especially difficult for the various agencies and service providers working with Alaska's most vulnerable populations. As services slowed or altogether stopped, creativity was required to ensure that at-risk adults and children are getting the medical care, mental health services, and other supports necessary to meet their needs and keep them safe.

As an attorney with OPA, I am constantly surprised by the opportunities for innovation and creative problem-solving to overcome the challenges encountered in providing advocacy, services, and stability to vulnerable Alaskans. I will never forget watching our office shift, suddenly and successfully and virtually overnight, to providing critical services and advocacy in new ways. Public



guardians found ways to continue providing financial support to wards who could no longer pop into the office and pick up a check. Guardians ad litem found new ways to connect with children and families outside of the courthouse and the Office of Children's Ser-

VICES. The ability to think outside of boxes and collaborate with others to achieve good outcomes has certainly kept me engaged in ways I would not have anticipated when I started my journey into the legal profession 16 years ago. For all the frustrations and aggravations that work brings, working with and for vulnerable Alaskans is deeply meaningful. There are no typical days and triage is required. There is, as they say, beauty in the struggle.

It is not unusual to read the story of an attorney having a positive experience in taking on a pro bono case. These stories are important and help to emphasize the need for pro bono volunteers to provide quality legal services to litigants who cannot afford to hire an attorney. But it is likewise important to highlight the value of doing this work every day, and the attendant need for lawyers to undertake careers in public service. Taking the occasional pro bono case is akin to dipping your toe into the pool of public interest; you've tested the water. On the other end of the spectrum, you could say that coming to work full-time in public interest law is jumping into the deep end of the pool. You are quickly, completely immersed and kicking for the surface.

There is a third option, one that offers a middle ground, and that is taking contract work for the Office of Public Advocacy. This provides you with experience in public interest law without necessarily making it your primary focus. It allows you to gain experience in areas of law you might not otherwise practice with the support of a robust state agency. As an OPA contractor, you are floating in the public interest pool, and you've been given a pool noodle. Come on in, the water's fine.

As I write, there are various openings for public interest legal jobs with the Office of Public Advocacy, the Public Defender Agency, the Department of Law, and Alaska Legal Services. The Office of Public Advocacy is always in need of contract attorneys to take cases throughout Alaska for a variety of legal matters, including criminal cases, CINA proceedings, and appellate cases. If you are interested in learning more about work with OPA, please contact director James Stinson (james.stinson@alaska.gov) or Deputy Director Beth Russo (elizabeth.russo@alaska.gov). The opportunities abound, and truly rewarding work awaits.

*Nikole Schick works as an attorney guardian ad litem in her hometown of Fairbanks, where she lives with her husband, son and elderly Malamute.*

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# PROFILES IN PRO BONO

## Anna Taylor

*Anna Taylor is the supervising attorney with the Alaska Institute for Justice.*

### How long have you been advocating for the Alaska Institute for Justice and how did you start?

I first started working with immigrants and refugees through the International Human Rights Clinic at my law school in 2012. My clinic partner and I represented a woman seeking asylum after she spoke out against a repressive regime. After graduating from law school, I did a fellowship for the South Texas Pro Bono Asylum Representation Project in Harlingen, Texas, where I spent about five months representing detained immigrants. In 2014, I started working in AIJ's Juneau office and I've been with AIJ ever since.

### What do you love about your work?

AIJ's legal program provides representation in immigration matters. About half our clients are survivors of domestic violence, sexual assault or human trafficking. Our clients are the reason that we do the work that we do. They are incredible and I am honored to be working with them. Starting a new life in a new country is a very brave thing to do. The work that AIJ does helps our clients find safety and stability. Immigration status is a powerful tool for abusers and human traffickers to use against their victims. When a survivor of domestic violence or human trafficking gets immigration status, their life completely changes. Once someone has immigration status they can work, get a driver's license, find stable housing, go to school, and build a life. I am continually amazed at how our clients flourish once they have immigration status. As an added bonus, I get to learn about different places and cultures from all over the world.

### How do pro bono attorneys help?

We have a pro bono asylum project that matches pro bono at-

torneys to clients seeking asylum. People seeking asylum are fleeing persecution in their home country. Asylum cases involve delving into a client's personal story and learning about conditions in their home country. Pro bono attorneys work with clients in writing declarations, briefs, and filling out forms. Asylum applications can be either affirmative applications or defensive applications. In the case of an affirmative application, the pro bono attorney attends an interview with the client. In the case of a defensive application, the pro bono attorney puts on a case in immigration court. Representing someone in immigration court can literally save their life. In cases where immigrants are not detained, represented immigrants were almost five times more likely to win their cases than unrepresented immigrants.



Anna Taylor

### What do you wish volunteers knew?

We are here to help you get safety for our clients! Part of why we choose asylum cases for pro bono representation is because it is a discrete area of immigration law. You don't need to know every part of immigration law to handle an asylum case. In fact, you do not need to have any immigration experience. We provide mentorship, interpreters and malpractice insurance. We have sample briefs and pleadings.

## CLE to address domestic violence, sexual assault

By Timothy M. Burgess

Alaska has one of the highest per capita rates of domestic violence and sexual assault in the nation.

The issue of violent crime in Alaska is neither new nor unexamined. Statistics reported to the Alaska Rural Justice and Law Enforcement Commission highlight the gravity of violent crime rates against women in Alaska, which are markedly higher than national rates.<sup>1</sup> "The high rate of sexual assault in Alaska compared to the rest of the country is not new. In the decade between 2006 and 2016, Alaska's reported rape rate was the highest in the country in each of those years, save for one."<sup>2</sup> Based on 2002 national homicide data, Alaska also had the highest rate of females murdered by males.<sup>3</sup> And as of 2017, Alaska still had the highest homicide rate among female victims killed by male offenders in single-victim-single-offender inci-

dents.<sup>4</sup> Alaska suffered a homicide rate of 3.96 per 100,000 females — three times the national rate.<sup>5</sup>

The trends are starker in our rural communities. In a 2014 Alaska Victimization Study, 51% of respondents reported experiencing sexual violence, intimate partner violence, or both in their lifetime.<sup>6</sup> The study also points out that its estimates may be conservative due to the stigma of reporting victimization and inability to survey non-English speaking women or women not living in a residence.<sup>7</sup>

Although investments have been made at the local, state and federal levels to address public safety issues in rural Alaska and statewide, violence against individuals, particularly women, remains pervasive and persistent.

We need your help as lawyers to assist survivors trying to navigate an unfamiliar and often complicated legal system.

The court, in accordance with the POWER Act,<sup>8</sup> offers an annual continuing legal education event to encourage pro bono volunteerism that addresses domestic abuse and sex-

ual violence in Alaska. This year's program will cover the ethics of representing vulnerable clients in a pro bono capacity. It will also include speakers who offer perspectives on domestic violence in Alaska, how to navigate tribal institutions and services, and how to successfully file for a protection order in state and tribal courts.

Please join us in better understanding this critical issue and how you can help by attending the upcoming free CLE: *Responding to Domestic Violence and Sexual Assault in Alaska: How You Can Help*, on Oct. 12, 2021.

*Responding to Domestic Violence And Sexual Assault In Alaska: How You Can Help*

Oct. 12, 2021

12:00 pm – 1:30 pm via Zoom

Eligible for 1.0 Ethics CLE credit

Opening Remarks by Chief Judge

Timothy M. Burgess

Prospective Program Speakers:

Alex Cleghorn, senior legal and

policy director, Alaska Native

Justice Center; Maggie Humm,

Deputy director, Alaska Legal

Services; Tami Truett Jerue,

executive director, Alaska Native Women's Resource Center; Nettie Warbelow, Domestic Violence/Sexual Assault & ICWA coordinator, Village of Tetlin; Natalie Wicklund, pro se law clerk, U.S. District Court.

Closing Remarks by U.S. Sen. Dan Sullivan.

*The Honorable Timothy M. Burgess is the chief judge for the U.S. District Court for the District of Alaska. He has served on the federal bench since 2006.*

### Footnotes

1 Alaska Rural Justice and Law Enforcement Commission, *Initial Report and Recommendations*, at 7-8 (2006), <http://www.law.state.ak.us/pdf/press/040606-arjlec-report.pdf> (last visited Aug. 11, 2021).

2 The Alaska Criminal Justice Commission, *Sex Offenses: A Report to the Alaska State Legislature*, at 13 (2019); see also FBI Report: Alaska Sexual Assault Rate Highest in Nation, Associated Press (Nov. 14, 2019), <https://apnews.com/article/c2a0e-a50e411439599d450355e1baedd> (noting that Alaska's rate of reported sexual assaults was four times the national rate in 2018).

3 *Initial Report and Recommendations*, at 8.

4 Violence Policy Center, *When Men Murder Women: An Analysis of 2017 Homicide Data*, at 7 (2019), <https://vpc.org/studies/wmmw2019.pdf> (last visited Aug. 11, 2021).

5 *Id.* The next highest state was Louisiana with 2.64 homicides per 100,000 females.

6 Council on Domestic Violence & Sexual Assault, *Intimate Partner Violence and Sexual Violence in the Nome Census Area, Key Results from the 2014 Alaska Victimization Survey*, at 1-3 (2015), <https://scholarworks.alaska.edu/bitstream/handle/11122/8101/avs-nome-2014.summary.1103.041a.pdf> (last visited Aug. 11, 2021).

7 *Id.* at 3.

8 Pub. L. No. 115-237, § 717, 132 Stat. 2447 (2018) (the "Pro bono Work to Empower and Represent Act of 2018" or the "POWER Act").

## New Supreme Court justice commended

Continued from page 1

the day-to-day, in-the-weeds legal work in personally handling several pro bono cases, and you worked tirelessly at the institutional level to change the policy and structure to allow more state attorneys to do pro bono work. You were recognized and honored by the Bar Association

as a Pro Bono Award recipient eight years ago, and your work has only continued.

Justice Borghesan, there is much in your career to be admired, many qualities you clearly have that we should all emulate, and much to celebrate about your place on the Alaska Supreme Court. The Alaska Bar

Association congratulates and honors you for all of those things — but we particularly thank and celebrate you for your long commitment to providing legal services to those unable to pay. Your servant leadership in this area will have a lasting impact on the Alaska legal community. Thank you and Congratulations.



# Tax law complicates pro bono efforts for non-profits

By Steven T. O'Hara

When serving as pro bono counsel to non-profit organizations, churches and community groups, an item to be mindful of is Alaska's law on so-called representational lobbyists. Related to tax law, this area is complicated.



Volunteers of non-profit organizations, churches and community groups may incur travel expenses as part of their volunteer work. For example, a volunteer member of a non-profit's Board of Directors may travel to Juneau to lobby on a particular bill relevant to the non-profit's mission. Suppose the non-profit ("Charitable Organization") reimburses the board member for travel expenses. This reimbursement triggers a number of requirements.

Alaska's regulation of lobbying is administered by the Alaska Public Offices Commission (APOC). By regulation, APOC has created a unique definition for an individual called a "representational lobbyist." The definition is as follows: "A representational lobbyist is an individual who engages in lobbying activity but does not receive compensation, including any salary, fee, retainer, stipend, or other economic consideration, for the lobbying activity except reimbursement of the individual's own travel expenses and personal living expenses incurred in lobbying activity." 2 AAC 50.550(d); cf. AS 24.60.990(a)(11)(this statute references representational lobbyists). Here, APOC is taking the position, through the word "except," that reimbursement of certain expenses is compensation. In other words, a representational lobbyist is an individual whose only compensation for lobbying is reimbursement of certain expenses.

APOC has promulgated by regulation that "[a] person who does not receive compensation for lobbying activity or reimbursement of any personal living expenses incurred

in lobbying activity is not required to register [with APOC]." 2 AAC 50.550(e). Alaska law also refers to a "volunteer lobbyist." AS 24.60.990(a)(11). This person is an individual who limits lobbying activities to public proceedings, receives no consideration, and makes no expenditures for a public official. AS 24.45.161(a)(1).

APOC defines "travel expenses" as "the cost of traveling to Juneau, Alaska, or to the location of an official proceeding of any standing, interim, or special legislative or administrative committee or agency." 2 AAC 50.550(f)(2).

