



# Alaska: Where Law and Life Can Both Be Practiced

By Stephen Adler

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An x-ray of a man's neck with a bullet lodged near the carotid artery lies against the window in Jeffery Lowenfels's office overlooking the cold waters of Cook Inlet in Anchorage, Alaska. The x-ray is a reminder to Lowenfels of why he left Boston and what brought him to Alaska.

Nine years ago Lowenfels had just completed his first year of law school at Northeastern University in Boston. A native of Scarsdale,

New York, and a graduate of Harvard College, he was probably headed for corporate practice in New York. Then, on an afternoon in early July 1973, as he was bicycling near the zoo in Boston's Franklin Park, Lowenfels was accosted – and shot in the neck with a rifle – by a group of ten-year-old marauders. “I was lying on the ground, dying, breathing through the hole in my neck, I remember thinking, ‘If I live, I’m not going to Wall Street. I’m getting out of here,’” Lowenfels said.

For Lowenfels and the 1,500 other lawyers who have arrived during the past 13 years – escaping crime, bad marriages, or the urban job squeeze, or just looking for adventure – Alaska remains a

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# Alaska Bar Association Hosts Inaugural Career Fair

By Danielle Bailey

An estimated 100 people came out for the Alaska Bar Association's inaugural Legal Career Fair and Reception on Thursday, July 25 at the 49th State Brewery. The career fair (co-hosted by the Anchorage Bar, Anchorage Association of Women Lawyers and Alaska chapter of the Federal Bar Association) featured over 20 legal employers and an estimated 50 job seekers.

Newly admitted Alaskan lawyers, summer interns, paralegals, legal administrators and students from UAA in the paralegal or justice programs were all sent invitations to

attend. The Alaska Bar Association looks forward to working with the Alaska legal community to make this a standing event for years to come. Please reach out to the Alaska

Bar if you would like to participate as an employer next year.

*Danielle Bailey is the Executive Director of the Alaska Bar Association.*

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Photos by Kara Bridge





# Articles from the Past Help President Look to Future

By Jeffrey Robinson

In 1982, Stephen Adler, a contributing editor of *The American Lawyer* ventured to Alaska to survey the state's legal scene. Adler, a third-year student at Harvard Law School, marveled that the discovery of oil at Prudhoe Bay in 1968 and subsequent construction of the Trans-Alaska Pipeline helped increase the number of lawyers in the state from 309 in 1968 to 1,800 in 1982. He reported that "Alaska lawyers appear to be intoxicated with the dramatic surroundings, informal ambiance, short hours and lucrative legal practices" and noted that Alaskans had gained "confidence that today's boom will not become tomorrow's bust." Adler's article is re-published in full on our front page with consent from the original publisher.

Adler's article reads like a "Who's Who" of present and future jurists. At the time, Dana Fabe was 31 years old and already serving as the chief public defender for Alaska. Fabe had "two Siberian huskies that pull[ed] her sled in the winter." Many of us who have come to know retired Justice Fabe from her time on the bench or as an accomplished mediator were well aware of the former, but not the latter. Adler met with, amongst others, John Lohff, a lawyer with mountaineering aspirations, who would become Judge Lohff (now retired), Judge Beverly Cutler (a district court judge first appointed when she was 28 years old and soon to be appointed as a superior court judge), and Andrew Kleinfeld, a lawyer from Fairbanks who would four years later take a seat on the United States District Court for the District of Alaska before becoming a federal appellate judge.

The cover photograph of Adler's article features Jeff Lowenfels, who had survived a harrowing ordeal as a law student and vowed that he

would never go to Wall Street to practice law. Thanks to Jeff, many of us have an enriched perspective on survival and more prolific gardens.

Adler himself found abundant career success as a reporter, author and editor. During his tenure as editor-in-chief of Reuters, the global news agency won eight Pulitzer Prizes. While working as the legal editor of *The Wall Street Journal*, Adler published a book about the jury system in the American Courtroom. Adler "followed his star," which took him outside of the practice of law but gave him the ability to look inside the role of the lawyer in the American justice system.

Lawyers outside of Alaska, particularly those who have never even visited Alaska, have asked me what being a lawyer in Alaska is like. My response usually includes a story about the time

a former law partner and I took a series of boat and plane trips to visit several remote sites on behalf of a fisheries client. The trips were memorable not only because of the fascinating subject matter of our assignment, but because we soared over mountain ranges to get to the sites and arrived to witness bears and sea lions sampling the product. On our last trip, I realized that our float plane was not, as common sense should have told me, equipped with a restroom. Luckily, our pilot was kind enough to make a pit stop in a bay 40 or so miles short of our destination. The view of the makeshift restroom included glaciers and a passing whale. When I asked the



**"Lawyers outside of Alaska, particularly those who have never even visited Alaska, have asked me what being a lawyer in Alaska is like."**

pilot if such requests happened regularly, he said "first time in 30 years."

99% of my work does not sound so....adventurous, nor could it be. However, even being a "seated lawyer" here brings a daily view of the Chugach Mountains. It allows me to work on subjects that harness my intellectual creativity, do what I love and provide counsel to clients with unique, and often Alaska-centric needs. I can then comfortably and easily leave it all behind to recreate beyond the corners of my office. This is not common on

Wall Street.

What is it about this remote, wild place that brought you here, or inspired you to return to practice law? On July 25, 2024, the Alaska Bar Association hosted our inaugural

Legal Career Fair and Reception at the 49th State Brewery. The aim of the career fair was to provide a platform for legal professionals

**What is it about this remote, wild place that brought you here, or inspired you to return to practice law?**

to explore career opportunities and to network with industry leaders. Co-sponsored by the Anchorage Bar Association, the Anchorage Association of Women Lawyers and the Alaska Chapter of the Federal Bar Association, the event featured 21 potential employers and over 50 potential candidates. Similarly, the Bar recently published in the last Bar Rag an intent to adopt the Next Generation Bar Examination with the intent to accept score transfers beginning in 2026 and to administer the exam in July 2028. The Bar received feedback from numerous members regarding the possibility of expanding available options for law school graduates and out of

## EDITOR'S COLUMN

# New Editor Requests Submissions from the Bar

By Monica Elkinton



I am very honored to join the *Alaska Bar Rag* as Editor with this issue. Taking over from Ralph Beistline is quite intimidating. His years of editing the *Bar Rag* have brought us together and helped us all stay informed. I have always looked forward to the Bar Rag arriving in my mailbox. Since I was admitted to the Alaska Bar 18 years ago, I have always enjoyed hearing the news from around the state and learning what other lawyers were up to. Thank you, Ralph, for all your work for so many years.

In the past, I have contributed articles on notable Alaska visitors such as Interior Secretary Deb Haaland and Supreme Court Justice Sonia Sotomayor. I've written articles summarizing panels at the Alaska

**"The Bar Rag has the potential to connect us Alaska lawyers no matter where we are. These pages have the ability to bridge generations, practice areas and judicial districts."**

Bar Convention so their messages could reach those members who were unable to attend. For a while I had a regular column about solo practice management, back when I had a solo practice.

We need more voices in the Bar Rag! We would love to have a few paragraphs on the latest event you attended, or a summary of a discussion you've recently had with colleagues on a point of law, or a few memories of times gone by. If you are a section chair, involved in a local bar association, serve on committees, a pro bono leader or are working on other

issues related to the practice of law in Alaska, we may be reaching out about the possibility of a contribution in future issues.

The Bar Rag has the potential to

connect us Alaska lawyers no matter where we are. These pages have the ability to bridge generations, practice areas and judicial districts. So thank you all for reading it and letting me be at the helm for a while.

I hope to follow in Judge Beistline's steps as editor – please join me in helping to make the Bar Rag relevant, make it meaningful and make it entertaining. To do that, we need your words in these pages.

To submit an article, poem or photograph, or to get more information about how to write an article, get in touch with Danielle Bailey at [bailey@alaskabar.org](mailto:bailey@alaskabar.org) or myself at [melkinton@akcourts.gov](mailto:melkinton@akcourts.gov).

*Monica Elkinton is a Magistrate Judge in Anchorage. She has contributed to the Bar Rag periodically for more than 13 years. She is a former section chair, former member of the Alaska Bar Pro Bono Services Committee, and currently serves on the Alaska Bar CLE Committee.*

state attorneys who wish to practice in Alaska. The comments are invaluable, and I can assure you that the Bar takes seriously our mission to increase the attorney pipeline while simultaneously supporting the needs of our current membership.

The Bar is open to your participation in answering the challenging question of what the Alaska Bar Association should or should not be doing to keep the dream alive for law students and younger lawyers. If Adler were to return to Alaska now, 42 years later to write the epilogue to his feature, I am confident that he would be pleased that Alaska has not gone bust, and that he would continue to be inspired by the next generation of attorneys who call Alaska home.

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

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# Juneau Bar Hosts Annual Summer Picnic

*Photos provided by Ben Hofmeister*



## Tanana Valley Bar Association Hosts Christmas in July Picnic



*Photos provided by  
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frontier as rich in legal work as it is bountiful in oil, salmon, and natural beauty. Largely because of the discovery of oil at Prudhoe Bay in 1968 and subsequent construction of the pipeline, the bar grew from 309 to 1,053 between 1969 and 1978. Today there are 1,800 lawyers in the state.

The attractions are many. Alaska lawyers have varied practices representing major oil companies and mining concerns, the newly wealthy Native (Eskimo and Indian) corporations, commercial fisherman, real estate developers, and thousands of workers who bring personal injury suits stemming from accidents in gold, copper, and zinc mines, oil fields, and heavy construction projects. Partners in Alaska firms of just five to ten lawyers often earn more than \$100,000, and sometimes as much as \$350,000, a year. Yet hours are short, with nine to five a typical day and weekends usually free. Alaska lawyers have plenty of time to fish the salmon rivers or hike in the surrounding wilderness.

Anchorage, both the state corporate headquarters for most of the oil and mining companies and the base camp for wilderness vacations, has almost doubled in population since the boom that began in the early 1970s with preparations for building the pipeline. The town of almost 200,000 people is haphazardly laid out in a laissez-faire spirit, with ugly rows of fast-food restaurants and auto-parts shops abutting a small modern downtown of 10- to 20-story office buildings.

Lowenfels, at 33, tall and lean with a reddish beard and gleaming eyes, now practices law "downtown" as a partner in one of the state's most prestigious firms: Birch, Horton, Bittner, Monroe, Pestinger & Anderson, Inc. The firm has twenty-one lawyers in its home office in Anchorage, four in the capital city of Juneau, three in Fairbanks and six in Washington, D.C. Lowenfels, a geology major



"I was lying on the ground, dying, and I remember thinking, 'If I live, I'm not going to Wall Street,'" says Jeffrey Lowenfels.

in college, specializes in state and federal mining and exploration regulation, helping such clients as Conoco, Amerada Hess, Sealaska (a Native-run corporation that is the largest Alaska-based business concern), and an association of coal-mining companies attain permits, develop and lobby for pro-industry legislation, and maneuver their way through state and federal administrative agencies.

As is typical of Alaska lawyers, Lowenfels is active in community ventures: he is the gardening columnist for the Anchorage Daily News, an aggressive, well-written newspaper; co-founder of Legal Pizza, a pizza parlor that introduced pizza-by-the-slice to Alaska; and a founder of the Harvard Club of Anchorage. Lowenfels is also the godfather of Alaska's Northeastern

law contingent – about 35 strong. At recruiting season he goes back East, shows slides, and convinces Northeastern students to practice in a city where the chief public defender makes \$60,000 a year and lawyers are appointed to the bench only a few years out of law school.

