

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

March 8, 2021

1:33 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Harriet Drummond
Representative Liz Snyder
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Board of Governors of The Alaska Bar

Rick Castillo, Anchorage
William Granger, Anchorage

- CONFIRMATION(S) ADVANCED

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

RICK CASTILLO, Appointee
Board of Governors of the Alaska Bar
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Governors of the Alaska Bar.

WILLIAM GRANGER, Appointee
Board of Governors of the Alaska Bar
Anchorage, Alaska

POSITION STATEMENT: Testified as appointee to the Board of Governors of the Alaska Bar.

THERESA OBERMEYER
Anchorage, Alaska

POSITION STATEMENT: Testified during confirmation hearings.

ACTION NARRATIVE

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CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:33 p.m. Representatives Drummond, Kreiss-Tompkins, Eastman, Snyder (via teleconference), and Claman were present at the call to order. Representatives Kurka and Vance arrived as the meeting was in progress.

CONFIRMATION HEARING(S): Board of Governors of the Alaska Bar

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CHAIR CLAMAN announced that the only order of business would be the Confirmation Hearing for the governor's appointees to the Board of Governors of the Alaska Bar.

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CHAIR CLAMAN opened public testimony.

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RICK CASTILLO, Appointee, Board of Governors of the Alaska Bar, stated that he was born in New Jersey, where he spent his youth and shared his experience of growing up, raised by a single mother, in Florida. He shared that he joined the army after graduating high school, which brought him to Anchorage. He recalled his education and work experience after enlistment that included earning his bachelor's degree in supply chain management from the University of Alaska in 2011; working in transportation, distribution, oil and gas, and telecommunications; and continued military service in the Alaska National Guard. He explained that he had gained the knowledge of leadership, reliability, integrity, and character. He shared his experiences in community service that included the Alaska Humanities Forum, Rotary International, and Northern Lights ABC Parent-Teacher Association [PTA], and his candidacy for Anchorage Assembly.

MR. CATILLO expressed his desire to advocate for Alaska and its people and to represent the values of the industries in which he has worked as a public member of the Board of Governors of the Alaska Bar Association. He shared that his wife is employed by Alaska Communications Systems, Inc. and his daughters are enrolled in Northern Lights ABS in Anchorage.

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REPRESENTATIVE EASTMAN asked why Mr. Castillo had chosen to apply for the Board of Governors of the Alaska Bar, rather than any other board or commission.

MR. CASTILLO answered that it is his understanding that the Alaska Bar Association is the gateway through which attorneys are permitted to practice law in [Alaska] and the vetting of those attorneys is important to eliminate bad actors that may reduce consumer confidence. He stated that, as a public member, it is his desire to offer diversity from the public and from private sector industries. He added that the development of best practices is important and should include the structure of educational and professional requirements which project the values of the people of Alaska: integrity, honor, respect, and liberty. He suggested that that appropriate institution and promotion of those values would lead to attorneys doing what is best for Alaska and would strengthen the brand of the [Alaska Bar] Association. He stated his goals to influence the board to evolve and grow responsibly and increase attorneys' and lawmakers' pride in the association.

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CHAIR CLAMAN asked Mr. Castillo to share his understanding and perspective on the continuing legal education requirements of the Alaska Bar [Association].

MR. CASTILLO offered to follow up with Representative Claman with an answer.

CHAIR CLAMAN stated that "you're not familiar with what they are" was an acceptable answer.

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WILLIAM GRANGER, Appointee, Board of Governors of the Alaska Bar, testified that he is a lifelong Alaskan and has served on the Board of Governors of the Alaska Bar for approximately 14

years, mainly in the role of its treasurer. He detailed accomplishments during his tenure as a member that included the purchase of the building in which the association is housed with no increase to members' dues, and the challenges faced during the COVID-19 pandemic. He expressed his pride and pleasure in serving on the board and furthering its endeavors to influence the attorney members' work and to change the entry process of its members, disciplinary matters, and continuing education requirements. He expressed his sense of pride from a personal, professional, and moral standpoint. He acknowledged additional challenges would be faced by the board with the recent retirement of the long-tenured executive director of the association.