Under our hypothetical, Charitable Organization has reimbursed a board member's travel expenses to Juneau where the board member lobbied on behalf of the Charitable Organization. By reason of the reimbursement, Charitable Organization has a representational lobbyist. And because Charitable Organization has a representational lobbyist, Charitable Organization is required to have registered with APOC "within 15 days after employing, retaining, or contracting for the employment or retention of a lobbyist..." AS 24.45.061(a). The representational lobbyist has seven days "after beginning lobby activity" to register with APOC. 2 AAC 50.550(d).

Going forward, Charitable Organization must file a quarterly report with APOC whether or not any payments are made with respect to lobbying in a given quarter. AS 24.45.061(b); 2 AAC 50.575(c). For this purpose, APOC has published a Form 24-4R entitled "2021 Employer/Reimbursing of Representational Lobbyist Report" (the "APOC Report Form").

Also, Charitable Organization must complete ethics training. Specifically, APOC has issued the following regulation:

*Before filing the first quarterly employer of lobbyist report required*



**"Interactions with administrative bodies, as contrasted with legislative bodies, could be lobbying under state law but not necessarily under federal tax law."**

by AS 24.45.061 and 2 AAC 50.575, an employer of a lobbyist shall ensure that the individual who is responsible for preparing and signing that employer's reports has completed the ethics training course provided by the commission.

2 AAC 50.560(b).

A general description of the "legislative or administrative action" that Charitable Organization attempted to influence during the reporting period is required to be reported on the APOC Report Form. AS 24.45.061(b)(5). For these purposes, "legislative action" is defined

at AS 24.45.171(10) and "administrative action" is defined at AS 24.45.171(1).

The APOC Report Form has a Schedule A and a Schedule B. Schedule A is a summary of reimbursements made to the representational lobbyist during the reporting period. This information is required to be reported to APOC under AS 24.45.061(b)(6). The form requires the lobbyist's name and provides space to write in dollar amounts for the following categories: "Food & Beverage," "Living Accommodations," "Travel," and "Other Expenses." The form requires a description of other expenses.

Schedule B is a summary of payments made to third parties, not the representational lobbyist, in support of lobbying activities. This information is required to be reported to APOC under AS 24.45.061(b)(3). The APOC Report Form divides this information between "In-House Lobbying Costs," which are payments to employees within the payor's organization, and "Outsourced Lobbying Costs," which are payments to third parties outside the payor's organization. For In-House Lobbying Costs, the form calls for the employee's name, "Compensation or Purpose of Expenditure," and the amount paid. For Outsourced Lobbying Costs, the form calls for "Payee/Vendor Name

& Address," "Purpose of Expenditure," and the amount paid.

There is a 10-hours-per-30-day rule with respect to employees. Here, if an employee of Charitable Organization spends more than 10 hours in any 30-day period in connection with lobbying, the employee must register with APOC as a lobbyist. See AS 24.45.171(11)(A) (defining the term "lobbyist" to include any employee who receives payment for lobbying "for more than 10 hours in any 30-day period in one calendar year"). Rather than a month-by-month determination, the 10-hours-per-30-day rule requires a rolling-30-day determination whereby the employee must look back, as applicable, over the past 29 days and determine if today's actions will put the employee over the 10 hours.

The APOC Report Form is intuitive when you consider that the law requires Charitable Organization to report the total amount paid for lobbying activities. AS 24.45.061(b)(3) and (6). In other words, not unlike federal tax law, Alaska law requires Charitable Organization to determine what part, if any, of an expenditure is for lobbying and, through the process of elimination, what part, if any, is not. Fractionalization of a payment may be required for accuracy. APOC has published a manual to provide assistance for preparers of the APOC report form, and APOC has provided the following example:

*Examples of Schedule B expenses include: \*\*\* Employees: Travel, lodgings, meals, related expenses, and compensation for employees who communicate with or make appearances before public officials in attempts to influence administrative or legislative actions, but who have not exceeded ten hours of lobbying in any 30 day period that would require their registration as lobbyists. To calculate the amount of reportable compensation, determine the employee's hourly wage and multiply the wage by the time spent in direct communication with public officials. AS 24.45.171(13)(D).*

Manual of Instructions For Lobbyists and Employers of Lobbyists (Revised December 2014) 41; cf. 2 AAC 50.575(b).

Gifts are also reported to be reported on the APOC Report Form. Charitable Organization must report any gift exceeding \$100 made to any public official during the reporting period. AS 24.45.061(b)(4). For these purposes, a public official does not include a judicial officer or an elected or appointed municipal officer. AS 24.45.171(15). The term "gift" includes a loan, loan guarantee, and an enforceable promise to make a payment for less than full and adequate consideration as well as discounts or rebates for goods or services not extended to the public generally, except the following items are never gifts: "informational or promotional materials, including but not limited to books, reports, pamphlets, calendars, or periodicals"; and "food and beverages consumed in places of public accommodation." AS 24.45.171(6). The statute specifies that "payments for

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# Is it too risky to accept pro bono legal cases?

By Mark Bassingthwaight

By way of asking this question, I am hoping to capture the attention of those who are hesitant to ever agree to do pro bono work based upon a belief that the answer is yes. Truth be told, the correct answer to this one is actually “it depends.”



To understand why, start by trying not to buy into the view that pro bono work is somehow different from work done for paying clients. It isn't. A client is a client regardless of whether money is changing hands, which means the risks that come with pro bono work are the same as the risks that come with providing legal services to a paying client. Hopefully, the answer of “it depends” now makes a little more sense because most of the risks associated with providing pro bono services are risks that you have a great deal of control over.

For example, some attorneys are encouraged to embrace pro bono work as a way to expand their professional horizon, a way to learn a new practice area. I have no problem with this. Wanting to learn a new practice area in this fashion can be a real benefit as long as you are responsible in how you go about it. Just as an attorney should never dabble in an unfamiliar practice area

with a paying client, this should also never happen with a pro bono client. When navigating in unfamiliar waters have a map. Seek guidance. Get educated. Steps such as consulting with a trusted colleague or researching the law become mandatory and if that can't happen, stop. Yes, this may mean that there will be times where a potential pro bono client will be best served by your saying no; but remember the adage “First, do no harm.” If you are not up to the task, take a pass and look to provide assistance to someone who needs help in the arenas where you are comfortable practicing.

Another risk with pro bono work can be a temptation to take shortcuts with these clients simply because they are non-paying clients. Resist this temptation, particularly as it relates to file documentation. Don't minimize the importance of documenting the scope of your representation as well as the decision-making process, to include all legal advice that was shared and why. Stop and think about this for a moment. The Rules of Professional Conduct make no distinction between paying and nonpaying clients. An argument that the standard of care should be lower because the work was being done for free

isn't going to cut it in the world of malpractice or attorney discipline because the money issue simply isn't a factor when it comes to professional accountability.

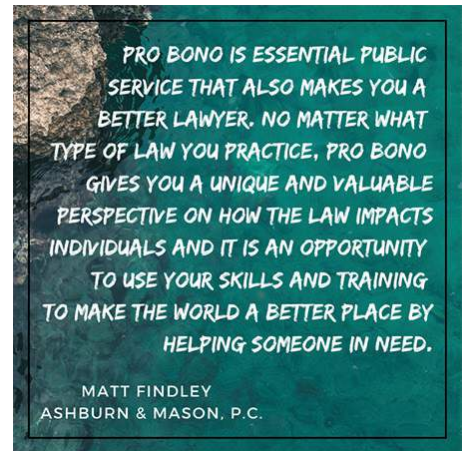
Now, not only should the basics of file documentation be followed through on, but all of your normal office practices and procedures should be followed when providing pro bono services. For example, many attorneys routinely screen potential new clients in addition to running a conflict check at first contact with all paying clients. Don't bypass these effective and necessary procedures with potential pro bono clients. While we all know that sometimes paying clients can turn out to be problem clients, why do some attorneys fail to recognize that the same is going to be true with certain

**If you are not up to the task, take a pass and look to provide assistance to someone who needs help in the arenas where you are comfortable practicing.**

non-paying clients? Of course it is. Stay with your tried and true procedures and remember there is no rule that says you must take on every potential client who comes your way. Again, sometimes saying no is the right decision.

Finally, there are those who avoid taking on any pro bono matters fearing their malpractice insurance will not cover that work. While a legitimate concern, this fear can be addressed and alleviated. Start by asking if your existing coverage is in play? It may or may not be. Attorneys are covered for the work they do on behalf of clients of the named insured which is their firm. If the pro bono client is a client of the firm, and documented as such, there shouldn't be an issue. That said, if you need additional reassurance make that quick call to your insurance carrier and see what they say.

A potential problem could arise if an attorney were to provide pro bono services under the auspices of another entity such as a legal clinic. Certain malpractice policies would not provide coverage in this situation because any such clients would not be clients of the named insured, which would be your firm. If you are considering providing pro bono services under the auspices of another entity, simply ask a few questions. Many of these other entities will have a policy in place that covers all volunteer attorneys for any work they do on behalf of that entity's cli-



ents. For those entities that don't have their own coverage, call your carrier and clarify whether your coverage will extend to your specific situation. If not, the solution may be as simple as providing the work through your firm as opposed to under the auspices of an outside entity or program. In other words, make the pro bono client a firm client instead of having them be the other entity's client.

My intention with this article is not to present a pro or con position on the high calling of providing legal services pro bono. I simply wish to shed a little light on the excuses that sometimes get in the way of allowing attorneys to give back professionally. Nothing in life is risk free; but risk can be managed. So, the next time you're asked to help out on a pro bono matter, perhaps what has been shared here will help you feel more comfortable saying “Sure, I'd be happy to.” After all, you are an attorney being asked to do what you are always being asked to do, practice law. Feel free to give it a go.

Since 1998, Mark Bassingthwaight, has been a risk manager with ALPS, an attorney's professional liability insurance carrier. In his tenure with the company, Bassingthwaight has conducted more than 1,200 law firm risk management assessment visits, presented more than 400 continuing legal education seminars throughout the United States, and written extensively on risk management, ethics and technology. He is a member of the State Bar of Montana as well as the American Bar Association where he currently sits on the ABA Center for Professional Responsibility's Conference Planning Committee. He received his J.D. from Drake University Law School. He can be reached at mbass@alpsinsurance.com.

## Tax law complicates pro bono efforts for non-profits

Continued from page 8

travel or reimbursement for expenses may not be considered “informational material.” AS 24.45.171(6)(C)(i).

APOC provides the following guidance about gifting:

*Gifts include tickets to events, including charity events, as well as donations or contributions to charitable or non-partisan organizations made at the request or suggestion of a legislator, legislative employee, or other public official. Providing/ paying for a trip for a public official, including a legislative employee, may be either a gift or a Schedule B expense, depending on the cost and the purpose of the trip. If there is a governmental purpose involved, it is likely a Schedule B expense.*

*Manual of Instructions, supra, at 35. Cf. AS 24.60.080(c)(4)(authorizing Alaska legislators to accept “travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern”).*

If it is a 501(c)(3) organization, Charitable Organization must limit its lobbying to an insubstantial amount relative to its other activities. IRC Section 501(c)(3) is the law that provides that “no substantial part” of the activities of a 501(c)(3) organization may be “carrying on propaganda, or otherwise attempting, to influence legislation...” For 501(c)(3) organizations that want to determine safe harbor amounts that may be spent on lobbying, there is an election available under IRC Sec-

tion 501(h). Federal law imposes public charity excise taxes on excess expenditures to influence legislation. IRC Sec. 4911 and 4912. Taxes can also be imposed on an organization's directors, officers, and employees by reason of excess lobbying expenditures. IRC Sec. 4912(b) and (d)(2).

Interactions with administrative bodies, as contrasted with legislative bodies, could be lobbying under state law but not necessarily under federal tax law. This observation is founded on federal tax law, which includes the following definitions: “Legislation” includes action by the Congress, any state legislature, and local council, or similar legislative body, or by the public in a referendum, ballot initiative, constitutional amendment, or similar procedure.” Treas. Reg. Sec. 56.4911-2(d)(1)(i). The term “[l]egislative body” does not include executive, judicial, or administrative bodies.” Treas. Reg. 56.4911-2(d)(3); cf. Treas. Reg. Sec. 56.4911-2(d)(4)(providing examples of administrative bodies).

