

## Polls find we Americans are an unhappy lot

By Dan Branch



According to an expensive Gallup poll, we are a grumpy bunch. I'm talking about Americans here, not lawyers. I suspect that lawyers might be angrier than the average U.S. citizen but no one has ponied up the money to have us surveyed. The poll found that a lot of American anger rose out of frustration with our government.

Sixty-five percent of Americans surveyed were dissatisfied "with the U.S. system of government and its effectiveness." That is the highest level of dissatisfaction that Gallup ever recorded prior to the poll. Seventy percent did not have confidence that the government will "make progress on the important problems and issues facing the country." Only eight percent of those surveyed believed that Congress was doing a "good" or "excellent" job. And perhaps my favorite reported statistic, just four percent of them thought that it would "change Congress for the worse" if every member were

voted out during the next election.

Sixty percent of those surveyed reported feeling angry or irritable. The same percentage believed that the "economic system in this country unfairly favors the wealthy." Seventy percent of them did not "feel engaged or inspired at their jobs." Two-thirds of teens surveyed "admitted to having anger attacks involving the destruction of property, threats of violence, or engaging in violence." (Yikes!). Finally, 36 percent of those surveyed revealed that they have yelled at customer service agents during the past year. (Am I the only one who thinks that this number is suspiciously low?)

At this point you may be drafting a tweet or post that claims these survey results prove that our current president is to blame for all this lack of trust in our government. But Gallup took the poll in 2014, when the genteel Barack Obama was president. If Americans were that angry then, now we must be livid.

*Continued on page 9*

## Closing may not be as important as you think it is

By Jim Gilmore

### Last in a series

**EDITOR'S NOTE:** Jim Gilmore had a long-time trial practice in Alaska that began in 1967. Since his retirement he has written what he calls a "wee treatise" on trial prac-

tice. In this issue we are publishing the fourth of four portions of that treatise which offers Jim's advice taken from his years at trial.

Closing should track your opening. If opening has gone well, and the evidence has come in to support it, I don't worry too much about closing, and I do not spend too much time working on it. Although I do think that writing out verbatim your closing argument and the argument of the state, before trial, is a useful exercise — particularly the state's closing. But no matter how good your closing, the jury will probably not remember what either you or the prosecutor said five minutes after deliberations begin. So you want to give the jurors who are in your favor ammunition to argue for you during deliberations. Think about the arguments the jurors for the state will make, and arm your jurors with the facts and the law that will enable them to answer those points and arguments.

Start the final by thanking the jurors for taking the time to serve. It's a classy thing to do, and I like to do that at the beginning of the closing, so that I do not forget to do it.

Then go into an elaborate discussion of the burden of proof. It's very important that the jurors under-



Jim Gilmore

stand the burden of proof (even in a civil case). Many times I've read about cases where the jurors are undecided, and are in gridlock because they are divided 50-50, or they are concerned that the defense did not provide some piece of information they want. So you need to have someone in the jury room say, "Wait

a minute, it's not the defendant's burden to prove anything. If we're 50-50, the state has not proved its case, and we have to render a verdict of not guilty."

For the last part of the introduction to my final argument, I like to point out that the state will have an opportunity to rebut my argument. And I milk that a little bit, as in, "After I finish, I will sit down, and that's it for me. The state will have an opportunity to rebut what I say, and the rules will not permit me to respond to what the prosecutor says. The reason the state has this important advantage is because the state has the burden of proving the case beyond a reasonable doubt. So listen to what the prosecutor says and ask yourself, "Is that right? Is that what the witness said? Is that the only inference that can be drawn from that fact? Would Nat Danger have stood still for this if he were allowed to respond?"

The body of your final is your discussion of the facts and the law. Have a poster board blow-up of the jury instruction that best supports your point of attack. Stand it up in front of the jury so that they see it while you are arguing, which makes it more compelling than saying, "look at Instruction 39 in your packet," which makes them look away from you and takes their mind off of what you're saying. Also, if there is a document or other important pieces of physical evidence that are particularly compelling, hold it up. If it's a document, read it. If there were daily transcripts of the testimony, have the transcript in front of you, and read from it, e.g., Question: Where were you at 11 p.m. on the night of the 19th? Answer: In the civic center. Question: Where were you in the civic center? Answer: In the ballroom. Question: What happened then?" And so on.

To conclude your final argument, thank the jury again for the attention they have given this case, and for taking time out of their regular lives to serve as jurors. You may also want to remind them that, because the state has the burden of proving the case beyond a reasonable doubt, you will not be able to respond to any rebuttal argument made by the prosecutor.

*Continued on page 3*

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

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



# This has been a busy year for installing new judges

By Rob Stone

It was a busy summer and fall with judicial installations, meetings with local bar associations, and of course as many hunting and fishing trips as I could squeeze in.

It is always refreshing to attend the judicial installations. For those of you who have not attended a judicial installation, you should. It is great reminder of the hard work and dedication these attorneys have endured over the years to earn a position on the bench. Present at these installations are representatives from the Supreme Court, Court of Appeals, Superior Court, District Court and Magistrate Court. Each judge and justice will speak, often sharing stories about the new judge. It is a happy occasion in the courtroom, with family, friends, and colleagues in attendance. It is one of few courtroom occasions where all in attendance are happy. There exists a sense of excitement as the lawyer embarks on the next step of his or her legal career.

There have been nine new judges installed since June.

Judge Jason Gist, Kenai Superior Court

Judge Nelson Traverso, Utqiagvik Superior Court

Judge David A. Nesbett, Anchorage District Court

Judge John C. Cagle, Palmer Superior Court

Judge Stephen B. Wallace, Kodiak Superior Court

Judge Kristen C. Stohler, Palmer Superior Court

Judge Earl Peterson, Fairbanks Superior Court



**"It is always refreshing to attend the judicial installations. For those of you who have not attended a judicial installation, you should."**

Judge Peter R. Ramgren, Anchorage Superior Court  
Judge Brent E. Bennett, Fairbanks Superior Court

The most recent judicial installation occurred last week in Fairbanks. Judge Brent Bennett was installed. Justice Susan Carney presided. She complimented Judge Bennett and shared stories of the time he spent at the public defender agency and OPA. The highlight of the event occurred during the robing, as Judge Bennett's three young children climbed up step stools to place the robe over their father's shoulders.

While in Fairbanks, I had an opportunity to meet with the Tanana Valley Bar Association, MLK Day volunteers, and a group of young lawyers. I learned that first time guests at the TVBA luncheon must tell four truths and a lie. The TVBA members then cross-examine the guest and try to figure out which statement is the lie. I couldn't trick them. I said that I was born and raised in Alaska, when in reality I was born in Seattle and came to Alaska as a toddler.

Tentative trips planned for 2020 include Juneau, Bethel, Kodiak and Dillingham. It is my goal to reach out to as many members as possible, in order to assist the Bar in doing its best for its members. As always, if you have any comments or concerns you would like addressed by the Board of Governors, please do not hesitate to reach out to me. We represent all members of the Alaska Bar Association.

*Rob Stone is president of the Alaska Bar Association.*

## EDITOR'S COLUMN

# In communication failure woman offered WC seat

By Ralph R. Beistline

What we try to do in the Bar Rag is to communicate with our members; to educate, to entertain, and to inform. Sometimes we are successful and sometimes we are not. And sometimes, seldom, but sometimes, we disappoint, despite our creed, as originally suggested by Editor Emeritus Harry Branson, Dignitas, semper dignitas. (Look it up.) And it was likely because of the occasional disappointment or controversy that, more than 19 years ago, a disclaimer was placed in the paper, and etched in stone, by another Editor Emeritus Tom Van Flein, the longest serving editor of the Bar

Rag. Although this disclaimer has appeared on the bottom of this page of the paper in every publication since 2000, I only recently noticed it. Has anyone? I, however, have neither the tenure nor the inclination to modify the disclaimer other than to say that we really don't want to hurt any-

one's feelings. I also must note that much, not all, but much of what is included in the paper is good, really good! A historian would have a blast reviewing the last 40 years or so of this publication.

Anyway, back to the subject of communication. As we all know, true communication is never easy and may very well be the challenge of our times. What are we saying? Is it what we meant to say, or should have said? And do we really mean what we said or even know what we mean? Again, the challenge of our times. I had an acquaintance several years ago who, after years as a widower, decided to get back into the dating scene. He finally got the courage to ask a lady out, who agreed to meet him for din-

ner at the local Pizza Hut. As it turned out they both sat alone for over an hour at Pizza Huts located on the opposite sides of town. Again, the challenge of our times.

Probably the best example of miscommunication came in a joke that Jack Parr attempted to tell in 1961 on his nightly television show. The joke was censored by NBC as being too dirty and never made the air. Parr was so upset by the censorship that he left the job. But I am inclined to print it here because

**As we all know, true communication is never easy and may very well be the challenge of our times. What are we saying? Is it what we meant to say, or should have said? And do we really mean what we said or even know what we mean? Again, the challenge of our times.**

it illustrates my point regarding the challenges of communication, and because it's funny, and because it gives me a chance to use the aforesaid disclaimer.

So, with appreciation to Editor Van Flein, printed herewith is the tale of the "Water Closet."

We'll communicate again next year.

### Water Closet

An English lady, while visiting Switzerland, was looking for a house to purchase, and she asked the schoolmaster if he could recommend any to her. He took her to see several before she settled on one she liked. When everything was settled, the lady returned to her home to make the final preparations to move.

When she arrived home, the thought suddenly occurred to her that she could not remember where the W.C. was located in the house. So she immediately wrote a note to the schoolmaster asking him if he could remind her where the W.C. was located. The [Swiss] school-



**"As we all know, true communication is never easy and may very well be the challenge of our times."**

master was a very poor student of English, so he asked the [Swiss] parish priest if he could help in the matter. Together they tried to discover the meaning of the letters "W.C." The only solution they could find for the letters was "Wayside Chapel." The schoolmaster then wrote to the English lady the following note:

Dear Madam:

I take great pleasure in informing you that the W.C. is situated nine miles from the house you will occupy, in the center of a beautiful grove of pine trees surrounded by lovely grounds. It is capable of holding 229 people and it is open on Sunday and Thursday only. As there are a great number of people expected during the summer months, I would suggest that you come early: although there is plenty of standing room as a rule. You will no doubt be glad to hear that a good number of people bring their lunch and make a day of it; while others who can afford to go by car arrive just in time. I would especially recommend that your ladyship go on Thursday when there is a musical accompaniment. It may interest you to know that my daughter was married in the W.C. and it was there that she met her husband. I can remember the rush there was for seats. There were 10 people to a seat ordinarily occupied by one. It was wonderful to see the expression on their faces. The newest attraction is a bell donated by a wealthy resident of the district. It rings every time a person enters. A bazaar is to be held to provide plush seats for all the people, since they feel it is a long felt need. My wife is rather delicate, so she can't attend regularly. I shall be delighted to reserve the best seat for you if you wish, where you will be seen by all.

*Continued on page 3*

## The Alaska BAR RAG

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

**President:** Rob Stone  
**President-elect:** Ben Hofmeister  
**Vice President:** Molly Brown  
**Treasurer:** Bill Granger  
**Secretary:** Cam Leonard

### Members:

Jed Cox  
Susan Cox  
Darrel Gardner  
Bill Gordon  
Jessica Graham  
Aimee Oravec  
Hanna Sebold

### New Lawyer Liaison:

Diana Wildland

### Executive Director:

Deborah O'Regan

### Editor in Chief:

Ralph R. Beistline

### Managing Editor:

Tim Jones

### Editor Emeritus:

Harry Branson

### Contributing Writers:

Peter Aschenbrenner  
Dan Branch  
Jason Brandeis  
Darrel Gardner  
Cliff Groh  
Susan Falk  
Steven T. O'Hara  
William Satterberg

### Contributing Photographer:

Mara Rabinowitz  
Lynn Coffee

### Contributing Cartoonist:

Bud Root

### Design & Production:

Sue Bybee

### Advertising Agent:

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

### Board of Governors meeting dates

January 30 & 31, 2020

May 7 & 8, 2020

September 10 & 11, 2020

October 26 - 30, 2020

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

[Editor's Disclaimer: As with all Bar Rag articles, advertisements and letters, we do not vouch for, stand by, or support most of what we publish. Nor have we cleared any of this with either the FDA or the Department of Homeland Security (aka Interior Ministry). We sure as hell won't be responsible for your hurt feelings or misguided reliance on anything we publish or not]. TVF2000



# Closing may not be as important as you think it is

Continued from page 1

## Conclusion

At the end of the day, you have to deal with the hand you're dealt. Juries like to do the right thing. You may lose. But if, like Abraham Lincoln, you have sown the kernel of your case, if you have never lost sight of it, if you have never let it escape the jury, you have done your job. The rest is not your business.

## Appendix: practice

Unfortunately, reading transcripts of trials, books on trial practice, and attending seminars on trial practice is not enough. To learn how to try a case you have to do trials, and trials are hard to come by—cases are continued, deals are made, time passes. In his little book, *The Devil's Advocate*, Lain Morley, an English barrister, suggests the following: with two or three other lawyers, take the written statement of a witness from one of your open files. One lawyer be the witness, one lawyer (you) be the cross-examiner, one lawyer (if there is third) be an observer and critic. Take the witness through a five-minute cross. Then the other two lawyers critique the cross-examination, each saying how he or she would have conducted the cross, and maybe even doing a little cross themselves. If nothing else, this exercise will loosen your chops, and get you talking and thinking about the case, which is a good thing even if your technical skills are not improved that much.

## Appendix: consult

Talking about your case is always helpful, and consulting with another lawyer is especially helpful, particularly someone who has had a similar case. If an appellate court case is helpful, call the lawyer who wrote the brief and argued the case. See what he or she has to say. If the case involves a regulatory agency, call the lawyer on the agency staff, and discuss the pertinent regulation. Tell them you have never had a case involving the regulation — suck up to them a little bit. Their experience is narrow, but deep, and they may be eager to share their knowledge. They can give you pointers, and can be very helpful. But sometimes they do not want to help you, and may be reluctant to discuss their experience with you. But so what? Nothing ventured, nothing gained. The heck with them.

## Appendix: practice opening and closing

To practice opening and closing arguments, both by writing out and, even better, saying them out loud, is very helpful. Speaking your arguments out loud is painful, awkward, and hokey — but surprisingly beneficial. Even if you don't get beyond the first few paragraphs of your arguments during practice, the dross gets scraped off of them. When the time comes for you to stand in front of the jury and deliver, they become fluid and flowing. Writing out your arguments in longhand has its own benefit. Quintilian and Cicero say that is the best way to practice.

# In a communication failure woman offered best seat in WC

Continued from page 2

For the children, there is a special time and place so that they will not disturb the elders. Hoping to have been of service to you, I remain,

Sincerely,  
The Schoolmaster

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



**FUTURE JOURNALISTS**—Members of the Main Junior High School Newspaper Club have been responsible for six publications of "The Main Star" so far this year. The club has used a ditto machine to print the six editions, but will use a Gestner Mimeograph Machine to print the remaining two newspapers for the 1961-62 school year. Members of the Newspaper Club in the first row, left to right, are Jane Banks,

Karen Wood, Mark Wood, editor; Sally Deane, assistant editor; and Betty Robbinetti. Seated in the middle row are Collette Henderson, Bobby Groseclose, and Joe Dimatteo. And standing are from left to right Vickie Wisel, Fredi Fenton, Jerry Serapuz, John Voldsech, Ralph Beistline, Terry Thorgard, Ted Palmer, Jim Mackin, Vernon Hughes, and Dick Somandoroff.

I recently happened upon this Fairbanks Daily News Miner clipping from March 17, 1962. It proves that Ralph Beistline came by his Bar Rag Editor talents following intensive training with the 1962 Main Junior High School Newspaper Club. And, to think that training came only four years following our remedial reading third grade placement at Nordale Elementary School. This only proves that you can live the dream you chase. Keep on keeping on. — Bob Groseclose (Our editor is the fifth from the left standing in the back row.)

## Attorney general compliments series

### To the editor:

I sincerely have enjoyed reading Jim Gilmore's "Wee Treatise" on Trial Practice. Jim was and still is an extremely talented trial attorney. His gems of wisdom on direct and cross-examination are superb. I have recommended his articles to the Department of Law's litigators. I remember what an honor I considered it when during my first jury trial years ago, Jim came in to watch me and then later complimented — and critiqued — my performance. Great instruction!

*Kevin G. Clarkson  
Alaska attorney general*

## Acknowledgments

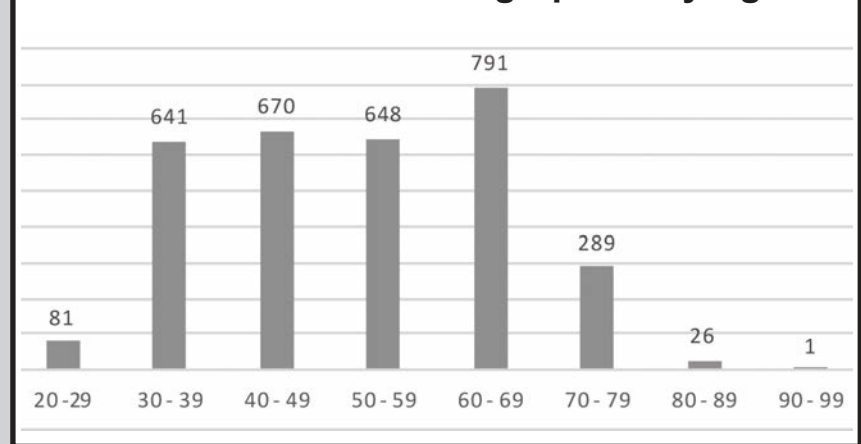
In writing this wee treatise, I have picked fruit from many trees, foremost among them: Stern's *Trying Cases to Win*; Eddie Hayes's *Mouthpiece*; and all of Rick Friedman's books and YouTube videos. Ben Critchlow critiqued the first draft, and Michelle Turinsky read every word with an eagle eye and an

iron pen. I owe them a debt of gratitude. But first and foremost, thanks to Katy who did all of the above, and then made it into this booklet.

*Jim Gilmore was admitted to the Alaska Bar Association in 1967 and had a long time trial practice in the state. He is now retired and lives in Washington.*

# Chart traces Bar Association demographics

Active Members Demographics by Age



At the October Board of Governors meeting, the board saw a chart put together by staff, which showed the number of active Bar members in the various age categories by decade. The decade for the age range of 60 – 69 has the largest number of active members.

Known for its often-irreverent and always-topical content, the *Alaska Bar Rag* is the official newspaper of the Alaska Bar Association. [www.alaskabar.org](http://www.alaskabar.org)

[www.facebook.com/AlaskaBarRag](https://www.facebook.com/AlaskaBarRag)



# Judge installed to Palmer Superior Court

Judge Kristen Stohler was installed in a ceremony Aug. 30, 2019, at the Palmer courthouse.

Gov. Mike Dunleavy appointed Judge Stohler April 17, 2019, to the Palmer Superior Court.

She was born and raised in Vermont. In 1996 she earned a political science degree from the University of Vermont. She worked in a variety of jobs — as a waitress, computer repair person, office administrator — before enrolling at Vermont Law School in the fall of 2003.

Stohler moved to Alaska in May

2006 after obtaining her J.D., cum laude. Her first legal job was with the Palmer Public Defender Agency. She also worked in the Office of Public Advocacy as a guardian ad litem and in private practice before opening her own law office in Palmer in January 2011. Her focus was on domestic relations.

She met Lyle, her husband, in the hallway of the Palmer Courthouse in the summer of 2006. They have lived in Palmer with their dogs for the last 13 years.



Justice Susan Carney administers the oath of office to Judge Stohler.



From left, Justice Susan Carney, Judge Stohler, Judge Kari Kristiansen and Judge Leslie Dickson at the ceremony.



## Seventeen join the Alaska Bar

Seventeen new lawyers were admitted to the Alaska Bar Association at a swearing-in ceremony Nov. 6 in Anchorage. The new lawyers admitted were: Charles Brasington, Eric Burkett, Alice Curci, Zoe Danner, Benjamin Farkash, Kila Hughes-Knowles, Beixiao Liu, Maggie Massey, Mandeel Mlcek, Galen Pospisil, Kyle Reding, John Revis, Timothy Sasser, Sheila Swanson, Chelsea Thompson, Heather Twitchell, and Georgiana Yonuschot.

