

In the Supreme Court of the State of Alaska

In the Matter of the Petition for
Reinstatement of Kenneth D. Albertsen.

Kenneth D Albertsen, Petitioner.

Supreme Court No. **S-19102**

Order

Date of Order: **6/18/2025**

ABA File Nos. 2016D096, 2016D101, 2024R002
ABA Member No. 9211064

Before: Carney, Chief Justice, and Borghesan, Henderson, Pate, and
Oravec, Justices.

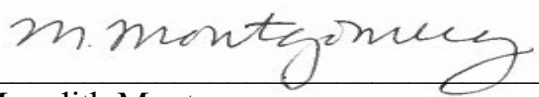
On consideration of the Petition for Reinstatement filed on **5/15/2024**, and
the certified record¹ filed by the Alaska Bar Association on **2/27/2025**,

IT IS ORDERED:

The Petition for Reinstatement is **GRANTED**. Kenneth D. Albertsen is
reinstated to the practice of law in Alaska, subject to two years of monitoring, as
detailed in the Area Hearing Committee's Findings of Fact, Conclusions of Law, and
Recommendation.

Entered at the direction of the court.

Clerk of the Appellate Courts


Meredith Montgomery

¹ The Findings of Fact, Conclusions of Law, and Recommendations of Area
Hearing Committee dated 12/16/2024, and the Findings, Conclusions, and
Recommendation of the Disciplinary Board dated 1/30/2025 are attached to this Order
as an Appendix. The Area Committee Report has been redacted to obscure the names
Petitioner's personal friends.

Distribution:

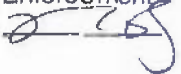
Murtagh, John M.
Driscoll, Louise
Shanahan, Philip

BEFORE THE ALASKA BAR ASSOCIATION
AREA HEARING COMMITTEE
THIRD JUDICIAL DISTRICT

ALASKA BAR ASSOCIATION
Filed and Entered on

DEC 16 2024

In The Reinstatement Matter)
Involving)
KENNETH D. ALBERTSEN,)
Petitioner.)

Pursuant to the Rules of
Disciplinary Enforcement
Received By 

ABA Membership No. 9211064
ABA File No. 2024R002

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
RECOMMENDATIONS OF AREA HEARING COMMITTEE**

In June 2018, Kenneth D. Albertsen was suspended from the practice of law for two years and one day due to two grievances involving neglect of cases and the failure to timely disburse a client's monies.¹ Mr. Albertsen violated duties related to diligence, client communication, fee agreements, property safekeeping, termination of representation, and cooperation in bar proceedings. More than six years after his suspension, he seeks reinstatement.² After a hearing, the Area Hearing Committee concludes that he has demonstrated his fitness to practice by clear and convincing evidence and has satisfied

¹ *Disciplinary Matter Involving Albertsen*, 420 P.3d 1218, 1219 (Alaska 2018).

² Although his suspension ended in June 2020, Mr. Albertsen has not previously sought reinstatement.

the conditions for reinstatement imposed in the suspension order. The Committee recommends Mr. Albertsen's reinstatement, subject to two years of monitoring of his financial and trust accounting.

The Committee heard Mr. Albertsen's petition for reinstatement on November 22, 2024. Six witnesses testified: Mr. Albertsen; Dr. Dustin Logan, a neuropsychologist who evaluated his fitness to practice law; Matthew Hayes, his current employer; Brian Carlton, an independent bookkeeper willing to monitor his financial accounting if he returns to solo practice; and character witnesses and friends, M█████ B█████ and L█████ G█████. By stipulation, 11 exhibits were admitted, including Dr. Logan's evaluation, certificates documenting Mr. Albertsen's completion of 46.5 hours of continuing legal education (10.5 hours of which were designated as ethics credits), the stipulation for discipline, and the suspension order. At the end of Mr. Albertsen's case, Bar counsel supported his reinstatement and approved of his financial monitoring plans.