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

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

## Appeals

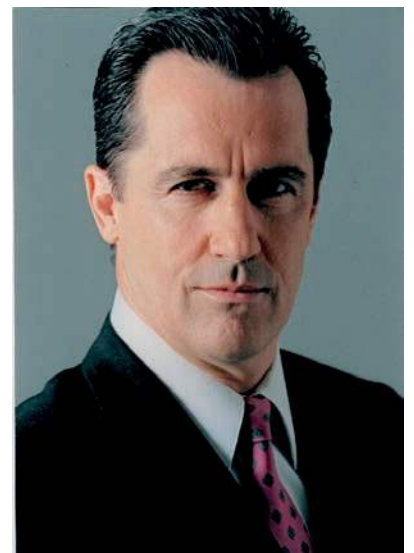
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By order of the Alaska Supreme Court,  
Dated 8/3/2021

**WAYNE ANTHONY ROSS**

Member No. 6911047  
Anchorage, Alaska

is transferred to  
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**PROFILES IN PRO BONO**

**Katy Soden**



**Katy Soden**

*Katy Soden assists with cases involving survivors of sexual assault and domestic violence with the Alaska Network on Domestic Violence & Sexual Assault*

**How long have you been advocating for survivors of domestic violence and sexual assault and how did you start?**

Twenty years. After college I worked at the San Francisco Bar Association doing client intake and pro bono referral, which is where I first started working with DV survivors. I later volunteered at a DV restraining order clinic in San Francisco. Though I spent a couple years clerking and a couple years in corporate law, my interest in working in the domestic violence field never waned. I moved back to Anchorage (after having clerked here previously) and started working for the Alaska Network on Domestic Violence & Sexual Assault Legal Program in 2010.

**What do you love about your work?**

I love helping people through a difficult situation and hopefully having clients and their families feel stronger and more empowered when they come out on the other side. I love feeling like I am part of a larger movement to end violence and oppression in our community, state and world.

**How do pro bono attorneys help?**

Pro bono attorneys help by easing the burden on the survivor of having to deal with court and all that can sometimes entail in a DV case — abusive opposing parties, intimidating opposing counsel and judges, confusing forms and pleadings. Relieving some of this stress allows the survivor to focus more on their safety, their children, and their own healing. It's hard to overstate how much value an attorney — even an inexperienced attorney — has for a client who would otherwise feel overwhelmed and alone in the civil justice system.

**What do you wish volunteers knew?**

You don't have to be a family lawyer or DV expert to be an effective volunteer. The most effective volunteers are thoughtful, empathetic, and have a desire to learn from and connect with people in their communities. ANDVSA is here to help with the stuff you may not know — through mentoring, legal resources, sample pleadings, trainings, client support, and so on. We aim to offer support and guidance to our volunteers every step of the way.

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# ALSC addresses justice gap with lay-advocate training program

By Sarah Carver and Nikole Nelson

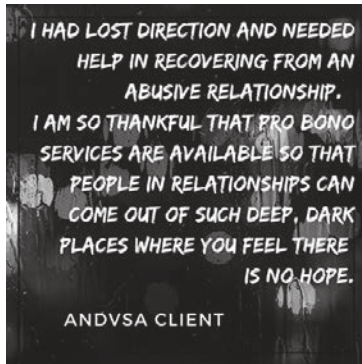
“Expanding access to justice requires innovation and moving past the idea that an attorney or a courtroom is the best or only solution for Alaskans.” — from the Alaska Court System’s *Justice for All Statewide Action Plan*.

Over the past several years, Alaska Legal Services Corporation (ALSC) in partnership with Alaska Pacific University (APU) and Alaska Native Tribal Health Consortium (ANTHC) have worked to create the Legal Advocate Program — an innovative new way to think about ways in which we can work to close the justice gap in Alaska. The court system’s *Justice For All Statewide Action Plan* estimates that Alaskans experience 2.1 civil legal issues per person every 18 months. Comparing the number of cases filed in court to the number of estimated legal issues, it is clear that many Alaskans are not accessing the justice system to address their legal challenges. The majority of people are trying to deal with legal issues on their own, or do not recognize that they have a legal



**From our perspective, the need for a creative, innovative strategy utilizing non-attorney resources to help close the justice gap was clear, and the Advocate Training Program was born.**

remedy. ALSC is the only statewide provider of free comprehensive civil legal aid, and operates the largest pro bono program in Alaska, as such addressing the civil legal needs of Alaskans who can’t afford legal help falls mainly to us. However, there are only 1.13 ALSC attorneys available per every 10,000 Alaskans in poverty. There are simply not enough legal aid or pro bono attorneys to meet the needs of our client community. Each year, we are forced to turn away one person for each one we can help due to our limited resources, and this doesn’t take into account those who for whatever reason need help but don’t reach us.



From our perspective, the need for a creative, innovative strategy utilizing non-attorney resources to help close the justice gap was clear, and the Advocate Training Program was born.

ALSC identified several legal needs not met through current pro bono programming where lay advocates could supplement attorney efforts including: addressing public assistance delays and denials, accessing unemployment benefits, debt collection, estate planning, and in Indian Child Welfare Act matters. ALSC then worked closely

with ANTHC’s Distance Learning Network to create a comprehensive, asynchronous, web-based curriculum, hosted by APU, capable of educating community members on each of the above identified areas of law and creating a network of supported and trained legal advocates. The Advocate Training Program builds upon ALSC’s traditional pro bono program and recruits and trains a pool of qualified lay pro bono volunteers (such as paralegals, tribal legal advocates, tribal employees, village health aids and professional school and law school students) capable of providing services to Alaskans who can’t afford or otherwise access civil legal help.

Advocates are made up of community members from all over Alaska. Thanks in large part to our partner connections and ALSC’s regionally located offices we have successfully recruited and trained advocates in 40 different Alaska communities (many of which are off the road system). The placement of advocates in remote areas of Alaska enables us to better match clients with advocates in the same geographic areas, whereas the vast majority of our pro bono attorneys are located in the urban areas on the road system and may not have a firm understanding of the challenges their clients are facing.

Once trained, the legal advocate works directly with an ALSC client on

a case specific to the substantive area in which they have been trained. The advocate is also mentored and supported by an ALSC or pro bono attorney who oversees their work. To date, five courses have launched and an additional course is in the works.



Advocate communities

To date, more than 200 advocates have been recruited to participate in the program. About half have completed training, with the other half progressing through the online programming. Through the advocate program ALSC and our partners are building a vast and diverse network of volunteers who are helping to address Alaska’s justice gap. These advocates are not only available to assist community members

and ALSC clients, but they are also able to identify and address previously hidden legal issues and act as on-the-ground resources for spotting and addressing systemic issues. So far 68 cases (impacting 124 Alaskans) have been placed with lay advocates since we started placing cases in mid-2020. The training courses are free as long as you agree to assist an ALSC client and the courses are open to anyone interested, and you can volunteer anywhere, including the lower 48. Enrollment for the courses occurs monthly.

More information on the program and enrollment can be found in the Pro Bono-Community Advocate page of our website: [alsc-law.org](http://alsc-law.org) or by contacting Sarah Carver at [scarver@alsc-law.org](mailto:scarver@alsc-law.org).

Nikole Nelson is the executive director of Alaska Legal Services Corporation. She oversees ALSC’s 12 offices and Medical-Legal Partnership locations and a 60+ member staff. Sarah Carver has been practicing law in Alaska since 2010 when she joined ALSC. She spent the first five years as a staff attorney in the Nome office. She has been in her current role as Justice for All coordinator since 2015. She graduated from The University of Montana School of Law.

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# Organization promotes justice for Native people

By Alex Cleghorn and Jamey Bradbury

By the early 1990s, Anchorage's Native community was fed up with the lack of attention and concern paid to reports of violence against Native people. "There was one particular case where an Alaska Native woman was murdered, and the whole crime was kind of swept under the rug, in terms of how the Anchorage population reacted to it," Gregory Razo, vice chair of the Alaska Native Justice Center board, said in an interview about the history of Native justice in Alaska.



The lack of response also offended Roy Huhndorf, then Cook Inlet Region Inc. president and CEO, who decided to do something about it.

In 1993, under Huhndorf's helm, CIRI and the 12 other regional Alaska Native Corporations founded the Alaska Native Justice Center, a nonprofit focused entirely on providing a voice to address the unmet civil and criminal justice needs of Alaska Native people as well as the disproportionate number of Native victims of crime and disproportionate number of Native people in the state's prison system.

Since its inception, ANJC has been a unifying voice, bringing partners together in order to advocate for civil rights and fair and equitable treatment for Alaska Native people in the justice system. Over the years it has grown into Alaska's leading Native justice organization, serving more than a thousand people annually from every region of Alaska.

## ANJC's growing team: focused on service

"The entirety of my career has been focused on helping people, and at ANJC that is exactly what we do — help people in need," said Chad Holt, ANJC supervising attorney. The former director of the Office of Public Advocacy, Holt joined ANJC in 2019 to help launch ANJC's direct services representing tribes in ICWA cases.

"The varied programs and staff at ANJC work together to provide holistic support to clients, which is extremely unusual to find in a single entity."

In 2006, ANJC expanded its services beyond advocacy and protection for victims of domestic violence, and sexual assault to offer support for adults reentering the community after incarceration. Soon, staff added prison in-reach to its programs.

Today, ANJC provides an array of culturally relevant services that address the needs of Alaska Native people and others impacted by the criminal justice system, including assistance for elders who are vulnerable to neglect and exploitation; support for youth involved in the juvenile justice system; protection for victims of human trafficking; and assistance for individuals representing themselves in court.

In 2016, ANJC became an affiliate of Cook Inlet Tribal Council, a move that created stronger continuum of supportive resources for Alaska Native people — such as a new court kiosk, a private space outfitted with technology that allows both ANJC and CITC participants to appear in court virtually, work on legal documents, or electronically file documents with the State of Alaska Court System. The Kiosk is also available for CITC and ANJC staff who must testify in court.

## Support for tribal sovereignty

Most recently, ANJC has become a go-to resource for Alaska tribes, offering representation for tribes in Alaska State Court Indian Child Welfare Act (ICWA) cases that are heard in the Southcentral region.

While Alaska Native and American Indian children make up only 19 percent of the kids in the state of Alaska, more than 50 percent of the children in out-of-home care are Native. When ICWA cases are brought to court, every party is appointed an attorney — except, typically, tribes.

By providing legal representation and support to tribal ICWA case-workers — many of whom work in remote villages and must appear in court by phone — ANJC helps protect and preserve the bond between Na-



A staff member greets clients at the Alaska Native Justice Center.

tive children and their tribes and supports tribes' right to intervene and participate in state child welfare cases.

Cases in which ANJC represents Alaska tribes, report higher reunification rates and lower out-of-preference placement rates. Because connection to culture is a proven protective factor, ANJC's work is helping to reduce the number of individuals at risk from substance abuse, or other adverse behaviors.

ANJC supports Alaska Tribes with developing and improving their justice systems to better serve and protect their communities. Support for emerging and established tribal justice systems is essential for addressing Alaska's rural public safety crisis because it creates a stronger local response to violence and abuse. This is one of the reasons Alex Cleghorn, ANJC's legal and policy director, does this work. "Local control and tribal sovereignty are the best ways to address concerns in tribal communities," Cleghorn said. "Self-determination is a proven, successful model."

## Protection for victims and survivors

Throughout its growth, however, ANJC has always stayed close to its roots: providing services for victims and survivors.

In a state where nearly 85 percent of Alaska Native women experience violence during their lifetimes, ANJC's advocacy and services for victims of violence literally change the lives of people like Marlene Mack.

A survivor of domestic violence, Mack sought help at ANJC to obtain a protective order against her partner. Today, Mack is the senior manager for ANJC's advocacy programs, providing safety planning, emotional and financial support, court accompaniment, and other services

for survivors.