*Best in Every Case.*

# NORTHERN LIGHTS

## REALTIME & REPORTING

*Our experienced and highly skilled reporters utilize the latest technology to provide the ultimate in instant transcription from voice to text, along with a wealth of additional reporting and access services, including:*

- ✦ Depositions
- ✦ Arbitrations
- ✦ Court Trials
- ✦ Meetings
- ✦ Voice to Text...Instantly!
- ✦ Digital Video
- ✦ Webcasting
- ✦ Captioning
- ✦ LiveNote
- ✦ C.A.R.T.

Sandra M. Mierop, President ✦ Certified Realtime Reporter  
 545 E. 12th Ave. ✦ Anchorage, AK 99501 ✦ info@nlrr.com  
 Tel 907.337.2221 ✦ Fax 907.337.2231 ✦ WWW.NLRR.COM

**PROTECT YOUR FIRM. HELP MORE PEOPLE.  
 BE THE LAWYER YOU WANT TO BE.**

Find out more about your endorsed carrier at  
[www.alpsnet.com/bar-rag](http://www.alpsnet.com/bar-rag)

**MALPRACTICE INSURANCE FOR THE  
 LAW FIRM  
 WORTH PROTECTING**

Endorsed by more state bars (including yours) than any other carrier.  
**ALASKA BAR ASSOCIATION**

**ALPS** THE NATION'S LARGEST DIRECT WRITER  
 OF LAWYERS' MALPRACTICE INSURANCE.

(800) 367-2577 • [www.alpsnet.com](http://www.alpsnet.com) • [learnmore@alpsnet.com](mailto:learnmore@alpsnet.com)



# Name that lawyer



## Samantha Slanders

Advice from the Heart

At the recent Historians Committee meeting, Alaska Law Librarian Susan Falk told the group the staff had come across a number of photos with no identification. The committee suggested The Bar Rag run one or two of them in the Bar Rag as a regular feature, asking if anyone can identify the people in the pictures. Here are the first two.

According to Susan, she has started looking through unidentified photos for the Bar Rag and found there aren't as many as she originally thought. However there are enough to publish one or two photos per issue for quite some time. The staff found several with just one or two people in the photo but most are group photos where not everyone is identified or their names are listed but we don't know who's who.

Here are the first two.

If you can identify the people in the photographs, please send the information to managing editor Tim Jones at [jonesatim@gmail.com](mailto:jonesatim@gmail.com).



**SINGLE MAN:** The only information on this photo is a sticky note from "JAV" saying that neither JAV nor Judge Fitzgerald could identify this person. The calendar on the wall says July 1952. That is the only clue.



**Unidentified Man & Woman:** The only information the library has on this picture says "early Juneau law office" so no guarantees that's accurate. There's no indication of the date but the best guess is 1920s or earlier based on their clothes.

**Dear Samantha Slanders,**

Hello again. You might remember my last letter to you. I'm the thirty-something guy living in the basement of his politically dysfunctional parents. (Dad wears a MAGA cap, tries to hide mom's pussy hat). You told me to get a job and move out. While that was good advice, I decided to stay and try to be the family's peacemaker. Well, I am tired of being caught in the crossfire of ultraright dad and nanny-state mom. If you can help create a *Kum ba yah* moment for my family, I promise to take a job at Sportsmen's Warehouse, which offers employee discounts on firearms for dad and pink colored insulated mugs for mom.

Sincerely,  
Still in the Basement

**Dear Basement Dweller,**

Take the job, get your own place, and give your parents free reign to insult each other in the privacy of their own home. Then your failure to launch will not longer be an irritant. Your absence may even be what they need to save their marriage. (After reading my response to your letter, the lawyer for this publication insists that I add the following disclaimer: The opinions expressed by Samantha Slanders in this or any other letter are not necessarily those held by anyone else at The Bar Rag—not the editor, owners, writers, shop dog, or its lawyers. We usually disagree with her. Don't sue us if she makes you mad.)

Sincerely,  
Samantha Slanders

**Dear Samantha Slanders,**

You are a lawyer, right? Maybe you can help me translate some Latin. It would help me understand what is going on in the Impeachment Show. I started watching it after it preempted *Real Housewives of Wasilla*. The Impeachment Show isn't too different from *Housewives*. Both have lots of arguments about who said what. The Impeachment Show would be more fun to watch if they didn't keep throwing Latin words around. For starters, what does Quid Pro Quo mean?

Sincerely,  
Quid Pro What?

**Dear Quid,**

Congratulations on your shrewd observations about Congress. As you pointed out in your letter, "Quid Pro Quo" is Latin. According to *Black's Law Dictionary* it literally means, "something for something." If you have a job your paycheck is the quid, the work you do for your employer is the quo. One of the lead characters in what you call "The Impeachment Show" is accused of offering a Quid belonging to our country for a quo that can only benefit him. It's like that time that Braunwyn, one of the Wasilla housewives, let Kelly use Gina's car while Gina was on a tanning vacation in exchange for the contact information of Gina's contractor so Braunwyn could seduce him into upgrading her bathroom before he finished remodeling Gina's kitchen.

Sincerely,  
Samantha Slanders

**Dear Samantha Slanders,**

I moved to Anchorage to ski and enhance my Instagram feed with selfies of me battling winter. While waiting for winter I only managed to take a picture of myself in front of a beached humpback whale. Otherwise, I've been wandering under gray skies in the rain looking for click bait. Is winter ever going to arrive?

Sincerely,  
Pale, Bored and Jaded

**Dear P,B&J,**

The polar ice cap is melting, forest fire smoke makes it hard to see across the street in summer, and high water erosion threatens our coastal villages. Winter is spending more time on the eastern seaboard than in Alaska. Yet all you worry about is whether you can impress your public media followers. You've moved to ground zero of the climate change disaster and all you want to do is stage selfies. Thanks to your letter my temperature is rising faster than Alaska's.

Sincerely,  
Samantha Slanders

## DO YOU KNOW SOMEONE WHO NEEDS HELP?



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

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

Fairbanks: Aimee Oravec, [aimee@akwater.com](mailto:aimee@akwater.com)  
Mat-Su: Greg Parvin, [gparvin@gparvinlaw.com](mailto:gparvin@gparvinlaw.com)  
Anchorage: open (seeking volunteer)

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.



# Bar People

## Two named to “Best-Lawyer” lists

The law firm of **Sonosky, Chambers, Sachse, Miller, & Monkman, LLP.**, with offices in Anchorage and Juneau, is pleased to announce that two of its attorneys have been named to the Thomson Reuters “2019 Super Lawyers” list, to Shomark’s “Best Lawyers in America – 2019” list, and to the U.S. News & World Reports “Best Lawyers” list. The law firm was designated as a “Tier One” firm in the area of Native American law nationally.

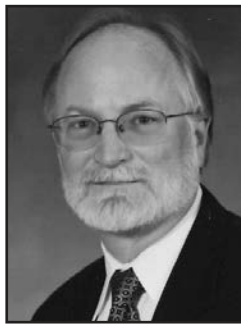
**Richard Monkman** received the “Super Lawyer” designation in Health Care, Native American and Appellate law and was named to both “Best Lawyers” lists in Native American law. **Lloyd Miller** received the “Super Lawyer” designation in Native American, Appellate and Government Relations law and was identified as the “Top Rated Native American Law Attorney in Anchorage. Miller was also listed in both “Best Lawyers” lists in Native American law. Miller and Monkman also achieved the Martindale-Hubbell “AV” ranking, the highest category.

## Anchorage attorney named fellow in College of Trial Lawyers

**Michael J. Schneider** has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in North America.

The induction ceremony at which he became a Fellow took place before an audience of 807 during the recent Induction Ceremony at the 2019 Annual Meeting of the College in Vancouver, British Columbia. Fellowship in the college is extended by invitation only and only after careful investigation, to experienced trial lawyers who have mastered the art of advocacy and whose careers have shown the highest standards of ethical conduct, professionalism, civility and collegiality.

Schneider is a sole practitioner in the firm **Law Offices of Michael J. Schneider, P.C.** and has been practicing in Anchorage for 44 years. He is an alumnus of University of the Pacific McGeorge School of Law.



Michael Schneider

### The Perfect Downtown Location no matter what size space you need!

Just steps from great restaurants, the coastal trail, health clubs and the courthouse

#### Carr Gottstein Building

310 K Street

**Penthouse Suite** - 5,117 - 13,000+ rsf on the 7th floor. Sweeping views of Cook Inlet and Denali.

**500 to 2,300 rsf** - on the 3rd & 4th floors. West-facing windows offer outstanding views of Cook Inlet and Susitna.

**Executive, Part-Time & Virtual Offices** - on the 2nd floor. Pacific Office Center offers a professional work environment with access to receptionist, meeting rooms, office equipment and as many other services as you need. Support available for other building tenants as well.

#### Private Office Building

935 W 3rd Ave

1,790 sf beautiful private office space with views in forest-like, landscaped setting. Full service, with 5 on-site parking spaces included, on-site shower and kitchenette.

For leasing information contact:

**Cyelia Gumennik**

Denali Commercial

(907) 564-2496

Cyelia@DenaliCommercial.com

## Attorney joins Landye Bennett Blumstein LLP

**Landye Bennett Blumstein LLP** announced that **Alexander J. Kubitz** joined the firm’s Anchorage office in September.



Alexander Kubitz

After graduating from West High School, Alex obtained his BA from Willamette University and his law degree from Lewis & Clark Law School, *cum laude*. In 2018, he clerked with Judge Yvonne Lamoureux of the Anchorage Superior Court. Alex’s practice includes real estate transactions, Alaska Native, environmental and natural resources law, as well as civil litigation.

Landye Bennett Blumstein also announced that five of its Anchorage lawyers have been selected for inclusion in the 2020 edition of *The Best Lawyers in America*®

**Philip Blumstein**

Corporate Law, “Lawyer of the Year”  
Mergers and Acquisitions Law and  
Native American Law

**Joseph Moran**

Energy law and Corporate Law

**Jennifer M. Coughlin**

Family Law

**Michelle L. Boutin**

Litigation – Bankruptcy

**John “Sky” Starkey**

Native American Law

## Three associates join Stoel Rives firm

**Stoel Rives** of Anchorage has announced the addition of three associate attorneys who will add to the capabilities the firm offers to its clients in Alaska. **Shannon Behm-Bleicher** joins the office in the firm’s Environment, Land Use and Natural Resources group, **Connor Smith** in the Litigation group, and **Heather Twitchell** in the Corporate group.

Behm-Bleicher provides counsel to clients in matters of environmental compliance, land use and permitting. She received her law degree, *cum laude*, from Creighton University School of Law and undergraduate degree from Creighton University. From 2017 to 2019, Behm-Bleicher served as a judicial law clerk to Judge Frank Pfiffner and to Judge Andrew Peterson of the Anchorage Superior Court.

Smith represents clients in commercial litigation matters in state and federal courts, and in arbitration and mediation. He received his law degree, *summa cum laude*, from Seattle University School of Law and bachelor’s degree from California Polytechnic State University. Smith served as a law clerk to Justice Craig Stowers of the Alaska Supreme Court, as a judicial extern to Judge Morgan Christen of the U.S. Court of Appeals for the Ninth Circuit, and as a legal intern at Fair Work Center.

Twitchell provides counsel on a wide range of corporate transactional matters, largely in the realm of mergers and acquisitions. She received her law degree, *cum laude*, from the University of Wisconsin Law School and undergraduate degree from the United States Military Academy at West Point. Before joining the legal profession, she co-owned and managed a small business, Alaska Backcountry Fishing Lodge, LLC, and served as a captain and UH-60 helicopter pilot in the U.S. Army.



Shannon Behm-Bleicher



Connor Smith



Heather Twitchell

## Firm announces addition of shareholder

**Jermain, Dunnagan & Owens, P.C.**, has announced that **Megan N. Sandone**, will become a shareholder with the firm Jan. 1, 2020. Sandone’s primary practice focuses on civil litigation, with a background in personal injury litigation and employment disputes. She has been with Jermain Dunnagan & Owens, P.C. since 2013.



Megan Sandone





The board and staff of Alaska Legal Services Corporation extend our sincere thanks to the individuals, firms, foundations, and corporate sponsors who contributed to our organization from July 1, 2018 to June 30, 2019, including those that donated in honor of the Robert Hickerson Partners in Justice Campaign.



We are especially grateful to our 2018-2019 campaign co-chairs: Nicole Borromeo, Anne Carpeneti, Charles Cole, Saul Friedman, Andrew Harrington, Jonathan Katcher, Erin Lillie, Peter Michalski, Susan Orlansky, and James Torgerson.

**Justice Society \$5,000+**  
Alaska USA Federal Credit Union Foundation  
Benito & Frances C. Gaguine Foundation  
Bristol Bay Native Corporation  
Carr Foundation, Inc.  
CIRI  
Fairbanks Gold Mining, Inc.  
First National Bank Alaska  
Sealaska Corporation  
World Justice Project  
Peter Michalski  
Myra Munson

**Senior Partner \$3,000 - \$4,999**  
First Bank  
Pew Charitable Trusts  
Sonosky, Chambers, Sachse, Endreson & Perry, LLP  
James Torgerson  
David Wolf

**Benefactor \$1,000 - \$2,999**  
Aleut Corporation  
Arctic Slope Regional Corporation  
Bering Straits Native Corporation  
Birch Horton Bittner & Cherot  
BP (Alaska)  
Chugach Alaska Corp.  
Dorsey & Whitney  
Doyon, Limited  
Koniag  
Municipal Employee Campaign  
Nome Eskimo Community  
Perkins Coie  
Sedor, Wendlandt, Evans, & Filippi, LLC  
Stoel Rives  
United Way of Southeast Alaska  
Robert Anderson  
Elaine Andrews  
Virginia Baim  
James Baldwin  
Denise & David Bunning  
Anne Carpeneti  
Robert Coats  
Christopher Cooke  
Chancy Croft  
Bradley Cruz  
William Cummings  
Carol Daniel  
Anonymous Donors  
Heather Flynn  
Andrew Harrington  
Marilyn Heiman  
Thomas Hennessy  
Duane Petersen  
Art Peterson  
Barbara Powell  
Mark Regan  
Jane Sauer  
Thomas Schulz  
Larry Zervos

**Partner \$500 - \$999**  
Alaska Native Tribal Health Consortium  
Banker Law Group  
Call & Hanson, P.C.  
Clayton and Diemer  
ConocoPhillips  
Cook Inlet Tribal Council  
Davis Wright Tremaine, LLP  
Delaney Wiles  
Durrell Law Group, P.C.  
Faulkner Banfield  
Friedman Rubin  
Geneva Woods Birth Center  
Hagen Insurance  
Holland & Knight, LLP  
Landye Bennett Blumstein  
Littler Mendelson Corporation  
Nesbett & Nesbett  
Nyquist Law Group  
Oles Morrison Rinker & Baker  
Poulson & Woolford  
United Way of Anchorage  
Barbara Brink  
Brooks Chandler  
John Chenoweth  
Charles Cole  
William Cotton  
Glenn Cravez  
Jon Dawson  
Marissa Flannery  
Maryann Foley

Saul Friedman  
Mary Geddes  
Bill Gordon  
Tina Grovier  
Eric Jorgensen  
Marc June  
Jon Katcher  
Heather Kendall-Miller  
Gabrielle LeDoux  
James Leik  
Don McClintock  
Kevin McCoy  
Richard Mylius  
Barbara Norton  
Susan Orlansky  
Bradley Owens  
Larry Persily  
Janine Reep  
James Reeves  
Daniel Rodgers  
Deborah Smith  
Anselm Staack  
Gary Stapp  
John Starkey  
R. Scott Taylor  
Katie TePas  
John Tindall  
S. Lane Tucker  
William Wailand  
Steven Weaver  
Vanessa White  
Ethan Windahl

**Associate \$300 - \$499**  
Alaska State Employees SHARE Campaign  
Callahan Law Office  
Danielle Bailey  
Judith Barnes  
Ben Bowman  
Victor Carlson  
Linda Cerro  
Erick Cordero  
Michael Hostina  
Mike Jeffery  
Amrit Khalsa  
Karen Lambert  
Erin Lillie  
John Rader  
John Sedwick  
Frederick Torrisi  
Jennifer Wagner  
Geoffrey Wildridge

**Colleague \$100 - \$299**  
Alaska Combined Federal Campaign  
Chevron - Matching Employee Funds  
Fred Meyer Community Rewards  
Kirkland & Ellis, LLP  
Woelber & Cole, LLC  
Eric Aarseth  
Colleen Abad  
Dorothea Aguero  
Marjorie Allard  
Alfred Alteneider  
Megan Alvanna Stimpfle  
Glen Anderson  
Joy Anderson  
John Angell  
Adrienne Bachman  
Maria Bailey  
Gail Ballou  
David Bauer  
Carl & Ruth Benson  
Cynthia Berger  
Iona Besseney  
Daniel Blair  
Karen Blejwas  
Julia Bockmon  
Joel Bolger  
Cheryl Boomershine  
Skippy Boomershine  
Dario Borghesan  
Mary Borthwick  
Peter Boskofsky  
Steve & Patti Bower  
Monte Brice  
Molly Brown  
Alexander Bryner  
Bill Caldwell  
Shane Carew  
Susan Carney  
Jacqueline Carr  
David Carter  
Stephen Charles  
Daniel Cheyette  
William Choquette  
Jo Ann Chung  
Susan Churchill  
Matthew Claman  
Susan Clark  
Alex Cleghorn  
Joan Clover  
Cameron Compton  
Susan Cox  
Teresa Cramer  
Krissell Crandall

Dale Curda  
Harold Curran  
Beverly Cutler  
Joseph Darnell  
Joshua Decker  
R. Stanley Ditus  
Louise Driscoll  
Richard Dunmore  
Paul Eaglin  
Charles Easaw  
Shannon Eddy  
George Edwards  
Kenneth Eggers  
Amy Ekak  
Zach Fields  
H. Ryan Fortson  
Jill Friedman  
Darrel Gardner  
Gayle Garrigues  
Nicholas Gasca  
Rene Gonzalez  
Mary Gramling  
Deborah Greenberg  
Marla Greenstein  
Clifford Groh  
Alex and Joan Gulotta  
Michael Hanson  
Carol Harris  
William Hayes  
Eric Hedland  
Nacole Heslep  
Beth Heuer  
Carolyn Heyman  
Elizabeth Hickerson  
Leslie Hiebert  
Shelley Higgins  
Barbara Hood  
Marcia Howell  
Roger Hudson  
Karla Huntington  
Ann Hutchings  
Paula Jacobson  
Kenneth Jacobus  
Barbara Karl  
Kathy Keck  
Gavin Kentch  
Tristan Knutson-Lombardo  
Jo Kuchle  
Eric Kueffner  
Kathryn Kurtz  
Lawson (L.N.) Lair  
Yvonne Lamoureux  
Robert Landau  
Danna Larson  
Russell Leavitt  
Beth Leibowitz  
Cameron Leonard  
Janice Levy  
Jahna Lindemuth  
Leonard Linton  
Paul Lisankie  
Daniel Lowery  
Robert Lynch  
Peter Maassen  
Margie MacNeille  
Mary Lynn Macsalka  
Barbara Malchick  
David Mannheim  
Joan Mannheimer  
Marilyn May  
Bobbie McDow  
Renee McFarland  
Chris McNeil  
Louis Menendez  
Dennis Mestas  
Lucas Middle  
Marianne Mills  
Richard Monkman  
Jane Mores  
Linda Morgan  
Charlie Muschany  
Joseph Nelson  
Lourdette Neuburg  
Rene Nicklie  
Kara Nyquist

Thomas O'Connor  
Robert Onders  
Aimee Oravec  
Deborah O'Regan  
Flora Orozco  
Darlene Orr  
Melanie Osborne  
Nelson Page  
Audra Passinault  
Christine Pate  
Bill Pearson  
Elizabeth Pederson  
Helen Poitra-Chalmers  
Stuart Rader  
Alicemary Rasley  
Gregory Razo  
Christina Reigh  
M. David Rhodes  
Michael Rhodes  
Mark Rindner  
J. Michael Robbins  
Linda Rosenthal  
Jonathan Rubini  
Jan Rutherford  
Eric Sanders  
Vance Sanders  
Nancy Schierhorn  
Alan Schmitt  
Timothy Seaver  
Hanna Sebold  
Walter Share  
John Silko  
Connie J. Sipe  
Thomas Slagle  
Diane Smith  
Lauren Sommer  
Linda Squibb  
Leonard Steinberg  
Trevor Stephens  
Scott Sterling  
John Suddock  
Sharry Sullivan  
Sen Tan  
Valerie Therrien  
Eric Troyer  
Lenora Walker  
Stacy Walker  
David Walsh  
Phillip Paul Weidner  
Lisa Ann Weissler  
Carmen Wenger  
Michael White  
Morgan White  
Sandra Wicks  
D. Kevin Williams