The founder of Lowenfels's firm, Ronald Birch, 40, arrived with the first big wave of lawyers who foresaw the economic promise of Alaska in the mid-1960s and now, in their early forties, are at the top of the profession. Birch graduated from Columbia law school in 1965 and was lured by the prospect of adventure to clerk for a year for Alaska Supreme Court Justice Jay Rabinowitz, a native of Philadelphia and a Harvard law school graduate. After a year in Fairbanks, a frontier town of 30,000 that is 350 miles north of Anchorage and literally at the end of the road in Alaska, Birch was convinced that he could become a big fish awfully fast. At 24 he was chief district attorney in Juneau, then he worked for Republican Senator Ted Stevens for a few years before starting, in 1971, a two-man general practice in Anchorage.

In 1973, the Teamsters selected his firm as one of two that would provide prepaid legal services, such as bringing personal injury claims or defending workers accused of crimes, for the men who were flocking to Alaska to help develop the state and to work on the massive pipeline project that dominated Alaska's economy between 1974 and 1978. Birch's firm grew from six to twelve as a result of the contract to serve 22,000 Teamsters under a revised contract that now accounts for 8 to 10 percent of the firm's practice.

By the early 1970s major oil and gas companies had also arrived in force, bringing substantial work for many Alaska law firms. Birch, Horton became specialists in preparing "white papers" for the companies on how to do business in the state and how to finesse the local politicians. Today the firm is

prosperous, and more growth is in the offing. Birch, Horton is currently hiring three to five associates a year and recruiting at a dozen law schools on both coasts, including Harvard, Stanford and the University of Washington, Birch says the firm receives ten to twelve resumes a week.

By Alaska standards Birch, Horton is hard driving and formal. But even there, lawyers generally leave the office by five thirty at the latest and are regularly sent off to Hawaii or Tahiti at the firm's expense to unwind after a long trial. "People don't come to Alaska to work 'till ten o'clock at night, and we encourage them not to," Birch says.

Indeed, the rules of the New York law factories just don't apply in Alaska. Lawyers take frequent vacations and work shorter hours, particularly during the long, cold and oppressively dark winters. At the 29-lawyer firm of Ely, Guess & Rudd, one of the largest and most respected firms in Alaska, partners participate in a sabbatical program that gives them up to six months off every eight years, with four of the six months at full pay. In August, managing partner Theodore Fleischer had just returned from a sabbatical in England, but even he was leaving the office around five, a green knapsack on his right shoulder. "The governing principle of this firm – still in the bylaws someplace – was that we were not going to bust our tails to make a fortune at the expense of civilized circumstances for the practice of law," says founding partner Robert Ely, 50. Yet partners still earn between \$85,000 and \$175,000 a year, depending on seniority and billings. (Though the cost of living is high – about 10 percent higher than in New York City and about 25 percent above the national average – the per capita income is the highest in the country: at \$13,763 a year, it is, in fact, more than 30 percent above the national average.)

The lifestyles of the Alaska law-

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yers whom I met during a week in Anchorage and Fairbanks say as much about practicing law in Alaska as does the nature of their work. Dana Fabe, at 31 the chief public defender for the state, lives in a log cabin in Chugiak, 22 miles north of Anchorage, and has Siberian huskies that pull her sled in the winter. John Lohff is a small-firm practitioner who is past president of the mountaineering club in Anchorage. Lohff has climbed 18,000 feet up Mount McKinley (at 20,320 feet North America's tallest mountain), before being forced down by a storm. He says he will try again. Andrew Kleinfeld lives with his wife and three young children in a beautiful log house in an aspen forest in the hills near Fairbanks, with a spectacular view from his dining-room window of Mount McKinley, 250 miles in the distance. And Kermit Barker, Jr., of Anchorage, like scores of his fellow lawyers and judges, pilots his own float plane, a four-seat Cessna 185, flying from lake to lake in the Alaska wilderness many afternoons after work. The sun sets late on summer nights, and the fishing is unparalleled.

One clear afternoon in August, Barker leaves work before five to take me for a ride in his small plane. Swooping low through a mountain pass, with the jagged snow capped Chugach Mountains forming walls on either side and a blue glacier winding down to a lake below, Barker tells me why he forsook Boston's Herrick & Smith to practice law in Anchorage. He hardly has to explain.

In 1971, Barker was between job interviews in the Roscoe Pound building at Harvard law school when he noticed an interviewer who seemed to have few people to talk to. Barker, who had worked for New York's Dewey, Ballantine, Bushby, Palmer & Wood after his second year at Harvard law and had offers from Hale and Dorr and Herrick & Smith, was curious and wandered in. There he met the interviewer, campus-hopping Alaska Supreme Court Justice Jay Rabinowitz. In a few minutes, Barker says, Rabinowitz had convinced him to clerk for a year in Alaska.

After his clerkship, Barker returned to Boston, but daydreamed about the Alaska mountains as he toiled as a first-year associate in the library at Herrick & Smith. Nine months later he was back in Alaska and starting a four-man firm. He has since been representing many of the television and radio stations that have followed the growing population to Alaska (the state's population is now more than 400,000), as well as salmon canners, commercial fisherman and Native corporations. Barker frequently defends fishermen who are charged with fishing in restricted waters or with not having proper permits. He also has been representing a cannery on Unalaska Island, located in the Aleutian Islands chain, in a land dispute that rests on the validity of a chain of title stretching back to the Russian American Company, established in the eighteenth century for the exploration and exploitation of Alaska's resources. Barker's firm is studying Russian documents signed by an emissary of Czar Nicholas I



**Kermit Baker forsook Boston's Herrick & Smith for legal practice and high flying in Alaska.**

in the 1840s that support the cannery's clear title to land 1,200 miles west of Anchorage. Barker's eight-member Anchorage firm has recently merged with the Seattle firm of Lane, Powell, Moss & Miller. At least seven Seattle firms now have Anchorage offices.

Second only to the discovery of oil, congressional passage of the Alaska Native Claims Settlement Act in 1971 has provided the strongest spur to legal business in Alaska. Under the act, which sought to settle all pending native legal claims to ancestral lands, Congress set up 12 regional Native-run corporations in Alaska and granted Natives title to 44-million acres of land and a cash settlement of \$962 million. Each Alaska Native was given 100 shares in one of the corporations, each of which retains timber and mineral rights in its region of the state. The richest, Sealaska, has almost \$300 million in assets and is ranked by Fortune magazine as being among the 1,000 largest American corporations. The Native claims act also set up similar village corporations, many of which have significant assets from timber and real estate holdings. So far the typical Native villager has gotten only minimal dividends from shares in the corporations, however, in part because of mismanagement of corporate investments. The claims act prohibits sale of the shares until 1991, when they apparently become freely alienable. However, whether non Natives will be permitted to buy out the Native corporations is likely to be heavily litigated in the coming decade.

In the meantime the business

ventures of the Native corporations provide a major source of business for Alaska lawyers. John Anthony "Tony" Smith, for example, has a six-lawyer Anchorage firm, Smith & Gruening, Inc., that serves as counsel to the Tanadgusix Corporation, a village corporation of Aleut Indians on the Pribilof Islands. Last year Smith spent eight months in Washington lobbying for renewal of an international treaty that permits Pribilof islanders to harvest seals the traditional way: by clubbing them. The treaty was renewed for four years after Smith and the other lobbyists convinced senators that clubbing was the most humane way of killing the seals and that seal hunts were necessary to keep the seal population at an optimum level.

Smith's firm also represents a Native village corporation in its sale of seal penises, called "seal sticks," to the People's Republic of China to be ground up for use as medicines and aphrodisiacs. Smith showed me a contract the firm had drafted providing for sale of 22,000 seal sticks to China for \$210,000. For this unusual work, and also for representing plaintiffs in personal injury suits and doing real estate law for developers, Smith, a 1971 graduate of Cornell law school, nets between \$100,000 and \$180,000 a year. Starting associates at the firm earn about \$35,000 a year, including bonuses.

Smith considers personal injury litigation to be among the most desirable and most lucrative legal work available. He has represented plaintiffs in airplane crashes, common in the often turbulent skies about the mountainous terrain, car crashes, accidents on drilling rigs, and bar fights. His largest personal injury fee, from a plane crash, was \$150,000, on a \$500,000 verdict. Fairbanks lawyer Kleinfeld, president of the Alaska Bar Association, says that dog cases, where dog bites man or man shoots dog or both, are also a surprisingly common source of personal injury business in Alaska.

In contrast to their counterparts elsewhere, private corporations and law firms in Alaska must stretch to keep pace with the high salaries paid to lawyers working for the government. One hundred eighty lawyers currently work for the state, at salaries ranging from \$29,000 for a raw recruit to \$57,000 for an attorney with several years' experience as an assistant district attorney or public defender. Regional adjustments to compensate lawyers for working in Arctic outposts raise salaries to as high as \$65,000. State judges make between \$60,000 and \$88,000 a year, depending on the region of the state and the level of the court. The chief reason for the high salaries is that the state government is awash in money from oil royalties. (This year the state used some of its surplus to return \$1,000 to every person who had lived for at least 6 months in the state. In addition the state offers heavy subsidies to Alaskans who attend out-of-state colleges and graduate schools, including law schools. The state has no law school of its own and will pay

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a resident as much at \$7,000 a year in low-interest loans to attend law school elsewhere. The state forgives 50 percent of the loan if the student returns to Alaska to practice.)

Dana Fabe and Beverly Cutler are two examples of out-of-staters who have climbed rapidly up the government-lawyer ladder in Alaska. Fabe, a 1976 Northeastern law graduate, clerked for an Alaska Supreme Court judge, worked as an assistant public defender, and then was appointed by Governor Jay Hammond to a four year term as the state's chief public defender, at a salary of \$60,000. At 31 she is in charge of 37 attorneys statewide and handles some trial and appellate work herself. Much of the public defenders' time, she says, is occupied by crimes arising from alcohol consumption. "In February the cabin fever syndrome becomes prevalent throughout the state," Fabe says. "It's the cold combined with the lack of daylight. Alcohol consumption is tremendous." Seamy frontier bars in Anchorage and Fairbanks cater to displaced Eskimos and Indians and grizzled old miners down from the hills. Bar fights are common.

To defend people in the bush, public defenders often must fly in small mail planes to far-off villages. With sometimes onerous travel by plane and snowmobile in winter, and with trial loads of as many as 100 to 140 open cases (plea bargaining is banned by the state pros-

ecutor in Alaska, and mandatory or statutorily recommended sentences are the rage, making it advisable for most defendants to go to trial), most public defenders last about two years in their jobs. Then many get into private practice or get judicial appointments.

Cutler began her legal practice in the public-defender agency in 1975, and was appointed to the state district court in 1977, when she was just 28 years old. Regarded by the Anchorage Bar as one of the best judges in the state, the Yale law graduate is now under consideration for a seat on the superior court.

She and her husband, lawyer Mark Weaver, of Gilmore & Feldman, own a three-bedroom log house which they are building on 220 acres of woodlands about 40 miles north of Anchorage. Under a state homesteading provision, they are required to clear at least ten acres a year for farming. (They plan to grow hay and potatoes.)