In addition to protecting women, ANJC was instrumental in establishing an Alaska Native unit within Alaska CARES, the Anchorage Child Advocacy Center, in 2010, to ensure that Alaska Native victims of child sexual abuse receive culturally appropriate services.

**ANJC continues to be a voice for policy change and social justice advocacy to address issues related to rural public safety and the Missing and Murdered Indigenous People crisis.**

While ANJC makes a daily difference in the lives of those who have experienced sexual assault and domestic violence, in 2018 the organization leveraged its position as a voice for justice to spearhead a movement with many community partners, including the Alaska Federation of Natives, that led the Alaska State Senate to pass Senate Bill 12, which repaired significant gaps in Alaska's sexual offense laws. For its leadership in this effort, ANJC received national recognition from the Foundation for Improvement of Justice.

ANJC continues to be a voice for policy change and social justice advocacy to address issues related to rural public safety and the Missing and Murdered Indigenous People crisis.

## Be a voice for justice

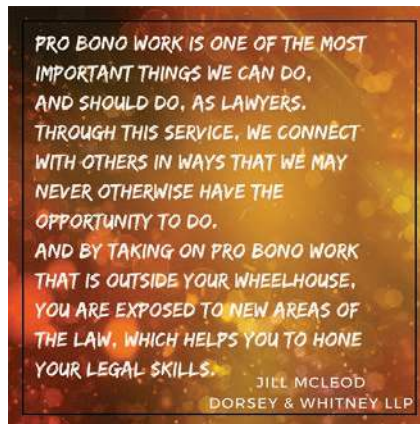
"I work for ANJC because it allows me to make a tangible difference in my community," said Charles Kidd, ANJC staff attorney. "It's so rewarding to work one-on-one with our clients and watch them grow as we work through their cases."

ANJC, in collaboration with CITC, recently launched a Native Law Fellow program. The paid fellowship is essentially an internship that provides recent law school graduates an opportunity to join the exciting and rewarding legal work being done at ANJC.

ANJC's Native Law Fellow program is part of a larger strategy to build a pipeline of Native lawyers and legal professionals to work in the field of Native law and serve their communities. Recent law school graduates and third-year law students are encouraged to apply at [workforcenow.adp.com](http://workforcenow.adp.com).

ANJC is also currently expanding its legal staff; if you have a passion for serving the Alaska Native community, learn more at [anjc.org](http://anjc.org).

Alex Cleghorn, is executive director of Alaska Native Justice Center and Jamey Bradbury is senior communications specialist with Cook Inlet Tribal Council.



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# Tribal Courts, an accessible, responsive alternative in legal services

By Savannah Fletcher

“One story I think of often was my very first termination of parental rights. I was devastated, as was the whole panel of judges, after telling three small children whose mother voluntarily gave up her rights as their mother because she didn’t want to follow a case plan for reunification. We sat and cried for almost an hour before calling in the children and foster parent (their grandmother) to let them know the outcome of the hearing.

“We knew these children and how hard this would be on them to get this kind of news. The hearing lasted almost the entire afternoon. I couldn’t imagine a child or children being told this from people they don’t know as close family, because it’s family members who make up our court system in the Village.

“Minto has been practicing tribal court procedures for centuries and know what’s best for their tribal members. Of course things changed and a lot of western laws have been incorporated into our court, nonetheless we do our best to practice according to our culture.”

This story was shared by Carla Dick, Minto’s Tribal Family Youth specialist, when reflecting on the importance of tribal courts and the alternative legal route they provide to families.

As the legal profession grapples more concretely with ways we can reduce trauma within the legal system and increase access to justice, it is important to remember and utilize tribal courts as an option for clients. Tribal courts may present a less traumatic option run by one’s peers, with fewer costs, less paperwork, and a lower barrier to entry for unrepresented individuals. Tribal courts can and should be more frequently considered by attorneys advising clients of the legal routes available to them.

Judge Tracy Charles-Smith, presiding judge for the Village of Dot Lake Tribal Court, emphasized the importance of tribal courts. “Tribal Courts help us preserve and maintain the degree of cultural integrity that we have. It allows us as sovereign nations and indigenous people to incorporate our cultural societal rules and values that have been

passed down from our ancestors. Tribal courts help alleviate racism, implicit bias, and systemic racism that are often seen in non-tribal courts.”

Tribal courts may approach cases through a different lens than state or federal courts. One such lens is that of embracing familiarity, rather than prioritizing judges who lack knowledge of the individuals involved in a case. Susie Sam, Loudon Village’s tribal administrator, spoke of the benefits of familiarity. “We know our tribal members and who our families are. We treat each case as if it were our own children, family and community members. Each tribal member is our future. Every person is valuable.”

Judge Charles-Smith added, “We as tribal court judges often know the life history of the person standing before us, we know if they have a disability, mental illness, childhood trauma and neglect, sexual abuse or assault, educational background and substance abuse issues that often walk hand in hand with all of the above. Tribal courts, because of this, tend to work harder and longer to help those who are before us.” Judge Charles-Smith illustrated

this with a story of a woman who used to actively abuse opioids but has now reunified with her three children, is a successful business owner, and is opioid-free, thanks to the patience and provision of services from the tribe. Knowing a person more wholly need not be a detriment to a just outcome, but can instead improve a system’s ability to address all of that person’s needs and provide robust support.

Even if tribal court may not be the best route for a case, there can still be room for tribal partnership or support in state cases, especially in the child welfare context. Michelle Peter, an Indian Child Welfare Act Advocate, reflected on the strengths of each system. Tribal courts may have more flexibility to give families the time they need to heal, while the state has “the ability to take action when it is out of reach for the tribe and has resources that are beyond the tribe’s ability to attain. The two child protection services can work together if they listen to each other’s

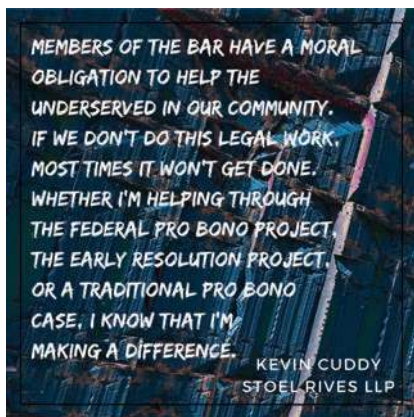
concerns and put the needs of the child first.” No system is inherently superior to the other, but each has certain approaches to serving a community that are advantageous in different settings.

Practically speaking, tribal courts may also present fewer barriers to pro se individuals. For most tribal courts in Alaska there is no filing fee, often far less paperwork, and less formality in proceedings. These different approaches model other ways of providing justice, and often in a more accessible manner for lower-income individuals or those who may have traumas tied to experiences in other legal systems.

If we wish to provide the best advocacy to our clients possible, we need to consider all avenues available to them. Many tribal courts in Alaska hear child-in-need-of-protection, domestic violence, and family law cases. Be sure to ask your client which tribes they or their partner are members of, and take the time to consider whether that tribe’s court would be an option. A simple phone call to a tribe’s office will often be sufficient to learn how to petition their court. Additionally Alaska




Dr. Jessica Black, president of the Fairbanks Native Association, speaks to the Tanana Chiefs 37th Annual Tribal Court Conference. The conference was titled “2021 Visioning a Future for Tribal Justice” and took place Aug. 17-19 in Fairbanks. From Fort Yukon, she is an assistant professor in the Department of Alaska Native Studies and Rural Development and Tribal Management at the University of Alaska Fairbanks.



Legal Services Corporation is currently updating its Tribal Court Directory, which can be found at AlaskaTribes.org.

By more regularly utilizing tribal courts, we can increase our entire state’s capacity to serve individuals and find solutions that fit everyone’s needs. We owe it to our clients to consider tribal courts, especially when that may present a less traumatic, more accessible option.

Savannah Fletcher works as a Native Law staff attorney in Alaska Legal Services’ Fairbanks office. Outside of work you’ll find her on a basketball court or on the trails with her partner and sled dogs.



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# Blind faith and a 12-gauge save the day on a river gravel bar

By Dan Branch

*EDITOR'S NOTE: This is the second in a series of three parts excerpted from Dan Branch's upcoming book "Someday I'll Miss This Place Too," soon to be published by Cirque Press. He wrote in the book's dedication: This book is dedicated to the Yup'ik people of Southwest Alaska, whose grace, kindness, and patience with my stumbling still makes me homesick for Bethel and the Kuskokwim River. Readers should understand that while these essays share my impressions of Southwest Alaska from 1976 until 1989 when I moved away, they do not try to paint a picture of current life on the river.*

### Part two of three

No one thought to take a picture of the four brown bears that moved with purpose toward our camp on an Aniak River gravel bar. Susan was one of the campers and good friends

with the other two. At a recent dinner, they confirmed that there were four bears, one for each of us. The number is significant because we had only one gun — my Winchester 12-gauge, and it only held three shells. I wondered whether to send all three into the mother, or use one or two on her nearly grown cubs. Any one of the bears could have killed us.

We shouldn't have been on the river during dog-salmon time when more than 100,000 of the big fish were making their one-way passage to the spawning redds. The chance to fatten up for the winter on rich fish flesh drew brown and black bears to the river. We had floated for days in our inflatable raft over sex-mad salmon. When we stopped for coffee



**"Even though the bears swaggered toward us like self-assured street thugs, I could not believe we were in danger."**

on a gravel bar, spawned-out fish swam close to our feet as if asking for a quick death. Their long trip through fresh water had robbed them of their sleek, chrome-sided ocean beauty and left them with garish red and green striped sides and hooked jaws. A scattering of dead monsters decorated almost every beach. Clouds of their decay hung in the air.

The first night of the trip we camped on a wide gravel bar abutting the edge of a tundra plain that spread west for over a hundred miles to the Bering Sea. With no trees in sight, we couldn't hang our food, so we crammed it into 5-gallon plastic buckets with tight-fitting lids and carried them a hundred feet away from our tents. The next morning, we found the

buckets still full and the track of a bear that had circumnavigated our tents. With my boot, I measured the tracks and determined that the bear would require at least a quadruple-wide size 14 shoe.

After breaking camp, we paddled down a narrow canyon with 20-foot-high gravel walls. Entering the broader Aniak River at lunchtime, we steered the raft over to a gravelled peninsula and secured it to a tangle of driftwood logs. Susan and I walked to where the peninsula bordered a white spruce forest and found a deep pool warming in the day's sunshine.

**Eight other brown bears watched us float downriver that afternoon. When not eying us, they worked the shallow channels between gravel bars, grabbing salmon from the water with their mouths or slapping them ashore with a front paw.**

We ate a lunch of hard cheese and Swedish Knekkebrød (unleavened rye bread), then stripped and jumped into the pool. The falsetto scream I released after hitting the cold water made Susan laugh. It also startled a very large brown bear that was watching us from 20 feet away. The bear froze for a moment as if to confirm this people sighting, then disappeared into the white-spruce forest.

Eight other brown bears watched us float downriver that afternoon. When not eying us, they worked the shallow channels between gravel bars, grabbing salmon from the water with their mouths or slapping them ashore with a front paw. None made a move on our raft full of food and flesh.

Late in the afternoon we entered a section where the river ran deep and fast between steep-sided gravel bars. We landed on one in the middle of the river and decided to camp on it after a search produced neither dead salmon nor bear tracks. A bear would starve before it could catch a salmon in the swift water near the bar so we figured we were safe for the night. From our campsite we could look across a 50-foot-wide channel to open tundra blood red with lingonberries.

While I fired up our battered Coleman gas stove, a large brown bear sow and three yearling cubs, each almost her size, walked across the tundra and slipped into the river. They rode the current diagonally across the channel and washed up at the bottom end of our gravel bar, 200 feet away. The sow sniffed the gravel where we had walked during our bear track search and then squinted at us. We banged pots and yelled, "Go away, bears." They moved closer. The raft sat between the bears and us so we ran down the gravel bar and carried it behind our camp. Mama and her teenagers quickened their pace.