**Friend - up to \$99**  
AmazonSmile  
ASD Charitable Giving Campaign  
Janet Ames  
Jennifer App  
Jaeleen Araujo  
Barbara Armstrong  
Linn Asper  
Megan Backsen  
Skylarr Bailey  
Thomas Ballantine  
Kris Barnum  
Robin Barrett  
Jennifer Barsalou  
Thomas Beck  
Juliene Beeth  
Ryan Bell  
James Benedetto  
Maureen Benner  
Laurel Bennett  
Ruth Berkowitz  
John Bernitz  
Alan Bersin  
Louise Biderman  
Michael Biderman  
Shelley Biegel  
Danielle Blair

Jonathan Blattmachr  
Joyanne Bloom  
Jason Bockenstedt  
Sarah Bolding  
Samuel Booch  
Kevin Boots  
Teresa Bormann  
Nicole Borromeo  
Corrie Bosman  
Leah Brown  
Zachary Brown  
Donald Bullock  
Susan Butler  
Dinamarie Cale  
Blake Call  
W. Grant Callow  
Glenn Carpenter  
Linda Carroll  
Allison Carter  
Victoria Cascio  
Samuel Cason  
Holly Chari  
Jessica Cherry  
Barney Chisolm  
Kathleen Chivers  
Beverly Churchill  
Steve Cole  
John Colver  
Craig Condie  
Tahnee Conte-Seccareccia  
Benjamin Crittenden  
Paul Cronin  
Andrew Crow  
Judith Crowell  
Richard Curtin  
Linda Curtis  
Daniel Dalle-Molle  
Christopher Dasilva  
Tim Davenport  
Valerie Davidson  
Tamara de Lucia  
Kimberly Del Frate  
Susan DiMaggio  
John Dittman  
Lisa Doehl  
Robert Doehl  
Jill Doherty  
Kathleen Doherty  
Jay Durych  
Gailon Ebell  
Frederick Edwards  
Daniel Eldredge  
Traci Emerson  
Rebecca Eshbaugh  
Joseph Evans  
Susan Evans  
Katherine Fang  
Kristin Farleigh  
Randall Farleigh  
Sara Fechtelkotter  
Dennis Fenerty  
April Ferguson  
Gary Finnell  
Debra Fitzgerald  
Lisa Fitzpatrick  
Savannah Fletcher  
Todd Flynn  
Laura Fox  
Cameron Fraser  
Giles Galahad  
Stephanie Galbraith Moore  
Patrick Galvin  
Peter Gamache  
Deidre Ganopole  
David George  
Ann Gifford  
Virgil Gilbert  
Raymond Gillespie  
Justin Gillette  
Mary Gilson  
James Glisson  
Brittany Goodnight  
Erik Grafe  
Steven Gray  
Harold Green  
Angela Greene

Violet Gronn  
Robert Gunther  
Mark Handley  
Windy Hannaman  
John Hartle  
Leone Hatch  
Andrea Hattan  
Gary Hazelton  
Karl Heimbuch  
Kenneth Hemenway  
Joseph Henri  
Laura Herman  
Gail Hillebrand  
Erin Hollingsworth  
Susan Hollingsworth  
Dennis Hopewell  
Jim Hoppenworth  
Terry Horton  
Marion Hughes  
Salvatore Iacopelli  
Jon Iannaccone  
Patrice Icardi  
Jordan Jacobsen  
Rosanne Jacobsen  
Tracey Janssen  
Lee Jensen  
Margaret Jones  
Ana Justin  
David Katz  
John Kaufman  
Sonja Kawasaki  
Barry Kell  
Guy Kerner  
Marilyn Kerr  
Sonja Kerr  
Elizabeth Kerttula  
Kirsten Kinegak-Friday  
Nicholas Kittleson  
James Kniseley  
Eric Knudson  
Elizabeth Kristovich  
Amy Kropp  
Evelyna Kuhr  
Etta Kuzakin  
Patrick Lavin  
Orville Layton  
Elizabeth Leduc  
Nancyann Leeder  
Parker Lennihan  
C. Russell Lewis  
Nicholas Lewis  
Gwendolyn Lieb  
Lynda Limon  
Bernard Link  
Angela Liston  
James Longoria  
Kori Lorick  
Shirley Lozano  
Krista Maciolek  
Reid Magdanz  
John Maltas  
Blythe Marston  
Stacey Marz  
Walter Mason  
Warren Matthews  
John McArthur  
J. Trevor McCabe  
James McCarrey  
Daniel McCaskey  
Kari McCrea  
Donna McCready  
David McGee  
D. John McKay  
Patrick McKay  
Mary Alice McKeen  
Robert McLaughlin  
Mitchi McNabb  
Toni McPherson  
Margaret McWilliams  
Amy Mead  
Duane Menting  
Elisabeth Mering  
Charles Merriner  
Douglas Mertz  
Michelle Meshke  
Stephen Mierop  
William Milks  
Logan Miller  
Robert Molloy  
Winter Montgomery  
Anna Moran  
Sarah Moyer  
Benjamin Muse  
Margie Nelson  
Kristen Newby  
Jordan Nigro  
Russell Nogg  
James Nolan  
Claire Norton-Cruz  
Collin O'Brien  
Debra O'Gara  
Ruth O'Rourke  
Robert Osborne  
J. Stefan Otterson  
Amy Paige  
John Parsi  
Colleen Pawling  
Alfred Peterson  
Susan Phillips  
Jeffrey Pickett

Pearl Pickett  
Rachel Plumlee  
Nicholas Polasky  
Tasha Porcello  
William Prentice  
Matthew Prieksat  
Alyson Pytte  
Blake Quackenbush  
Jonathan Raiche  
Peter Ramgren  
Diana Ramoth  
Esther Rastopsoff  
Charles Ray  
Susan Reeves  
Jerard Reichlin  
Nancy Reisinger  
Erin Remley  
Ryan Rennaker  
Judith Renwick  
Glen Rice  
Blake Rider  
Richard J Riordan  
Caren Robinson  
Kimberly Rodgers  
David Rogers  
Amanda Rogerson  
Rebecca Rogstad  
Lisa Rosano  
Peggy Roston  
William Royce  
Brian Samuelson  
Amanda Saunders  
Gordon Schadt  
Elizabeth Schaffhauser  
Demian Schane  
Garth Schlemlein  
Kristine Schmidt  
Debra Schnebel  
Jennifer Schorr  
Bride Seifert  
S. Jay Seymour  
R. Brock Shamberg  
Philip Shanahan  
Bettie Shelby  
Glenn Shidner  
Nancy Simel  
Jason Skala  
Jack Smith  
Marlin Smith  
Michael Smith  
Margaret Spears  
Sondra Spevack  
Gretchen Staft  
Michael Stanley  
Rose Stanley  
Catherine Ann Stevens  
Janna Stewart  
Margaret Stock  
Kathleen Strasbaugh  
Daniel Sullivan  
Joseph Sullivan  
Gina Tabachki  
Saralyn Tabachnick  
Antoinette Tadolini  
Sydney Tarzwell  
Maile Tavaphjalern  
Kelly Taylor  
Louise Taylor-Thomas  
Brittany Templeton  
Harvey Templeton  
Sharon Thibodeau  
Cindy Thomas  
Mark Torgerson  
Patrick Travers  
Tami Trotter  
Julia Tucker  
Wm. Randolph Turnbow  
Bruce Twomley  
Aaron Unterreiner  
Alma Upicksoun  
Susan Urig  
Loisi Vailea  
Valerie Van Brocklin  
Joseph Van De Mark  
Jeremy Vermilyea  
Randi Vickers  
David Voluck  
Tom Wagner  
Joseph Walker  
Stephen Wallace  
Kay Wallis  
June Walunga  
Andrea Wan  
Brett Watts  
Daniel Wayne  
Felicia Weaver  
Julie Webb  
Kelsey Webber  
Jennifer Wells  
Daniel Westerburg  
Nina Whitehurst  
Judy Whittaker  
DeWayne Williams  
Kate Williams  
Jessica Winn  
Ryan Wislon  
Tonja Woelber  
Robert Wolfe  
James Wright

## The Annual Campaign for Alaska Legal Services Corporation

The 2019-2020 Robert Hickerson Partners in Justice Campaign started 10/1/19. If you would like to join your colleagues in supporting this worthwhile cause, please send your tax-deductible contribution by 1/31/20 to:

**Alaska Legal Services Corporation**  
1016 W. 6th Ave., Ste. 200  
Anchorage, AK 99501

Online contributions can be made at [www.alsc-law.org](http://www.alsc-law.org).  
For more information or to request a pledge form, email ALSAC at [donor@alsc-law.org](mailto:donor@alsc-law.org).



# Tax returns for trusts take some extra attention

By Steven T. O'Hara

There is nothing standard about tax returns for irrevocable trusts. In fact, as illustrated below, a trust's federal income tax return can be different each year even where the facts and the law remain the same.

To prepare an irrevocable trust's tax return, the tax preparer must read and understand the trust. It helps if the tax preparer has a law degree because trusts are written in legalese. If the tax preparer does not take the time to nail down the meaning of the relevant provisions of the trust as well as the facts as they relate to those provisions, the tax preparer will be blindly preparing the trust's tax return.

Suppose you get a call that a client's long-lost uncle has died, leaving property in trust for the client. The client is a U.S. citizen residing in Alaska; the trustee also resides in Alaska and is an unrelated third party with no beneficial interest in the trust. Cf. IRC Sec. 672(a) and (b). Under the trust the client is entitled to all net income, to be distributed at least as frequently as quarterly, and the trustee has discretion to distribute any part or all of trust principal to the client.

The trust begins on the first day of Year One. Beginning a year later, on the first day of Year Two, the client has an annual power to withdraw property, including money, out of the trust. The client may withdraw the greater of \$5,000 or five percent of the aggregate value of trust assets; the power lapses each year on December 31 to the extent the client has not exercised the power. Cf. IRC Sec. 2041(b)(2) (A) and (B) and 2514(e)(1) and (2) and IRS PLR 200022035. Suppose generally that the aggregate value of trust assets at all points in time is \$2,000,000.

In each of the trust's first four

years of existence the trust has interest and ordinary dividends of \$25,000 and long-term capital gain of \$10,000 with no losses or other deductions and no credits. Suppose generally that the only distributions made are the mandatory income distributions to the client and that the client never exercises the power of withdrawal. In addition, the client never makes a transfer to the trust.

What would the trust's federal income tax return look like in each of the trust's first four years of existence? I would offer the following observations with attention to the grantor trust rules found in the Internal Revenue Code at Sections 671-678.

## Tax Return Year One.

Irrevocable trusts generally report income, gain, loss, deduction, and credit on IRS form 1041. In Year One the box on IRS form 1041 that indicates that the trust is a simple trust needs to be checked. A "simple trust" for these purposes generally means that the income,

but not the gain, is first booked on the trust's tax return and then carried out and ultimately reported on the client's tax return. See Treas. Reg. Sec. 1.651(a)-1, IRC Sec. 652, and IRC Sec. 643(a)(3). In other words, for Year One the client is liable for tax on \$25,000 of income and the trust is liable for tax on \$10,000 of gain.

**Tax Return Year Two.** In Year Two the client is not only entitled to all trust income, the client also has the power to withdraw \$100,000 of trust principal (5 % times \$2,000,000). With this power, the client is treated for federal income tax purposes as the owner of 5% of the trust. IRC Sec. 678(a)(1). Thus 5% of the trust's gain is reportable directly on the client's federal income tax return. *Id.* So for Year Two the client is liable for tax on \$25,000 of income and on \$500 of gain and the trust is liable for tax on \$9,500 of gain. IRC Sec. 651, 652, 678(a)(1), and 643(a)(3). Two boxes on IRS form 1041 need to be checked — one indicating that the trust is now a grantor-type trust, meaning that someone is treated as owning a portion of the trust for federal income tax purposes, and one indicating that the trust is a simple trust.



"Suppose you get a call that a client's long-lost uncle has died, leaving property in trust for the client."

## Tax Return Year

**Three.** Beginning in Year Three the client is treated as owning, for federal income tax purposes, an increasing portion of the trust. Tax law imputes ownership to the extent that the client could have withdrawn property but did not — and where, as here, the client has an ongoing beneficial interest in that property through the income and principal of the trust. See IRC Sec. 678(a)(2), 676(a), and 677(a). I would consider the client's failure to with-

draw property — in other words, the lapse of the power of withdrawal — as a "release" of a power within the meaning of IRC Sec. 678(a)(2). See IRC Sec. 2041(b)(2) and 2514(e) and IRS PLR 200022035.

In Private Letter Ruling 200022035, the Internal Revenue Service provided some guidance in this area to a private taxpayer, but I find the guidance imprecise. I would offer a two-part formula to determine the total percentage of the trust that the client is treated as owning. Part 1 of the formula would be the sum of the percentages relating to the powers of withdrawal that the client allowed to lapse in one or more prior years. See *id.* and IRC Sec. 678(a)(2). Part 2 of the formula would take the percentage of the subject year's power of withdrawal and multiply that percentage by the percentage of the trust that the client is not treated as owning. See IRC Sec. 678(a)(1), 2041(b)(2), and 2514(e) and IRS PLR 200022035.

Under this formula, the portion of the trust that the client is treated as owning in Year Three would be the sum of part 1, which is 5%, plus part 2, which is 5% times 95% or 4.75%. Thus 9.75% of the trust's gain is reportable directly on the client's federal income tax return. So for Year Three the client is liable for tax on \$25,000 of income and on \$975 of gain and the trust is liable for tax on \$9,025 of gain.

The above tax return for Year Three is based on the fact that the client did not make a withdrawal from the trust in Year Two. Any change in this fact fundamentally changes the tax return. For example, if the client had withdrawn 5% of trust principal in Year Two, the client's percentage ownership of the trust for federal income tax purposes would remain at 5%

in Year Three because no power of withdrawal would have lapsed in Year Two. Since there would have been no lapse, there would be no imputed ownership under IRC Sec. 678(a)(2). See IRS PLR 200022035.

As another example, if the client had withdrawn 2% of trust principal in Year Two, the client's percentage ownership of the trust would increase from 5% in Year Two to 7.85% in Year Three because of the lapsed power of withdrawal in Year Two. The math on that 7.85% of trust ownership for federal income tax purposes for Year Three would be the sum of part 1, which is 5% minus 2% or 3%, plus part 2, which is 5% times 97% or 4.85%, for a total of 7.85%.

## Tax Return Year Four.

For Year Four the client again is treated as owning an increasing portion of the trust. The calculation for the portion of the trust that the client is treated as owning in Year Four would be the sum of part 1, which is 5% plus 5% or 10%, plus part 2, which is 5% times 90% or 4.5%. Thus 14.5% of the trust's gain is reportable directly on the client's federal income tax return. So for Year Four the client is liable for tax on \$25,000 of income and on \$1,450 of gain and the trust is liable for tax on \$8,550 of gain.

The above tax return for Year Four is based on the fact that the client did not make a withdrawal from the trust in Year Two or Three. Change that fact and again the tax return changes. If the client had withdrawn 5% of trust principal in Year Two and again in Year Three,

the client's percentage ownership of the trust for federal income tax purposes would remain at 5% in Year Four because no power of withdrawal would have lapsed in a

prior year.

If the client had withdrawn 2% of trust principal in Year Two and again in Year Three, the client's percentage ownership of the trust would increase from 7.85% in Year Three to 10.7% in Year Four because of the lapsed power of withdrawal in Years Two and Three. The math on that 10.7% of trust ownership for federal income tax purposes for Year Four would be the sum of part 1, which is 3% plus 3% or 6%, plus part 2, which is 5% times 94% or 4.7%, for a total of 10.7%.

In all events I would explain each portion of the trust, and how each portion was calculated, in an attachment to the applicable year's tax return.

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.

Copyright 2019 by Steven T. O'Hara. All rights reserved.

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

**In each of the trust's first four years of existence the trust has interest and ordinary dividends of \$25,000 and long-term capital gain of \$10,000 with no losses or other deductions and no credits.**

**In all events I would explain each portion of the trust, and how each portion was calculated, in an attachment to the applicable year's tax return.**



Anchorage, Alaska

<http://macbsec.com>  
907.538.3835

### Visitation Transitions

Providing safety for parents transferring custody for visitation for minor children.

### Court Appearance Escorts

Providing agents to escort parents and minor children to, and from the court room.

Special legal rates.

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

Send details to:

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



# Polls find we Americans are unhappy with the state of the world

Continued from page 1

Confirming that we are still a country of hot heads, last summer National Public Radio shared the results of a new anger survey. The NPR-Watson IBM Health Poll results were released in June 2019, well into the Trump presidency. Eighty-four percent of the surveyed said Americans are angrier today compared with a generation ago. When asked about their own feelings, 42 percent of those polled said they were angrier in the past year than they had been further back in time. (Like before the last presidential election?)

During the campaign that ended with the election of our current president, I became angry each time I read the national news or checked my Facebook page. Finally, I ended my relationship with Mark Zuckerberg and restricted my news listening to the ten minutes that it takes to make my first cup of morning coffee. After that I felt as content as a glutton in an all night bakery.

I expected the NPR poll to show that social media and inflammatory news programming are making Americans burn with anger. But only 18 percent of those surveyed reported being angry after using social media. Only seven percent of

people 65 and older found Instagram and Facebook irritants. (Is this because the mellow elders limit their social media intake to dog or cat videos and grandkid photos?)

The NPR pollsters found that 29 percent of people said they were often angry after checking the news. Another 42 percent said the news sometimes made them angry. Older people — age 65 and up — were a little less likely to say that they were often angry when checking the news. Only 21 percent of seniors were



**"The poll of 150,000 people worldwide showed that in 2018 Americans reported feeling stress, anger and worry at the highest levels in a decade."**

in this category, compared with 38 percent of people younger than 35.

If negative news reporting and incendiary Tweets are not driving the current tsunami of anger through

our country, what is? Perhaps the angry are frustrated by an economy that has many of us treading water — working harder to maintain their standards of living. If this were the case, you might guess that angry Americans are also worried and stressed Americans. According to a Gallup survey conducted this year, you would be correct.

The poll of 150,000 people worldwide showed that in 2018 Americans reported feeling stress, anger and worry at the highest levels in a decade. Fifty-five percent of those Americans polled reported feeling stressed "a lot of the day." Forty-five percent said they felt a lot of worry the day before being questioned.

When they dug further into their data, the pollsters discovered that Americans under 50 with low income and a lower view of the president's performance were

the most worried and stressed. But they couldn't say definitely whether these factors explain the negative feelings.

It's not all doom and gloom for Americans. The international poll showed that despite all our negative feelings, more of our countrymen that were polled reported having positive experiences than those living in the rest of the world.

Sixty-four percent of Americans polled said that they had learned or done something interesting on the prior day. Only 49 percent of non-Americans polled could say the same. This gives me hope for our country — even while dealing with our country's dysfunctional politics and unbalanced economy, a majority of our stressed and worried neighbors still take pleasure by discovering something new every day.

Dan Branch, a member of the Alaska Bar Association since 1977, lives in Juneau. He has written a column for the Bar Rag since 1987. He can be reached at [avesta@ak.net](mailto:avesta@ak.net)

**The NPR pollsters found that 29 percent of people said they were often angry after checking the news. Another 42 percent said the news sometimes made them angry.**

## Charge the Defender Made

By John C. Pharr

(with apologies to Alfred, Lord Tennyson)

**I**  
Half a large, half a large,  
Half a large on account,  
Trial for possession of Meth,  
With only six hundred.  
"I want some more!" he said.  
"Go f\*\*\* yourself!" relayed.  
Into the trial bereft,  
With only six hundred.

**II**  
"No continuance," the judge said!  
Wasn't that a tough DA?  
Damn, her cards well played!  
Not though the lawyer knew  
His budget had cratered.  
His not to make reply,  
His not to reason why,  
His but to do and try.  
Into the trial of Meth  
With only six hundred.

**III**  
Jury to right of them,  
DA to left of them,  
Judge in front of them  
Volley'd and thunder'd;  
Figurative shot and shell,  
Boldly he tried and well,  
Into the jaws of Meth,  
Arguing the facts from hell  
For a measly six hundred.

**IV**  
Cross-examination here,  
Evidentiary rulings there,  
Ending he knew not where,

Charging an arm & leg, while  
His client wondered.  
Used lots of mirrors & smoke,  
Little did he know the guy's  
broke;  
No money from kinfolk.  
Finally his client spoke,  
"I'll pay you a thousand, but  
not  
Not another six hundred."