For many lawyers who have arrived since Cutler, particularly those without her strong credentials, the legal market has become tighter in Alaska in the past few years. Lawyers out of work in the economically depressed Pacific Northwest have been flocking to Anchorage to have swelled the ranks of the Anchorage bar to nearly 1,000. Even so, lawyers in Anchorage contend that there is more legal work for newcomers in Alaska than in most other states. A lawyer like John Lohff in

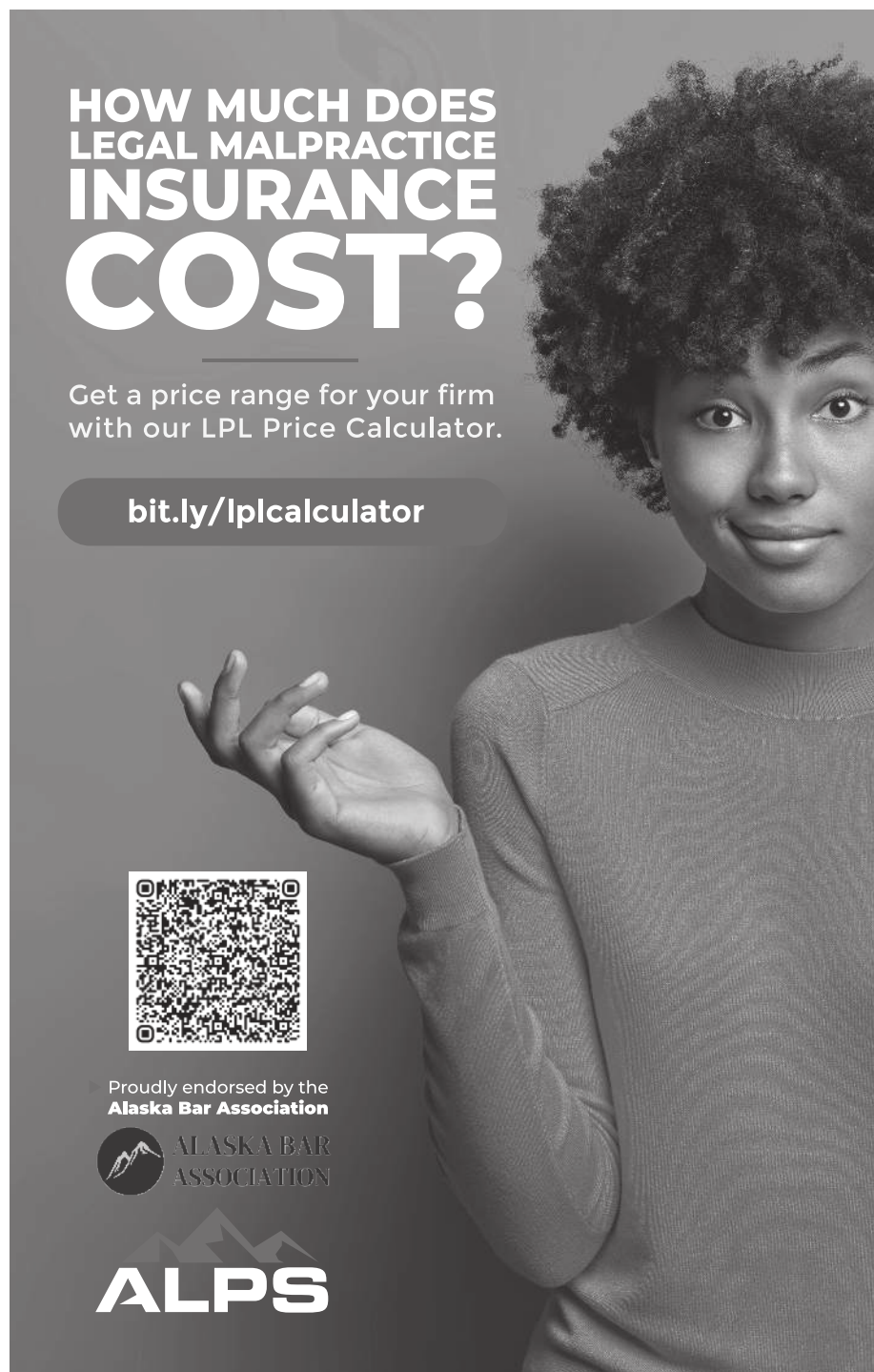
a fledgling two-man office, for example, who graduated from Golden Gate University School of Law and opened his office in Anchorage in 1979, says he will net about \$30,000 this year from divorce, criminal, and personal injury work. And northward, in Fairbanks, the influx of additional lawyers to Alaska has not had a significant effect on the profitability of the legal practice. Juries in Fairbanks are notorious for awarding large judgements in personal injury – from the many small towns north of Fairbanks, such as Nome and Barrow, most of which have few, if any, lawyers of their own.

Millard Ingraham, a Fairbanks lawyer who has been in Alaska since it attained statehood in 1959, owns an office building on a plot of land that he shares with an Indian trailer selling Navajo tacos (Ingraham gets 10 percent of the gross from the taco vendor). He does a bit of everything, handling a lot of personal injury work, mining litigation and construction contract disputes. Ingraham and the other Fairbanks lawyers say that out in the frontier people like to go to court: they seldom settle, and injury trials are the rule. Lawyering there still has a small-time flavor: "When a guy's late on interrogatories, you call him up and say, 'What's up?'" Ingraham says. "You don't make a motion to compel. It's pretty low-key and relaxed."

Yet Fairbanks lawyers fare remarkably well financially. Ingraham bills his hourly work at \$120 and has received a contingency fee as high as \$330,000. He says he nets between \$70,000 and \$100,000 a year, which, he says, "is all I need to live well here." His wife, Elizabeth, until recently was general counsel to a Native corporation, Doyon Limited, and earned \$71,000 a year. She is now going into private practice.

All the advantages of living in Alaska must be tempered with some caveats. In the winter, days are cold and short (no more than four hours long in the dead of winter in Anchorage). For mothers at home with children, cabin fever is a major problem. Many couples divorce. Too many people drink too much. Residents say there is little crime against strangers, but FBI figures show that Alaska is slightly above the national average in number of crimes per 100,000 population and is second only to Nevada in forcible rapes. The ice and bitter weather contribute to the additional danger of accidents, particularly auto collisions and small-plane crashes. And trips "Outside," as Alaskans call the rest of the country, are time-consuming and expensive.


Nonetheless, Alaska lawyers appear to be intoxicated with the dramatic surroundings, informal ambiance, short hours and lucrative legal practices. And for the first time in the recent history of Alaska, people are gaining confidence that today's boom will not become tomorrow's bust, as was frequently the case when gold rushes brought temporary prosperity to the state. Alaskans base their confidence on the multibillion barrel potential of the Prudhoe Bay oil field, the prospect of discovery of more oil and minerals such as zinc, copper, coal and lead in other parts of the state, and a broadening of the economic base through the rapid construction of office buildings, subdivisions, hotels and roads now being financed from oil revenues. For lawyers, says Tony Smith, "this is a natural expansion area because there are resources here that the world needs. There will always be work, even for the small Alaska firm."




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## MCLE FAQs



On January 17, 2024, the Alaska Supreme Court signed SCO No. 2016 amending Bar Rules 65 and 66 to increase mandatory continuing legal education for active bar members to twelve CLE credit hours per year. Three of those twelve CLE credits must be Ethics credits.

**--- When does the CLE increase go into effect? ---**  
Jan. 1, 2025 with the first reporting deadline is Feb. 1, 2026.

**--- What is the annual CLE credit requirement for 2024? ---**  
3 ethics credits must be reported by February 1, 2025.

**--- What is the annual CLE credit requirement for 2025? ---**  
12 CLE credits of which 3 must be Ethics credits.

**--- What are ways to earn CLE credits? ---**  
There are many ways to earn CLE credits outside of the traditional attending CLE courses. Visit <https://alaskabar.org/cle-mcle/mcle-faqs/> for the complete list.

**--- Can unused CLE credits be carried forward? ---**  
A member may carry forward from the previous reporting period a maximum of 12 credits. To be carried forward, the credit hours must have been earned but not claimed for credit during the calendar year immediately preceding the current reporting period.

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More information @ <https://alaskabar.org/cle-mcle/mcle-faqs/>



## TALES FROM THE INTERIOR

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

By William R. Satterberg

## PART V

I once tried a case before Judge Ralph Beistline when he was just another lowly state superior court judge in Fairbanks and not a lifetime federal district court judge. The case involved an allegation that my client had fired a rifle at some loud party-goers. My client's wife and his best friend were testifying against him. Purportedly reluctantly. As part of the case, I visited the site of the crime. The visit was after jury selection, in order to gain a better layout of the land, as well as to locate additional witnesses. I have often done that type of field trip, although usually well before trial.

While at the property, I saw a house trailer located nearby. I knocked on the door. A nice, older couple answered. I asked whether or not they had witnessed the shooting. They indicated that they had. Trying to gain some empathy, I explained that my client was a soldier who could ill-afford a conviction for a felony. It would be career ending. I suggested that, perhaps, my client had simply tripped or fell and the weapon had accidentally gone off, striking the car in which his two accusers were leaving. The couple was adamant that this was absolutely not the case. No way. To the contrary, the shooter had clearly aimed the weapon at the vehicle and pulled the trigger. It was obviously a deliberate act. Getting nowhere fast, I politely thanked them for their input. I left, hoping that the prosecutor did not call them as witnesses. The prosecutor at the time was my old adversary, Jeff O'Bryant. Jeff would often pretend to be sleeping during my presentations, a reflection of his opinion of my work, I assumed.

That evening, I received a call from the couple. I was on their speakerphone. Both asked me, "Why are you representing him?" Once again, anticipating the classic, "How do you represent somebody when you know that they are guilty?" debate usually conducted with a country twang, I tried to explain a lawyer's ethical duties of zealous representation. They would have none of it. After all, they were from North Pole. They interrupted me once again, asking the same question, "And why are you representing him?" I again tried to explain my ethical duties, whereupon they were even more direct. "Why are you representing him? Your client is not the one who did the shooting. It was the long-haired hippy standing next to him who did it. Your client was so drunk he could barely stand up." It then dawned on me that I had made an incorrect assumption. Everyone had agreed that my client was quite drunk, possibly

to the point of blackout. It became apparent that my client had simply believed what his best friend and wife told him he had done.

The next day, the defense case began. My first witness was the neighbor's wife. After doing the foundational questions of where she lived and if she had a view of the scene, I asked her if the person who had fired the weapon was present in the courtroom. She indicated that he was. I then asked her to point out the shooter. Rather than pointing out my client, she dramatically stood up in the witness box and pointed instead at the long-haired hippy sitting in the back of the courtroom. She then emphatically announced, "That is the person who fired the weapon!" It actually could not have been played better. It was just like a real courtroom television drama. My client's best friend immediately ducked his head and began looking at the floor, but not before all twelve jurors noticed his clearly guilty response. Jeff O'Bryant actually appeared to wake up. Judge Beistline called a recess and, I understand, went back into chambers, and announced that, "Satterberg just pulled a Perry Mason in my courtroom!" Admittedly, that statement was hearsay since I did not observe it, but still, I like to believe that it was true. After all, I can't imagine that Judge Beistline could not have made such a profound statement like that given my stellar trial performance.