As Susan and the others repacked the raft, I slipped my shotgun out of its case. It only took a few

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Continued on page 15





The Kuskokwim River flows past Aniak. (Photo by Dan Branch)

## Blind faith and a 12-gauge save the day on a river gravel bar

*Continued from page 14*

seconds to load with a slug and two double ought shells so I had a lot of time to watch the bears approach. They didn't charge, just ambled towards us, stopping every 10 or 20 feet to sniff the air and stare. Still damp from their river crossing, their blond guard hairs glowed in the late afternoon sunlight. I didn't want to kill or even wound such beautiful things, and I didn't want anyone in the boat to die.

With little hope of solving the problem with what was loaded in the gun, I slid a hand into my jacket pocket and found a shell filled with number five shot that I had brought along in case we spotted a tasty duck. The shell's tiny pellets would only annoy the bears but the noise might scare them off, so I chambered it and fired the gun over their heads.

The sow rose on her hind legs in one fluid motion until she stood taller than an NBA forward and then dropped into a run. Her children

followed her into the river. They crossed the channel and climbed a cutbank to the tundra. Without looking back, the grizzlies ran in the direction of the Bering Sea — four shrinking beings glistening in the low-angled light.

Crap. Why hadn't I rushed everyone into the raft and let the bears have the run of our abandoned camp? That would have been the smart move. Why did I hold the ground, with the mother of my future child and our close friends

behind me, with so little skill with a shotgun, and with no chance of knocking four bears down with three shells? Even though the bears swaggered toward us like

self-assured street thugs, I could not believe we were in danger. I had faith in the bears and my luck—perhaps too much faith.

We re-launched the raft and paddled downriver until darkness required us to pull out on another gravel bar. One of us tended a large bonfire all that night. I read by firelight coming through our tent wall

from the fire. When tired of my book, I slid down into my sleeping bag. I didn't glow with the self-admiration of a hero, didn't thank God for deliverance or the Winchester factory for the twelve-gauge. A Fourth of July firework would have worked as well for running off the bears. I reran the memory of the sow standing like a transfigured saint, her wet fur aglow in the late afternoon light. Thanks to the duck shot, she and her children had been more afraid of me than I had been of them.

Dan Branch took a VISTA lawyer job in Bethel, which at the time had a decent library and a recently created public television station. Fearing insane-producing boredom, he brought with him an almost complete set of Russian classics. Between reading Tolstoy and working his law job, he started to journal. He lived

in Bethel and Aniak for more than 13 years before moving to Southeast Alaska. During the past 25 years he has written quarterly columns for *The Alaska Bar Association Rag*, and articles for *The Anchorage Daily News*, including pieces about a Ketchikan's grave digger, a chief on one of the Alaska Marine Highway ships, and a man who managed a remote salmon hatchery in Southeast Alaska. Once, one of his legal opinions was reported in newspapers in Alaska and the Lower 48 States because it declared that it was illegal for Alaska charities to raise money by soliciting bets on rat races. After retirement, Branch obtained an MFA degree from the University of Alaska, Anchorage. He now lives with his wife, Susan, and an opinionated poodle in Juneau.

**The sow rose on her hind legs in one fluid motion until she stood taller than an NBA forward and then dropped into a run. Her children followed her into the river.**

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# Pro bono work with prisoners a door to constitutional law

By Natalie Wicklund

Many of us remember our days of learning constitutional law fondly — dissecting the words of legal giants and digesting the evolution of our own guaranteed rights and liberties in American society. As legal careers develop, the reality is that not every case is *Cohen v. California* or *Brown v. Board of Education*. However, pro bono representation of prisoners provides a unique opportunity to litigate constitutional and statutory law in federal court.

The U.S. District Court's Federal Pro Bono Project matches volunteer attorneys to prisoners in need of civil rights representation — to litigate real and emerging constitutional and civil rights issues. While incarceration extinguishes many basic freedoms, prisoners do not abandon every right at the prison door.



Prisoners frequently litigate claims on critical fundamental rights, including speech, religion, the right to counsel, due process, and the right to be free from cruel and unusual punishment. Additionally, prisoners may litigate claims on employment, religious, or disability discrimination. The Federal Pro Bono Project offers a doorway to an expansive federal practice, especially for less-experienced practitioners eager to take the lead in civil litigation.

The project's cases qualify for assistance based on: 1) whether the litigant is incarcerated and has filed in forma pauperis or otherwise demonstrated an inability to afford counsel; 2) the likelihood of success on the merits; and 3) the ability of the litigant to be self-represented in light of the complexity of the legal issues involved. The Federal Pro Bono Project offers pro bono attorneys' full-case autonomy, but with unique support and assistance. For instance, a limited-scope represen-

tation option offers attorneys the chance to practice for any phase of litigation. See Local Civil Rule 83.1(c). Volunteers may receive up to \$1,000 in cost reimbursement and waived admission fees. Research guidance is available through the materials of the Ninth Circuit Court of Appeals. Lastly, the District Court commits to granting any request for oral argument made by pro bono counsel.

The U.S. District Court's Federal Pro Bono Project presents an opportunity to explore constitutional law, practice in federal court, and represent a unique client population. Current cases can be found at the Federal Pro Bono Project page of the U.S. District Court's website or through the Alaska Bar Association. For further information, please contact [natalie\\_wicklund@akd.uscourts.gov](mailto:natalie_wicklund@akd.uscourts.gov).

*Natalie Wicklund, is the pro se law clerk for the Federal District Court Pro Bono Project. A former*



*public defender and disability rights attorney, she now assists the court in screening and managing litigation from unrepresented litigants. She is a member of the Pro Bono Service Committee.*

## What You Can Do

*Let's call her Suzanna.  
I remember that first day  
When I heard her story  
And sensed her palpable fear  
And distrust of men —  
Maybe even myself.  
The more I heard  
The more I understood  
And when she stood up to leave  
I told us both I could help.*

*And I remember the last day,  
The judge ruling from the bench  
That she could take her kids  
Back to Alabama  
To be with her family  
And raise them in safety.  
She made travel plans that day  
And I never saw her again.  
But I still see Suzanna  
In the hall outside the courtroom  
Looking out the window  
At a new landscape of hope.*

— Cam Leonard

*Cameron Leonard is a Fairbanks wood-burner managing cabin fever.*

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## Lawyer joke ...



*Sidewalks were treacherous after a heavy snowstorm blanketed the University of Idaho campus. Watching people slip and slide, I gingerly made my way to class.*

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# Pro bono cases create some lasting, interesting memories

By William R. Satterberg Jr.

When I became an attorney in 1976, pro bono work was already a well-known concept. As professionals, attorneys were encouraged and expected to provide legal services to those in need. Doctors, dentists and other professionals, as well, were donating valuable time and services to those less fortunate.

The professions are a good forum for pro bono work. Fortunately, they are not alone. Our society has seen growth in providing pro bono services in numerous other fields to include areas such as food merchants, construction services, home care and educational programs. Pro bono work became even more established in the legal field with the advent of Martin Luther King Day — a date when many attorneys volunteer services. So, too, have “stand-down” days provided opportunities to assist veterans. But pro bono does not need just these organized events. Pro bono work often is done on an unsung, individualized basis.

For years, I was effectively unable to provide pro bono services. I worked for the State of Alaska as an assistant attorney general in the booming metropolis of Fairbanks. At the time, the state had a policy that

its attorneys could not utilize the office for pro bono work. In addition, because I was not experienced in the private sector, I was not personally appreciative of the methods and value of pro bono. When I spoke with local attorney Dick Cole about pro bono one time, Dick boasted that he did lots of pro bono work. It consisted of those clients who chose not to pay their bills. He apparently had cornered the Fairbanks market in that category. I liked Dick. I saw humor in his philosophy, although Dick actually did provide his own fair share of gratis services.

I remember one day when I was in Dick’s office in the Shopper’s Forum Mall. Dick’s associate, Theresa Foster (who would later become the Fairbanks district attorney), angrily barged in. She was upset because one of her clients had not paid her bill. After Theresa stopped her complaining, Dick’s unflappable response was “So what are you doing, Theresa? Stealing my clients?”

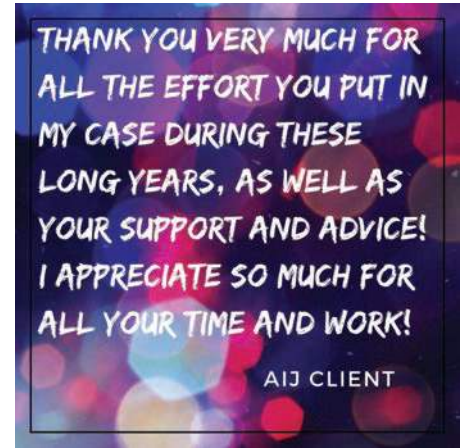


**"Pro bono work often is done on an unsung, individualized basis."**

My first memorable pro bono case was assigned to me by Federal District Court Judge James Fitzgerald, Anchorage attorney Kevin Fitzgerald’s father. At the time, private attorneys were expected to provide free legal services to indigent criminal defendants under court appointment. The concept was similar to “volunteering” to join the Armed Forces during the Vietnam war. Either volunteer or get drafted. The court told the attorney which case they would take, and the attorney would graciously accept the task. It was the proverbial spat line. “May I have another please, SIR!” I was no exception to compulsory volunteerism.

However, that practice changed with the 1987 DeLisio case. In a case familiar to many older attorneys, Fairbanks attorney Stephen DeLisio had argued that the unilateral assignment of a criminal defense case to him by the court constituted a demand that he practice law in an area in which he was not qualified. As such, Stephen argued that he could not ethically accept the assignment. Stephen also argued that the compulsory assignment was a taking of his personal property in eminent domain, his time being his stock in trade. The Alaska Supreme Court disagreed about the area of work argument, opining that an attorney always could associate with experienced counsel who could assist in defense work or could study up on the subject. After all, criminal law was a first-year law school course. Moreover, it is very difficult to prove ineffective assistance of counsel with the low bar that exists in criminal defense work. On the other hand, the court did decide that a government taking of Stephen’s intellectual property was occurring. The taking was compensable. It was the DeLisio case which ultimately gave birth to conflict counsel firms being the norm in Alaska and, presumably, in the federal court system, as well, giving rise to a low paid cottage legal industry.

The referral given to me by Judge Fitzgerald was an interesting assignment. It would have challenged even the most experienced criminal defense counsel. I certainly was not of that class at the time. However, my lack of qualifications obviously did not matter to the court. I was drafted to represent a well-known local working lady of the street in Fairbanks. She had been accused of shooting at her boyfriend on a local military base, which is what activated the federal charges. It



was an employer/employee payment dispute, on the verge of becoming a worker’s comp case, as well. Although I do not remember the client’s name, which probably was not her originally given name, I certainly remember her appearance. She clearly was not a natural blonde. She wore her hair in a high bouffant. She always wore a white fake ostrich feathered, tight-waisted jacket. She also usually wore a red mini skirt, accentuated by stylish red high heels. The client used significant amounts of makeup and perfume. I suspected the perfume was likely purchased by the quart. And, she was quite flirtatious, even with me. I figured it had to be my good looks that were falsely being recognized by someone.

My client was upset because her “boyfriend” had stiffed her in a financial matter. I questioned why she was concerned about being stiffed by this specific boyfriend, since she obviously had many boyfriends. This boyfriend was special, however. As such, he deserved her special attention. In time, she had located him at Fort Wainwright. An argument ensued. To emphasize the point, she had drawn her .25 caliber automatic pistol which she conveniently carried in the pocket of her jacket. Eventually exhausting her words, she took her next logical step. She began to shoot at him. To her surprise, he actually was attempting to dodge the fusillade. Poor form. I remember her stating to me, “I shoots at him once. I shoots

at him twice. But he keeps ducking from me. So, he ducks down behind this car. And I can’t see him no more to shoot him. But then I gets the smart idea that I can maybe bounce a bullet off the pavement and hit him in the legs. So I am bent over, bouncing bullets off the pavement. And he’s doing this tap dance on the other side. So, I’m shooting, but I keeps missing him.”