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REPRESENTATIVE EASTMAN remarked that he has never heard anyone accuse Alaska of having the easiest bar exam. He asked Mr. Granger what he has observed in terms of the impact of the current Bar exam and passage rates on the available pool of attorneys in Alaska.

MR. GRANGER noted that Alaska's [candidate test] scores and requirements to enter the association have been relatively high when compared to other states and estimated them to be among the top ten percent in the nation. He explained that an attorney is required to take a test for consideration of admittance to the Bar [Association] with a scored result. He stated that candidates may take an exam in another jurisdiction and, should the candidate fail to achieve the "cut" score, he/she would be required to practice law in another jurisdiction for a period he believed to be five years prior to consideration [to practice law] in Alaska. He added that that the passage of the Uniform Bar Code Test (UBC) had resulted in candidates being allowed to be considered to practice law in Alaska under the five-year rule. He suggested that [a candidate who is capable of] practicing for five years without incident "works out pretty well." He added that COVID-19 has had "interesting" impacts on the testing and admittance to the Alaska Bar Association. He added that there exist attorneys in other jurisdictions allowed to practice law in those jurisdictions without having passed the Bar exam and without having graduated from law school in that jurisdiction and stated that those candidates would not be allowed to practice law in Alaska.

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REPRESENTATIVE EASTMAN reiterated his question regarding the pool of applicants.

MR. GRANGER stated that the pass rate [of the Alaska Bar exam] is estimated to be 40 percent. He stated that there exists such a small pool of applicants that a pass or fail [score] has a dramatic impact on percentages. He added his observation that the changes had not yet resulted in an appreciable change [to the applicant pool]. He added that the "cut score" had been reviewed as recently as within the prior 12 to 24 months by the Alaska Supreme Court, which ruled that the association should conduct a review of the "cut score" to ensure that it was appropriate and make any recommended changes. He stated that the board had no recommendations following its review.

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REPRESENTATIVE KURKA recalled Mr. Granger's length of service on the board and asked him to share his opinion regarding the performance of appointees made to the Alaska Judicial Council during his tenure.

MR. GRANGER answered that it would be difficult for him to monitor successes and failures of individual appointees and added that he had had opportunities to review nominations for recommendation to the governor, which are made at the governor's discretion. He offered that there may have been historical controversy regarding a lack of choices of qualified candidates but expressed his confidence in the vetting process.

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CHAIR CLAMAN recalled his own prior six years of experience as a member of the Board of Governors of the Alaska Bar Association and that Mr. Granger had been a member for that entire [period of service]. He asked Mr. Granger's opinion on continuing education requirements and any impact from those changes.

MR. GRANGER allowed that he could not speak to exactly what changes had been made and when, but the association has a mandatory ethics continuing legal education (CLE) requirement, and other CLE requirements are voluntary. He added that the voluntary CLE program has been successful and has become a revenue generator for the association. He expressed his delight in the robust amount of time that the Bar Association at large devotes to CLE.

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CHAIR CLAMAN asked whether the mandatory ethics training had been passed during Mr. Granger's tenure on the board.

MR. GRANGER answered yes.

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THERESA OBERMEYER expressed her pleasure with the questions posed by the committee to the nominees and expressed her opinion that a close examination of the Bar Association would be appropriate. She stated that Alaska is the only state that does not have a law school and is the only state in which an elected official is not required as a member of the Bar Association. She referred to written materials she had submitted prior to the committee regarding her own litigation. She requested that she be considered for the public member position sought by Mr. Grainger and referred to work history and resume she had previously provided to the committee.

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CHAIR CLAMAN closed public testimony.

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REPRESENTATIVE SNYDER stated that the House Judiciary Standing Committee had reviewed the qualifications of the governor's appointees and recommended that the names of Rick Castillo and William Granger, appointees to the Board of Governors of the Alaska Bar Association, be forwarded to a joint session for consideration. She reminded the committee that signing the reports regarding appointments to boards and commissions in no way reflects individual member's approval or disapproval of the appointees, and the nominations are merely forwarded to the full legislature for confirmation or rejection.

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ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 1:58 p.m.