I argued another case on appeal from the federal magistrate court before Judge Beistline several years later when Judge Beistline was a federal district court judge. The case involved a crusty old-timer named Jim Wilde who lived in Circle. Jim had been arrested on the Yukon River for driving a riverboat through the federal Yukon-Charlie game management unit during hunting season. The Wilde case, as well as the companion civil lawsuit filed by John Sturgeon, became a notable case in Alaska addressing state's rights. Although John Sturgeon took his landmark case to the United States Supreme Court on two occasions, winning both times, Jim Wilde was not so lucky, or rich, or politically correct. Still, Jim had standing, being a criminal defendant whereas John Sturgeon, pursuing civil litigation, had a more difficult hill to climb on the standing issue.

Jim Wilde's case had proceeded to a bench trial and a conviction before Magistrate Judge Scott Oravec



"It was just like a real courtroom television drama. My client's best friend immediately ducked his head and began looking at the floor..."

in Fairbanks on all counts except one. Jim's case was subsequently appealed to Judge Beistline in the federal district court. To my surprise, Judge Beistline also had erroneously ruled against Jim Wilde during the appeal. The issue addressed jurisdictional issues regarding federal enforcement rights on the Yukon River. Subsequently, Jim had authorized me to appeal his case to the Ninth Circuit Court of Appeals if I so desired.

However, Jim would not be paying for that trip, and I didn't blame him. Still, enthralled by the prospects of actually arguing a case before the imposing Ninth Circuit Court of Appeals, I chose to take the appeal. At the same time, John Sturgeon's case was also making its way upstairs with Matthew Findley as John's attorney. Eventually, the two cases were joined for oral argument and became known, informally at least in Fairbanks, as the "Wilde-Sturgeon" cases.

Following the submission of briefs to the Ninth Circuit, Matt Findley, Assistant Attorney General, Ann Nelson (who represented the State's interests), and myself, were advised that we would only have a combined thirty minutes to argue our case before the Ninth Circuit. The court would be sitting in Anchorage to hear arguments. The State of Alaska had intervened in the case although, from my perspective, the State had little to offer since the State had not been active in the past, lower court hearings. Nor did it fund Jim's later appeal to the United States Supreme Court. Still, the State had a public interest in the outcome. As such, three different parties with three different counsel were involved in the Ninth Circuit appellate argument. As part of case preparation, the three attorneys conferred and divided who would do what argument and at what point. For reasons which still escape me (perhaps my alleged lack of a filter), Matt and Ann agreed that I would argue my case in the middle. Sort of a Satterberg sandwich. At our joint conference, we also pledged each of us would only have ten minutes to argue our respective case. In retrospect,

we should have made a blood oath about this. The good news, at least as I saw it, was that I would not be squeezed out at the end in the event that the other two attorneys used up the entire thirty minutes. Little did I realize, however, that Matt was rather loquacious and would use up well more than his allotted and agreed upon ten minutes, causing Ann to aggressively lobby me at counsel table during Matt's arguments to leave her at least ten minutes to argue her portion of the case. Simply stated, the meat in the middle of the sandwich was getting thin and I was the meat. I still wanted to be a team player, though.

Before my voluntarily shortened argument, I had already recognized that our likelihood of prevailing before the Ninth Circuit was abysmally low. All three judges were known to be quite liberal jurists from California. They certainly were not pro-Alaska. Nor pro-state's rights. All three attorneys on our team fully expected to lose at the Ninth Circuit level. And we did.

Still, I understand that my presentation was memorable again according to chambers hearsay. At argument, one judge had asked me whether or not I agreed with a concept of the law as set forth in a particular case. I answered that I did not agree with the law. Rather, I felt that it had been wrongly decided. Another judge then asked me, "And what if we disagree with you?" My response, similar to the cartoon of the doomed field mouse flipping off the eagle swooping in for the kill was, "Then we'll find a court that does!" It must have been somewhat of a memorable quote, since I understand that the judges commented about it later in chambers after the arguments were over. Apparently, if for nothing else, they admired my pluck, and, once again, no filter. Perhaps the other two attorneys were correct about me. But, knowing that I had very little chance to argue before the United States Supreme Court due to financing considerations, at least I had my one memorable day before the Ninth Circuit Court of Appeals. Besides, who needs a yellow quill writing feather anyway in this digital age?

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

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



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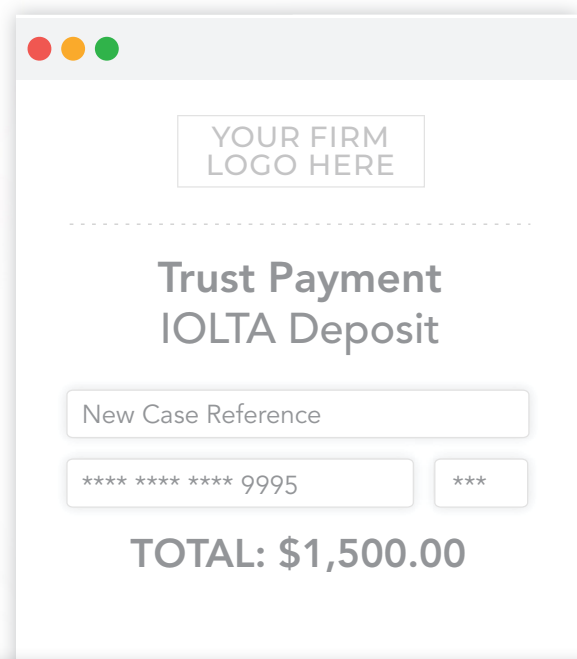
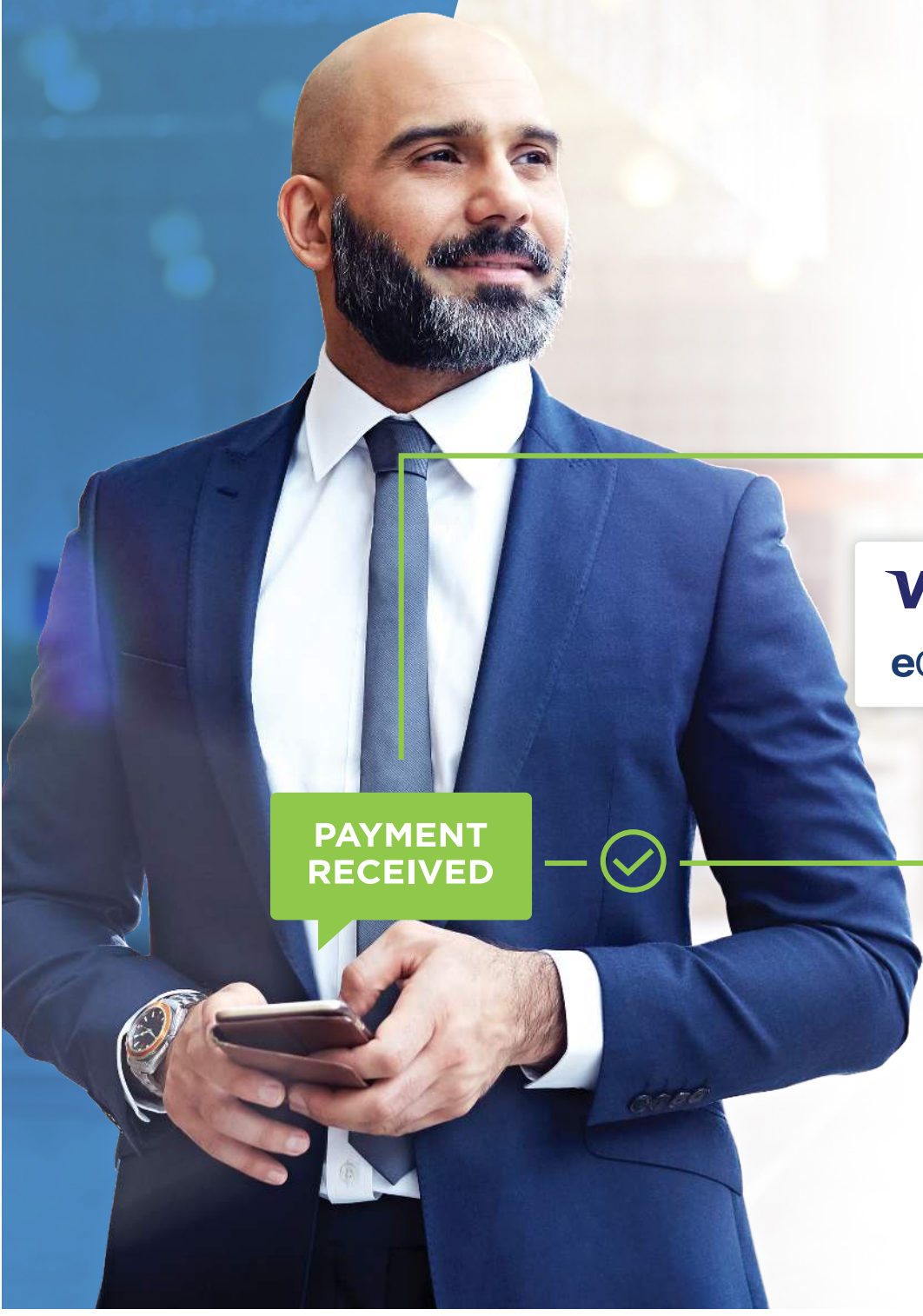
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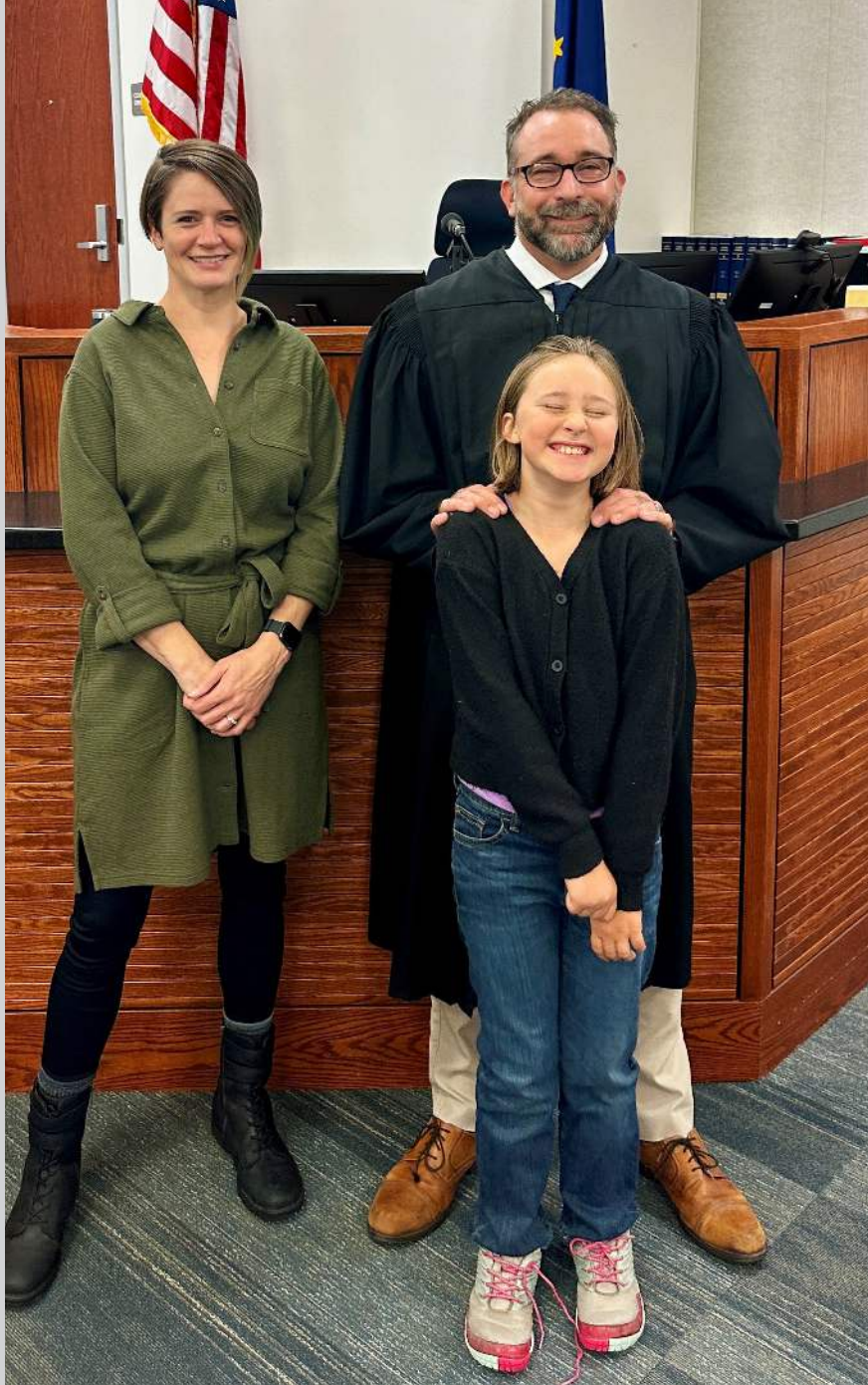