Analysis of reinstatement factors

Based on the entire record, the Committee concludes that Mr. Albertsen has demonstrated by clear and convincing evidence that he "has the moral qualifications, competency, and knowledge of the law requisite to the practice of law" and that his reinstatement "will not

be detrimental to the Bar, the administration of justice, or the public interest.”³ In reaching this conclusion, the Committee considered the 10 reinstatement factors⁴ and finds that they all weigh in favor of reinstatement. As to each factor, the Committee makes the following findings of fact and conclusions of law.

(1) The nature and seriousness of the original misconduct.⁵

This factor weighs in favor of reinstatement because Mr. Albertsen’s original misconduct—while serious and involving violations of multiple rules of professional conduct—was far from the most egregious. His misconduct arose from overwhelm, rather than due to indifference or selfish motives.

Mr. Albertsen’s suspension was imposed due to multiple violations uncovered by the Bar’s investigation into two client grievances.⁶ In one matter, he provided helpful services to a long-term client and obtained a judgment on her behalf, but over a period of years, he failed to communicate with her and to promptly send her funds received from the judgment, instead leaving them in his trust

³ *In re Reinstatement of Wiederholt*, 295 P.3d 396, 399 (Alaska 2013); see Bar Rule 29(c)(1).

⁴ *Wiederholt*, 295 P.3d at 399.

⁵ This analysis places the factors in a logical order, rather than as they are quoted in *Wiederholt*, 295 P.3d at 399.

⁶ *Albertsen*, 420 P.3d at 1219–22.

account.⁷ He also failed to enter into a written fee agreement with the client when the scope of his services changed and to timely provide the files to her new counsel.⁸ In addition to filing the grievance, the client petitioned for fee arbitration, alleging that Mr. Albertsen overcharged for his services given his neglect of her case. In the second matter, Mr. Albertsen failed to provide promised services and communicate with clients during a short four-month representation.⁹ For both matters, Mr. Albertsen did not initially cooperate with the Bar proceedings but ultimately stipulated to suspension without a sanctions hearing, attended the fee arbitration hearing, and complied with the fee order.¹⁰

These failures occurred because Mr. Albertsen was overwhelmed both personally and professionally. He did not set boundaries in his solo law practice or personal life but instead said yes to everyone and everything. At the same time, he was under enormous stress from a dysfunctional marriage, a resultingly chaotic home life, and the demands of caring for three young children. He described himself as “a hamster spinning on a wheel and the wheel is spinning faster than you

⁷ *Id.* at 1219-21.

⁸ *Id.*

⁹ *Id.* at 1221-22.

¹⁰ *Id.*

can run.” He would work 14-hour days without eating and was chronically sleep-deprived. To cope, he explained that “[t]he urgent was crowding out the important.” As a result in his law practice, he addressed the most pressing items and left other matters for another day that never came: “I was fighting for my life, you know, if your house is on fire, you’re not worried about the flat tire on your car out in the driveway.”

(2) *The petitioner’s acceptance of wrongdoing with sincerity and honesty.* This factor weighs in favor of reinstatement because Mr. Albertsen has credibly taken responsibility for his wrongdoing. Mr. Albertsen stipulated to his suspension from the practice of law, expressed “great regret and shame” in 2018 in asking the Disciplinary Board to accept the stipulation, and continues to acknowledge that his suspension was necessary. Fellow practitioners described the depth of Mr. Albertsen’s remorse in letters of support that they sent to the Board when it considered and ultimately recommended that the Alaska Supreme Court suspend Mr. Albertsen. In addition, Mr. Albertsen’s actions since his suspension demonstrate his sincere acceptance of responsibility because he has made meaningful personal changes.