My client ran out of bullets. Eventually, the MPs showed up. To my client’s surprise, she was the person arrested and charged with assault. Her boyfriend went free and never was held accountable for his actions. Rumor had it he left town shortly thereafter.

New to criminal defense work, in retrospect, I still believed I provided a competent defense for the client. Fortunately, the case was ultimately dismissed mainly because

**Our society has seen growth in providing pro bono services in numerous other fields to include areas such as food merchants, construction services, home care and educational programs.**

**My client ran out of bullets. Eventually, the MPs showed up. To my client’s surprise, she was the person arrested and charged with assault. Her boyfriend went free and never was held accountable for his actions.**

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# PROFILES IN PRO BONO

## Laura Goss

*Laura Goss is the director of Pro Bono and Development with the Alaska Legal Services Corporation*

### How long have you been advocating for low-income and senior clients and how did you start?

I've been at ALSC for eight and a half years, placing civil pro bono cases for our low-income and senior clients with volunteer attorneys statewide, plus doing the majority of individual and corporate fundraising. My professional experience has been in non-profit development (fundraising) and volunteer management for 21 years. This is my first experience working with lawyers.

### What do you love about your work?

First, let me say that I love my job. I love being able to help our clients who are in a difficult and often confusing legal situation and unable to pay for a private attorney. I also love the challenge of finding the right attorney to take a certain case. It is very rewarding to tell a client they have a pro bono attorney (I frequently hear "God bless you" with successful placements, which makes my day.). My focus is to not only help the client, but to ensure the pro bono attorney has a positive experience working with our clients. I am extremely happy when a case closes and the attorney reports his/her success with the particular case and willingness to do more pro bono work for ALSC. I also love it when a client calls me with gratitude for their pro bono attorney at the completion of their case.

### How do pro bono attorneys help?

ALSC could not help nearly as many low-income and senior Alaskans without the generous volunteering of pro bono attorneys. ALSC has 12 offices statewide; many rural communities with only a few private attorneys. ALSC does not have enough money or staff to meet the high demand for basic civil legal services. Thus ALSC's pro bono program is critical to help reduce the justice gap. Pro bono cases make up approximately 11 percent of all ALSC cases statewide annually (more than 7,000 individuals receive assistance each

year). In total, volunteers dedicated 1,799.39 pro bono hours to ALSC in 2020.

### What do you wish volunteers knew?

First, helping a pro bono client has proven to be a very rewarding experience for volunteer attorneys. You are truly making a significant impact in someone's life, and the lives of their family members. The average time commitment on an ALSC pro bono case is just 11 hours, and in 2020, most (80%) of ALSC pro bono cases were completed by a volunteer attorney in 10 hours or less. In 2020 only 17% of pro bono cases went to court. A positive outcome was achieved for 86% of our clients.

In addition to providing legal services through the traditional method of assigning a pro bono volunteer to a client, ALSC also has other means of providing legal services. These alternatives include assigning a volunteer for a consultation only, staffing a hotline, and offering legal clinics for self-represented individuals. By using a wide variety of programs, ALSC has been able to reach more Alaskans in need of legal services and promote more timely resolution of their issues. Diverse service opportunities also increase pro bono volunteer involvement, volunteer satisfaction, and an increased commitment to volunteer service.

ALSC also provides our pro bono attorneys with many benefits including malpractice insurance, financial reimbursement of case expenses, providing mentors and co-counsel, and a private website with free CLEs, webinars, and documents as resources.

To sign up to be a pro bono attorney with Alaska Legal Services Corporation, register on the website [www.alsc-law.org](http://www.alsc-law.org) or call 907-222-4521.



Laura Goss

## Pro bono cases create some lasting, interesting memories

*Continued from page 18*

the boyfriend asserted certain Fifth Amendment rights and was clearly reluctant to anger my client further. Plus, he later had gone missing in action. Fairbanks street justice had struck again. A few years later, my client died from an unknown illness. Yet, until her passing she was a well-known figurehead in Fairbanks. In fact, many attorneys later joked about the fact that I had ended up with her as my first pro bono case. It almost seemed like a right of initiation. She had apparently been passed around in more ways than one.

Although many attorneys choose to participate in the Alaska Bar Association's pro bono program, as do I, I generally prefer to make my own selection as to whom I will assist pro bono. If I find that somebody comes in demanding pro bono work, which sometimes happens, I ordinarily will refuse the request. On those few occasions, an individual will walk into the office without an appointment and say words to the effect of "You lawyers are supposed to give away free legal work and I have something that needs to be done." It is that person with the entitlement mentality whom, quite candidly, I choose not to represent. In fact, a person once threatened to sue me for not taking her case, even though she already had been assigned crim-

inal defense counsel.

On the other hand, I have seen persons struggling to survive who clearly do need professional assistance, but are too embarrassed or too proud to ask. A good lawyer friend once told me that "Bill, the definition of poverty is a single working parent." I appreciated what the lawyer was stating. There are many single parents in society who are struggling to make ends meet and who often find themselves tangled in protracted disputes which they simply cannot afford to litigate.

I recently had one case where a single mother of three was involved in litigation with an ex-husband. She was unable to afford extensive legal services. In any opinion, she was being unmercifully steamrolled by the other side, who had well-paid counsel. Although I initially quoted her my standard fee for handling the work, I ultimately wrote off the bulk of my legal time. In the end, the case was satisfactorily resolved. I, too, was satisfied. I distinctly remember a personal sense of accomplishment in having helped somebody who could not have otherwise prevailed in court. And that is one of the rewards of doing pro bono work — self-fulfillment. Admittedly, it is a selfish concept. But it is a selfishness which also results in a benefit to others.

One area in which I personally enjoy is in helping young kids who

are in trouble. I have had more than one case where a teenager has gotten sideways with the law. Often, the parents cannot afford legal services. With all respect to our public

defender agencies, those attorneys, although competent and dedicated, are overworked. In my opinion, public attorneys often do not have as much time to devote to clients as is available to private counsel. Further-

more, client appreciation is often lacking. In fact, a big thank you can go a long way. One of my most satisfying rewards in helping young clients is when they come back to see me years later to and express gratitude for helping them turn their life around. After all, teenagers are impressionable. It depends on what impression an attorney makes which often will make the difference in a young person's life in learning the difference between right and wrong, developing a proper moral compass and in realizing that there can be a future.

To the same degree, however, when I do assist a client in a matter, I usually suggest a token payment, if asked what is owed. Quite often, it is something very simple. For kids,

it might be such as mowing the lawn in the winter or shoveling the walk in the summer. I believe it gives a sense of pride and self-worth to the client. It also impresses that we all

have something to contribute.

Similarly, upon completing a pro bono matter for an older person, when asked how much is owed, I will answer that the office enjoys baked goods. In fact, a simple

look at me will confirm that statement. In most cases, the client will proudly return with a homemade pie, brownies (the contents of which have changed over the years), or some other personally made delicacies.

Obviously, the little food goodies that we get in our pro bono work are symbolic. The real rewards are in helping somebody who may be down on their luck and who needs assistance. In the end, it is the personal satisfaction of knowing that we made a difference. But the calories count, too—in more ways than one.

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

**One area in which I personally enjoy is in helping young kids who are in trouble. I have had more than one case where a teenager has gotten sideways with the law. Often, the parents cannot afford legal services.**



# Judge Deborah Smith: A woman for all seasons

By Anna Russell

*“Women belong in all places where decisions are being made. It shouldn’t be that women are the exception.” — Justice Ruth Bader Ginsburg*

Chief Magistrate Judge Deborah Smith lived up to Justice Ginsburg’s expectations for women in the legal profession. She was the first full-time female judge appointed to the federal bench in Alaska. The U.S. District Court family reminisces about Judge Smith’s 15 years on the bench and her career as a federal prosecutor.

Judge Smith’s distinguished career began as an assistant public defender in Anchorage. She later served in various U.S. Department of Justice positions as the New England Bank Fraud Task Force director in Boston; deputy chief of the Environmental Crimes Section and senior litigation counsel in the Fraud Section in Washington, D.C.; as well as first assistant U.S. Attorney and acting U.S. attorney in Anchorage.

Judge Smith was recognized in the 1991 *American Bar Association Barrister Magazine* article, “Quick! Name an Outstanding Woman Prosecutor.” Her notable litigation included serving as lead counsel in the first criminal Racketeer-Influenced and Corrupt Organization Act (RICO) prosecution in Alaska. Following a five-week trial three defendants were convicted of defrauding a subsidiary of Sealaska Native Corporation of more than \$30 mil-

lion. See *U.S. v. Crowson*, 828 F.2d 1427 (9th Cir. 1987). She later prosecuted the famous televangelist Jim Bakker of the PTL Club in North Carolina in a six-week trial in 1989. Bakker was convicted of defrauding supporters of \$158 million. *United States v. James Bakker*, 925 F.2d 728 (4th Cir. 1991).

As deputy chief of the Environmental Crimes Section of DOJ, she supervised cases throughout the country and co-chaired a nationwide task force that prosecuted illegal venting of chlorofluorocarbons. She served as lead counsel in the successful prosecutions of a national corporation that fraudulently tested underground storage tanks that leaked petrochemicals and an international oil company that violated laws related to the disposal of hazardous waste on Endicott Island in Alaska. As an assistant U.S. attorney, Judge Smith litigated cases interpreting the Alaska Native Claims Settlement Act, such as *Aleknagik v. United States*, 806 F.2d 924 (9th Cir. 1986). She served as the co-chair of the Alaska Rural Justice and Law Enforcement Commission in 2006.

Appointed as a magistrate judge for the District of Alaska in 2007,



Judge Deborah Smith

she has been instrumental to the court behind-the-scenes on multiple committees, task forces and civics projects. Even before her work on the court, she helped establish and maintain community outreach projects such as DOJ’s Weed and Seed programs, which provide resources and expertise aimed to prevent, control and reduce violent crime, drug abuse and gang activity

in designated neighborhoods across the country. Judge Smith helped establish programs in Anchorage’s Mountain View neighborhood, as well as Ringstad Park in Fairbanks.

She has presided over numerous naturalization ceremonies for the District of Alaska, including those that fill the UAA auditorium to capacity. Judge Smith also worked with Federal Defender Rich Curtner to establish the Hope Court, a fed-

But while a photo may be worth a thousand words, quotes from friends and colleagues are priceless. Her colleague, Judge Matthew Scoble, notes: “Judge Smith was an outstanding mentor and it was a privilege to work with her.” On the occasion of her retirement, Judge John Sedwick offered his praise, noting that Judge Smith “is diligent, resourceful, and very intelligent. She will be greatly missed.” Judge Ralph Beistline added, “Judge Smith has been a voice of wisdom and common sense on the court ever since her appointment as magistrate judge. Not only is she smarter than most of us, but she is a very hard worker. Judge Smith has a very calm and pleasant personality that has made her a valuable colleague and a positive role model for all of us. She truly has been, and remains, a very special part of the Federal Court in Alaska.”

Eriquia Harmon, the Judge’s longtime judicial assistant, is both happy and sad upon the news of Judge Smith’s impending retirement. She wishes the judge a very happy retirement. Courtroom Deputy Camille White, added, “I have had the honor and privilege of working



Judge Deborah Smith swears in the acting Anchorage mayor, Austin Quinn-Davidson.

eral reentry court aimed at reducing recidivism.

Judge Smith was involved in court governance matters on a national scale, as well. Chief Justice John Roberts appointed Judge Smith to serve on the U.S. Judicial Conference Judicial Resources Committee in 2017. And she was elected president of the Federal Magistrate Judges Association in 2020. Under her leadership as chair of the Ninth Circuit Magistrate Judges Executive Board, reference materials for judicial use were developed such as *Carpe Data: A Guide for Ninth Circuit Magistrate Judges When Reviewing Government Applications to Obtain Electronic Information*.

As a prosecutor, Judge Smith was an instructor at the FBI Training Center in Quantico, Virginia and the Federal Law Enforcement Training Center in Georgia. She co-authored the DOJ *Federal Grand Jury Practice Manual* (1993 rev. 2000). As a judge, she provided judicial training in foreign countries such as Azerbaijan, Zambia and East Timor.