# Judge Thomas Jamgochian installed in Palmer

By Danielle Bailey

In lieu of accepting money for his second installation as a Superior Court Judge in Palmer, Judge Thomas Jamgochian used the money for an installation to buy pizza for court staff. Judge Jamgochian previ-

ously celebrated his installation as a District Court judge in 2020. The walrus head mount pictured in his courtroom was purchased by Judge Jamgochian because he always admired the walrus mount that hung above Judge Ben Esch in the old Nome courthouse. Judge Jamgochian's daughter also managed to try out his seat in the courtroom during the celebration.



Photos provided by Tom V. Jamgochian

## OPINION

### Take a Few Minutes to Strengthen the Court System

In 2022, approximately 263,000 Alaskans voted in the November general election, and one in five of those voters skipped voting on judges and justices entirely. We know both anecdotally and from surveys that many who do vote for or against retaining judges and justices have no idea how the judges end up on the ballot.

Lack of understanding regarding our judicial selection and retention processes creates conditions for misinformation and mistrust. Unfortunately, we're seeing more and more of that in Alaska. Criticism directed towards judges and justices facing retention elections is not new, but now groups are attacking the judicial system writ large with the ultimate goal of undermining faith in our merit-based selection process. In 2022 support for all judges in the Third Judicial District – the state's largest judicial district – fell below the 60% threshold for the first time in our state's history.

We welcome open discussion about the constitutionally created processes and structure of our judi-

cial selection and retention system. These discussions should be based on facts.

In our experience, the attorneys who have direct courtroom experience do have opinions about individual judges and justices, but those opinions come from the experience of trying cases in front of that judge – not from political ideology or views on social issues. We find this perspective to be widely held among members of the Alaska Bar from across the political spectrum: what matters is whether the judge is good at their job.

Likewise, we find that when Alaskans learn the specifics about how judges are selected, the rigorous background and evaluation they go through when they apply to be a judge, and the comprehensive evaluation judges go through when standing for retention, Alaskans like what they hear. They want qualified judges who preside with integrity and impartiality. They are fed up with partisanship, and don't want our judicial system to resemble more political branches of government.

We know that if all Alaskans understood how our system worked, our organization would not need to exist. The challenge is accomplishing that broad education, and we could use your help. Readers of this publication understand the value of our independent judicial system in a way that most Alaskans do not, and our perspective carries weight with our friends and neighbors who don't spend much time thinking about our judicial system. That's why we suggest members of the Alaska Bar take just a few minutes this Fall to share their perspectives with people in their network. Here's what that could look like:

- Have a conversation with friends and family members. Ask them what they know about how a judge ends up on their ballot. You may be surprised how little even highly engaged people may know.
- Share your perspective with us at Alaskans for Fair Courts. We are always gathering stories to help inform our voter education work. Have you served on the Ju-

dicial Council? Have you participated in a judicial evaluation? Do you confront partisan politics in the courtroom? Reach out at [ak-faircourts@gmail.com](mailto:ak-faircourts@gmail.com), we'd love to hear from you.

- Share your perspective more broadly by submitting an op-ed or letter to the editor. Our Co-Chair, Michael Geraghty authored an opinion piece published in the ADN on April 27, 2024, <https://www.adn.com/opinions/2024/04/27/opinion-honoring-alaska-constitution-day/>, which outlined why our system should be a source of great pride for all Alaskans.

Alaskans for Fair Courts will keep working to ensure Alaskans are well informed about our judicial system. We are still doing this work out of a deep appreciation for a fair and independent court system. If you share that appreciation, please join us. This is an "all hands on deck" endeavor.

*Michael Geraghty and Donna Goldsmith, Co-Chairs Alaskans for Fair Courts*



# Lady Lawyers' Corner: Events and Updates from AAWL

*By Chelsea Riekkola,  
AAWL Board Member and  
Chair of Events Committee*

The Anchorage Association of Women Lawyers (AAWL) has long been a fixture on the Anchorage law scene. For those unfamiliar with the organization, our mission is to actively promote gender equality and leadership roles for our members in the legal profession, judiciary and community at large. We host and co-sponsor events in the legal community to support this goal.

During the COVID-19 pandemic, when in-person events were not possible, we did our best to keep in touch and offer our members programming that they could attend remotely. Lately, we have been getting back in our groove with in-person events. Just this past year, AAWL assembled a Run for Women team to help raise money for and awareness of breast cancer and women's health, hosted a social hour for law clerks, interns and summer associates (shout-out to our co-hostesses with the most-esses: Tonja Woelber, the Honorable (retired) Judge Elaine Andrews and the Honorable (retired) Judge Marty Beckwith!), and co-sponsored the kick-off Alaska Bar Career Fair, which was a smashing success.

I cannot tell you just how fabulous it has been to connect with other women attorneys, and future women attorneys, in-person again. I adore our legal community, and a big part of that has been the support I receive from my fellow members of AAWL. To continue this theme of exciting in-person events and keep our momentum, we are planning what promises to be a fantastic in-person Annual Meeting.



Participants on the AAWL Run for Women team gather for a group photo at the event. Photo provided by Chelsea Riekkola.

Mark **Tuesday, October 15, 2024 from 5:00-7:00 pm** in your calendars, and come engage with certified coach Cate Goethals, PCC and Director of the UW Foster School of Business Women Board Director Development Program. Cate will offer her thoughts on how to build a personal roadmap for effective board services, with a focus on women looking to be more influen-

tial board members, move from non-profit to for-profit boards, or serve on the boards of bigger organizations. Cate will also address specific pitfalls and pathways for an attorney getting onto a corporate board and creating board pitches.

Do keep in mind that while our programming is designed to support women lawyers, you do *not have to be a woman* to be a member of our

organization! We welcome anyone who supports our mission. If you would like to join our organization and/or our mailing list, visit <https://aawl-ak.org/> and go to the "Membership" or "Contact/Mailing List" pages. If you decide to become a member—and we hope you do—you will automatically be added to our mailing list and notified of our upcoming events. We hope to see you there!



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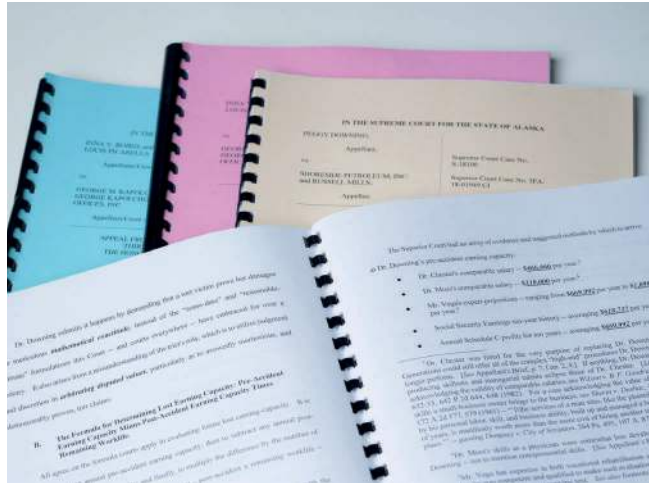


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# Bar People

## Joseph Levesque joins Landye Bennett Blumstein LLP after leading Levesque Law Group for twelve years

Joe represents Alaskan municipalities and private clients throughout the state with a focus on municipal law, civil litigation, simple wills and labor and employment law. Joe believes in a simple philosophy that clients from every sector have the right to successful, competent and effective legal services, which aligns with the firm's existing commitments and makes a fantastic addition to LBB.

Joe began his legal career working in civil practice. He clerked for United States Magistrate Judge John D. Roberts for the District of Alaska then served as a prosecutor for the Alaska District Attorney's office in Kenai. Levesque became Borough Attorney for the North Slope Borough before shifting to private practice to serve numerous municipal, business and individual clients across the state.



Joseph Levesque

## Noah Star joins Landye Bennett Blumstein LLP as an associate

Noah brings nearly a decade of work and life experience in Alaska. At the firm, he will focus on natural resources law, fisheries law, Alaska Native law, administrative law and civil litigation.

Noah began his legal career clerking for Justice Jennifer Stuart Henderson on the Alaska Supreme Court. Noah then served as an Assistant Attorney General for the Department of Law Civil Division, as a Civil Division Fellow and in the Natural Resources Section. Before he was a lawyer, Noah worked for Rep. Jonathan Kreiss-Tomkins in Sitka and Juneau.



Noah Star

## Changing Times, Changing Letterhead

The law firms of Manley & Brautigam P.C. and Bankston Gronning Brecht P.C. completed a consolidation in April. The consolidated firm, known as Manley Brautigam Bankston P.C. (MBB) combines the strengths and expertise of two local firms with over 70 years of combined service to Alaskans. As a result of the consolidation, MBB is positioned to offer a broad array of legal services and unparalleled excellence in the areas of estate planning, oil and gas, securities compliance and litigation, civil litigation, tax and commercial transactions, business planning, and trust and estate litigation.

## Nicole S. Reynolds Joins Manley Brautigam Bankston P.C.

Nicole joined as a senior associate in March 2024, shortly before the merger of Manley & Brautigam P.C. with Bankston Gronning Brecht P.C. that took place on April 1, 2024.

Nicole is a life-long Alaskan with nearly fourteen years of legal experience. She is an experienced litigator who has spent the majority of her legal career serving the community, first as an Assistant Public Defender, then as a Senior Assistant Attorney General in the Oil & Gas Section at the Alaska Department of Law, and most recently as the Deputy Director of the Tax Division at the Alaska Department of Revenue.