(3) *The extent of the petitioner’s rehabilitation.* Mr. Albertsen has engaged in extensive efforts to demonstrate that “those

weaknesses that produced the earlier misconduct have been corrected,” supporting his reinstatement.¹¹

Based on a neuropsychological evaluation conducted in late 2023, Dr. Logan testified that Mr. Albertsen did not have any current mental or psychiatric disabilities but in the past demonstrated patterns of overcommitment and rigidly holding onto obligations even when doing so was dysfunctional and damaging. He explained that a person could overcome these issues with greater self-awareness and life changes, including external support. In his opinion, Mr. Albertsen currently demonstrated self-awareness and skills that would allow him to avoid repeating past patterns of rigid overcommitment.

Mr. Albertsen testified about his rehabilitation efforts. After his suspension, he attended one-on-one counseling three times a month and Co-Dependents Anonymous meetings for years. He learned to set healthy limits, including by not overcommitting and by setting reasonable deadlines, and ultimately divorced his wife. He learned “a healthy no is really important to be able to say a good yes that your heart can be behind.” He also learned to take care of his mental, physical, and spiritual health first, so that he could in turn care for his

¹¹ *Wiederholt*, 295 P.3d at 399 (stating that this is “[t]he major consideration in reinstatement proceedings”).

family and clients; to be at peace with things he could not control; and to ask for help when he needed it. He found social support, particularly in a weekly men's support group and with friends he met attending and facilitating a Divorce Care program.

Mr. Albertsen testified to these deep personal changes and to planned professional changes that would allow him to avoid the overwhelming circumstances that led to his suspension. First, he planned to carefully monitor his caseload by paying attention to his total work hours. He explained that, barring emergencies, keeping "regular work hours would pretty quickly tell me am I getting the work done or am I consistently having to work beyond those hours, that would tell me if I'm taking on too much." Second, he recognized the importance of keeping clients informed about the status of their matters and understood that letting clients "know what you're doing on their behalf is an essential part of doing what you're doing on their behalf." Third, he planned to rely on external supports by practicing with others, rather than maintaining his own law office. He explained that working with and having the support of colleagues is something he both enjoys and prefers. While he hoped to continue with his current employer, where he was currently working as a paralegal, he identified specific organizations where he would rather apply than

open his own practice. He testified that he would consider “something other than practicing law before I’d be a solo practitioner again.” And fourth, he believed that his new ways of thinking would help him weather an ongoing dispute with his ex-wife over visitation.¹²

Dr. Logan agreed that Mr. Albertsen was “functioning very well and very stable mentally.” Dr. Logan testified that Mr. Albertsen had acquired the skills to manage the inevitable stress with his family such that Dr. Logan would not expect “there to be the same level of difficulties” as before.

A longtime friend and fellow participant in the men’s group, M█████ B█████, also testified that Mr. Albertsen had improved his emotional stability and was in a much better place now than when he was suspended in 2018.

(4) The petitioner’s conduct following discipline. This factor supports reinstatement and is primarily addressed above under the extent of Mr. Albertsen’s rehabilitation. The Committee adds that based on all the evidence in the record, Mr. Albertsen’s conduct since his suspension is consistent with the conduct expected of a member of the Bar, including current compliance with applicable court orders.

¹² Mr. Albertsen has primary custody of his son, who attends high school out-of-state, and regular visitation with his two daughters who live with his ex-wife out-of-state.

Mr. Albertsen testified that he is not just current, but ahead on his court-ordered child support payments, after taking into account an offset to which he is entitled for the children's travel expenses.

(5) *The time elapsed since the original discipline.* This factor weighs in favor of reinstatement. Although Mr. Albertsen was eligible to seek reinstatement two years and one day after his suspension, he waited an additional four years before seeking reinstatement for the first time. As described above, this provided him with the time necessary to make deep and meaningful changes.