Serving as a mentor to her law clerks during her tenure, Judge Smith launched the careers of several Alaska attorneys from her chambers, and swore in former law clerk, Austin Quinn-Davidson, upon her appointment as acting mayor of Anchorage in 2020.

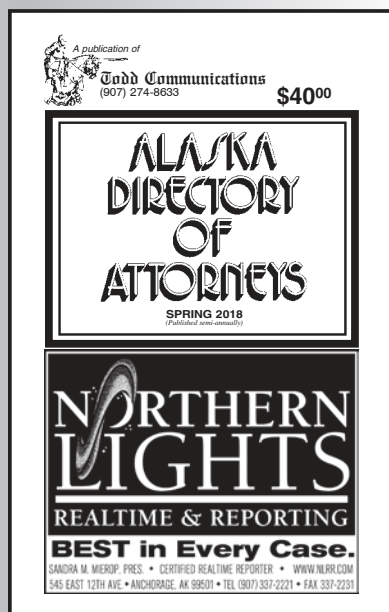
alongside Judge Smith for the past four years. Although she has many tough decisions to make, she has always been thoughtful and considerate of the challenges many of the defendants have faced, often offering words of encouragement. She has been a pleasure to work with and will be missed on the bench. I wish nothing but the best in her future endeavors.”

Upon this weighty occasion, Chief Judge Timothy Burgess said: “Judge Deborah Smith has been a close colleague and dear friend for more than 25 years. She is one of the most hardworking individuals I know. Judge Smith is committed to justice, fairness and treating everyone with kindness and respect. She has left an enduring mark on the Court and on Alaska. Both are better as a result of her tireless efforts. Semper amici.”

Judge Smith will continue to lend her expertise to the court even after retirement, and while women are no longer the exception on the bench, Judge Smith is, indeed, exceptional. Your court family wishes you all the best in your future travels and your next chapter.

Anna Russell is a U.S. Court librarian, managing the Alaska library branch. She provides legal research support for Circuit, District and Bankruptcy court staff.

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# A frightening airplane ride leads an attorney into asylum law

By *Becky Kruse*

Sue Ellen Tatter was on a work trip to Kotzebue when her plane hit turbulence. Not the bumps and shudders you might feel on any flight. Major turbulence. Oxygen masks fell. The plane jolted and shook till the seats came unbolted from the floor. Passengers screamed. Several were thrown loose from their seatbelts. Sue Ellen clung to the woman beside her for safety as it felt like the plane might split apart at the seams.

Minutes or an eternity later, who's to say, the plane sputtered and ground into calmer air. "Good news is we're through the worst of it and I can see Kotzebue," the pilot announced. "Bad news is the runway is closed so we need to turn back and fly through it all again."

Later, as Sue Ellen planted her feet firmly on Anchorage ground, she had a revelation. Well, first she threw up. But then a revelation. "I had a nice career, nice things, nice kids. But I didn't want to die and have people say, 'Oh, yeah, she was nice. She had good parties.' I wanted to be remembered for doing something. For contributing and helping to make someone's life better."

She immediately signed up for pro bono.

Sue Ellen chose an asylum case — the first of many — and it was a perfect fit. "Asylum law is not complicated," she explained. "All you have to do — and it is uplifting — is learn about the country and the conditions from which the person came and what their problems were and tell that story." Storytelling was a familiar skill for Sue Ellen, as a lifelong criminal defense attorney. It's a skill all attorneys share, and one that asylum seekers desperately need.

"A lot of people qualify for asylum, but they do not understand what to tell the immigration officials," she said. "They say, 'I'm very poor. My children are dying of starvation.' But asylum seekers need to demonstrate persecution or fear of persecution on account of certain factors, which is not self-evident. And in many cases, Sue Ellen said, asylum seekers are reluctant to speak about the traumas of their past. "Sometimes it's not just storytelling, it's getting the story out. Attorneys are well equipped to do that."

Working through trauma with a client can be challenging, but also inspiring. One client who really sticks with Sue Ellen was a 15-year-old

girl who swam across the Rio Grande by herself while five months pregnant. "What struck me about her is she is exactly the type of person you would want to be a citizen. She had to stop school in second grade, and yet she was able to get from El Salvador to Texas all on her own, drinking water from troughs, sleeping in barns. She was so resourceful." Thanks to Sue Ellen, she can put those resources to work in her new American home. "She's a good mother, a hard worker. You want her to be a citizen."

Throughout her career, Sue Ellen has represented asylum seekers from around the globe, including Africa, Asia, Central America and Eastern Europe. "It's sort of like goodwill adventure travel," she said. "It is wonderful to learn things I never knew about the world. I learned about the Bosnian war. I learned about gangs in Central America. I learned about repression in China and the one-child policy. The history of violence and civil war in Nigeria. Things I wouldn't pick up from the daily newspaper. I feel a part of the world in a way I wouldn't if I hadn't done these cases."

Her clients have brought the world to Sue Ellen as well, through their stories and their acts of gratitude. "They make you food. They sew you beautiful clothes. I had a client whose wife brought me a huge meal of Central American food on my birthday. A family from Viet Nam came to my house and spent all day making the most wonderful pho broth. They are so thankful."

Sue Ellen is grateful herself for the assistance the Alaska Institute for Justice provides her as a pro bono attorney. AIJ screens cases for volunteer attorneys and pro-

vides all the resources she needs to successfully represent clients — legal resources, language interpreters, administrative support and mentorship. "I rarely do anything without calling one of the AIJ attorneys," Sue Ellen said. "There is always someone there to help you, provide the long view, and bounce around ideas."

Those resources made it easy for Sue Ellen to take pro bono clients while juggling a busy legal practice. Long timelines also helped. "These are not urgent, front burner cases," she said. "You will have the time you need to talk to the client, learn country conditions and write up a story." Then it can be months or years before the interview with an asylum officer or sometimes an Immigration Court hearing.

Retired since 2013, Sue Ellen continues taking pro bono asylum cases. "A lot of people when



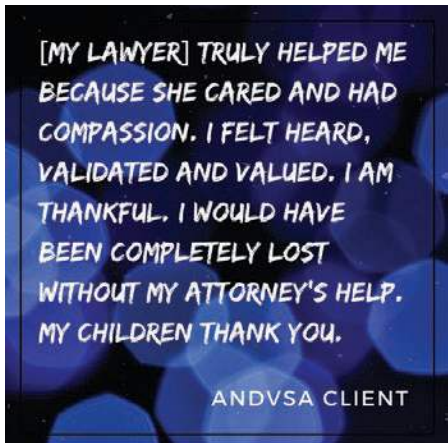
Sue Ellen Tatter


they retire will go and take a course at UAA," she said. "But I learn more from these cases than any course." Asylum work also keeps her connected. "It's very interesting as an older person to see the struggles that these younger people have and how courageous they are. It makes you understand the world better. It makes you more sympathetic to the issues that come before the country. It makes you feel a part of the world."

Sue Ellen wishes all attorneys would try an asylum case. These cases fit within the skill set of all attorneys, and we have a duty to share those skills. "I could volunteer at the Botanical Garden, but I wouldn't be very good at it," she said. "Anyone can do that. Not everyone went to law school and learned to advocate for clients. I'd rather do this than garden."

For more information about AIJ and asylum work, see the institute's web site at <https://www.akijp.org>.

*Becky Kruse is a tax-qualified administrative law judge with the Office of Administrative Hearings and chair of the Bar's Pro Bono Service Committee.*





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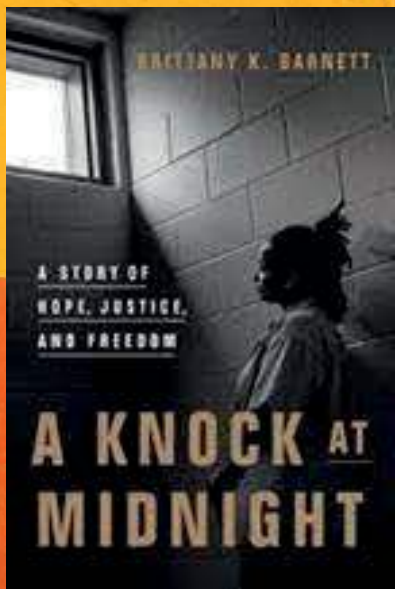
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# PROFILES IN PRO BONO

## Tali Birch Kindred

*Alaska has a critical need for attorneys to represent individuals experiencing domestic violence in family law cases. Service providers, like the Alaska Network for Domestic Violence or Alaska Legal Services Corporation, rely heavily on pro bono counsel to expand their capacity and reach as many Alaskans in need as possible. Tali Birch Kindred, corporate counsel to Oil Search Alaska, discusses her pro bono experiences in this arena.*

### How did you get involved with pro bono work?

For the first four years of my legal career I worked for the State of Alaska as an assistant district attorney which I consider a form of public service. When I went into the private sector, I wanted to find another way to use my legal services to support our community and pro bono work was an obvious way to do it.

### What was your experience?

My pro bono experience has been with Alaska Network for Domestic Violence and Sexual Assault (ANDVSA). The cases I have taken have been child custody matters, sometimes with an accompanying divorce or dissolution, sometimes not. The workload varied significantly between the cases. One of them went to trial and there was significant pretrial work due to prolific filings by the pro se opposing party. Several of the cases I took jointly with Jon Katchen, whom I worked with at Holland & Hart at the time. This was a great arrangement as we were able to share work based on our respective availability and were aided greatly by our paralegal, Janet Tipton, who had prior experience working at a family law firm.

### How did it change your outlook on the profession? Your own practice?

It reinforced to me the force for good we can be as attorneys and the ways in which our training and experience translate to different practice areas. I would never claim to be a skilled family law attorney; prior to ANDVSA, the only divorce filing I had ever made was my own. That said, as an attorney — any type of attorney — we know how to use the law to solve problems and advocate for our clients' interests. Even if you are a first-year attorney who just passed the bar, you have skills that will tremendously benefit a pro bono client for whom going to court is likely a foreign experience.

### What do you need for resources?

Office support is key. I would make sure your office staff are available to support your pro bono efforts; in particular, an experienced paralegal is a huge help. Other than that, if the pro bono work you are considering taking is with ANDVSA, they have great tools to support volunteers, including a manual that summarizes the relevant Alaska law and cases and a brief bank. Beyond that, they can provide on call support if any urgent issues arise.



Tali Birch Kindred

### What do you recommend for other pro bono lawyers?

Don't let your perfectionism prevent you from taking a case. For many pro bono clients, there is no better, more qualified volunteer waiting in the wings; your volunteering may be the difference between them having an attorney or not, so do not avoid taking a case just because it is not in your core practice area. My pro bono experience underscored for me the importance of legal representation. It is also a great opportunity to practice thinking on your feet: on two occasions I had to talk State Troopers out of arresting a client at her place of work. The troopers did not have the complete set of case files and believe her to be in violation of a protective order, which technically she was. Without representation, I believe she would have been arrested.

### What do you recommend for encouraging pro bono work in general?

I would encourage young attorneys, or attorneys looking to expand their practice areas, to consider pro bono work as a great opportunity to expand their resumes, while also giving back to the community. If you want to get trial experience and your firm isn't likely to set you loose on a multimillion-dollar civil case, you can volunteer with ANDVSA and get your feet wet with a divorce trial.

Also, consider taking a case with a buddy. Having co-counsel on a case can make it easier to balance workload versus pro bono demands and — assuming you pick right — can be more fun.

The Alaska Bar Convention will be held **virtually** to ensure the health and wellness of the membership, staff, and the communities around them.

## ALASKA BAR ASSOCIATION VIRTUAL ANNUAL CONVENTION



*Save the Date!*

September 13-15, 2021

Register at [www.alaskabar.org/2021Convention](http://www.alaskabar.org/2021Convention)

## DO YOU KNOW SOMEONE WHO NEEDS HELP?



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

Contact the Alaska Bar Association or one of the following coordinators when you learn of a tragedy occurring to someone in your local legal community:  
Fairbanks: Aimee Oravec, [aimee@akwater.com](mailto:aimee@akwater.com)  
Mat-Su: Greg Parvin, [gparvin@gparvinlaw.com](mailto:gparvin@gparvinlaw.com)  
Anchorage: Stephanie Joannides, [joannidesdisputeresolution@gmail.com](mailto:joannidesdisputeresolution@gmail.com)

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



## In Memoriam

### Davis, Anchorage attorney of almost 50 years dies

Paul Davis died May 20, 2021, from Alzheimer's disease surrounded by his family.