Nicole holds a J.D. from Gonzaga University School of Law and is licensed to practice in Alaska and the District of Columbia. Nicole's practice focuses on Alaska oil and gas tax law, civil litigation, business law and resource development.



Nicole Reynolds

## Shane C. Coffey Joins Manley Brautigam Bankston P.C.

Shane joined as an associate in July 2024. Shane is a lifelong Alaskan born and raised in Anchorage. He earned his J.D. and transaction business law certificate from the University of Oregon School of Law in 2016. Prior to entering private practice, Shane clerked for Justice Peter J. Maassen of the Alaska Supreme Court. Since his clerkship, Shane has worked in private practice assisting clients in the area of commercial transactions, civil litigation and appellate advocacy.

Shane's practice focuses on complex commercial transactions and corporate law, leveraging his experience in commercial litigation and background in finance to provide strategic legal representation.



Shane Coffey

Attorneys **Howard Lazar, Donna Meyers, and Gregory Dudek** of long-time Anchorage firm **Delaney Wiles** have joined the litigation team at **Farley & Graves**, where they will continue their practice focusing on medical malpractice and insurance defense litigation.

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*In Memoriam***Honorable Mark C. Rowland: the Jurist and the Man***By Val Van Brocklin*

Retired Alaska Superior Court Judge Mark Rowland left this life for the next (in which he firmly believed) on June 20, 2024, with his family at his side. He was 87 years old, an unexpected abundance to His Honor, who'd long before foreseen he wouldn't live much past his retirement at age 60.

We who knew him are richer for his extended years. He lived big and deep – flying, fishing and hunting, traveling, reading, writing, enjoying the natural beauty of his Seldovia retirement home, and loving his family and friends.

I first met His Honor doing trials in front of him as an Assistant District Attorney in the 1980s. I learned he could be quick to flame. During one trial, His Honor called me and defense counsel to the bench. I don't recall our lawyers' quarrel, but Judge Rowland immediately stifled it, leaning forward, red-faced, a vein at his temple throbbing, his fierce whisper barely muzzled from the jury's hearing.

After the verdict, some of the jurors hung around to ask questions. The first was whether "the Judge" kept nitroglycerine pills on the bench. I said I didn't know and asked, "Why?" The juror replied, "Because he looked like he was having a heart attack when he had you lawyers at the bench."

Along with apoplexy, however, could also come apology. After another trial concluded, I received a call from Judge Rowland's secretary asking if I might come to his chamber. There, the judge explained that someone he respected had been watching the trial and told him that he'd treated me more unfavorably than the opposing counsel. He said he was sorry and looked genuinely pained.

Surprised, I responded, "I hadn't noticed, Your Honor. I find you equally irascible with both counsel."

After a moment's pause, Judge Rowland burst into his signature laugh. It was the first of what would be thousands of times I heard it – full-bellied and throated, turning his Celtic cheeks pink, and lighting his blue eyes and the entire room.

While still appearing in his courtroom, I learned Judge Row-



Mark storytelling in Seldovia. Photo by Val Van Brocklin.

land and I shared an affinity for the law. It was an intellectual playground for us. We loved the debate, the dance, the preening displays of allocution. That kinship for mental tussling would continue in our decades' long friendship, sometimes to



Mark storytelling to Karl Johnstone and Val Van Brocklin.

the discomfort of our less boisterous spouses.

In 1989, I left the DA's Office and began seeing one of Judge Rowland's best friends, Judge Karl Johnstone. That began 35 years of adventure with my now husband, and the same years of friendship with Mark. I went from waiting for permission to be seated in his courtroom to lobbing a pair of rolled-up socks from my upper bunk in The

Duck Shack to his lower one to interrupt his snoring.

As a jurist, Judge Rowland was mostly decorous, sometimes spirited, always concerned with law and justice. As a man, he was an incomparable friend. Mark devoted himself to friends, with time, energy, engagement, conversation, writing, humor, thoughtfulness and heart. He nurtured friendships over a lifetime. I came to know Mark's boarding school friends Pony, Pagel and Roehder, even though I never met them, so well and often did he speak of them.

Mark's selection of friends was considerable. Formal education didn't matter. He thought there was "nothing worse than an academic snob." Curiosity, thinking and intelligence mattered, as did a sense of humor. Mark possessed them all and delighted in mixing them up with friends. He was a vibrant sto-

adventurous, remote, mysterious or idealized."

Mark's daughter Kate captured his romanticism when she shared one of her favorite memories of him. It was a sunny Alaska summer day. Mark had flown them somewhere remote to fly fish for grayling. They cast lines companionably and walked for miles. As they sat down to take a break, Mark flopped back and began making "snow angels" in the tundra. He invited her to do the same. As they flapped and laughed, her Dad excitedly asked, "Kate, if you could do or be anything, what would it be? Because you can, you know!" Kate's voice broke in the telling. She plucked a tissue and said, "Dad was all about the art of possibility. He gave *me* the sense of possibility."

Mark's romanticism informed his storytelling and his writing – its physicality and its content. As his son-in-law, writer Charles Wohlforth described, "He crafted exquisite letters, written with a fountain pen on fine stationery, using elegant prose that despite its perfection also conveyed powerful emotions, connection, sympathy, humor and life."

Many of Mark's friends and family have received such letters over the years. They uniquely pair the gift of self-revelation with the feeling you've been noticed and appreciated. Karl and I have saved ours.

Mark's romanticism included chivalry. At Mark's invitation, I joined him, Karl, and several other Alaska gentlemen on a bird hunting trip to North Dakota. Snow and blue goose hunting in North Dakota involves lying on harvested, barley-stubbed, frozen ground in white jumpsuits that blend in with the snow. On our day, the birds weren't flying within range despite the guide's calling. After some hours of this, it was Mark amongst the unshaven men who got up stiffly and walked to where I was lying and shivering. He looked down at me and said, "Okay, Tiger, let's go. The guide has put his damn dog in the truck because it's too cold." I replied that I wasn't going to be the one to call it a day. "Fine, I'll call it," he said. He held out a hand, which I gratefully accepted.

Mark was one of a short list of people I'm certain would've taken a bullet for me, driven reflexively by two elements of his being: his personal propriety which included the notion of "women and children first," but more significantly, love.

Mark's propriety wasn't stifling. The day he called the goose hunt short, we took an afternoon drive in search of a rumored Sinclair gas station dinosaur. (Google it, young folks.) As we cruised, Mark improvised ribald limericks, inviting us to participate in round circle fashion. He excelled at delivering the fifth lewd line. I expect he was comfortable with my presence because, by then, he knew my umbrage level far exceeded his own.

Mark's romanticism infused his love of the outdoors. Karl remembers a sheep hunting trip he and Mark went on in the Brooks Range. This time Karl was piloting. They

ryteller.

Felicia, his wife and greatest fan, described it, "He could make up a story from one word, that could turn into a saga, that could go on into the night, depending on how hard you were laughing, and he'd be changing characters and accents along the way."

Character mattered to Mark. He didn't expect perfection, being painfully introspective of his own failings. But certain qualities weighed heavily: honesty, a strong moral compass, kindness and manners. And while he was a paragon of propriety, his daughter Sarah explained that's not what her Dad meant when he insisted on manners. He meant how you consider and treat others.

Tim Dillon, a friend of Mark's in his beloved Seldovia, said to Sarah, "Who'd have thought your Dad and I would become such close friends—me a long-haired local boy and him a judge of the high court?" Sarah responded with what her Dad had taught her, "The measure of a true gentleman is someone who judges you by your character." Mark was a true gentleman.

He was also a Romantic. I mean that in the classical sense of being "marked by the imaginative or emotional appeal of what is heroic,



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*Continued on page 15*



## *In Memoriam*

# Anchorage Attorney Yale Hyder Metzger Passes Away

Yale Hyder Metzger, age 64, of Anchorage, Alaska, passed away at home on Saturday, June 1, 2024. A celebration of life was held in Anchorage, Alaska on August 14th, at the Captain Cook Hotel Quarterdeck, from 5 to 8 pm.

Yale was born on October 20, 1959, in Adrian, Michigan. He lived a life full of constant adventures in Michigan, Tennessee, Georgia and Texas before arriving at Anchorage, Alaska with the USAF at Elmendorf Air Force Base.

After graduating from the University of Alaska, Anchorage in 1987, he worked as a paralegal/maritime investigator. Yale went on to earn a Juris Doctorate at Gonzaga School of Law in 1995, and practiced law for almost 30 years in Anchorage. He was well known in the community and was generous with pro bono work.

Yale met Susan Richmond in 1992. They married in 1995. Yale always said he was truly fortunate when he married Susan. Together, they built a beautiful home and life in Anchorage. Yale and Susan lived a life of adventures, travel and blessings over their many years together. They enjoyed bringing family and friends along on their sojourns. Yale's adventuring spirit led him to remote areas of Alaska, as well as India, the South Pacific, Ecuador, Africa and Scotland.

Yale was a member of the South American Explorers Club, and had many adventures exploring remote regions of Ecuador including the upper tributaries of the Amazon, making many friends along the way. On one particular adventure, Yale went to South America, with his stepson, Waylon, and climbed to the top of Mount Cotopaxi, one of the worlds' highest active volcanoes. He and Susan once purchased an abandoned cannery near Cordova, and turned it into one of their favorite remote Alaska getaway places. Yale fell in love with the sea and sailing. In the early 1990s, he and Susan explored the inlets and coves of Alaska's Prince William Sound aboard their vessel, Wassail. He found inspiration in Kenneth Grahame's quote, from *The Wind in the Willows*, "Believe me my young friend, there is nothing – absolutely nothing – half so much worth doing as messing about in boats."

Yale was passionate about our justice system, arts, sciences, hunting, fishing and exploring. Education and the law were so important to Yale,



Yale Metzger

that he and Susan endowed a scholarship at Gonzaga University School of Law in 2012 for Alaska residents, as Alaska is the only state without a school of law.

He was an avid outdoorsman, with interests in sailing, hunting and fishing. He was a passionate collector of art, books, antiques and anything that piqued his interest. He especially loved and admired art, since his childhood in Ohio, where he studied painting at the Toledo Museum of Art. His love for art, and generosity of spirit guided him to contribute in the effort, by the Scottish National Museum of Art, to return the historic painting "Monarch of the Glen" to their collection.

The collection he held most dear was the many friends he made over his lifetime. His circle of friends spanned the globe. On another adventure, Yale and Susan discovered the incredible beauty of the Scottish countryside. He and Susan purchased and restored a cottage called Ellerig Bheag, in Glen Shira, near Inveraray in the Scottish Highlands. He frequently played host in Inveraray and at Balmoral, where he was well-known as a frequent guest. He enjoyed sharing Scottish history and culture with friends and family. A few weeks before his passing, he drove down the one-and-a-half lane roads one last time to share his beloved Highlands with his wife, mother, brother, sister-in-law and close friends.

In addition to his wife, Susan, Yale is survived by his mother, Shirley; Susan's children, Bonnie (Jeremy) Hough, Waylon (Sarah) Knudsen and Joshua Pluid; grandchildren, Brayden Reeves, Riley Reeves and Mason Knudsen; siblings, David (Julie) Metzger and Deborah (Bob Dahl) Metzger; his mother-in-law, Esther Richmond, sister-in-law, Nancy Richmond Bentley (Paul), brother-in-law, Gordon Richmond (Cynthia), along with several nieces and nephews. He was preceded in death by his father, John A. Metzger.