**V**  
Small claim to right of him,  
Fee arb to left of him,  
Client in front of him,  
Volley'd and thunder'd;  
"You suck!" the client yelled.  
Maybe cuz he was in jail.  
Lawyer's claim for fees did  
fail.  
After the trial of Meth,  
Back from the mouth of hell,  
Spent what was left of it,  
Left of the six hundred.

**VI**  
When can the rent be paid?  
O the wild charges he made!  
While the landlord  
wondered.  
Wouldn't pay the charge he  
made!  
"Money up front next time," he  
said.  
Way more than six  
hundred!

*Happy holidays from the Lawyers' Assistance Committee*

*A few holiday tips from the Lawyers' Assistance Committee*



- Have a strategy for not drinking at parties
- If you do drink, call a cab
- If you're feeling lost or depressed, reach out

*We take calls over the holidays; you are not alone!*

## Substance Abuse Help

We will

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

In fact, you need not even identify yourself when you call. Contact any member of the Lawyers Assistance Committee for confidential, one-on-one help with any substance use or abuse problem. We will not identify the caller, or the person about whom the caller has concerns, to anyone else.

### Anchorage

Michaela Kelley  
Canterbury  
276-8185

Serena Green  
777-7258

Megyn A. Weigand  
269-5540

Emma Haddix  
269-5140

David S. Houston  
278-1015

Mike Lindeman  
760-831-8291

Michael Stephan  
McLaughlin  
793-2200

R. Collin Middleton  
222-0506

Nicholas Ostrovsky  
868-8265

John E. Reese  
345-0625

### Sitka

Greggory M. Olson  
451-5970

### Fairbanks

Valerie Therrien  
388-0272

### Juneau

Yvette Soutiere  
465-8237

### Kenai

Liz Leduc  
283-3129

### Arizona

Jeffrey A. Gould  
520-808-4435



**Lawyers' Assistance Committee**  
**Alaska Bar Association**



## Alaska Judicial Council Needs Your Help to Evaluate Judges Standing for Retention in 2020

The Judicial Council has begun its comprehensive evaluation of the performances of twenty-four judges who will be on the ballot in November of 2020. In May of 2020, the Council will recommend whether voters should retain these judges for another term. I'm writing to encourage all of you who have practiced before these judges to participate in the Judicial Council's evaluation.

The most important way you can participate is to take our online survey. During the week of January 13, 2020, the Council's contractor, the University of Alaska Institute for Social and Economic

Research, will distribute a survey to members of the Alaska Bar asking for an evaluation of the judges' performances. You will be asked to rate the judges on five measures, and to provide narrative comments, and your responses are confidential. As an attorney who may have first-hand experience with these judges, your participation is especially valuable.

Our judicial retention system depends on providing voters with as much information as possible. To provide a variety of perspectives, the Council surveys other groups who have experience with the judges (court employees, peace



and probation officers, jurors, and social services professionals), and compiles a wide range of non-survey information about judges' performances. While these other measures provide important perspectives for the Council members and the public, only attorneys like you have the training and expertise to evaluate judges' legal abilities.

Your participation on the Council's survey also helps educate the judges. The surveys provide relatively detailed feedback on areas where judges can improve their performance, and they positively reinforce the behaviors of judges who excel. This is feedback judges gener-

ally do not receive outside of the retention evaluation process.

I hope every member of the Bar will review the judges with whom they have experience. The deadline for completing the survey is February 7. If you have not received an online survey by the week of January 13, please contact me at [postmaster@ajc.state.ak.us](mailto:postmaster@ajc.state.ak.us). (To receive future online surveys, make sure the Bar has your most current email address, and add [ajc@qemailserver.com](mailto:ajc@qemailserver.com) as a safe sender to your email software program.)

*Submitted by Susanne DiPietro, Executive Director, Alaska Judicial Council*



Superior Court Judge Brent E. Bennett donned his robe with the help of his children after being sworn in by Alaska Supreme Court Justice Sue Carnevali Nov. 22 in Fairbanks. Bennett has been an Alaska resident and practiced law for 13 years. He graduated from the University of Cincinnati College of Law in 2006. He was most recently the supervising attorney of the Office of Public Advocacy, Fairbanks Defense Section. Front row from left: Hadley and Haddon Bennett and from left in the back row: Justice Carney, Judge Bennett, and Amy Bennett holding Rhys Bennett.

### Judges Eligible to Stand for Retention in November 2020:

Susan Carney  
Matthew Christian  
Dani Crosby  
Romano DiBenedetto  
Leslie Dickson  
Michael Franciosi  
Andrew Guidi  
Patrick Hammers  
Jennifer Henderson  
Patrick Hanley  
Yvonne Lamoureux  
Michael Logue

Kari McCrea  
Gregory Miller  
Will Montgomery  
Nathaniel Peters  
Christina Reigh  
Paul Roetman  
David Wallace  
Pamela Washington  
Jennifer Wells  
Tracey Wollenberg  
Jonathan Woodman  
David Zwink

HAVE A SAFE AND  
HAPPY  
**2020**  
NEW YEAR

## FREE C.L.E. CREDITS



Earn continuing legal education credits at no charge. Attend monthly estate planning teleconferences from **Cannon Financial Institute**, hosted by First National Bank Alaska Wealth Management.

**Dec. 10 | Jan. 28 | Feb. 25 | Anchorage and Fairbanks**

Call (907) 777-4560 for more information and to attend. Space is limited.

1.5 C.L.E. credits earned for each teleconference attended.

PRODUCTS PURCHASED THROUGH THE BANK'S WEALTH MANAGEMENT DEPARTMENT ARE NOT FDIC INSURED, NOT GUARANTEED AND MAY LOSE VALUE.

## Medically-Trained Paralegal serving your injury claim needs

- Litigation support for medical cases/issues
- Medical records timeline/summary
- Comprehensive medical records/imaging discovery
- Deposition summary
- Medical/billing records analysis
- Work samples and references available — CALL 277-1328



**Joaquita B. Martin, BS, ACP**  
NALA Advanced Certified Paralegal – Workers' Compensation  
907-277-1328 • [www.meddiscoveryplus.com](http://www.meddiscoveryplus.com)





## PAPER CHECKS ARE NOTORIOUSLY UNRELIABLE.

They get lost in the mail, they get tossed in the laundry, and they carry a lot of sensitive information around with them wherever they go.

LawPay changes all of that. Give your clients the flexibility to pay you from anywhere, anytime. Most importantly, we ensure you stay in compliance with ABA and IOLTA guidelines.

Proud Member Benefit Provider



# It's easy to get started

866-572-5611 or visit [lawpay.com/alaskabar](http://lawpay.com/alaskabar)

**LAWPAY**<sup>®</sup>  
 AN AFFINIPAY SOLUTION





Mentors for the Mentor Jet program included: Front row from left: Stephanie White Thorn, Kim Sayers-Fay, Sarah Park, Andrea Canfield, Judge Pamela Washington and Stephanie Nichols. Second row: Heather Kendall-Miller, Judge Kari McCrea, Ryan Bravo, Mark Clark, Professor Christian Halliburton, Judge Herman Walker, Kirsten Kinegak-Friday, Professor Terry Price, Supreme Court Justice Susan Carney and Charisse Arce.



Student participants joined presenters and mentors for a group photo at the end of the program. (Photos by Margaret Newman)

## Students experience court system in Color of Justice program

### From the Alaska Court System

The Alaska Court System hosted the 2019 *Color of Justice* program Oct. 3-4, 2019, in Anchorage. *Color of Justice* is a law-related education program founded by the National Association of Women Judges (NAWJ). Introduced in Alaska more than 15 years ago, the program promotes diversity in the legal and judicial fields. It encourages women and youth of color to consider possible careers as lawyers and judges.

Students from high schools across Anchorage were invited to participate in two days of workshops and other activities presented by representatives from Gonzaga University School of Law,

Seattle University School of Law and University of Washington School of Law. The program is also supported by the Alaska Bar Association, the Alaska Federation of Natives and the Alaska Native Justice Center. The two-day program took place at the Boney Courthouse in the Supreme Court Courtroom and trial courtrooms and included students from Bartlett, East, West and Wasilla high schools.

The event featured activities that creatively engaged high school students. Sessions included “*MentorJet: A Speed Mentoring Experience*,” where students met with diverse lawyers, judges and justices, including professors from participating law schools and representatives from Native

organizations); “*Constitutional Cranium*,” a quiz show on Alaska constitutional knowledge featuring actual Alaska supreme court decisions; and a “*You be the Judge*” session. Volunteer attorneys and judges also coached and oversaw simultaneous mock trials where students had the chance to learn more about the role of judges, prosecutors, defense attorneys and jurors in a criminal case.

This outreach program relies on countless volunteers to assist with the various components. Judges and attorneys volunteered as mentors for the MentorJet program, and as coaches during the mock trials. Attorneys from the U.S. Attorney’s Office, Attorney General’s office, the District Attorneys’ office, the Public Defender Agency, the Office of Public Advocacy, the Alaska Bar Association’s Law-Related Education Committee, and Anchorage Youth Court volunteered by mentoring students and serving as coaches during the mock trials and *Constitutional Cranium*.



## MentorJet A Speed-Mentoring Experience

### Mentoring Passport

Color of Justice Anchorage, Alaska October 3, 2019



**Charisse Arce**  
Assistant U.S. Attorney, District of Alaska  
Charisse.Arce@usdoj.gov



**Monique Eniero**  
Assistant Public Defender, Anchorage  
moniqueeniero@gmail.com



**Sarah Park**  
Assistant District Attorney, Anchorage  
Sarah.Park@alaska.gov



**Ryan Bravo**  
Assistant District Attorney, Anchorage  
Ryan.Bravo55@gmail.com



**Christian Halliburton**  
Professor, Seattle University School of Law  
cmhall@seattleu.edu



**Terry Price**  
Affiliate Instructor, University of Washington School of Law  
tprice@uw.edu



**Andrea Canfield**  
Associate Attorney, Stoel Rives LLP  
Andrea.Canfield@stoel.com



**Heather Kendall-Miller**  
Native American Rights Fund  
Kendall@NARF.org



**Kim Sayers-Fay**  
Assistant U.S. Attorney, District of Alaska  
kimsfinak@gmail.com



**Susan Carney**  
Justice, Alaska Supreme Court  
scarney@akcourts.us



**Kirsten Kinegak-Friday**  
Associate Attorney, Landy Bennett Blumstein, LLP  
kirstenk@lbblawyers.com



**Herman Walker**  
Judge, Anchorage Superior Court  
hwalker@akcourts.us



**JoAnn Chung**  
Judge, Anchorage District Court  
jchung@akcourts.us



**Kari McCrea**  
Judge, Anchorage District Court  
kmcreea@akcourts.us



**Stephanie White Thorn**  
Dickerson & Gibbons, Inc.  
stephanie@dickerson-gibbons.com



**Mark Clark**  
Assistant Public Defender, Anchorage  
Mark.Clark@alaska.gov



**Stephanie Nichols**  
Senior Director, Policy, GCI, Inc.  
snichols@gci.com

## NEWS FROM THE BAR

### Board of Governors Action Items Sept. 5, 2019

- Voted to approve 8 reciprocity applicants and 9 UBE score transfer applicants.
- Approved 3 ALSC (Rule 43) waivers for Joanna MacQueen, Cameron Means and Clay Venetis.
- Voted to approve a military spouse waive (Bar Rule 43.4) for Latitia Gonzales.
- Reviewed the report of the bar exam cut-score committee and voted to recommend leaving the cut score at 280.
- Voted to renew the Alaska Law Review contract with Duke University Law School for another three years.
- Voted to ratify the agreement for stipulated discipline with Attorney P.
- Voted to approve the minutes of the Board meeting.
- Voted to grant a request for continuance of the discipline matter involving Erin Gonzalez-Powell until the October board meeting.
- Appointed a subcommittee (Stone, Leonard, Oravec) to review the Bar’s Keller policy.
- Heard comment on ARPC 8.4(f) and voted to remand the rule to the ARPC committee.
- Voted to adopt the Area Hearing Committee’s recommendation to deny reinstatement in the matter involving Eugene Cyrus.



# 2020 Alaska Bar Association Budget

## REVENUE

AdmissionFees-Bar Exams .....	62,100
AdmissionFees-MotionAdmit .....	57,000
AdmissionFees-Exam Soft .....	7,900
AdmissionFees-UBE .....	32,000
AdmissionFees-Rule 81s .....	104,000
CLE Seminars .....	151,185
Accreditation Fees.....	4,200
Lawyer Referral Fees.....	29,000
Alaska Bar Rag - Ads,Subs .....	14,500
Annual Convention.....	192,965
Substantive Law Sections .....	27,050
AccountingSvc Foundation .....	10,051
Membership Dues .....	2,068,825
Dues Installment Fees .....	8,775
Penalties on Late Dues .....	14,490
Disc Fee & Cost Awards .....	0
Labels & Copying.....	762
Investment Interest .....	78,000
Miscellaneous Income .....	1,200

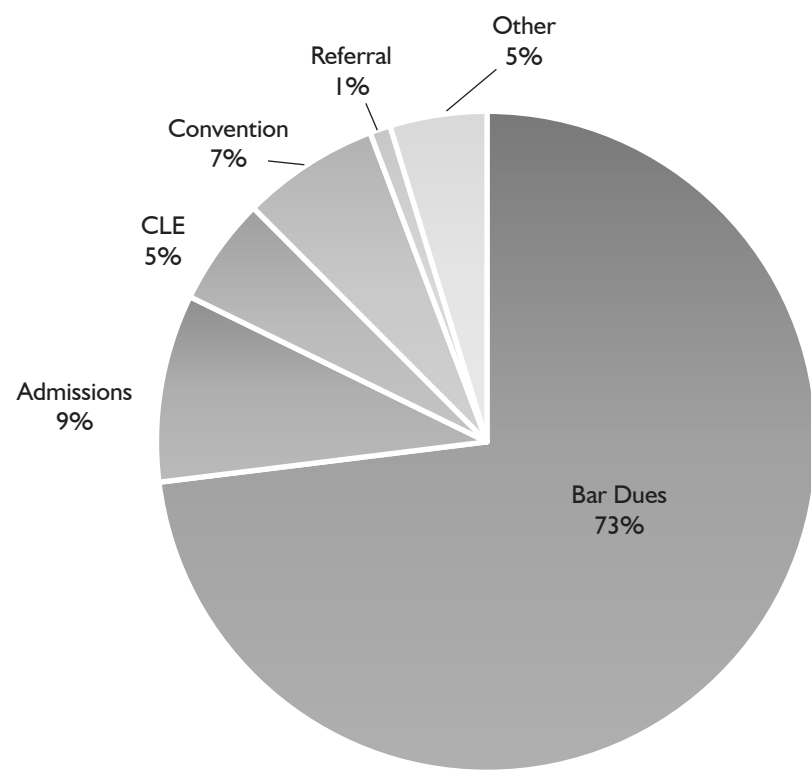
**SUBTOTAL REVENUE..... 2,864,003**

## EXPENSE

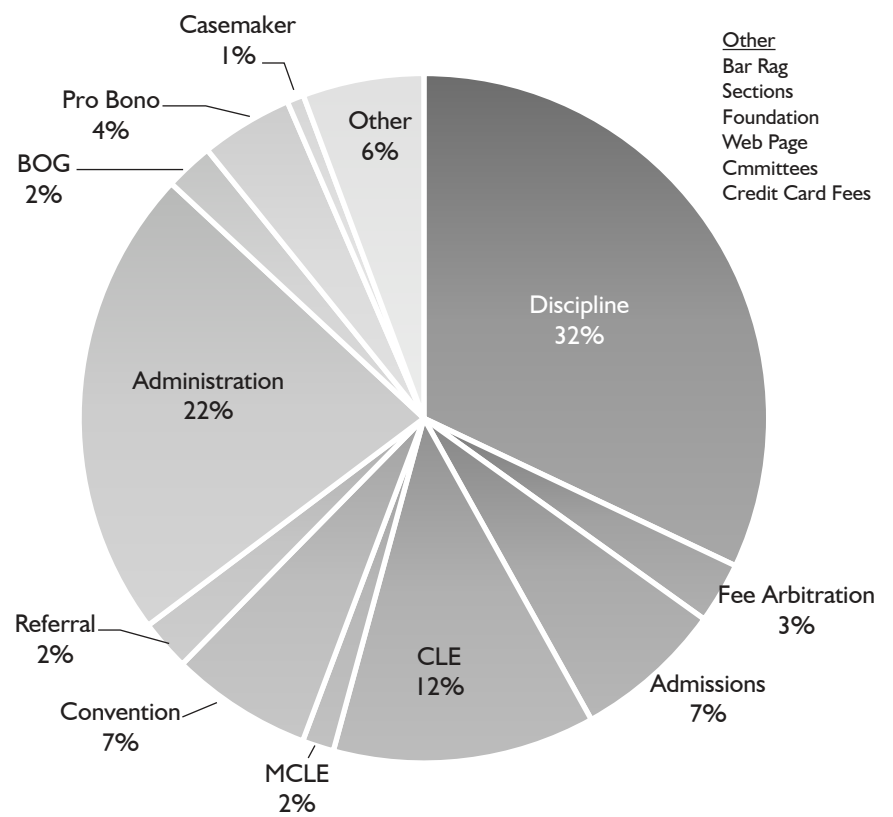
BOG Travel.....	52,088
Committee Travel.....	1,000
Staff Travel .....	42,012
New Lawyer Travel .....	3,000
CLE Seminars .....	113,298
Free Ethics Course.....	4,364
Alaska Bar Rag.....	34,104
Bar Exam .....	47,422
Other Direct Expenses.....	68,123
Annual Convention.....	189,637
Substantive Law Sections .....	5,914
AccountingSvc Foundation .....	10,051
MLK Day .....	4,000
Casemaker .....	25,467
Committees.....	7,820
Duke/Alaska Law Review .....	0
Internet/Web Page.....	8,093
Credit Card Fees.....	68,189
Miscellaneous .....	5,860
Staff Salaries.....	1,168,812
Staff Payroll Taxes.....	96,959
Staff 401k Plan .....	49,347
Staff Insurance .....	450,130
Postage/Freight.....	13,059
Supplies.....	14,521
Copying .....	4,315
Office Rent .....	177,399
Depreciation/Amortization.....	61,832
Leased Equipment .....	32,219
Equipment Maintenance.....	55,071
Property/GLA/WC Insurance .....	29,687
Programming/Database Maint.....	23,766
Temp Support Staff/Recruitment .....	1,428
SUBTOTAL EXPENSE.....	2,868,988

**NET GAIN/LOSS ..... (4,984)**

## Revenue



## Expense



## 2020 Bar Dues Breakdown

Dollars per Active Member at \$660 Dues

Discipline .....	270
Administration .....	190
CLE.....	61
Pro Bono .....	37
Fee Arbitration .....	25
BOG .....	20
MCLE .....	12
Lawyer Referral .....	12
LFCP.....	10
Casemaker .....	8
Bar Rag .....	6
Sections .....	3
Web Page.....	2
Committees.....	2
MLK Day .....	1
New Lawyer Travel .....	1





# Past representations can become current problems

By Mark Bassingthwaighte

Malpractice claims alleging a conflict of interest have been a serious concern for insurers for years. One of the reasons is this. Conflict claims can get expensive fast, if for no other reason than they almost always boil down to a greedy attorney putting his or her financial interests above someone else's. So, not good, particularly if a jury has any say in the matter.

As a risk guy working in the malpractice insurance arena, I've taken a number of calls over the years from attorneys wanting help in working through a potential conflict situation. These are the calls that both challenge and fascinate me the most. Suf-

**As a risk guy working in the malpractice insurance arena, I've taken a number of calls over the years from attorneys wanting help in working through a potential conflict situation.**

ice it to say, before becoming a risk manager, I had no idea how complicated and crazy some of the conflict fact patterns could get.

Given the frequency of conflict questions that come my way, I wanted to share a little advice concerning one particular conflict resolution misstep lawyers sometimes make with Rule 1.9 of the Rules of Professional Conduct, commonly known as the past client rule. Let's start with a fact pattern. Nine years ago, Attorney

Smith defended a prosecutor in an ethics probe. Six years ago, Attorney Smith made a lateral move and joined the firm of Jones, White and Parker. Attorney Parker, one of Smith's current partners, has been asked by the city, a long-term cli-

ent of the firm, to defend the city in a gender discrimination suit. The employee suing the city happens to be the prosecutor that Smith represented nine years previously. The question is, can the Attorney Parker accept the new matter?

At the outset, let's assume Attorney Smith properly closed her file nine years previously by sending a closure letter to the prosecutor once the ethics probe was resolved; because, if that never happened, there could be an argument that the prosecutor remains an inactive current client and we'd need to review Rule 1.7, the current client rule. With documentation that the prosecutor is a past client in place, however, we're clearly now dealing with Rule 1.9.