(6) *The petitioner's character, maturity, and experience at the time of discipline and at present.* This factor weighs in favor of reinstatement because, as discussed above, Mr. Albertsen has learned from his past mistakes and matured significantly since the time of discipline. At the time of discipline and now, Mr. Albertsen has shown a strong desire to help others, whether they are his clients or community members. At the time of discipline, he was an experienced and well-respected real estate practitioner who obtained good results for many clients but who did not establish boundaries in his legal practice or personal life. This in turn deeply affected his ability to meet his professional obligations. Since his suspension, he has demonstrated maturity in his understanding that he can best help

others by being healthy himself and that he cannot take on too much. He testified to his growing understanding over the period of his suspension that he is not the only person who can meet others' needs and that it is in fact okay to say no to taking on additional commitments. He explained that he "learned that it's so much better [to] be able to be fully present with energy and alertness and commitment for one activity than to be spread over multiple."

(7) *The petitioner's present moral fitness.* The Committee finds that Mr. Albertsen has demonstrated that he possesses the good moral character necessary to practice law. Mr. Albertsen credibly described how much he has changed for the better. The Committee credits the character opinions of two friends, Mr. B [REDACTED] and L [REDACTED] G [REDACTED], and finds their views particularly persuasive because they have observed firsthand Mr. Albertsen's current thought processes for years at the weekly men's support group. Both testified that Mr. Albertsen was of good character and could be trusted to act properly in the practice of law if reinstated. Mr. G [REDACTED] also does ministry work in prisons side-by-side with Mr. Albertsen and valued his "super great support for that outreach."

(8) *The petitioner's current competency and qualifications to practice law.* This factor weighs in favor of reinstatement.

Dr. Logan determined that Mr. Albertsen has “exceptional levels of intelligence and cognitive skills” and was not currently suffering from any mental or psychiatric disabilities. Mr. Albertsen’s legal ability was well-respected by his peers at the time of his suspension, and he has kept his legal knowledge current by taking 46.5 hours of continuing legal education over two years and by working as a paralegal.

(9) Restitution. This factor supports reinstatement because Mr. Albertsen timely complied with the monetary requirements in the suspension and fee arbitration orders. The suspension order required him to pay \$1,000 to the Bar for disciplinary fees and costs within 60 days of the order.¹³ Mr. Albertsen made this payment on time. He also complied with the fee arbitration order, which required him to forfeit \$6,539 in fees to his long-term client and to provide her with a full accounting of all her property or funds remaining in his possession, which he did less than a month after the order was issued.¹⁴

(10) *The proof that the petitioner’s return to the practice of law will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive of the public interest.* The Committee finds that Mr. Albertsen’s reinstatement

¹³ *Albertsen*, 420 P.3d at 1219.

¹⁴ *Id.* at 1221.

would not be detrimental to any of these interests. As discussed fully above, Mr. Albertsen has learned from the circumstances that led to his suspension and made genuine changes in his life. Plus, his expertise, particularly in the practice of real estate law, would be beneficial to the public if he is reinstated. And the financial monitoring plan, described in detail below, will provide oversight of Mr. Albertsen's billing practices and any handling of client funds in the first two years of his return to practice.

Compliance with conditions in suspension order

The Committee also finds that Mr. Albertsen has established the four conditions for reinstatement required by the suspension order.

First, the order required Mr. Albertsen to provide a psychological evaluation addressing his ability to practice law.¹⁵ As discussed above, he has done so, and the evaluation determined that he was fit to practice. The evaluator, Dr. Logan, testified at the reinstatement hearing.

Second, the order required Mr. Albertsen to certify completion of at least nine hours of continuing legal education in ethics, law office management, and management of law office accounts.¹⁶ Mr. Albertsen

¹⁵ *Id.* at 1219, 1226-27.

¹⁶ *Id.* at 1219, 1226.

completed 16.5 hours of CLEs that addressed the specified subject areas and testified extensively about the knowledge he gained from these courses. Some of the CLEs Mr. Albertsen discussed were not credited as ethics by the provider, but Bar counsel indicated that the Alaska Bar would have approved many of them as ethics credit especially those addressing self-care for lawyers.

