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Senator McGuire and Alaska Legislators:

Attached below are two letters I sent to both the House and Senate Judiciary Committees prior to the Hearings on HB 63. I object to extending the termination date of the Alaska Bar Association. The only control you have as regards the practice of law in Alaska is your power to sunset Alaska Bar Association. You, Alaska Legislators, are the only body that can control Alaska Bar Association, a quasi-governmental organization with little or no supervision run by the same two people for 30 years. I was disappointed that Senate Judiciary passed out CSSB 63 in (S)JUD today, extending the Alaska Bar Association for 8 years. If this goes to a Floor vote, the die is cast. This is the first time Alaska Legislature is considering an 8 years renewal. In the past, Alaska Bar Assn. has been given 2 or 4 year renewals. I know the pressure to finish business by the end of Session, but approving 8 years for all Board renewals is wrong because all Boards are not equal.

At a minimum, you should require another Legislative Audit by way of follow up regarding:

- 1.) Admission procedures specifically addressing the low Alaska Bar Exam passage rate at the same time 37% of the Alaska Bar Association licensees in the last five years have been by reciprocity;
- 2.) How many more hours of mandatory CLE should be required; and
- 3.) If local Alaskans who are licensed in the 39 states that have reciprocity with Alaska should be allowed to be licensed here without further testing as graduates of American Bar Association accredited law schools on a case by case basis? Does licensing those who are admitted in other states that have reciprocity with Alaska harm the public by allowing us to practice here? You really cannot believe that we are somehow "stupid" because we have not passed Alaska Bar Exam. This Exam is a test of exclusion; not minimal competence.

There were many lingering problems in approving the extension of Alaska Bar Association until 2021 today. Extending Alaska Bar Association is quite different from extending the State Medical Board. Senator Wielechowski's legitimate concern from a memorandum from Legislative Counsel about separation of powers in placing mandatory CLE in statute resulted in no change. Importantly, I commend you for bringing attention to the conflict of interest in selection of judges by the Alaska Judicial Council which uses public funds to advertise to defeat and retain judges.

I disagree adamantly that Alaska Bar Association should have a free ride for 8 years with only a few people involved in management and control and little or no public overview. If you extend Alaska Bar Association for 8 years, the same two employees, Deborah O'Regan, Executive Director, and Stephen Van Goor, Disciplinary Counsel, will have been the primary employees of Alaska Bar Association for 38 years. Am I qualified after 23 years as Missouri Bar Association Category I attorney, the highest active level of practice in Missouri? I have been told by many Alaska Bar members that whatever I have done during these 29 years of dedicated effort and expense, I should have been licensed by now.

Senator McGuire, you asked for my comment but I was not permitted time to answer today why I did not wait 5 years for reciprocity from Missouri. Alaska Bar Rule 2.2(b)(3) was written when I was ready to

apply for reciprocity here. I waited 4 1/2 years before taking Alaska Bar Exam again in 2003 and in so doing gave up the opportunity for reciprocity under Bar Rule 2.2(b)(3) which prohibits reciprocity if you failed Alaska Bar Exam in the last 5 years. I had been persuaded by a highly respected advisor, Dean Rudy Hasl, longest serving dean of law schools in the US and former Chair of American Bar Association Section on Legal Education and Admission to the Bar that the Alaska Bar Association could change the Bar Rule if I relied on the five year wait to apply under 2.2(b)(3). Dean Hasl was kind enough to call Mr. Eric Croft, Alaska Director, Alaska Bar Review BAR/BRI, to ask Mr. Croft to help me. I took Alaska Bar Review from Mr. Croft and sat for July, 2003 Bar Exam. I was amazed that Mr. Croft went on Talk Radio against me two different times that September, 2003. One of the times was while Senator Ellis was being interviewed with him as Mr. Croft talked against me by name saying I had not been prepared for the July, 2003 Exam. It was unethical for Mr. Croft to release my name as one of his applicants and to discuss his opinion prior to release of scores. Mr. Croft was not disciplined, nor did he lose his contract and he is still involved in the Alaska Bar Review to my knowledge.

I only took Alaska Bar Exam originally in February, 1984 because I was living and working here and wanted to get into my profession as soon as possible. Because of the way I have been treated, many local law school graduates become licensed first in another state, practice for 5 years and then simply pay \$1,500 to become licensed in our home of Alaska. Who would be fool enough to suffer the embarrassment of continuing to be Alaska Bar Exam "flunky" like I have been?

Senator McGuire, apologies that you yourself have failed Alaska Bar Exam and gave up. I regret this. Seemingly, everyone gives up which makes my efforts more difficult. FYI, I went to Mr. Croft again in January, 2013 to ask for his help in providing me new materials for the February, 2013 Exam. He refused and I was told there was no January-February, 2013 in class Alaska Bar Review and that I would have to pay \$1,000 and/or whatever fees were required in order to get the Alaska Bar Review materials. I asked the same at Alaska Bar Association and was told again they knew of no class in Alaska Bar Review and they were not involved and could not comment or recommend a course because of competing firms, which I do not believe. As usual, I have been given no assistance at all. Gratefully, I was able to borrow the current Alaska Bar Review materials from one of my son's friends who passed Alaska Bar Exam after five attempts in October, 2012. I studied for 2 months for the February, 2013 Alaska Bar Exam and now await results to be announced May 13, 2013 at the Board of Governors' Meeting before the Alaska Bar Convention in Juneau. Mr. Croft has since been elected to the Anchorage School Board. If I am failed again and wait five years, I will still have no assurance the Board of Governors will not change Alaska Bar Rule and this will have continued for 34 years. My efforts are a matter of principal, not ego, but I should be able practice in my chosen profession.

The passage rate on the Alaska Bar Exam is totally arbitrary. Mr. Van Goor today proffered before Senate Judiciary that Stephen Klein, esteemed testing consultant at Rand Institute in California, over 20 years ago set up the scoring methodology of the Alaska Bar Exam. This methodology utilizes multiple regression analysis to combine weighted essay and multiple choice scores. He failed to say that this grading methodology was designed for grading 6,000 to 8,000 applicants every 6 months in California. It is a totally inappropriate measure of only 67 applicants in Alaska, the number in the February, 2012 Exam. Multiple Regression Analysis forces all scores under a bell-shaped curve and places 68% within one-standard deviation from the mean, with 32% divided on either side, the lower side forced to fail. If the passage rate is still too high, Alaska Bar Association simply changes weights or scores on the essays and runs them through the computer again. In 1985 I challenged in the Alaska Supreme Court the use of single digit essay scores applied to 3-M post-its to change scores by Alaska Bar Association. This is how

state bar associations continue to control passage rates on the new Uniform Bar Exam using the State Law Section to control passage rates. Missouri passed 90% July, 2012, while Alaska passed 69%. Alaska passed only 52% in February, 2011.

I have pursued my Alaska law license for 29 years to help Alaska, for the sake of my children who have watched this in horror and disappointment for their entire lives my Alaska Bar "failures," and for all Alaska's children and grandchildren who are faced with huge educational debt and financial ruin after graduating from American Bar Association accredited law schools for three years.

Please sunset Alaska Bar Association so they will be forced to come back to Alaska Legislature next Session with better answers and time to complete unfinished business or at least require another Audit next year which will include the three issues addressed above.

Respectfully submitted,

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