Thinking about Rule 1.9 part (a), which most of us readily recall, it's tempting to look at the above fact pattern and conclude that even though the situation involves the same person, the same employee,



Mark Bassingthwaighte

and the same position there's no conflict because a gender discrimination suit and an ethics probe are not the same matter nor are they substantially related matters. The conflict resolution misstep that sometimes occurs is in stopping here because this is all the attorney remembers Rule 1.9 saying. Unfortunately, the decision to stop here ignores the fact that it is the same person, same employee and same position and it's a potential misstep because Rule 1.9 part (c), which prevents Attorney Smith from using information relating to or gained in the course of her prior representation to the disadvantage of her former client, has been overlooked.

Prior to the firm agreeing to represent the city, Attorney Smith would need to review her file to see if any information was learned that could be used to her past client's disadvantage. If the answer is yes, then the firm cannot represent the city. Yes, it's Smith's partner, Attorney Parker, who would be defending the city but the information Smith has will be imputed to her partner under Rule 1.10, the imputation of conflicts rule.

Conflict-of-interest situations are something every lawyer should take very seriously. Perhaps it comes as no surprise that I chose to discuss this fact pattern because it's real. Learn from the missteps of others. The above referenced firm ended up being disqualified by the judge. One must always remember that there's more to Rule 1.9 than the question of whether the past and current matters are the same or substantially related. Rule 1.9 also requires you to think about what you know, to include any information that is in your files that you may have forgotten about. Forget that and you could find yourself facing a similar outcome.

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

**Your Adventure Starts Here!**

**\$10,000 Bonus if eligible**

**Travel Opportunities**

**Access to Commissary & PX**

**Free Hunting & Fishing Licenses**

**Free Vehicle Registration**

**DIRECT COMMISSION INTO THE ALASKA ARMY NATIONAL GUARD AS A JAG OFFICER TODAY!**

**Contact MAJ Mario Barajas**  
**Cell: 907-315-6278**  
**Office: 907-428-6813**  
**Email: mariano.h.barajas.mil@mail.mil**

**ALASKA ARMY NATIONAL GUARD**



# Child-in need-of-aid training delivered in Bethel

## From the Alaska Court System

The CINA Curriculum Project Workgroup held a three-day training that finished Oct. 17 in Bethel at the Yupiit Piciryarait Cultural Center and the Bethel Courthouse. The topic of the training was “*Child in Need of Aid Laws, Roles & Responsibilities, Practices and Procedures.*” The training was provided by experienced CINA practitioners including Carla Erickson, chief assistant attorney general, Child Protection Section; Elizabeth Brennan, assistant public defender; Anita Alves, supervising attorney Anchorage Civil Section of the Office of Public Advocacy; and Pearl Pickett, Native law supervising attorney at Alaska Legal Services Corporation. There were approximately 30 participants from Akiak, Anchorage, Atmautluak, Bethel, Fairbanks, Glennallen, Kotzebue, Kwigillingok and Mekoryuk. Participants included judges, assistant attorneys general, Office of Children’s Services (OCS) Social Workers, Guardians ad Litem (GALs), ICWA Workers, tribal attorneys, and parents’ attorneys.

The Child in Need of Aid Curriculum is a project of the Alaska Court Improvement Program (CIP). The CIP monitors and improves the way the court system handles child-in-need-of-aid (CINA) cases, and enhances coordination among the court system and other agencies and tribes involved in CINA cas-

es. Members of the CIP Committee include judges, tribal representatives and state agency representatives involved in child welfare from around the state.

The CIP’s Education Subcommittee formed a work group to develop a multi-disciplinary core training curriculum for CINA attorneys, tribal and child advocates, caseworkers and judges. The philosophy of the work group was that, in order to understand the child welfare process as a whole, CINA case participants should have a foundation of core knowledge in a broad array of legal and other subject areas relevant to CINA cases.

Alaska’s CINA Curriculum consists of 10 training modules. The Base Camp legal modules (CINA Laws, Roles and Responsibilities, Practices and Procedures) are a three-day training; the other modules ascending Denali (the Indian Child Welfare Act, Community and Culture, Family Well-Being, Services and Resources, Creative Advocacy, Information-sharing, and Education Law and Advocacy) are each one-day trainings. The idea behind the Denali logo is that participants who reach the summit by completing all the modules will have a bird’s-eye view of the child welfare process and will be at the peak of their performance.

The training modules are a combination of lecture and interactive discussions. A case about a hypothetical family runs through all of

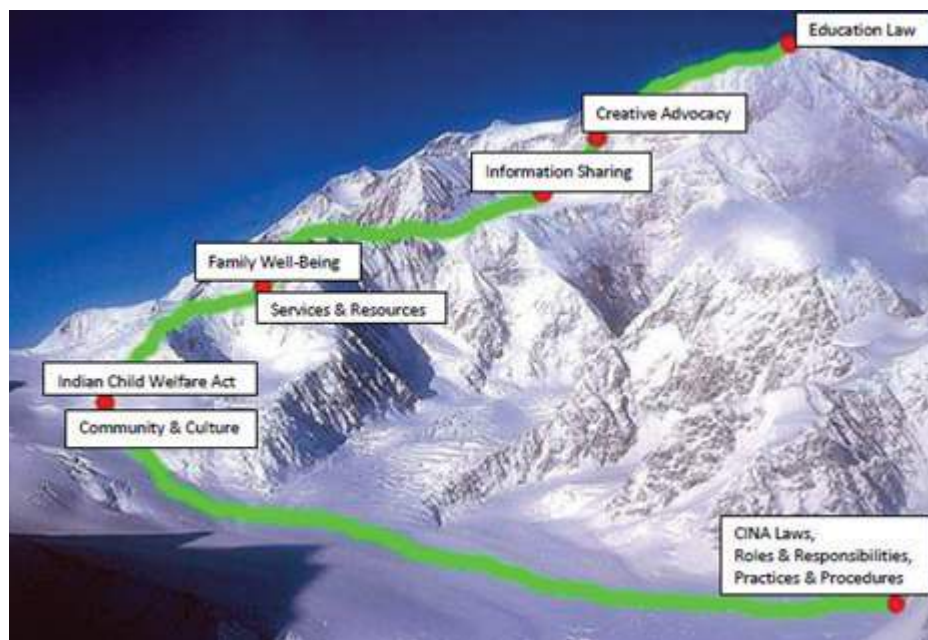
the modules so participants can apply their knowledge to practical case situations. The opportunity for meaningful discussions with CINA participants from different disciplines and from different areas of the state have proved to be one of the most important benefits of this training format.

For more information about the CIP generally, please go to: <http://courts.alaska.gov/cip/index.htm>

For questions about the CINA Curriculum or how to organize a training in your region, please contact Mara Rabinowitz ([mrabinowitz@akcourts.us](mailto:mrabinowitz@akcourts.us) or 907-264-0879).



Attendees at the CINA October training in Bethel gathered for a photo on the steps of the Yupiit Piciryarait Cultural Center for a photo.



The program logo shows how trainees follow a trail to the summit during the CINA training.



Some of the Education Curriculum Subcommittee members who do the CINA trainings are from left: front row: Elizabeth Brennan and Carla Erickson and back row: Anita Alves and Pearl Pickett. (Photos by Kim Griffith)

## My Five . . .

My Five selections for this edition come to you from staff at the Alaska Bar Association. New CLE Director Lori Brownlee; CLE Coordinator Lynn Coffee; and legal secretary Annette Blair.

Lori Brownlee

"Bohemian Rhapsody" — Queen

"American Pie" — Don McLean

"Amazing Grace" on the bagpipes — John Newton

"Hallelujah" — Leonard Cohen

"Lightning Crashes" — Live

Lynn Coffee

"Mr. Banker" — Lynyrd Skynyrd. The bluesy feel and the lyrics immediately made this a favorite.

"Where Did You Sleep Last Night (In the Pines)" — Lead Belly. My dad would sing the chorus of this song when I was growing up. He was off-key

and the lyrics were his own version but it was something I heard almost every day from as long as I can remember until I moved away. I didn't realize it was an actual song until about four years ago.

"Brown Eyed Girl" — Van Morrison. This was released the day after I was born so I've always thought of it as my song — even though my eyes became more hazel as I got older

"Dream a Little Dream of Me" — Cass Elliot. This is one of my favorite songs to sing along to

"Walking on Sunshine" — Katrina and the Waves. This song always picks me up if I'm feeling a bit down.

Annette Blair

"Stairway to Heaven" — Led Zeppelin

"I Can Only Imagine" — MercyMe

"Cherry Bomb" — John Mellencamp

"My Heart Will Go On" — Celine Dion

"Back in Black" — ACDC



# If we're going to give Alaska the bird, it ought to be a raven

By William R. Satterberg Jr.

I moved to Alaska when I was 8 years old. I brought my parents and my younger sister, Julie, with me. It was 1959. We arrived one day before the Fourth of July celebrations of Alaska's statehood.

For years, my parents took me to cafes in Anchorage. There, I would study blue paper placemats boasting about Alaska, touting Alaska as The Last Frontier, the largest state in the union, and discussing other factoids. I learned that the state flower was the Forget-Me-Not (almost forgot that one), and the state bird was the ptarmigan. And that the seal on the Alaska state seal was really a walrus. But, it was the ptarmigan that confused me. I could not spell ptarmigan. After all, I was into phonics and it made no sense to have a "P" in Tarmigan.

It was years before I saw a live ptarmigan. Anchorage did not have ptarmigans. Plus, neither dad nor mom were hunter/gatherers. As such, I did not know about these birds until I entered the University of Alaska Fairbanks (UAF) in 1969. At that time, subsisting on a meager college budget, I turned to hunting rabbits and game birds. In desperation, I even considered harvesting the occasional dog or cat for a truly exotic dinner.

At UAF, I learned the value of ptarmigan. Ptarmigan tasted good. In fact, the village of Chicken, Alaska, was first to be named "Ptarmigan," but there apparently were problems with spelling the name. Sort of like Miller versus Murkowski. The ptarmigan was, however, the Alaska chicken. Not that spruce hens and grouse would not qualify, either. The problem is that spruce hens and grouse are a lot smarter than ptarmigan. After all, the term "dumb as a chicken" did not come from nowhere. Rather, it has a sound historical basis giving birth to phrases such as "Chicken/egg — what came first?" (one of the greatest philosophical questions ever), "Why did the chicken cross the road?" and "chicken," (two drivers hell bent on

killing each other in a head on collision).

The question with respect to ptarmigan, however, is even more challenging. Why won't the ptarmigan get out of the road? Especially when faced with two cars playing chicken.

Ptarmigan are profoundly dumb in my opinion. Even dumber than the two drivers of the suicidal cars. Recently, I have seen people attempt to defend ptarmigan arguing that the reason ptarmigan freeze in place when spotted is because the birds want to use their natural camouflage. But, it still is very hard to explain why a white ptarmigan will stand motionless in the middle of black pavement. Yes, ptarmigan do freeze — after put in my freezer.

I believe almost everyone wants to leave behind a legacy. Philosophically, probably the greatest legacy one can leave is their family. But, that does not mean that pyramids



Photos by State of Alaska Department of Fish & Game

have not been built. Nor castles. Nor other structures designed to memorialize oneself for eternity.

So, with a self-centered goal in mind, I set out to seek my legacy. Although I have been writing for the Bar Rag for well over 20 years, I now realize my articles probably will not win a Pulitzer Prize. I blame it on the editor. In point of fact, hardly anyone ever reads my articles — including now even the current editor, I understand. In short, writing a legacy was out. So was building a pyramid at my age. Or painting graffiti on a cave wall.



"I believe almost everyone wants to leave behind a legacy."

I began to think about my legacy, but could not find anything to feel passionate about. Fortunately, one day at the dumpsters, I saw that I was not alone. Although virtually everybody was absent, if you do not count the dedicated dumpster divers scrounging for garage sale inventory, I saw that I was being studied by a large flock of ravens. Then the

thought hit me. Alaska needed to replace the ptarmigan with a more respected bird. The raven should be the new Alaska state bird. In that moment, I had found my passion — my reason for being! Moreover, in accomplishing this auspicious goal, not only would I change Alaska's history and placemats for the years to come, but I, too, would earn my spot in Alaska's history. Just like Benny Benson. True, I did not design the Alaska flag or write the Alaska flag song. But I would



graciously accept third place for changing the Alaska state bird from something that ends up in a broiler to something which chooses to dive bravely into the nearest dumpster. Besides, the raven is a true recycler. A bird for the millennials. And the fact that Senator Scott Kawasaki liked the idea proves it.

So let's explore the raven's qualities. Clearly, ravens are special. They are gregarious. Ravens have a strong social network. They are also considered to be among the most intelligent birds. Ravens parrot human sounds. As for the ptarmigan — nevermore. In fact, ptarmigans are only known to giggle.

Ravens also have distinctly human attributes. Like some humans, ravens will eat their dead. And, when a raven dies, the other ravens often mourn their loss before eating the deceased. Ravens are romantic. Ravens fall in love and reportedly mate for life. Ravens also have human aspects in that, if the male in a neighboring nest leaves to go to work at the dumpsters, the next door male often will drop over to play footsy with the forlorn mate that has been left behind. But that visit is only fleeting and humanizes ravens even more.

Ravens are compassionate and care for their young until it is the time to eat them, that is.

Intellectually, ravens have the ability to not only solve problems, but to create tools. Studies have been done of the raven's renowned creativity. For example, ravens can engineer a method of raising a fish out of an ice hole by pulling on a fishing line with their beak while holding the line in place with a foot to advance the catch. Ravens solve other similar complex problems. One study showed a raven placing rocks in a half full cylinder of water that had floating food on top. The rocks eventually cause the floating food to rise up the cylinder as the water level rose from displacement until the raven could retrieve the morsels. At the same time, the raven ignored a cylinder filled halfway with sand having food on top, apparently recognizing that rocks would not cause the sand to rise.

Ravens clearly are social. Again, much like humans. In fact, there is a large raven roost located north of Fairbanks just off the Steese Highway. Until the time that Fairbanks Lowes had built its outdoor warehouse space which was heated by floodlights, ravens would daily commute from their roost at 55 mile Steese Highway to downtown Fairbanks. In fact, ravens could be seen flying over my house every morning on their way to foraging, returning every night for party time, clucking back and forth like humans on cell phones. However, once Lowe's

Continued on page 17



**ALASKA ALA**

A Chapter of the Association of Legal Administrators

## Association of Legal Administrators Alaska Chapter Salary Survey

### Survey Cost

Members who participated in the survey: \$100  
Non-members who participated in the survey: \$150  
Non-participants (members and non-members): \$275

For more information contact Jodi Walton at  
(907) 334-5608 or [Jodi@mb-lawyers.com](mailto:Jodi@mb-lawyers.com)

Alaska ALA  
P.O. Box 100031  
Anchorage, AK 99510-2396  
[www.alaskaala.org](http://www.alaskaala.org)

## Mediator

Steven T. O'Hara

[www.oharatax.lawyer](http://www.oharatax.lawyer)

Estates • Trusts • Business • Tax

907.223.5911

[steve@oharatax.lawyer](mailto:steve@oharatax.lawyer)



## Lawyering Coach

Steven T. O'Hara

[www.oharatax.lawyer](http://www.oharatax.lawyer)

IT • Overhead • Values

907.223.5911

[steve@oharatax.lawyer](mailto:steve@oharatax.lawyer)





## Alaska bird ought to be a raven

*Continued from page 16*

built its outside storage area, the Steese ravens realized that they did not have to commute to work. Rather, they could simply roost in the overhead rafters under Lowes' high intensity lights until the next morning. This created certain sanitation problems for Lowes and its merchandise. After all, ravens are voracious eaters of garbage and virtually everything else that they can find. Lowe's outdoor inventory was soon covered with copious amounts of raven poop. So, to dissuade the ravens, Lowe's installed sharp nails in the overhead rafters. (Local rumor has it that the ravens next opened up a Lowe's account and bought nail pullers.)

In a similar vein, one of my favorite pranks in Fairbanks has been to occasionally toss a bag of garbage in the back of a pickup truck. I learned that technique years ago from local attorney Ted Hoppner, who did it once to me. Once that happens, ravens soon show up to feast, scattering the inedible refuse left and right. During the process, the ravenous ravens drop their processed food down the outside of the vehicle, which often stays there until the local carwashes open in the late spring. This is my way of getting the drop on certain people.

Most importantly, ravens occupy a special place in Alaska Native culture. Many Alaska tribes revere the raven as a profoundly spiritual creature. Legends abound, and ravens adorn many totem poles in southeast Alaska. Yet, surprisingly, not one state in the United States has ever claimed the raven as its state bird. And, this is where history needs to change. After all, Alaska is unique.

When the ptarmigan was selected as Alaska's territorial bird, the designation resulted from a vote of 6,000 elementary school children in Alaska in the mid-1950s. I was an elementary student in the mid-fifties and will attest that we were not a very smart group. Rumor has it that I enjoyed first grade so much that I took it three times. Still, the Legislature wasn't much smarter. Once Alaska became a state, the Alaska Legislature by statute declared the ptarmigan as the state bird. In short, the ptarmigan is not a constitutionally mandated creature. As such, the ptarmigan as Alaska's state bird can change through either an act of the Legislature or by the initiative/referendum process. A legislative enactment is the only realistic option. This is because an initiative/referendum takes a significant percentage of those who voted in the last general election to sign the initiative to place the matter on the ballot, requiring thousands of signatures. Furthermore, elections are costly, especially with the now inevitable judicial challenges. Conversely, the Legislature can resolve the matter by statute.

So where does that leave us? As Arlo Guthrie once said in Alice's Restaurant Massacre, "It's a movement!" And that is what it is my friends. It's a movement! With generous support like yours in my Go Fund Me account soon to be set up, the raven can rightfully occupy its well-deserved perch in Alaska. Besides, the ptarmigan has held that position for more than 50 years. It is time for change, and precedent ex-

ists. Just like Mount McKinley was changed to Denali, Barrow to Utqiagvik, and Fairbanks' Alaskaland changed to Pioneer Park, so, too, the ptarmigan can become the raven. A bird of a different feather.

But will it succeed in the current legislature? Maybe not. Although freshman Fairbanks Senator, Democrat Kawasaki, did pre-file a bill to make the change, Senate Bill 28, rumor has it that none of Scott Kawasaki's bills ever passed the legislature when Scott was a representative. Unfortunately, Scott now sits in a Republican-controlled Senate, so his chances of success likely are even less. That said, hopefully, the change will not become mired in partisan politics and will transcend political pettiness.

And, finally, Alaska's world image is seriously at stake. History shows that Benjamin Franklin proposed the turkey to be America's national symbol. Fortunately, the bald eagle, a scavenger and predator quite like the raven, won out in that battle. But, what if Benjamin had actually prevailed and won a hundred dollar bet on the issue? Imagine the worldwide respect the United States would have earned if one of our most advanced Air Force fighters was the "F-15, Strike Turkey?" Or a winning national football team named the "Philadelphia Turkeys?" Or the courageous 101<sup>st</sup> Airborne Division proudly calling itself the "Screaming Turkeys?" Or, best yet? "Houston, the Turkey has landed!"

*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.*



Panelists from left are: Vanessa Norman, Carl Marrs, Senior Justice Dana Fabe, Christine Williams, Faith Rose and Judge Kari McCrea. (Photo by Rebecca Koford, ACS)

## Diversity luncheon features panel on awareness

Diversity in Our Community: Stories Affecting Our Lives, was the subject for the Ninth Annual Diversity Lunch where a panel of speakers shared stories of challenges and inspirations, and brought forward a level of awareness to the community variations of what each one of us may go through while feeling alone in our journey. The panel featured Judge Kari McCrea, Anchorage District Court; Vanessa Norman, associate, Davis Wright Tremaine LLP; Faith Rose, associate general counsel, Doyon, Limited; and Carl Marrs, who was awarded AFN's person of the year in 2001 and 2018. He is the current CEO of Old Harbor Native Corporation.

The panel was moderated by Senior Justice Dana Fabe.

Close to 200 people attended the luncheon.

This event is brought to the community through the generous sponsorship of Outlook Law, and the event's organizer, Christine Williams, as well as ANCSA Regional Association, Bristol Bay Native Corporation, Davis Wright Tremaine LLP, and Dorsey & Whitney LLP, Doyon, Limited, and Perkins Coie LLP. The event also had the cooperation of the Alaska Supreme Court's Fairness Diversity and Equality Committee, the Alaska Bar Association, the Anchorage Bar Association, and the Anchorage Association of Women Lawyers.