Third, Mr. Albertsen was required to pay \$1,000 for disciplinary fees and costs within 60 days of the suspension order.¹⁷ He and the Bar stipulated that he paid this amount before the deadline.

Fourth and finally, Mr. Albertsen was required to present a detailed plan acceptable to Bar counsel and the Disciplinary Board regarding financial procedures for the handling of client funds, including retention of an independent auditor or accountant to oversee his financial and trust accounting practices for a minimum of two years after reinstatement.¹⁸ Mr. Albertsen proposed two alternatives, both of which are acceptable to Bar counsel. The Committee recommends that the Disciplinary Board find these plans acceptable as well.

Mr. Albertsen's preferred plan is that he will practice as an

¹⁷ *Id.* at 1219, 1227.

¹⁸ *Id.* at 1219, 1127.

attorney at Matanuska Law, LLC, where he is currently a paralegal. Matthew Hayes, the sole managing member of the three-attorney firm, testified that he intended to hire Mr. Albertsen as an associate attorney if he is reinstated, that Mr. Albertsen would not have access to the firm's general or trust accounts, and that he would monitor Mr. Albertsen's cases, work hours, and compliance with billing. Mr. Hayes also agreed to keep the Bar informed of any issues with Mr. Albertsen not turning in his client bills on time or if he became partner or left the firm in the first two years of his return to practice.

Should Mr. Albertsen open his own solo practice instead, his alternative plan was that an independent bookkeeper, Brian Carlton, would monitor his financial accounting for the first two years of his reinstatement to practice. Mr. Carlton testified that he had nearly two decades of financial experience and understood the principles necessary to audit Mr. Albertsen's accounts. If Mr. Albertsen returned to solo practice, Mr. Carlton stated that he was willing to audit his general and trust accounts every month, send reports to the Bar every six months, and notify the Bar if he identified any issues even if a six-month report was not yet due.

Conclusion and recommendations

For all the above reasons, the Committee concludes that Mr. Albertsen has demonstrated his fitness to practice by clear and convincing evidence and has satisfied the reinstatement conditions in the suspension order. The Committee recommends that Mr. Albertsen be reinstated to the practice of law subject to two years of monitoring under his proposed plans. If Mr. Albertsen works for Matanuska Law or another firm, his employer will monitor his timekeeping and billing practices. If Mr. Albertsen opens a solo practice, Mr. Carlton will audit his office and trust accounts every month.

DATED this 16th day of December 2024.

/s/ Kimber Rodgers
Kimberly D. Rodgers (0605024),
Chair, Area Hearing Committee

/s/ Heather Stenson
Heather Stenson (1205039), Attorney
Member, Area Hearing Committee

/s/ Gayle Michaelson
Gayle Michaelson, Public Member,
Area Hearing Committee

BEFORE THE ALASKA BAR ASSOCIATION
ALASKA BAR ASSOCIATION
Filed and Entered on

DISCIPLINARY BOARD

JAN 30 2025

In The Reinstatement Matter
Involving

KENNETH ALBERTSEN,

Petitioner.

Pursuant to the Rules of
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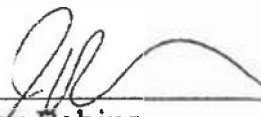
ABA Membership No. 9211064
ABA File No. 2024R002

FINDINGS, CONCLUSIONS AND
RECOMMENDATION
OF DISCIPLINARY BOARD

This disciplinary matter came before the Disciplinary Board of the Alaska Bar Association on January 30, 2025. The Board, having considered the report of the area hearing committee filed December 16, 2024, hereby

ADOPTS the findings, conclusions and recommendation of the area hearing committee contained in that report as its findings, conclusions and recommendation in this matter.

DATED this 30th day of January, 2025, at Anchorage, Alaska.


Jeffrey Robinson
President Disciplinary Board

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