Paul and his wife Suzanne moved to Alaska in 1973, when he began his law career as a clerk for a Superior Court judge. He was a member of downtown Rotary and a founding member of Bridge Builders in Anchorage.

Living and working in Anchorage he served in several legal capacities for almost 50 years.

Davis often shared that his dream from a young age to have a family. He had a way of making each family member feel special. He enjoyed the simple things: beautiful flowers and trees and birds talk, long walks and hikes with his dog, cooking elaborate meals, reading mystery books and listening to the Eagles. But, more than anything, he loved spending time with his family.

Paul is survived by his wife of 52 years, Suzanne Davis; daughters, Rebecca Davis, Abbi Smith (Billy Smith) and Emily Luke (Greg Luke); and grandchildren, Aubrey and Ben Davis-Loosli, Owen and Reese Luke, Elijah and Lincoln Smith

His family planned to hold a memorial service in July at the botanical gardens. In lieu of flowers, a contribution can be sent in Paul's name to the Alzheimer's Association of Anchorage, 1750 Abbott Road, Anchorage 99507.



Paul Davis

### Member of Alaska legal family dies suddenly at 64

Lifelong Alaskan, attorney John Thorsness, 64, died unexpectedly Aug. 12, 2021. John was born in Anchorage Sept. 23, 1956. He graduated from West Anchorage High School in 1974, and earned a degree in history from the University of Washington. He graduated from the University of Oregon School of Law in 1982.

John grew up attending Central Lutheran Church, which laid a wonderful foundation for his strong Christian faith.

John began his career in law working with his father, David Thorsness at the law firm Hughes, Thorsness, et. al., where he made partner. He later joined Clapp Peterson Tiemessen and Thorsness, where he worked at the time of his death.

Though known throughout Alaska as an attorney, work was only a way to support John's family and his passion for the outdoors. His love for flying began while lofting balsa-wood gliders with his childhood friend, Todd Rust. They both qualified as pilots while teenagers and though their careers diverged, they remained friends and flying companions until John's last day. When he wasn't practicing law, John could be found packing his go bag and prepping his Arctic Tern to fly to his cabin at Lake Denali.

At the University of Washington, he joined the rowing team where some of his most enduring friendships began. There he rowed under renowned coach Bob Ernst, who later coached John's sister, Kristen, to an Olympic gold medal in rowing.

As a young man, John became fascinated with mountaineering, and began scaling peaks throughout the Alaska Range, including a traverse of Denali in 1990. Among his climbing companions are Vern Tejas, Charlie Sassara, Brian and Diane Okonek, Mike Lessimeyer and Grant Law.

He met his wife of 30 years, Gerianne, while skiing through Portage Pass, both heading to Whittier to watch the Super Bowl. The family they made together over the next 30 years was the focus of his life.

He was preceded in death by his parents, David and Priscilla; and cousins, Jim and Julia Thorsness, Gail Webb Spurrier, and Carol Greenup. His survivors include his wife, Gerianne; daughters, Sophie (Steven), Annie (Dustin) and Kaiya (boyfriend Gaven); son, Henry; granddaughter, Daisy; brother, Dan (Victoria); and sister, Kristen (Lynne).

He also leaves many close friends including, Todd Rust, Dave Dickhaus, Dave Kyzer, the Lake Hood crew and the Lake Denali family.

A celebration of his life was scheduled for Friday, Aug. 20, 2021. Donations in his name can be made to the John B. Thorsness Scholarship Fund, Lumen Christi High School, 8110 Jewel Lake Road, Anchorage 99502.



John Thorsness

## Bar People

### Alaska attorney to clerk for US Supreme Court justice

Stoel Rives LLP associate Whitney A. Brown has been selected to serve as a clerk for Sonia Sotomayor, associate justice of the U.S. Supreme Court. The clerkship began in July 2021 and will last for one year, after which Brown hopes and expects to return to Alaska. Brown, who focuses on complex litigation at Stoel Rives, was a law clerk to Morgan Christen of the U.S. Court of Appeals for the Ninth Circuit, Guido Calabresi of the U.S. Court of Appeals for the Second Circuit, and Goodwin H. Liu of the Supreme Court of California. She earlier worked for several years in Washington, D.C., on health policy issues. Brown received her J.D. from the UCLA School of Law, where she was editor-in-chief of the UCLA Law Review, her Master of Public Health and Graduate Certificate in Human Rights from Emory University Rollins School of Public Health, and her A.B. from the University of Chicago.



Whitney Brown

### Anchorage firm names Kaufman as new associate

Melanie Iverson Kaufman has joined Foley & Pearson, P.C. as an associate attorney. Foley & Pearson, P.C. is a four-attorney estate-planning firm in Anchorage. Her practice focuses on preparation of wills and trusts, as well as representing fiduciaries in probate and trust administrations. She has been with the firm since September 2020. Melanie was born and raised in Anchorage, and graduated from the New College of Florida with a bachelor's degree in political science in 2004. She then attended the Willamette University College of Law and graduated in 2010.



Melanie Kaufman

## NEWS FROM THE BAR

### Board of Governors Action Items July 7, 2021

Approved 6 reciprocity applicants and 5 UBE score transfer applicants for admission.

### Board of Governors Action Items August 12, 2021

Voted to move the Board meeting in September to a virtual format.

## ALASKA ASSOCIATION OF PARALEGALS

*Dedicated to the growth of our profession since 1981.*

For more information about our monthly CLE Luncheons and other events, visit our website at [www.alaskaparalegals.org](http://www.alaskaparalegals.org).



A member of the National Federation of Paralegals Association

**Want to purchase mineral and other oil/gas interests**

*Send details to:*

**P.O. Box 13557, Denver, CO 80201**





# ADVOCACY ORGANIZATIONS/ PRO BONO OPPORTUNITIES



## Alaska Legal Services Corporation (ALSC)

Laura Goss, Director of Pro Bono and Development  
1016 West Sixth Avenue, Suite 200  
Anchorage, AK 99501  
(907) 272-9431 or 800-478-9431  
[lgoss@alsc-law.org](mailto:lgoss@alsc-law.org)

Alaska Legal Services Corporation (ALSC) provides civil legal services to low-income Alaskans. Their efforts are rooted in improving the quality of life for children, families, the elderly, disadvantaged and ultimately, our communities.

Through a strong network of volunteer attorneys and other professionals, ALSC serves in eight communities around Alaska. Nearly 90 clinics are given in four of those communities each year with topics of bankruptcy, family, landlord/tenant, wills/probate and general civil law. Their greatest need is in client representation. Other volunteer opportunities are one-time client consultation, teaching at a legal clinic and mentoring other attorneys. Volunteers are also needed to write, edit, or review client-oriented self-help education materials for AlaskaLawHelp.org, a joint project of ALSC and other Alaska justice community partners

To learn more about ALSC, volunteer opportunities, and other office locations visit [www.alsc-law.org](http://www.alsc-law.org).

## Alaska Institute for Justice (Alaska Immigration Justice Project)

Anna Taylor, Supervising Attorney  
431 West Seventh Avenue, Suite 208  
Anchorage, AK 99501  
(907) 279-2457  
[anna.taylor@akijp.org](mailto:anna.taylor@akijp.org)

The Alaska Institute for Justice is a non-profit agency that provides low-cost immigration legal services to immigrants in all immigration applications, including asylum cases, citizenship applications, permanent resident status, work permits, family petitions, and petitions for domestic violence victims.

El Proyecto de Justicia Inmigratoria de Alaska es una agencia no lucrativa que ofrece asesoria legal a un costo reducido a inmigrantes en todos los asuntos inmigratorios, tales como solicitudes de ciudadanía, de residencia permanente, de permisos de trabajo, o peticiones familiares o para victimas de abuso domestico.

To learn more about AIJP visit [www.akijp.org](http://www.akijp.org).



## Alaska Network on Domestic Violence & Sexual Assault (ANDVSA)

Katy Soden, Senior Staff Attorney  
907-297-2791  
[ksoden@andvsa.org](mailto:ksoden@andvsa.org)

Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) provides support to low-income victims of domestic violence and sexual assault in need of legal assistance. Serving an average of 110 clients per year, ANDVSA supports volunteer attorneys willing to take a wide variety of civil cases.

Serving on a statewide basis, ANDVSA's volunteers are put to work taking full cases, serving as mentors, doing legal research and answering the Information and Referral Hotline. The Information and Referral Hotline is offered 18 times per year for two hours each rotation by volunteer attorneys around Alaska.

To learn more about ANDVSA and its volunteer opportunities visit <https://andvsa.org/get-involved/become-a-pro-bono-volunteer/>.



## American Civil Liberties Union of Alaska

The ACLU of Alaska has wide array of needs for legal volunteers who are looking to assist. From a discrete research assignment in an area of immigration law, to co-counseling large civil rights cases, the organization's needs are dynamic. Anyone who is interested in volunteering should contact the ACLU at [acluak.org](http://acluak.org) and fill out our volunteer form, or email [info@acluak.org](mailto:info@acluak.org).

## Disability Law Center (DLC)

Dave Fleurant, Executive Director  
3330 Arctic Blvd., Suite 103  
Anchorage, AK 99503  
(907) 565-1002  
[dfleurant@dlcak.org](mailto:dfleurant@dlcak.org)

Disability Law Center of Alaska, established in 1977, is a civil rights organization protecting the human, civil and legal rights of Alaskans with disabilities through legally-based advocacy. Each state and territory is mandated by law to have a designated independent Protection and Advocacy (P&A) system for people with disabilities. Disability Law Center of Alaska is Alaska's protection and advocacy system.

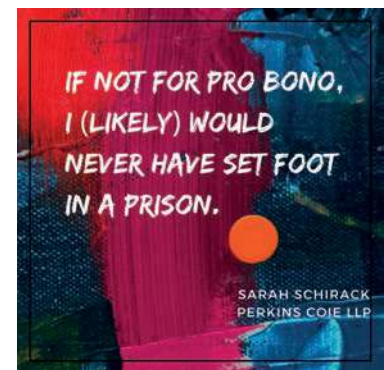
Disability Law Center of Alaska provides information and referral, individual advocacy, legal representation, systems advocacy, and education and training. They have broad statutory powers to safeguard the rights of people with disabilities. Disability Law Center of Alaska clients make their own decisions. They work to promote self-determination, personal autonomy, and self-advocacy. They advise and present options to clients in order to assist them in making their own informed choices.

To learn more about DLC visit [www.dlcak.org](http://www.dlcak.org).

## Federal Pro Bono Project

Natalie Wicklund, Pro Se Law Clerk  
U.S. District Court  
222 W. 7th Avenue, Room 229, Box/Suite #4  
Anchorage, AK 99513  
(907) 677-6100  
[natalie\\_wicklund@akd.uscourts.gov](mailto:natalie_wicklund@akd.uscourts.gov)

The U.S. District Court's Federal Pro Bono Project matches volunteer attorneys to prisoners in need of civil rights representation—to litigate real and emerging constitutional and civil rights issues. The Project's cases qualify for assistance based on: 1) whether the litigant is incarcerated and has filed in forma pauperis or otherwise demonstrated an inability to afford counsel; 2) the likelihood of success on the merits; and 3) the ability of the litigant to be self-represented in light of the complexity of the legal issues involved. The Federal Pro Bono Project offers a doorway to an expansive federal practice, especially for practitioners eager to take the lead in civil litigation.



For more information on current available cases visit: <https://www.akd.uscourts.gov/federal-pro-bono-project>

First published in the Alaska Bar Rag

For more information on pro bono services, contact Krista Scully at the Alaska Bar Association.

Call 907-272-7469 or visit our website at: [www.alaskabar.org](http://www.alaskabar.org)