## THE ALASKA BAR ASSOCIATION IS SEEKING SCHOLARSHIP DONORS



Become a sponsor of the Alaska Bar Association's  
**SCHOLARSHIP FUND**  
*for ALASKANS IN LAW SCHOOL*  
who plan to return to Alaska to live, work and play.

Tax deductible donations via the Alaska Bar Foundation.

Donations accepted year round.

Student scholarships will be awarded in the spring.

More information available at

[info@alaskabar.org](mailto:info@alaskabar.org) | 907-272-7469 | [AlaskaBar.org/Scholarships](http://AlaskaBar.org/Scholarships)

ALASKA BAR ASSOCIATION



# Supreme Court takes LIVE program to Fairbanks

## From the Alaska Court System

In October 2019, several hundred Fairbanks students and teachers gathered at West Valley High School to hear oral arguments in *Kaleb Lee Basey v. State of Alaska, Department of Public Safety* as part of the Supreme Court LIVE program which brings Supreme Court oral arguments in actual cases to student audiences at Alaska high schools.

Designed to help students better understand the justice system, this unique learning opportunity debuted in 2010, and has brought cases to Anchorage, Fairbanks, Juneau, Kenai, Ketchikan, Palmer, Sitka and Utqiagvik. LIVE offers high school students an opportunity to learn about the progress of an actual appellate case and to observe the Supreme Court in session.

As part of its program, the court conducts oral arguments in high schools throughout the state. The current case centers on competing public interests: the Alaska State Troopers' interest in not having work-related discipline in their personnel files available to the public, and the public's interest in knowing when law enforcement or other public employees have engaged in misconduct leading to discipline. The case arose from a situation in which

Basey was charged with a federal criminal offense and two State Troopers assisted in the investigation. Basey made a public records request to the Alaska Department of Public Safety (DPS), seeking information about the two Troopers' training and discipline records. DPS refused to provide the records, so Basey sued in state court asking the court to order DPS to give him the records. The trial judge refused and Basey appealed to the Alaska Supreme Court, asking it to decide that a member of the public can access disciplinary records of the Alaska State Troopers.

Amici curiae ("friends of the court") for the press and ACLU of Alaska argued on behalf of public access. Basey gave his allotted argument time to the press and ACLU. Amici curiae for the two unions representing state employees submitted a brief in support of the state's position, but they did not argue in person.

Volunteer attorneys visited classrooms in the weeks preceding the session to prepare students to understand the legal arguments in the case. They discussed the appellate process in general and the legal issues presented by this case. Students had access to briefs and other written materials relevant to the case. After the oral argument ses-



Volunteer attorneys pictured are from left: Jo A. Kuchle, Sandra Rolfe, Bob Groseclose and Kristina M. Miller. Other attorneys who volunteered but were unable to attend the argument were: Aisha Tinker Bray, Robin Fowler, Steven Hansen, Marna Kranenburg Sanford and Amy Welch. Supreme Court is standing behind the volunteer attorneys are, from left: Justices Peter J. Maassen, Daniel E. Winfree, Chief Justice Joel H. Bolger, Craig Stowers, and Susan M. Carney. (Photo by Margaret Newman, the Alaska Court System.)

sion ended, students had an opportunity to ask questions of attorneys and the justices.

The written materials used for this case and for those argued in

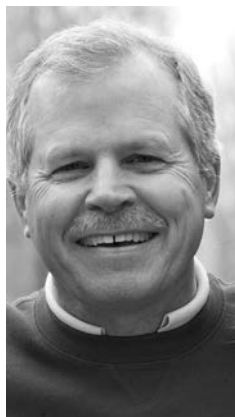
previous years are available on the court system's website. Video footage of the session is available through KTOO Public TV in Juneau.

## In Memoriam

# Former Alaska lawyer dies at home in Arizona

Stanley T. Lewis died Aug. 30, 2019, after a long and bitter battle with cancer. He was surrounded by his family at home in Arizona.

Lewis was hired as an associate attorney at Birch Horton Bittner & Cherot in June 1980, immediately upon graduation from Pepperdine University School of Law. He was admitted to practice in Alaska and Arizona.



Stanley Lewis

In the 1980s, most attorneys at the firm were general practitioners, not specialists. As a result, Stan's early experience involved a plethora of civil and criminal litigation. As his practice evolved, he continued to represent clients in litigation and more than 50 criminal and civil trials. He successfully represented clients before state and federal courts, appellate courts, bankruptcy courts and administrative agencies. Additionally, he was committed to resolving legal disputes through mediation, arbitration, judicial settlement conferences, and other forms of alternative dispute resolution. Lewis enjoyed working with clients directly and, as a result, he loved working in the area of personal injury and with injured maritime workers.

He had extensive construction litigation experience on behalf of subcontractors, general contractors, design professionals, owner and

public entities. He litigated claims of changed conditions, design flaw changes, fast track construction project claims, and "Little Miller Act" claims. He also assisted owners/financiers in repossessions and transfers due to the insolvency of the general contractor.

Lewis was well known to the other attorneys in his office for his expertise in the area of employment law. He resolved numerous employment and labor claims on behalf of his clients, developing wide expertise in working with private investigators, economists, psychologists, accountants, physicians, claims consultants, business valuation experts and vocational rehabilitation experts. Lewis served as a guest speaker on issues relating to employment claims, employee policy and procedure manuals, alternative dispute resolution agreements and workplace privacy.

In later years, he concentrated his practice in the areas of health-care, business and corporate law, and complex litigation. He represented health-care providers in matters involving all aspects of the clients' business, from formation and organization of corporate entities to purchases and sales of health-care businesses, and everything in between (obtaining certificates of

need, recruitment and discipline, contracts, medical device and drug liability, state and federal regulatory matters, covenants not to compete, Medicare and Medicaid compliance and audits, professional liability defense, and ERISA, among others).

Lewis understood that the practice of law was primarily about the client. The first question that he asked in any matter was: "What does the client want to do?" His practice was the embodiment of the principal that the client came first, last, and always. The next question was the most effective way to accomplish that end. As a result, Lewis's clients respected him and admired his tenacity on their behalf. Many of his clients became his life-long friends.

He was recognized for his ability to ask probing questions and to map out a strategy for successfully resolving the clients' needs. Lewis was strong and determined, and sometimes a little stubborn, but he got the job done, no matter what it required in terms of time, energy, and talents. He knew the importance



Stanley Lewis's sons Alex, left, and Adam, center, joined him for a photo.

of building a team and surrounded himself with attorneys, assistants and staff who could get the job done and deliver a successful result.

Ultimately, for those who knew him personally, Stan was most respected as a family person. There was never any doubt that his wife, Joan, his two boys, Adam and Alex, their families, and the grandkids were the reason he got up every morning.

He is greatly missed by all who knew him and his legacy and reputation at Birch Horton Bittner & Cherot will last for a very long time.



# State needs to broaden income base to support services

By Cliff Groh

Low oil prices and declining Alaska oil production are major problems for our state. The biggest cause of Alaska's fiscal challenge, however, is our continuing decision to not pay for the services the State of Alaska provides us.

Alaska is the only state in the country without any general income, sales or property tax levied by the state. With no broad-based tax, Alaskans pay by far the lowest state taxes in the U.S. (That's also true when you look at state and local taxes combined.)

Some readers might yell "Yay!" That short-sighted reaction, however, has put us in the ditch we are in today. Alaska repealed its personal income tax in 1980, which provided up to 25 percent of the State of Alaska's General Fund revenues in the years before oil revenues ballooned. With oil revenues down and likely to stay down, we need to look hard at this choice not to pay our way to any significant degree.

The absence of any broad-based taxes has two main bad effects, one economic and the other cultural.

Economists Scott Goldsmith and Gunnar Knapp have explained how Alaska's failure to have any

broad-based state taxes creates the "Alaska Disconnect." If economic development such as the opening of a mine creates more jobs, Alaska's population grows. That growth in population triggers a need for more services provided by the state government. In other states, the new residents would pay broad-based state taxes to help cover the additional costs of state-funded services like education and road maintenance. In Alaska, however, the absence of any broad-based state tax means that the new residents don't pay for the additional services they use. Without taxes to benefit from increased economic activity, more jobs and more residents are a financial burden on the state.

On a more fundamental level, this problem is psychological. A lot of Alaskans want substantial public services, but many of us are fine with not paying for what we get.

But getting something so basic for free for so long distorts our perceptions and even breeds corruption. And I don't mean just corruption of public officials in the criminal sense, although the 49th State has seen its share of that with state legislators



Cliff Groh

and corporate executives going to prison in a scandal uncovered by federal probes in the mid-2000s. As Charles Wohlforth has observed, the upside-down fiscal system in Alaska made government only about spending, and problems that required hard choices — like Alaska's super-duper high health care costs — didn't get solved.

The absence of broad-based taxes removes accountability for government spending. Abolishing broad-based taxes severs any link between the public's appetite and fiscal restraint, as Larry Persily and other commentators have noted. Although some would find this counterintuitive, imposing broad-based taxes would put downward pressure on the budget (as well as collect money from non-residents who make substantial money in Alaska).

Politicians have long promised to diversify Alaska's economy, but that is difficult for the government to do. What is politically less appealing — but very important — is to diversify Alaska's revenue base, because that kind of diversification reduces exposure to volatile oil prices as well as to the long-term slide in Alaska oil

production.

You might say that it had to happen this way, but counter-examples from other places show that's false. Alaska is not the only government that came into a lot of oil money — both Norway and North Dakota had that experience. But neither Norway nor North Dakota eliminated their other sources of revenue in order to rely almost entirely on oil revenues. Instead, those two governments maintained those other sources of revenues, so that Scandinavian country and that Plains state are both in much better shape to weather declines in oil prices and oil production.

The absence of broad-based taxes continues to hurt Alaska in multiple ways. We need to fix this problem to move forward.

*Cliff Groh is an Anchorage lawyer and writer as well as the legislative assistant who worked the most on the bill in 1982 that created the Permanent Fund Dividend we have today. He also designed a course he taught at the University of Alaska called "Navigating Alaska's Fiscal and Economic Challenges." This is the eighth installment of a continuing series on the Permanent Fund Dividend and Alaska's fiscal system.*

# CLE committee welcomes new director

The Continuing Legal Education Committee of the Alaska Bar Association would like to welcome the new CLE Director Lori Brownlee to the team. Lori is a seasoned legal professional with more than 30 years of experience as a paralegal. She has hit the ground running and has many great ideas for continuing to build our CLE program.



Lori Brownlee

The CLE Committee would also like to thank the outgoing CLE Director Mary DeSpain for her many years of service. Mary is taking some well-deserved time off to pursue the RV life in the Lower 48 and start a business organizing destination CLE packages. We look forward to participating in those programs in the future.

## Interdisciplinary CLE

The CLE Committee, chaired by Zach Manzella, consists of 15 attorneys and judges from across the state who advise the Alaska Bar Association on CLE issues, including CLE needs and recommendations for topics and speakers. We work closely with the CLE Director and with the CLE coordinator, Lynn Coffee.

This year, the CLE Committee is particularly focused on continuing and expanding the Alaska Bar Association's tradition of offering interdisciplinary CLE programs. Such programs bring together lawyers and other professionals to learn about and discuss topics of mutual interest. They also provide excellent community-building and professional networking opportunities.

The Alaska Bar Association has offered numerous interdisciplinary CLE programs over the years. A number are still available to you

in video-on-demand (VOD) format at [alaskabar.org](http://alaskabar.org) under the CLE/MCLE link:

- Managing office clutter: Create more time for clients and cases (2015)
- Interview skills with mentally ill clients (2016)
- Marijuana regulation 101 (2016)
- Online marketing workshop (2016)
- Mastering Google for investigative/due diligence research (2017)

- Marijuana law in Alaska: Finding clarity in a new legal regime (2017)
- Real property transfers in Alaska: Beyond the warranty seed and the quitclaim deed (2018)
- Dementia: resources for clinical, legal and financial challenges (2018)
- Drugs "on board": How healthcare providers legally engage with patients & employees under the influence (2018)
- Strategic negotiation skills (2018)
- Understanding the brain: It's something to think about (2019)

Even more interdisciplinary programs are planned for 2020, including the rescheduled program Wilderness Recreation, Trip Leading, and Tourism in Alaska: Managing Operations and Legal Risks on January 10, 2020, in Anchorage and a program concerning fetal alcohol spectrum disorder that is anticipated for later in the year.

## New CLE evaluation question on interdisciplinary programs

We need your help brainstorming ideas for further interdisciplinary programs in the future. In par-

ticular, the CLE Committee would like to know what other professionals you work with in your day-to-day legal practice and what topics you think would be of mutual interest to you and them. If you work closely with other professionals, we would love to know so that we can develop future programs to appeal to them as well.

To solicit your input, the committee has recommended that the following language be added to CLE evaluations that participants fill out after in-person and live webcast CLE programs:

"The Alaska Bar Association is interested in presenting CLEs that enable lawyers to interact with non-legal professionals, and allow them to learn how lawyers do their jobs. Which other non-legal professionals do you interact with regularly (social workers, police officers, accountants, real estate agents, medical and mental health professionals, etc.)? Are there any CLE topics that would be of interest to these other professional groups?"

We chose an evaluation question rather than a one-time survey question because we hope to create an ongoing source of ideas we can use to develop programs that are appealing and useful to both you and your colleagues. When you see this question after future in-person and live webcast CLE programs, we ask you to please take the time to answer it. Thank you in advance for your help.

You certainly do not have to wait until you fill out your next CLE evaluation to provide your feedback. Please also feel free to email your interdisciplinary CLE suggestions to us at [cle@alaskabar.org](mailto:cle@alaskabar.org) any time!

## Help get the word out

In addition to needing your help with suggestions, we need your help getting the word out about the Alaska Bar Association's interdisciplinary CLE programs. If you believe an existing or upcoming CLE program would be of interest to your non-lawyer colleagues, please let them know about it and let them know they are welcome to attend.

## MELISSA FOUSE

### APPRAISALS

APPRAISALS OF

FINE ARTS ▲ ALASKA NATIVE ARTS

HOUSEHOLD CONTENTS ▲ WINE

FOR: INSURANCE, ESTATES, EQUITABLE DISTRIBUTION

**907-744-5100**

[MELISSAFOUSE@MAC.COM](mailto:MELISSAFOUSE@MAC.COM)

[WWW.MELISSAFOUSEAPPRAISALS.COM](http://WWW.MELISSAFOUSEAPPRAISALS.COM)



# SEC proposes modernizing certain disclosures

By Julius J. Brecht

Recently, the Securities and Exchange Commission proposed in a release (Release)<sup>1</sup> to revise certain of its disclosure rules to which registrants of securities offerings and other registrants required to file certain reports with the SEC are subject (Proposed Changes). The proposed changes relate to portions of Regulation S-K adopted by the SEC.

## Scope of proposed changes

**Three Items.** The three items of Regulation S-K constituting the scope of the Proposed Changes are as follows (collectively, Items):

- **Description of business**— Item 101 of Regulation S-K (Item 101).
- **Legal proceedings**— Item 103 of Regulation S-K (Item 103).
- **Risk factors**— Item 105 of Regulation S-K (Item 105).

**Public comment period has ended.** The Release, over 100 pages in length, announced a solicitation

of public comment on the Proposed Changes for the period ending Oct. 24, 2019. It noted the items had not undergone significant revision for over 30 years. The release further stated that the proposed changes were intended to update the items, thus improving disclosure for investors and simplifying compliance by registrants.

The SEC received numerous comments on the proposed changes. Formal adoption of the proposed changes (or some variation on them as a result of public comment) may ensue with the end of the public comment period.

**Focus of release.** A focus of the release is on disclosure by registrants who are issuers in public securities offerings under, and subject to registration of those offerings under, the Securities Act of 1933, as amended. However, the release also pertains to registrants under the Securities Exchange Act of 1934 who are, under that act, required to make periodic and current reports to the SEC.

The nature of the proposed

changes may also apply to non-registrants under the Securities Act who nevertheless seek to offer securities pursuant to an exemption from registration under that act. So, the proposed changes may apply to, or otherwise have an impact on, disclosure requirements provided elsewhere in, and which must be followed by offerors in private offerings in reliance upon exemptions provided elsewhere under, the Securities Act.

For example, Rule 502 of Regulation D (a registration exemption format adopted by the SEC under the Securities Act, in part, for private securities offerings) sets forth non-financial disclosure requirements. Those requirements include, as a default, provisions of various disclosure formats that the issuer might seek to use. Some of those formats rely, in part, upon required disclosures expressly referencing the Items. In the future, other formats not requiring disclosures by expressly referencing the items may, nevertheless, require disclosure based upon the items.

**Bi-level securities regulation**  
**Federal and state levels.** Securities regulation in the United States is not only at the federal level as administered by the SEC. It also takes place on the state level by each state through the state's securities law as administered by the securities regulator in that state. For Alaska, the securities regulator is the Administrator of Securities. However, the securities law, which had been in place since Alaska became a state in 1959, was repealed and replaced (effective Jan. 1, 2019) with a new and revised Alaska Securities Act (AS 45.56, Alaska Securities Act).<sup>2</sup>

**Registration or exemption.** While state and federal securities laws are, for the most part, independent of one another, they each, in the context of securities offerings, focus on a requirement of registration of the offering, with limited exception. The exception occurs when there is an exemption from registration available and the issuer satisfies the terms of that exemption.

**Impact on state regulation.** So, the proposed changes, while limited to interpretation of federal securities law, could influence how the disclosure requirements of the securities laws of the various states, including the new Alaska Securities Act, are interpreted by the corresponding state securities regulator. Furthermore, the proposed changes could then influence how courts in the states, including Alaska courts, interpret those corresponding state securities laws.

**Primary purpose of the items**  
**Integrated disclosure of material information.** Regulation S-K provides an integrated disclosure for registration statements under the Securities Act and for registrants subject to reporting requirements under the Exchange Act. As stated in the release, a primary purpose of the items has been to seek disclosure of information material to an investment decision.

**Addresses many changes in the marketplace and economy.** The release states that the proposed changes are set forth to address the many changes that have occurred in capital markets and the domestic and global economy in the time frame since the initial adoption of Regulation S-K. It states that these changes include the mix of businesses, the way they operate and the technology used by them.

## Nature of, and some examples of, the proposed changes

This article is not intended to be a detailed analysis of the proposed changes. However, a brief outline of the approach taken by the SEC on the nature of required disclosure under, and a few examples of the extent of, the proposed changes are as follows.

**Nature.** Generally, the proposed changes apply two approaches to required disclosure:

- **Principles-based approach**—Registrant decides whether disclosure is material.

- **Prescriptive-based approach**—Registrant must disclose.

The principles-based approach allows the registrant flexibility in determining the disclosure that is

The Alaska Bar Association helps members save thousands of dollars on legal research every year.



Casemaker offers 50 state and Federal case law, statutes, regulations and more with free webinar training. Login to [alaskabar.org](http://alaskabar.org) and click the Casemaker logo to get started.

 Casemaker®

Continued on page 21



# Women in the legal community counsel Hiland inmates

## From the Alaska Court System

Women judges, attorneys and other members of the community gathered Oct. 26 at Hiland Mountain Correctional Facility for the annual Success In and Out Conference to provide one on one mentorship to women inmates, in the areas of employment, treatment, and housing.

The program was founded by Alaska Supreme Court Justice Dana Faber to help incarcerated women prepare for the transition to life outside prison. Since 2006, the program has sponsored annual conferences at Hiland Mountain in Eagle River to provide information and support to women inmates prior to their release from prison, with the goal of improving their chances of success in the community. Volunteer professionals offer workshops on topics that range from securing housing and employment to managing finances and maintaining healthy lifestyles. Motivational

speakers, music, and luncheon fashion shows round out the conference activities.

The Department of Corrections plans and operates this program, and several women judges participate in the Passport to Success Sessions, the mentoring program itself.

Mentorship involves one on one interactions with women inmates on topics such as housing, transportation, clothing, getting and keeping a job, and presenting themselves at job interviews. Judges review key issues with the women for the purpose of making sure they are thinking about treatment, education, employment plans, safe housing and safe transportation.

One of the most important contributions mentors make during this session is a connection with female inmates and instilling the belief that many people care about them and their ability to successfully reenter the community.



Participating volunteers from left are: Talia Robinson, Office of Children's Services, Anchorage District Court Judge Jo-Ann Chung, Cheryl Jones, Alaska Court System, Marika Athens, Office of Public Advocacy.



Retired District Court Judge Stephanie Rhoades talks with inmates.



Retired Superior Court Judge Natalie Finn listens during a session with inmates.