Private graveside services were held on Wednesday, June 12, 2024, at Oakwood Cemetery, in Adrian, Michigan. Pallbearers included: David Metzger, Grant Callow, Tom Predmore, Brayden Reeves, Riley Reeves and Mason Knudsen. Service officiant was Rev. Larry Beltz.

In lieu of flowers donations may be made to the Yale Metzger and Susan Richmond Endowed Law Scholarship online at [gonzaga.edu/lawgive/metzger](http://gonzaga.edu/lawgive/metzger) or mail to Gonzaga Law School Foundation, 721 N Cincinnati Street, Spokane, WA 99220.

Alternatively, you may give to any children's art program in your community.

# Honorable Mark C. Rowland: the Jurist and the Man

*Continued from page 14*

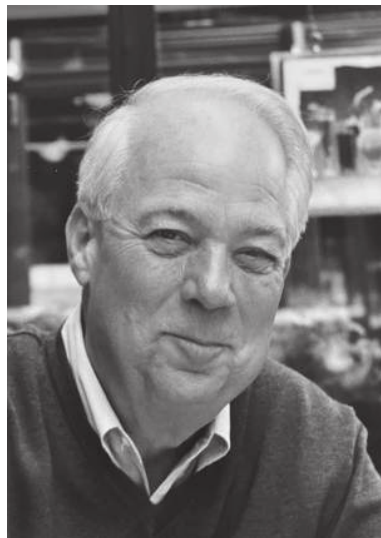
landed on a lake near the mountains and camped.

The next morning was a glorious August day, sky so blue it made your teeth ache, a dusting of snow on the mountains. They hiked up to where they found some sheep and got to within 100 yards before settling – an easy range.

Karl had already taken a sheep. The shot was Mark's, as they'd both planned. They spotted a nice ram, posed as if for the taking. Mark lifted his rifle and sighted through the scope. Karl waited for what seemed like 30 seconds. Mark lowered the gun, looked Karl in the eye, and said, "I can't do it." Back at camp that evening, Mark spoke about the beauty of the day, and the ram, and the moment they intersected.

Felicia called recently. She told me that every time she goes into town in Seldovia, Mark and what he gave people shines back on her. People stop and describe how, even if they didn't know him well, Mark always took time for them. In the grocery store, the post office, after a church service, he smiled, spoke to them and listened. She added, "He made them feel noticed and appreciated." "I know just what you mean," I replied, as both of us cried.

Kate's significant other, Henk Van Hulle, read at Mark's service at St. Mary's Episcopal church, where Mark and his family worshiped when they lived in Anchorage. The reading spoke of the man and the jurist. 1 Corinthians 13, the Bible's



Mark in France. Photo by Felicia Rowland.



Mark storytelling to Felicia Rowland and Karl Johnstone at the Louvre. Photo by Val Van Brocklin.

famous chapter about love—what it is and is not, how it surpasses all other virtues. Mark lived true to its lesson.

As a jurist, the Honorable Mark C. Rowland will live on in the annals of Alaska history. Of such professional accomplishment, Sarah told me her Dad would say, "I was just doing my job." As the man, Felicia said, "He was my joy." As he was to those of us lucky enough to be his friend.

*Val Van Brocklin is a former Alaska state and federal prosecutor. She trains and writes on criminal justice, leadership, ethics, constitutional, and other topics. She's bent on attaining a full-time vocation of flying, fishing, hunting, kayaking, traveling, and writing whatever she wants.*

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### ALASKA SUPREME COURT PLACES JOSEPH E. WRONA ON INTERIM SUSPENSION

On November 20, 2023, Joseph E. Wrona, a member of the Utah and Alaska bars, pleaded guilty in Utah state district court to forcible sexual abuse and incest. He stipulated with the Utah Office of Professional Conduct that his conduct warranted professional discipline. On January 5, 2024, the parties asked the Utah Supreme Court for an order allowing Wrona's "resignation with discipline pending," a sanction available under Utah's rules of disciplinary procedure. Wrona stipulated that his resignation was a "revocation of his admission" and that his name would be "stricken from the rolls" of lawyers admitted to practice in Utah. On February 16, 2024, the Utah Supreme Court accepted the stipulation and "enjoined and prohibited" Wrona from acting as a lawyer in any way. The Alaska Bar Association forwarded the stipulation and Utah court orders to the Alaska Supreme Court and requested interim suspension of Wrona's Alaska bar license. The Court granted the request and placed Wrona on interim suspension effective May 16, 2024. He will remain on interim suspension pending the conclusion of formal disciplinary proceedings in Alaska.

### SUPREME COURT PLACES ANCHORAGE LAWYER JACOB SONNEBORN ON INTERIM SUSPENSION

The Alaska Supreme Court on April 2, 2024 granted the Alaska Bar Association's motion to place Anchorage lawyer Jacob A. Sonneborn on interim suspension. The motion came after a series of incidents in which Sonneborn's conduct towards another lawyer led to the court granting a protective order, which Sonneborn was later charged with violating on several occasions. The Bar Association also informed the Supreme Court about other complaints alleging that Sonneborn attempted to intimidate and harass opposing lawyers, insulted witnesses, violated court rules and orders, and disrupted court proceedings. Under Alaska Bar Rule 26(e), the Supreme Court can place a lawyer on interim suspension when there is a substantial threat of irreparable harm to clients, or if the lawyer's continuing course of misconduct causes great harm to the public. The Supreme Court's interim suspension order will remain in effect pending the conclusion of formal disciplinary proceedings against Sonneborn.

### NATHAN R. MICHALSKI PLACED ON INTERIM SUSPENSION

The Alaska Supreme Court placed Anchorage attorney Nathan R. Michalski on Interim Suspension, effective May 13, 2024, after a judgment of conviction was entered in Case No. 3AN-23-00845CR on a charge of misconduct involving a controlled substance in the second degree and attempted sexual abuse of a minor in the second degree.

The trial court imposed a composite sentence of 20 years with 11 years suspended (nine years to serve). After serving the term of incarceration, Mr. Michalski will be placed on probation for ten years.

The Court ordered disciplinary proceedings against Mr. Michalski to proceed as provided in Bar Rule 26(g).

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#### Monday, September 23 | Sexual Abuse & the Prison Rape Elimination Act (PREA)

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10:00 a.m. – 12:00 p.m. | Zoom | 2.0 General CLE Credits

#### Wednesday, October 9 | 40<sup>th</sup> Annual Alaska Native Law Conference

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#### October 21-25 | Pro Bono Week

Daily CLEs offered by the Pro Bono Service Committee

#### Friday, November 1 | Historians' Committee Lunch CLE

Snowden/Zoom

#### Thursday, November 7 | Best Practices for Keeping Data Safe

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

#### Wednesday, November 13 | ALPS: Safeguarding Your Reputation When #Malpractice is Trending

9:30 – 10:30 a.m. | ALPS – Webinar | 1.0 Ethics Credit

#### Friday, November 15 | 2024 Annual Alaska Workers' Compensation Review

Marriot Downtown Anchorage / Webcast

#### Wednesday, December 4 | ALPS: Productive Attorney/Client Relationships: A Master Class

9:30 – 10:30 a.m. | ALPS – Webinar | 1.0 Ethics Credit

#### Thursday, December 5 | AJC

4:30-5:30 p.m. | Zoom

#### Friday, December 13 | Ethics with Stuart Teicher

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#### Tuesday, December 31 | CLE Rerun: Free Ethics: The Firm Retreat

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## NEWS FROM THE BAR

### Board of Governors Action Items

June 17, 2024

- Approved 3 reciprocity applicants and 2 UBE score transfer applicants for admission.
- Approved an applicant on character and fitness grounds.
- Approved the three non-standard testing accommodations.

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# Part Two: Tax Apportionment Clauses

By Steve O'Hara

## Part II of a series

Every Will governed by Alaska law has tax apportionment. Alaska Statute 13.16.610(a), which is titled "Apportionment of Estate Taxes," begins with these five words: "Unless the will provides otherwise...."

When preparing a Will or Revocable Living Trust, visualize what the document states or does not state in terms of estate and inheritance taxes, whether the taxes are real or theoretical in the particular case at hand.

Withdrawing funds to pay estate and inheritance taxes from a share deductible on a federal estate tax return is a taxable event in that the withdrawal reduces the deduction. Less deduction means more tax.

Tax apportionment clauses can make the effective rate of estate and inheritance taxes 100% and even greater. But how can an effective tax rate be 100% or more?

For you, the effective tax rate is 100% if the decedent directs that your share is burdened with estate and inheritance taxes not only generated by your share, but also generated by the shares of other people and, as a consequence, your share is wiped out.

The effective tax rate is greater than 100% to you and others if after wiping out your share, estate and inheritance taxes reach into one or more other shares.

In other words, clients can disinherit beneficiaries through tax apportionment. Sometimes the heading for the tax apportionment clause may as well be spelled "L-I-T-I-G-A-T-I-O-N."

When a beneficiary of a Will or Revocable Living Trust sees an amount as his inheritance and then learns his inheritance is disproportionately reduced and perhaps even eliminated by tax generated on amounts other beneficiaries receive, there is disbelief and disappointment. Litigation may then arise as one or more interested persons consider that the decedent may not have intended to name a beneficiary only to have the beneficiary's interest eliminated through tax apportionment.

I remember a client with a sizable estate and two children, Child One and Child Two. The client was facing estate and inheritance taxes of at least 50%. The client told me he wanted his Will to name both children as equal beneficiaries, ex-

cept the client wanted the tax apportionment clause to burden Child Two with all estate and inheritance taxes. The client intended to disinherit Child Two. I advised the client to expressly identify his intended beneficiaries, not to disinherit anyone through tax apportionment, and to adopt equitable tax apportionment whereby each child pays his or her fair share of estate and inheritance taxes. Cf. AS 13.16.610.

Under equitable tax apportionment, if your share does not generate any estate and inheritance taxes, then your share is not charged with the estate and inheritance taxes that the shares of others generate. Cf. AS 13.16.610(i).

A simplistic assumption that has served me well in the design-stage of the tax apportionment clause when working with a client is that if equitable tax apportionment is not adopted, then the client's tax apportionment clause makes the effective rate of estate and inheritance taxes 100% or more. Of course, the relative shares of the beneficiaries determine the result. But clients get the point.

Interrelated computations, where a marital share or a charitable share or both are charged with estate and inheritance taxes, are about reducing the marital deduction and the charitable deduction in lockstep with the tax on top of tax. See Treas. Reg. Sec. 20.2056(b)-4(c) and 20.2055-3(a). I plan on providing numbers to illustrate this concept in a future issue of this column.

The Internal Revenue Service has illustrated methods of computing marital and charitable deductions in circumstances where the deductions are reduced by estate and inheritance taxes. Treasury regulations sum up the matter this way: "Examples of methods of computation of the charitable deduction and the marital deduction (with which similar problems are encountered) in various situations are contained in supplemental instructions to the estate tax return." Treas. Reg. Sec. 20.2055-3(a)(2). For the IRS examples, see IRS Publication 904, Supplemental Instructions to Form 706, Estate and Gift Tax Interrelated Computations, Revised February 2023 ("IRS Publication 904").



"Tax apportionment clauses can make the effective rate of estate and inheritance taxes 100% and even greater."