Judge Pamela Washington leads a session.

# SEC proposes modernizing certain disclosures

## Continued from page 20

material to an investment decision. The release proffers that the principles-based approach articulates a disclosure concept rather than specifying a line-item requirement. It relies upon management to evaluate and determine whether the disclosure is necessary.

In contrast, the prescriptive-based approach provides a bright-line, quantitative threshold specifying when disclosure is required. It also sets forth that all registrants are required to disclose the same type of information. The prescriptive-based approach does not rely upon management's judgment as to whether disclosure is required.

**Examples.** As an example of the proposed changes under Item 101 and applying the principles-based approach, the required business description must provide information material to an understanding of the general business development of the registrant. This approach also eliminates, in that disclosure, the prescribed and arbitrary five-year time frame for disclosure in the current Item 101. As a further adjustment to Item 101 and using

the principles-based approach, the proposed changes require inclusion in the disclosure a description of human capital resources and measures or objectives that management focuses on in managing the business.

As an example of proposed changes to Item 103 and applying the principles-based approach, information on legal proceedings may as an alternative be provided by hyperlink or cross-reference to legal proceedings disclosure located elsewhere in the document. The release states that this approach averts duplicative disclosure in the document. Furthermore, as a prescriptive-based approach, the proposed changes dealing with Item 103 include raising the threshold for disclosure of environmental proceedings to which the government is a party from the current amount of \$100,000 to \$300,000.

As an example of proposed changes to Item 105 and applying the prescriptive-based approach, the registrant must provide a summary risk factor disclosure when the risk factors section of the disclosure exceeds 15 pages. The proposed changes also change, as a prescriptive-based approach, the disclosure

standard from "most significant" factors to "material" factors. It further requires organization of the risk factors under relevant headings.

### Possible consequences of the proposed changes

While the proposed changes, in part, relate to interpretation of the Securities Act disclosure requirements for a registered offering, they may also have an impact on non-registered offerings, i.e., private securities offerings under that act. Furthermore, the proposed changes may indicate a trend in disclosure requirements seeping into those under state securities law as well.

A careful read of the entire release will provide the full impact of the proposed changes disclosure requirements on offerings under the Securities Act and on reports to the SEC under the Exchange Act. This caution is especially important for the prudent practitioner who may advise a client on such an offering or report.

A careful read of the release may, in addition, provide insight as to how the disclosure requirements of the proposed changes may seep into future state regulation of secu-

rities offerings.

### Footnotes:

<sup>1</sup>"Modernization of Regulation S-K Items 101, 103, and 105," SEC Release Nos. 33-10668, 34-86614; File No. S7-11-19, RIN 3235-AL78; August 8, 2019.

<sup>2</sup>Brecht, Julius J. "Revised Alaska Securities Act-- learning some new ropes." The Alaska Bar Rag April-June 2019: Page 22.

*This article was prepared solely to provide general information about the topic. The content of this article was not prepared as, and must not be construed as, legal, tax or investment advice to anyone. Nothing in this article is intended in any way to form an attorney-client relationship or any other contract.*

*Julius J. Brecht is an attorney in private practice and Of Counsel with the law firm of Bankston Gronning Brecht, P.C. with offices in Anchorage. His concentration of practice is in state and federal securities law and corporate and business law. He may be reached at jbrecht@bgbalaska.com.*



# A brief history of the need for public-funded psychiatric care

By Robert C. Erwin

In the years of Territorial Status from 1912 to after the Second World War, there were no hospitals in Alaska for those suffering from disabling mental illness. These people were sent to Morningside Hospital in Portland, OR, where they remained until there were determined not to be a danger to themselves or others.

These facts appear acceptable until one remembers how such persons got to Portland.

Travel to Portland from Alaska was by boat to Seattle and train or bus to Portland. The time for a steamship from Seward to Seattle was seven to 10 days each way depending on where it stopped along the trip (i.e. Juneau, Ketchikan, etc.)

During my grades school years,

(and later became the president.) She worked tirelessly to get Gov. Ernest Gruening and Alaska's delegate to Congress; Bob Bartlett to obtain money for a mental facility in Alaska where friends and family could visit and help with rehabilitation of Alaska patients with mental problems.

In the early 1950s the United States Congress voted funds for Alaska Psychiatric Institute and its location in Anchorage was largely chosen through the efforts of Gov. Gruening. Our Alaskans could finally come home to their friends and relatives. It had been a long hard battle and finally compassion and common sense had won out.

Today our governor seeks to privatize A.P.I. "Why?" is an appropriate question. Those people who need help cannot pay, nor are they even aware they need help. Any cost would have to fall on friends,

attempted to balance the individual's constitutional right to physical liberty and the state's interest in protecting society from persons who are dangerous to others and protecting persons who are dangerous to themselves by providing due process safeguards at all stages of commitment proceedings. In addition, the following principles of modern mental health care have guided this revision:

- (1) That persons be given every reasonable opportunity to accept voluntary treatment before involvement with the judicial system;
- (2) That persons be treated in the least restrictive alternative environment consistent with their treatment needs;
- (3) That treatment occur as promptly as possible and as close to the individual's home as possible;
- (4) That a system of mental health community facilities and supports be available;
- (5) That patients be informed of their rights and be informed of and allowed to participate in their treatment program as much as possible;
- (6) That persons who are mentally ill but not dangerous to others be committed only if there is a reasonable expectation of improving their mental condition. (§ 1 ch 84 SLA 1981; am § 1 ch 142 SLA 1984)

The civil commitment test for hospitalization is proof by clear and convincing evidence that the person was gravely disabled and commitment was the least restrictive alternative. *In re: Hospitalization of Mark V* 375 P.3d 51 (Alaska 2016). A patient's rights are spelled out at length in A.S. 47.30.817 *Et. Seq.* and they even include non-disclosure of the results of the Wife's Assessment to the husband without her written consent. *See Clemensen v. Providence Alaska Medical Center*, 203 P.3d 1148 (Alaska 2009).

A.S. 47.30.905 provides that any expenses and fees for the judicial proceedings shall be charged to the person involved if he has assets but will be paid by the State if he is indigent under applicable law.

**Sec. 47.30.905. Fees and expenses for judicial proceedings.** (a) The witnesses, expert witnesses, and the jury in commitment proceedings under AS 47.30.660 – 47.30.915 are entitled to the fees, compensation, and mileage established by the administrative rules of court for other jurors and witnesses. Compensation, mileage, fees, transportation expenses for a respondent, and other expenses arising from evaluation and commitment proceedings shall be audited and allowed by the superior court of the judicial district in which the proceedings are held. To the extent that services of a peace officer are used to carry out the provisions of AS 47.30.660 – 47.30.915, the officer is entitled to fees and actual expenses from the same source and in the same manner as for the officer's other official duties. (b) An Attorney appointed for a person under AS 47.30.660 – 47.30.915 shall be compen-

sated for services as follows:

- (1) the person for whom an attorney is appointed shall, if the person is financially able under standards as to financial capability and indigence set by the court, pay the costs of legal services;
- (2) if the person is indigent under those standards, the cost of the services shall be paid by the state. (§ 1 ch 84 SLA 1981)

A patient can apply for assistance in payment under A.S. 41.31.005 *Et. Seq.*

Interestingly any money obtained from the patient goes directly to the general fund under A.S. 40.30.910(f).

The basic problem of obtaining payment from people who are involuntarily committed is apparent. In this they are similar to a criminal defendant for they are hospitalized to protect themselves or the general public and there are extensive laws to protect their rights.

In the related area of child in need of aid cases (C.I.N.A.) the Alaska Supreme Court has held that the award of attorney fees would chill the state's willingness to perform a public function — serving the welfare of the children. *Wetherhorn v. A.P.I.*, 167 P.3d 701, 703 (Alaska 2007). The court concluded that application for Rule 82 would be inconsistent with the purpose and character of C.I.N.A. proceedings. Civil commitments for mental illness are analogs to C.I.N.A. cases in that they are designed to protect the welfare of at-risk people. Application of Rule 82 in mental commitment hearings could similarly deter the state from engaging in needed protective litigation to protect the public.

In reaching its conclusion the Alaska Supreme Court quoted with approval the language of the Federal Court of Appeals of the Second Circuit in *Goetz v. Crosson*, 967 F.2d 29, 34 (2<sup>nd</sup> Cir. 1992).

"Unlike civil or criminal proceedings the interest of the parties in a civil commitment proceedings are not entirely adverse, the State's concerns are to provide care to those whose mental disorders render them unable to care for themselves and to protect both the community and the individuals themselves from dangerous manifestations of their mental illness."

Privatization also would appear to run counter to the purpose and expenditures of the Mental Health Trust which was established by the Legislature to carry out the purposes of Mental Health Enabling Act of 1956. *Sec. A.S. 37.14.001 Et. Seq.* The appropriation and expenditures under the Mental Health Trust are set forth and any limitations by the governor require specific explanation for any change from the recommendations of the trustees.

How would a private hospital carry out the state's obligations to mental health patients? Assisted living facilities charge anywhere from \$2,500.00 per month to \$8,500.00 per month. Who would pay that cost? Could the payments by the patients to private hospitals avoid the statutory requirement of A.S. 40.30.910(f) that any patient's payments go directly to the General



Alaska Department of Health and Social Services photo

my Brother, Bill and I went to Seattle yearly in January to mid-February as our father had yearly business meetings as a manager for Chevron in Alaska. (At the time Chevron was called Standard Oil Co. of California)

On each trip there was a table of eight to nine people in the ship dining room for those people going to Morningside Hospital. There were attended by nurses and a deputy US marshal. They had no relatives or friends traveling with them and were kept in areas isolated from the other passengers. They were isolated at each stop by the ship. They were treated the same as a similar table of prisoners that were being sent to federal prison, and were attended by the US Marshall personnel.

Our mother was a strong member of Women's Clubs in Alaska

family and relatives who are already under the emotional burden of helping the person suffering from the mental illness. Any commitment would be involuntary by court proceedings and the length of the stay would be undetermined at the time of initial commitment under Alaska law as noted in A.S. 47.30.655 *et. seq.*

Any shifting of the financial burden from the state would appear to violate the purpose of the civil commitment statutes set forth as follows in A.S. 47.30.655:

**Sec. 47.30.655. Purpose and Principles of major revision.** The purpose of the 1981 major revision of Alaska civil commitment statutes (AS 47.30.660 and A.S. 47.30.670 – A.S. 47.30.915) is to more adequately protect the legal rights of persons suffering from mental illness. The legislature has

SERVING

Anchorage • Cordova • Fairbanks  
Kenai Peninsula • Kodiak • Mat-Su Valley

**NORTH COUNTRY PROCESS INC.**  
274-2023



## 3 honored at AKACDL's 9th annual "All\*Stars" defense conference

By Darrel Gardner

The Alaska Association of Criminal Defense Lawyers (AKACDL) was founded in November 2009. AKACDL has approximately 125 members in cities all around Alaska. In keeping with the goals of its mission statement, AKACDL usually presents at least three criminal defense-oriented CLE programs per year, as well as an annual two-day summer conference held at the Alyeska Resort in Girdwood. This year marked AKACDL's ninth conference, held June 6-7.

The goal of the aptly named "All\*Stars Conference" is to bring highly experienced, nationally noted criminal defense lawyers to Alaska to speak to our criminal defense bar. Most of the presenters have also presented at the National College of Criminal Defense, the National Institute for Trial Advocacy, and the National Association of Criminal Defense Lawyers. This year's featured presenters included Juval Scott, federal public defender for the Western District of Virginia; Jay McEntire, assistant federal defender for the Eastern District of Washington; and Chris Dodd, a criminal defense lawyer from New Mexico, whose practice emphasizes complex criminal matters involving digital evidence. Local speakers included Susan Orlandy, who gave an Alaska appellate case law update, Carol Klamser and Andy Pevehouse co-presented a program on strangulation cases.

This year's All\*Stars Conference was once again very well attended, with about 100 participants. A large number of public defense attorneys attended because, for years now, the Alaska Public Defender Agency and the Office of Public Advocacy have encouraged them to participate since those offices have lacked adequate funding to provide a similar level of in-house training. AKACDL commends former Public Defender Quinlan Steiner, current Public Defender Samantha Cherot, and Public Advocate James Stinson for their unwavering support of the association in its mission to provide high-quality Continuing Legal Education to the Alaska criminal defense bar. Recently appointed Alaska Public Defender Samantha Cherot was an

### A brief history

*Continued from page 22*

Fund?

A.P.I. has carried out its functions when it gets proper funding. It keeps Alaskans in Alaska with friends and family and provides necessary treatment. There is no way a private hospital can match the legal obligations of the state without charging patients and limiting availability. The state cannot transfer its legal obligation to a third party and simply look the other way. The question appears to be: *Why would they want to do so?*

*Robert C. Erwin was admitted in Washington in 1960 and Alaska in 1961. He has served as DA at Nome, Fairbanks and Anchorage. He was a member of the Alaska Supreme Court from 1970 - 1977. He has presented more than 220 appeals to the Alaska Appellate Courts and still practices law in Alaska to this day.*

AKACDL board member in 2015-2017, and she served as vice-president of the organization in 2016.

At a lunch event on the first day of the conference, AKACDL presented its annual "Champion of Liberty Award." The award, a large engraved decorative gold pan, is presented based on nominations from the membership and is given to an attorney who has demonstrated exemplary legal skills and dedication in achieving a successful case outcome in the preceding year. In 2016, the AKACDL board of directors voted to create a second "Champion of Liberty Award" that could be given to a non-AKACDL member or member of the public. This year's AKACDL member award went jointly to Assistant Public Advocate Emily Cooper and private investigator Monique Rapuzzi, who together secured a complete acquittal in the trial of an Anchorage man charged with killing his wife. This year, the AKACDL board also presented a non-member award to Quinlan Steiner in commemoration of his many years of public service to Alaska.

*The Alaska Association of Crimi-*



Champion of Liberty winners from left: Quin Steiner, Emily Cooper and Monique Rapuzzi.

*nal Defense Lawyers ("AKACDL") is a non-profit organization and the only professional association of criminal defense lawyers in Alaska. The members of AKACDL include both private attorneys and state and federal public defenders who provide criminal defense for individuals ac-*

*cused of crimes in all of courts of Alaska. For more information or to join AKACDL, please visit our website at [www.akacdl.org](http://www.akacdl.org)*

*Darrel Gardner is an AKACDL board member and served as president in 2014. He is a federal public defender in Anchorage.*

# ATTENTION ALASKANS IN LAW SCHOOL

Do you intend to return to Alaska after law school?

We have scholarships available for you.

Deadline to apply is March 1.

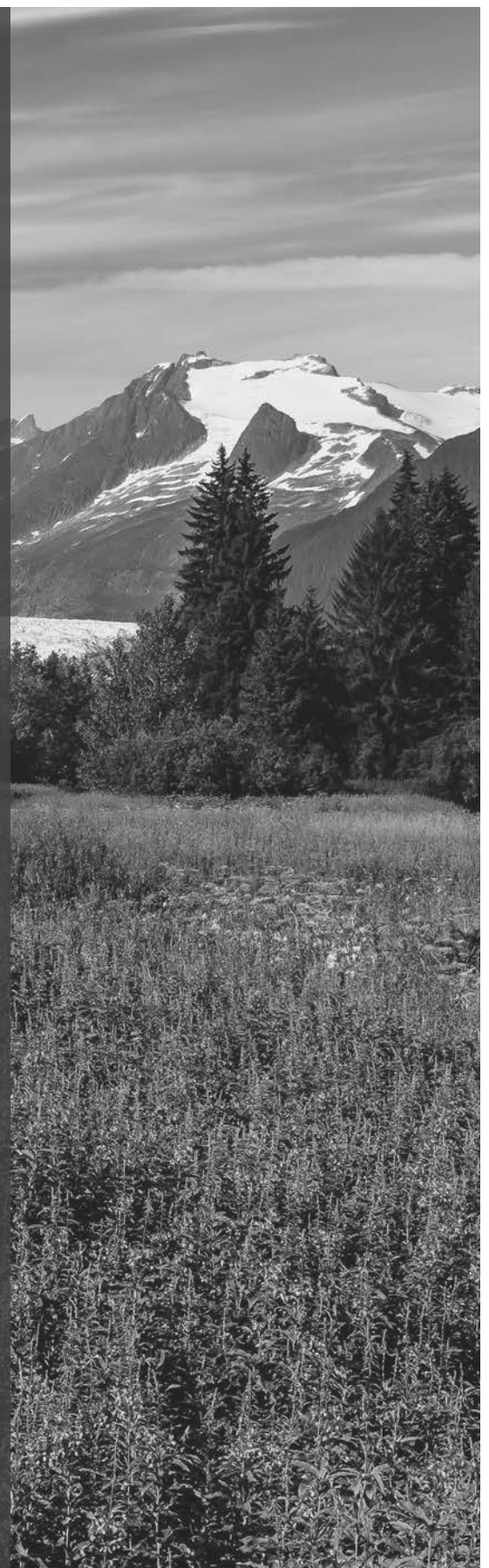
[AlaskaBar.org/Scholarships](http://AlaskaBar.org/Scholarships)

or contact

[info@alaskabar.org](mailto:info@alaskabar.org)

*Alaskans helping Alaskans*

ALASKA BAR ASSOCIATION





## Federal bar members attend several events during past quarter

By Darrel J. Gardner

The Alaska Chapter of the Federal Bar Association (FBA) welcomes new chapter president Kevin Feldis, who is replacing Mary Pinkel. Kevin assumed his FBA chapter presidency Oct. 1, 2019, at the conclusion of Mary's term as president.

Kevin is a partner at the Anchorage office of Perkins Coie; he works in the White Collar & Investigations practice and is a member of firm's Blockchain Technology & Digital Currency industry group. Kevin served for 18 years as a federal prosecutor with the U.S. Department of Justice (DOJ), including as the Computer Hacking and Intellectual Property attorney and First Assistant U.S. Attorney in Alaska. During his distinguished career in public service, Kevin handled complex financial fraud, corruption, and environmental crimes cases, and received the prestigious John Marshall award for outstanding legal achievement. Kevin was also twice selected for overseas assignments with the State Department, stationed as the DOJ Legal Advisor at the U.S. Embassy in Azerbaijan (2006-2008) and in Indonesia (2016-

ence in 2014, every national FBA president has attended the conference, except for one year when U.S. Magistrate Judge Michael Newman (Ohio) had to cancel due to a trial. I am pleased to report that the current FBA president, Christian Adams (Hawaii), has already committed to attending the 2020 Alaska Conference.

The key note speaker at the conference was Professor Jonathan Turley, who presented a fascinating program, "Current Topics on Free Speech and Free Press." Professor Turley is a nationally recognized legal scholar and litigator who has written extensively in areas ranging from constitutional law to legal theory to tort law. He has written more than three dozen academic articles that have appeared in a variety of leading law journals at Cornell, Duke, Georgetown, Harvard, Northwestern, University of Chicago and other schools. In addition to his extensive publications, Professor Turley has served as counsel in many notable cases in the last two decades, including the repre-



the board of contributors of USA Today. His award-winning blog has routinely been ranked as one of the nation's most popular legal blogs, and in 2013 his blog was inducted into the ABA's Hall of Fame. Professor Turley received his B.A. at the University of Chicago and his J.D. at Northwestern. In 2008,

he was awarded an honorary Doctorate of Law from John Marshall Law School for his contributions to civil liberties and the public interest.

Other programs at the August conference included "Ninth Circuit Update and Celebrating the Centennial: The 19th Amendment Turns 100" with Alaska's Judge Morgan Christen, Ninth Circuit Court of Appeals; and "The POWER Act" with U.S. Sen., Dan Sullivan. The POWER Act is designed to implement a congressional directive to all district courts to create pro bono programs to assist victims of domestic violence. Domestic violence is a widespread problem in Alaska, particularly in the Bush communities.

During lunch, the following individuals presented federal news and entity updates:

Maria Vathis, president, Federal Bar Association

Chief Judge Tim Burgess, United States District, District of Alaska  
Judge Gary Spraker, U.S. Bankruptcy Court, District of Alaska

Mary Pinkel, president, FBA Alaska Chapter

As the afternoon program commenced, the attendees heard "Attorney Wellness," presented by Nelson Page, bar counsel, Alaska Bar Association; and "Common Psychological Problems Today and Issues Facing Alaska," presented by David Sperbeck, director of Psychological Services at North Star Behavioral Health Hospital. The conference concluded with an informal "Off the Record" with the visiting three-judge panel of the Ninth Circuit Court of Appeals, moderated by Judge Morgan Christen. The panel was in Alaska to hear oral argument for several days. The judges discussed their backgrounds and their "paths to the bench," followed by a question-and-answer session with the enthusiastic audience. Thank you to everyone who attended the conference, and particularly to the circuit judges and our Alaska district judges for their support and participation. Special thanks to our conference sponsors: Lane Powell; Perkins Coie; and Sonosky, Chambers, Sachse, Miller & Monkman.