For my example, consider Joe Client, a United States citizen domiciled in Alaska. He recently died, survived by his spouse, also a U.S. citizen. As of the day before Client's death, he had no remaining unified credit against gift tax under IRC Section 2505. His lifetime gifts were all sheltered by unified credit such that no gift tax was ever paid or payable. Cf. IRC Sec. 2001(b)(1)(B). Assume that Client's estate will pay 40% in federal estate tax on every dollar of value, not sheltered by a deduction, that he passes at his death. Cf. IRC Sec. 2001(c).

Client's sole remaining asset at his death is separate property of five million dollars, which he is free to give to anyone pursuant to a pre-nuptial agreement.

Under his Will, Client gives 50% (\$2,500,000) to his surviving spouse ostensibly qualifying for a deduction under IRC Section 2056 (the "Marital Share"); 25% (\$1,250,000) to a public charity ostensibly qualifying for a deduction under IRC Section 2055 (the "Charitable Share"); and 25% (\$1,250,000) to Jane Niece, his niece one generation below him. Niece is domiciled in Alaska. The Marital Share plus the Charitable Share is the Deductible Amount, but there is a complication.

In preparing his Will, Client insisted that Niece must not be bur-

dened with any federal estate tax on her \$1,250,000 inheritance. Specifically, under Client's tax apportionment clause in his Will, Client charges all estate and inheritance taxes pro rata to the Marital Share and the Charitable Share.

To visualize this complication, consider a circle. We know we are properly within an interrelated computation of an estate tax deduction when we are going around and around and the numbers are getting tighter and tighter. In the next issue of this column, I plan on showing the numbers getting closer and closer. When there is no change in the numbers, we are done. The computations are too numerous to include in this issue of this column. We will need to complete 17 circles before we are finished. Each circle narrows in on the result.

The formula provided in IRS Publication 904 with respect to estate tax is not as simple as the formula for net gifts. For precision and to see where every dollar is going, I recommend common sense under what I call the trial-and-error method as I plan on illustrating in future issues of this column.

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.

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



## 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, aoravec@doyonutilities.com

Mat-Su: Greg Parvin, gparvin@gparvinlaw.com

Anchorage: Stephanie Joannides, 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.



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# I've Been Bugged: Musings from an MRI Visit

By William Satterberg

With old age comes certain infirmities. My joints are wearing out. My orthopedic joints, that is. Over twelve years ago, I had my right shoulder replaced with a titanium shaft and socket. A titanium shaft had been driven down the inside of my humerus. It had a ball on the end of it, and the metal ball was then fitted into a plastic socket installed in my torso. The surgery was a result of arthritic growths on my shoulder resulting from trauma received over the years.

Recently, the same problem developed in my left shoulder. I was advised that a temporary fix could come from either a steroid injection or a joint juice injection into my shoulder space. The steroid injection would make me fat, and eventually I would still need a total shoulder replacement.

As part of the evaluation process, I was scheduled for an MRI

at Fairbanks Memorial Hospital. I waited over one month for the opening. I was instructed to arrive at the hospital on the appointed day thirty minutes prior to the procedure. I was told to follow the directions carefully. For once, I was timely.

After completing my initial paperwork, I was taken to a small room for the pre-MRI interview. A nice, young lady entered the room. She questioned me about my general health conditions, legal and illegal medications, and other supposedly relevant factors. The interview lasted approximately five minutes. She then left the room, but returned a few minutes later.

She closed the door and then asked me "Would you mind if I asked you a personal question?" I figured

that she had identified me as that famous local Fairbanks attorney. My conclusion was that she likely wanted some free legal advice. After all, that phenomenon happens quite regularly to most lawyers. Nothing like a free advice session to expose you to a malpractice lawsuit.

But that was not the case. Having granted her permission to ask her personal question, she then asked "Do you have any bugs in your house?"

Surprised, I answered that, although I had a surveillance system, I did not have anything by way of "bugs" in that sense of the word. It was a strange question. Did she think I was C.I.A.? She then clarified that she was talking about little crawly bugs.

At first, I thought she was do-

ing a survey. I said that I would probably have the same type of bugs that most people have in their house from time to time including mosquitoes, gnats, fleas and ticks. I got this list off a can of bug spray in Home Cheapo. She then became more pointed. She asked me specifically "Bed bugs?" I explained that, to the best of my knowledge, the Satterberg household currently had no bed bugs. It then dawned on me that the survey was focusing upon myself, personally, as opposed to a survey about Fairbanks residents, generally.

I asked why she was asking the question. She disclosed that there was a bug presently crawling around on the right shoulder of my shirt. Having vision problems, also borne out of old age, I could not see the little critter. She then asked my permission if she could pluck the insect from my body. She asked if I would object if she killed it in my presence. I said that I had no objections, if it were done humanely and with appropriate compassion, since I was already becoming attached to the little bugger. She then closed the distance between us and rapidly went to reach for it. At the last second, she apparently thought otherwise, pulled back and pulled on a blue latex surgical glove. Safely protected with the glove, she again darted in and deftly snatched something off my shoulder. She then mercilessly squished it without even a second thought. So much for compassion. Fortunately, I had not done any bug bonding in the sense of the word, although I had been considering an appropriate name for my little buddy.

The gruesome episode completed, she ripped the surgical glove off her hand and disgustingly threw it into a trash can located in a cabinet under the examining room counter. She then left, closing the door firmly behind her. I thought nothing more of the event.

Three minutes later, there was a knock on the door. This time, a nurse entered. She was adorned in a disposable head-to-toe gown, slippers, a full hair covering, and wore a face mask. She also had surgical gloves on both hands. Cutting to the chase, she asked me more about the "bugs" I had in my house. Most importantly, she wanted to know how I had ended up with this little bug on my shoulder. My lawyer instincts kicked in. I became defensive. I felt like one of my wrongfully accused clients undergoing a police interrogation.

Nearing tears, (because I am known as a sensitive person with profound self-esteem issues), I explained that I had no reason to know

*Continued on page 19*

**She closed the door and then asked me "Would you mind if I asked you a personal question?" I figured that she had identified me as that famous local Fairbanks attorney.**



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**Lawyer joke...**



*A good lawyer knows the law, a great lawyer knows the judge.*



# I've Been Bugged: Musings from an MRI Visit

*Continued from page 18*

how this now dead little bug had ended up on me. True, I had been raking leaves in my yard before I came to the hospital. I also had gone by the local dumpster to shop for future clients. Possibly the independent-thinking, now deceased bug had decided to hitch a ride at one of those two locations. Either way, the bug had been cruelly terminated with extreme prejudice. And there were no other bugs on me. Still not willing to accept my explanation of innocence, the nurse continued to question me. Exasperated, I offered to strip down to my tidy whities and let her conduct a full body scan. After all, she was a nurse. Or so she claimed. I was clearly calling her bluff. Relenting, she stated that a stripdown would not be necessary. She turned and abruptly left the room. Perhaps the mere threat of having to see my tanned, rippling, muscle-toned 73-year-old body was more than she could take. I have become more used to those reactions the older I become.

During the break, I thought back to the movie "The Sands of Iwo Jima" where a young recruit kills a sand flea in front of his drill instructor. Upon hearing the slap, the D.I. lectures his recruits about having killed an innocent little sand flea. The recruits were all ordered to dig a grave and bury the little critter. After the burial was concluded in a six-foot grave, the D.I. angrily declares that the recruits had buried the wrong sand flea. The D.I. had found the murdered sand flea

in another location. Another full burial was necessary. Fortunately, to my knowledge, there are no sand fleas in Fairbanks. Nor did I wish to engage in a burial of whatever bug was found on my shoulder. In fact, to this day, I have yet to actually see the bug that was bugging me.

Two minutes later, the door opened again. This time, a young woman who was not adorned in protective hazmat gear raced into the room, jerked open the cabinet door and yanked out the trash can which held the contaminated blue latex glove. She snatched the trash bag out of its plastic container and quickly turned to leave the room. As she left, I asked whether or not it had anything to do with "the bug." Without slowing down, she only said "yes" and closed the door tightly behind her without any further elaboration.

I began musing about the drama which was unfolding in the hospital MRI. I felt like I had a case of a newly discovered COVID virus. I was an untouchable low caste. Several minutes later, the door opened again. By then, I expected to see a team of federal personnel in full protective gear accost me and put me into a plastic isolation bubble similar to the finale of "E.T." when Elliott is captured by the government agents. Fortunately, I was mistaken. This time, a nurse casually walked in. She looked like a

regular nurse. She was not wearing a gown, head covering, blue latex gloves or foot coverings, and the face mask was gone. I wondered if she had some undisclosed immunity. Although I could not be entirely certain, she appeared to be the same nurse who came in and confronted me during the second visit. The nurse then told me that "they" had located and examined the dead bug in the trash can. The medical team had collectively determined that the decedent was not a bed bug. Personally, I still had reservations about the quality of the autopsy, since the bug had clearly been squished to death. But I wasn't going to argue. I was relieved. I was cleared of any complicity in smuggling a dreaded infestation into the hospital. The nurse then kindly suggested that, next time, please do not rake your leaves or go to the dumpsters before you come to our hospital. I learned that there had been a problem with bugs sneaking into the hospital requiring subsequent fumigation of the MRI unit.

I laughed about it with her. I asked how the staff dealt with things when a person came in from a car wreck covered with all sorts of detritus. I was told that, in such cases, the MRI examination would still be performed, but a massive fumigation effort would later take place.

Having undergone my clear-

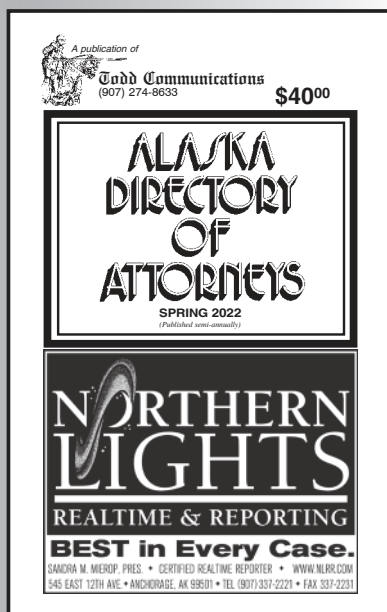
ance and debugging, I was finally ushered into the MRI unit for my examination. After all of the loud clanging and banging of the unit had concluded, the technician asked how I enjoyed my experience. I said it was fine, except for the little bugs I saw scurrying for cover around the inside of the capsule when I was removed. Even if outwardly friendly, the bugs were still distracting. At first, the technician took me seriously until she realized that I was pulling a "Satterberg" on her.

The next day, I thought more about the event. The staff had obviously been stressed out over the incident. To add levity to the MRI staff's clearly traumatic experience, I went to the local store and bought a can of insect repellent and a thank you card. I wanted to show my appreciation to the folks who had so compassionately cared for me. I delivered my gift to the head of the MRI team. To my surprise, she actually did have a good sense of humor. To show I was not an untouchable, she gave me a big hug when we parted, ignoring my constant scratching. Between scratches, I reassured her that I did not think I had any problems with bugs. But, why then, would someone scratch so vigorously on places other than in those unmentionable deep, dark regions?

*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.*

**I began musing about the drama which was unfolding in the hospital MRI. I felt like I had a case of a newly discovered COVID virus. I was an untouchable low caste.**

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