The Annual Ninth Circuit Judicial Conference took place in Spokane this year in mid-July. The Ninth Circuit conference also focused on the POWER Act, and the approach being taken by other districts within the circuit. This year's conference theme, "The Third Branch: 1919, 2019, and Beyond," encompassed a wide-ranging substantive program that addressed a number of issues, including power and leadership issues in the law, managing IT security threats at home and abroad, the transformations that can happen in prison, how press coverage of our courts is shifting, millennials and the shifting definitions and truisms of a millennial, the reality of the



Chief Judge Tim Burgess addresses the group.



Judge Morgan Christen speaks at the Alaska Federal Bar Conference.



FBA President Maria Vathis (L) and Alaska Chapter President Mary Pinkel.

2017). Kevin's global practice focuses on government investigations and enforcement actions, litigation, cyber security, white collar defense, and anti-corruption/Foreign Corrupt Practices Act matters. Kevin began his career as a legal assistant in New York, served as a law clerk in Chicago for the U.S. District Court for the Northern District of Illinois, and has worked for major law firms in both Washington, D.C., and Alaska. Kevin is a lawyer representative to the Ninth Circuit Judicial Conference.

The Sixth Annual Alaska District Federal Bar Conference was held Aug. 6 at the Dena'ina Center in Anchorage. A special guest attended the conference: Maria Vathis, who was the current national president of the Federal Bar Association. Since the inception of the Annual Alaska Federal Bar Confer-

entation of whistleblowers, military personnel, judges, members of Congress, and a wide range of other clients. Turley holds the Shapiro Chair for Public Interest Law at The George Washington University Law School, where he teaches criminal procedure and constitutional law. He is the youngest person in the school's history to receive an academic chair. His articles on legal and policy issues appear regularly in national publications, including in newspapers such as The New York Times, the Washington Post, USA Today, the Los Angeles Times, and The Wall Street Journal. Turley frequently appears in the national media as a commentator on a multitude of subjects. He has appeared on Meet the Press, ABC This Week, and Face the Nation. Since the 1990s, he has been a legal analyst for NBC News and CBS News, and he is on

student loan crisis, and the latest research on healthy cognitive functioning during the aging process. The conference also commemorated the centennial of the women's right to vote and the role that women in the Northwest played in advancing the national women's right to vote, which was firmly established years before in the states that comprise the Ninth Circuit. The conference opened with welcoming remarks from Chief Circuit Judge Sidney Thomas (Montana - Billings); Magistrate Judge Autumn Spaeth (CAC - Santa Ana), who served as this year's conference chair; and Circuit Judge John B. Owen, this year's program chair.

Alaska was well represented at the conference; attendees included:

- Circuit Judge Morgan Christen
- Chief District Judge Timothy Burgess
- District Judge Sharon Gleason
- Senior Judge Ralph Beistline
- Senior Judge H. Russel Holland
- Senior Judge Jack Sedwick
- Magistrate Judge Deborah Smith
- Bankruptcy Judge Gary Spraker
- Janet Stafford, Bankruptcy Clerk of Court
- U.S. Attorney Bryan Schroder
- Federal Public Defender Rich

Continued on page 25



# Federal bar members attend several events during past quarter

*Continued from page 24*

- Curtner
- LRCC Alaska Representative Andrea Hattan
- Lawyer Representative Jamie McGrady
- Lawyer Representative Dane Pontious
- FBA Ninth Circuit Vice President Darrel Gardner

Special guests at the Alaska District Dinner at the conference this year included Maria Vathis (Chicago), the current national president of the FBA. For the second year in a row, Alaska “teamed up” with attendees from Idaho and Montana for a joint event: a sunset dinner cruise on Lake Coeur d’Alene. Many thanks to Andrea Hattan for her work in helping to coordinate this year’s dinner event. Andrea has spent the past year working as Alaska’s delegate on the LRCC, which helps plan many of the CLE programs presented at the Ninth Circuit Conference. Andrea was also responsible for writing the Alaska District Report, which summarized all of the important federal court news in Alaska from the past year. All of the district reports are available on the Ninth Circuit’s website. Former AUSA and now private practitioner Kevin Feldis has taken over as Alaska’s senior delegate on the LRCC for the upcoming year. Kevin will help with planning for the 2020 conference, which will be held next July in Portland, Oregon.

In September, FBA-Alaska and the Alaska Bar Association hosted a half-day CLE – a “primer” on the POWER Act, together with a Pro

Bono panel and training on Section 1983 cases. The presentation panel included U.S. District Judge Sharon Gleason and panel moderator Greg Razo, vice president at Cook Inlet Region, Inc., and included representatives from Abused Women’s Aid In Crisis; the Alaska Institute for Justice; Alaska Legal Services Corp.; Alaska Native Justice Center; and the Alaska Network on Domestic Violence and Sexual Assault. Pre-recorded opening remarks were provided by Sen. Dan Sullivan, who could not attend the program in per-

son. The training program was designed as an introduction for attorneys interested in participating in the court’s pro bono program, to provide limited legal representation to victims of domestic violence, as well as pro se litigants pursuing civil rights litigation, typically involving prisoner treatment and excessive force claims. If you are interested in federal pro bono opportunities, a one-day video training program is available on DVD from the federal court. Please contact Natalie Wicklund at the court: Natalie\_Wick-

lund@akd.uscourts.gov (677-6135).

For more information, or to join the Federal Bar Association, please contact Kevin Feldis (KFeldis@perkinscoie.com) Darrel Gardner (darrel\_gardner@fd.org), or visit the Alaska Chapter website at www.fedbar.org. Like us on Facebook at “Fba Alaska Chapter,” and follow us on Twitter “@bar\_fed.”

*Darrel Gardner is a past president of the Alaska Chapter of the FBA, and current FBA national vice president for the Ninth Circuit.*



## Historians honor public defenders

The Historians lunch recently marked the 50th anniversary of the Public Defender Agency. Panelists included: Victor Carlson, first public defender; Senior Justice Dana Fabe, fourth public defender; Barbara Brink, sixth public defender; Quinlan Steiner, seventh public defender; David Carroll, director and founder of the Sixth Amendment Center (6AC); Susan Orlansky, moderator, Of Counsel, Reeves Amodio LLC, and former assistant public defender. The numbers are the order in which these former public defenders were the state Public Defender for the Public Defender Agency.



### Color of Justice 2019

*Fostering Diversity in the Legal Profession & Judiciary...One Student at a Time*

Anchorage, Alaska October 3-4, 2019

**THANK YOU!**

Chip Abolafia, Anchorage School District  
 Charisse Arce, Assistant U.S. Attorney  
 Heather Arnett, Justice Not Politics  
 Kristina Bellamy, Anchorage School District  
 Nicole Borromeo, Alaska Federation of Natives  
 Ryan Bravo, Assistant District Attorney  
 Annalise Burgess, Anchorage Youth Court  
 Andrea Canfield, Stool Rives LLP  
 Troy Carlock, Anchorage School District  
 Justice Susan Carney, Alaska Supreme Court  
 Judge Jo-Ann Chung, Anchorage District Court  
 Mark Clark, Assistant Public Defender  
 Cindy Franklin, Law Office of Bradley A. Carlson  
 Prof. Christian Halliburton, Seattle University School of Law  
 Judge Patrick Hanley, Anchorage District Court

Breanna Hardy, Alaska Court System  
 Tom Hood, Anchorage School District  
 Adam Hrnicek, Anchorage School District  
 Heather Kendall-Miller, Native American Rights Fund  
 Kirsten Kinegak-Friday, Lande Bennett Blumstein, LLP  
 Rebecca Koford, Alaska Court System  
 David Landry  
 Susan Lee, Gonzaga University School of Law  
 Nicole Luth, Gonzaga University School of Law  
 Sara Martinchick, Alaska Native Justice Center  
 Judge Kari McCrea, Anchorage District Court  
 Margaret Newman, Alaska Court System  
 Stephanie Nichols, GCI

Sarah Park, Assistant District Attorney  
 Prof. Terry Price, University of Washington School of Law  
 Mara Rabinowitz, Alaska Court System  
 Kyle Reding, Alaska Court System  
 Stephen Rosser, Anchorage School District  
 Kim Sayers-Fay, Assistant U.S. Attorney  
 Jacqueline Shepherd  
 Mike Sims, Anchorage Youth Court  
 Nickole Sinisgalli, Anchorage School District  
 Michael Thompson, Anchorage School District  
 Irene Tresser, Anchorage Youth Court  
 Judge Herman Walker, Anchorage Superior Court  
 Nathan Walters, Anchorage School District  
 Stephanie White Thorn, Dickerson & Gibbons, Inc.  
 Judge Tracey Wollenberg, Alaska Court of Appeals

**NAWJ-Alaska COJ Committee:**

Judge Pamela Washington, *Chair, COJ, Anchorage*  
 Judge Stephanie Joannides (Ret.), *Founding Chair*  
 Judge Beverly Cutler (Ret.), *Founding Member*





# Board awards nominations sought

The Alaska Bar Association Board of Governors is soliciting nominations for awards to be presented at the annual convention. Send your nomination letter to [organ@alaskabar.org](mailto:organ@alaskabar.org). The deadline is March 22.

The **Professionalism Award** recognizes an attorney who exemplifies the attributes of the true professional, whose conduct is always consistent with the highest standards of practice, and who displays appropriate courtesy and respect for clients and fellow attorneys. The Professionalism award has traditionally been presented to an attorney in the judicial district where the convention is being held.

The **Layperson Service Award** honors a public committee or Board member for distinguished service to the membership of the Alaska Bar Association.

The **Robert K. Hickerson Public Service Award** recognizes lifetime achievement for outstanding dedication and service in the State of Alaska in the provision of pro bono legal services and/or legal services to low income and/or indigent persons.

The **Judge Nora Guinn Award** is presented to an individual Alaskan who has made an extraordinary or sustained effort to assist Alaska's rural residents, especially its Native population, overcome language and cultural barriers to obtaining justice through the legal system. See the Bar website for the nomination form.



Nora Guinn



Robert K. Hickerson

# CLE

ALASKA BAR  
ASSOCIATION

REGISTER AT [AlaskaBar.org](http://AlaskaBar.org)

## DECEMBER:

- Dec. 6**     **Working with Non-Governmental Organizations (NGOs) Protecting Basic Legal Rights in Developing Countries**  
3.0 General CLE Credits
- Dec: 13**    **District Court Off the Record**  
1.0 General and 1.0 Ethics CLE Credits
- Dec. 18:**    **The Hands-On Legal Writing Workshop**  
3.0 General CLE Credits
- Dec. 19:**    **What Drug Dealers and Celebrities Teach Lawyers About Professional Responsibility**  
3.0 Ethics CLE Credits
- Dec. 19:**    **Everything I Need to Know About Legal Ethics I Learned from the Kardashians**  
3.0 Ethics CLE Credits

## JANUARY 2020:

- Jan. 10**    **Wilderness Recreation, Trip Leading, and Tourism in Alaska: Managing Operations and Legal Risks**  
6.5 General CLE Credits
- Jan. 17:**    **Video Replay: What Drug Dealers and Celebrities Teach Lawyers About Professional Responsibility**  
3.0 Ethics CLE Credits
- Jan. 22:**    **Video Replay: Staying Off the Slippery Slope**  
3.0 Ethics CLE Credits

## FEBRUARY 2020:

- February 8-15**    **CLE at Sea Mexican Riviera Cruise**  
7.5 General and 4.5 Ethics CLE Credits

## MARCH 2020:

- Mar. 20**    **Free Ethics CLE: Strategies for Attorney Wellness: Avoiding the Traps of Substance Abuse and Depression**  
3.0 Ethics CLE Credits
- Mar. 26**    **Mediation Strategies: How to Plan, Evaluate and Prepare Your Civil Case for a Successful Outcome**  
2.0 General and 1.0 Ethics CLE Credits

## APRIL 2020:

- April 9:**     **Visual Advocacy in Technology**  
5.5 General CLE Credits
- April 16:**    **Nobody Told Me There Would Be Days Like These! Stress, Pressure, & Ethical Decision-Making in the Practice of Law**  
3.0 Ethics CLE Credits
- April 16:**    **The Accidental Lawyer: Terms of Engagement**  
3.0 Ethics CLE Credits

# PAUL COSSMAN

## Freelance "Contract" Lawyer

*Over 30 years of trial and appellate experience in all types of cases, from personal injury to commercial, from intake through appeal, for both plaintiffs and defendants.*

Available for all types of work including:

- Research/Writing
- Motions
- Discovery
- Depositions
- Trial Assistance
- Case Analysis/Planning
- Arbitration panels
- Appeals

**(907) 602-7984**

**[paulcossman@hotmail.com](mailto:paulcossman@hotmail.com)**

*Based in Anchorage, but in-state/out-of-state travel welcome.  
Resume, recommendations, and writing samples upon request.*





Judge Una Gandhir talks to the OLE class members at the start of their courthouse tour.



Deputy Attorney General (Criminal) John Skidmore talks to the OLE class about SB 91 and other criminal law issues.



US Attorney Bryan Schroder addresses the OLE class.

## Opportunities-for-Lifelong-Education classes offered

The Law Related Education (LRE) committee of the Alaska Bar Association offered four classes to the Anchorage OLE program in October. OLE stands for Opportunities for Lifelong Education, which is a non-profit, volunteer-run organization in Anchorage offering “academic courses designed for intellectually curious adults over 50.” The classes consisted of presentations by Deputy Attorney General John

Skidmore, Alaska Crime Lab Director David Kanaris, US Attorney Bryan Schroder and Assistant US Attorneys James Klugman, Karen Vandergaw and Seth Beausang, a review of current Supreme Court cases by Prof. Ryan Fortson, and el-

der law issues by Ilona Bessenay. The class also did a field trip to the state courthouse for a tour and presentations by Alaska Court of Appeals Judge Tracey Wollenberg, Superior Court Judge Una Gandhir, and retired Superior Court Judge

Elaine Andrews. LRE Committee Chair Stephanie Galbraith Moore organized the classroom presentations and committee member Doug Kossler organized the courthouse tour.

### Lawyer joke ...



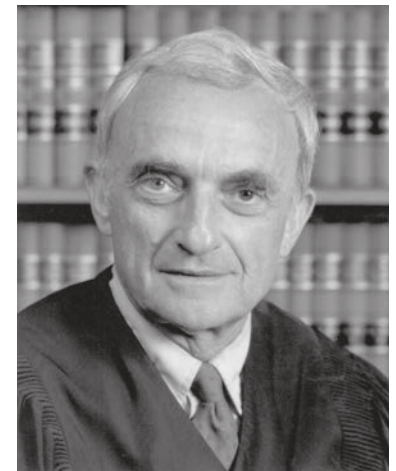
*Question: What's the similarity between a lawyer and a dentist?*

*Answer: Both do filing and extraction.*

## Call for nominations for the 2020 Jay Rabinowitz Public Service Award

The Board of Trustees of the Alaska Bar Foundation is accepting nominations for the 2020 Award. A nominee should be an individual whose life work has demonstrated a commitment to public service in the State of Alaska. The Award is funded through generous gifts from family, friends and the public in honor of the late Alaska Supreme Court Justice Jay Rabinowitz.

### ALASKA BAR FOUNDATION



Jay Rabinowitz

Nominations for the award are presently being solicited. Nominations forms are available from the Alaska Bar Association, 840 K Street, Suite 100, P. O. Box 100279, Anchorage, AK 99510 or at [www.alaskabar.org](http://www.alaskabar.org).

Completed nominations must be returned to the office of the Alaska Bar Association by March 1, 2020.

The award will be presented at the 2020 Annual Convention of the Alaska Bar Association.



SENIOR JUSTICE DANA FABE  
2019 Recipient



VICTOR FISCHER  
2018 Recipient



SENIOR JUDGE ELAINE ANDREWS  
2017 Recipient



JAMES E. TORGERSON  
2016 Recipient



SENIOR JUDGE MICHAEL I. JEFFERY  
2015 Recipient



JANET McCABE  
2014 Recipient



KATIE HURLEY  
2013 Recipient



TREVOR STORRS  
2012 Recipient



JUDGE MARY E. GREENE  
2011 Recipient



BARBARA J. HOOD  
2010 Recipient



ANDY HARRINGTON  
2009 Recipient



JUDGE SEABORN J. BUCKALEW, JR.  
2008 Recipient



BRUCE BOTELHO  
2007 Recipient



LANIE FLEISCHER  
2006 Recipient



JUDGE THOMAS B. STEWART  
2005 Recipient



ART PETERSON  
2004 Recipient



MARK REGAN  
2003 Recipient



### Forensic Document Examiner

- Qualified as an expert witness in State & Federal Courts.
- 30 years experience.
- Trained (and retired from), the Eugene Police Department.
- Certified by the American Board of Forensic Document Examiners.
- Fully equipped laboratory.

**James A. Green**  
Eugene, OR  
888-485-0832  
[www.documentexaminer.info](http://www.documentexaminer.info)



# Superior Court judge installed in Anchorage

## *From the Alaska Court System*

Peter Ramgren was installed as a Superior Court judge at a ceremony Oct. 17, 2019, at the Boney Memorial Courthouse in Anchorage.

Gov. Mike Dunleavy appointed Ramgren to the bench July 3, 2019.

Ramgren graduated from Concordia College in Moorhead, MN. He piled into a car with a college buddy and drove the Alaska Highway in 1991 to Anchorage, where he found a job working for Wilson Condon assisting his firm with oil and gas litigation as a paralegal. Upon his arrival in Alaska, Ramgren was taken with its beauty, the amiable people and the rich diversity of cultures. Alaska never left his heart, even as he traveled east to Boston to attend Northeastern University School of Law. While at Northeastern, his legal education was enriched by internships with the Massachusetts Attorney General's Office, the Honorable Paul Barbadoro of the U.S. District Court of New Hampshire, and with the Office of Legal Counsel to Massachusetts Gov. William Weld. Upon graduating from law school in 1997, Ramgren spent the



Attending the installation are from left: Judge Leslie Dickson, Judge Tracey Wollenberg, Judge Peter Ramgren, Justice Peter Maassen, Judge William Morse and Magistrate Judge Suzanne Cole.

next seven years practicing law in Boston as a civil litigator and criminal defense attorney before returning to Alaska in 2004.

Upon his return to Alaska, he worked as a prosecutor in the Anchorage Municipal Attorney's Office before returning to private practice with a focus on civil

litigation and criminal defense. In 2012, Presiding Superior Court Judge Sharon Gleason selected him to serve as a Superior Court Master and Magistrate Judge. Judge Ramgren enjoys the rewarding work of a judicial officer and looks forward to serving Alaskans as a Superior Court judge.

From dipnetting the Kenai River, to hiking on the Kenai Peninsula with their dog, Ole, and weekends in Homer and Girdwood, Ramgren and his wife Mara take advantage of all that Alaska has to offer. They enjoy spending time outside (and Outside) with Peter's sons, Gus and Charlie, and their families in Minnesota.

# *New judge joins Superior Court in Fairbanks*

## *From the Alaska Court System*

Judge Earl Peterson was installed in a ceremony at the Rabinowitz Courthouse in Fairbanks Sept. 13, 2019. He was appointed to the Superior Court by Gov. Mike Dunleavy July 3, 2019.

Born in Oklahoma and raised all over the place, Peterson has lived in countries around the world including Japan, Canada, Holland and England. He also lived in Texas. Peterson, his wife, Danette, and their four children have lived in Alaska for the past nine years.

He did his undergraduate college work at Rice University, graduate school at Syracuse University and extended graduate schooling at the University of Bradford. He then went to law school at IIT-Chicago Kent School of Law. He practiced law in northern Illinois for 15 years before venturing to Alaska.

Over his 24 years in law so far Peterson was first a civil litigator, then a prosecutor in north-central Illinois and Alaska, before becoming a magistrate judge in Fairbanks.

In what spare time he has he enjoys sports particularly cycling on the roads and trails around Fairbanks.



Judge Earl Peterson's family joined him at the installation ceremony.

**ALASKA BAR ASSOCIATION**  
**Annual Convention**  
**OCTOBER 28-30, 2020**  
**DENA'INA CIVIC AND CONVENTION CENTER**  
**ANCHORAGE, AK**

Registration and details coming at [www.AlaskaBar.org/2020Convention](http://www.AlaskaBar.org/2020Convention)