

ABA
RESPONSE
APPENDIX
K-0

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APPENDIX K

MEMO

TO: John R. Lohff, Exec. Director
FROM: V. Goodrow, Bkr.
DATE: 10/3/79
SUBJECT: Hawaii Mid-Winter Convention 1/79

Attached please find a copy of the ledger sheet from INCOME showing the income taken in from the Hawaii convention 1979. You will notice that at the top of Acct. #416 (Hawaii conv.) I have written "wrong JE 1". When the books were totaled out for 1978 the journal entry for monies collected for the 1979 convention was done in error. This figure entered is \$20,477.56. The figure should have been \$26,061.08. The reason for this error is that the fees for the 1979 convention were posted not only to account #416, but also in error to account #411 (Annual Conv.). When the year end totals were done, this error was not caught, resulting in an erroneous figure posted to the 1979 books. The errors were \$5720.52 posted to #411 (Conv. An.) and a refund of \$107. posted to account #411 as a debit.

After the profit and loss statement for the Hawaii Convention was prepared for Mr. Flavin, I was going thru the books looking for any other bad postings when I found that a check for \$356.57 had been posted to miscellaneous income instead of account #416 (Hawaii). This altered the income figure on that report by the above amount. I then found that two airline tickets for Dr. Rhyneer and a Ms. Sipe had also been posted in error altering the expenses figure of the speakers by \$698.52. With these two errors it changed the profit of the convention from \$1,267.06 to only \$925.11.

17
Copies

416
Hawaii

415
Court

4
Anc.

413
Sales

204778
637152
(1150)
(14050)
472700

148000

(148000)

(567) →

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1020000

13590 70

27457 31 447 10 20 40 0 00

8890

1020000

25050

61277 31 447 10 20 40 0 00

35669

21640

1500

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ALASKA BAR ASSOCIATION
 Profit and Loss Statement
 Midwinter Hawaii Convention

INCOME: \$37,998.92
 Less Refunds (938.00)

Mr. Kull
 ✓
 + 356.57

TOTAL INCOME \$37,060.92

37417.49

EXPENSES:

Speakers \$ 8796.54
 Food 4720.71
 Rooms 21722.86
 Phone 98.75
 Copies 260.00
 Postage 195.00

Phykeel Sipe
 + 307.26 + 331.26

TOTAL EXPENSES

36,492.38
~~\$35,793.86~~
36,492.38

+ 356.57
~~36854~~
\$ 1,267.06

INCOME OVER EXPENSES:

95.11

This report was prepared August 27, 1979, by V. Goodrow, current Bookkeeper for the Alaska Bar Association.

APPENDIX L

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

OFFICERS

DONNA C. WILLIARD
PRESIDENT
ANCHORAGE

WILLIAM B. ROZELL
PRESIDENT ELECT
JUNEAU

JONATHAN H. LINK
VICE PRESIDENT
FAIRBANKS

EDWARD G. KING
SECRETARY
KETCHIKAN

P.O. BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

WILLIAM GARRISON, BAR COUNSEL

BOARD MEMBERS

ALBERT H. BRANSON
STANLEY T. FISCHER
KAREN L. HUNT
ELIZABETH P. KENNEDY
EDWARD G. KING
JONATHAN H. LINK
WILLIAM B. ROZELL
RICHARD D. SAVELL
DONNA C. WILLARD

Dear

I received your inquiry about the practice of law in Alaska and regret that I am unable to answer it personally. We receive a large volume of inquiries on the subject, and due to our small staff, it becomes necessary to resort to this reply which I hope both anticipates and answers most of your questions.

The requirements and procedures for admission to practice in Alaska and membership in the Alaska Bar Association are set out in Part I of the Alaska Bar Rules. A copy of that Part of the Rule is enclosed. There is no requirement for registration at the time of law school enrollment. Admission is by examination only, although certain qualified applicants may be eligible for the attorney's exam. You are referred to the Rule for further information about educational qualifications and other requirements. Application forms, which should be filed at least 120 days prior to an exam, may be obtained by writing this office and enclosing \$5.00.

Bar examinations are given twice a year in the major cities in Alaska beginning on the last Tuesday in February and the last Tuesday in July of each year. The general exam is 2 1/2 days in length and is composed of both essay and objective questions. The MBE exam is given as one day of the general exam. The following statistical information from recent exams may be of interest:

EXAM	# of Applicants	# of Passing Applicants	% of Applicants Passing
July '78	125	91	72.08
Feb. '78	100	65	65.0
July '77	124	95	78.7
Feb. '77	108	83	76.85
July '76	97	77	79.38
Feb. '76	96	73	76.04
July '75	82	57	69.05
Feb. '75	69	55	79.7

PREPARING FOR THE EXAMINATION: At this time there are two Bar Review Courses offered in Alaska. One course, the Alaska Bar Review/B.A.R. Inc., is set up to provide material on the entire examination. The second course, the Bar Review Course of Alaska T.B.R., is set up to provide material on the portion of the examination that deals with Alaska Law.

The Alaska Bar Review/B.A.R. Inc. meets in classroom sessions in Anchorage, and is available by cassette tapes elsewhere. It consists of outlines and taped lectures from the BAR/BRI Review Course, Los Angeles, CA and outlines and live lectures on Alaska law by local attorneys. For future information contact:

Alaska Bar Review/B.A.R. Inc.
Attn: Kenneth P. Jacobus
509 West Third Avenue
Anchorage, AK 99501
(907) 274-7522

The Bar Review Course of Alaska T.B.R. consists of outlines and live lectures in Anchorage and Juneau. Tapes of these lectures are available statewide. A practice examination will be available by mail. The lecturers on Alaska law are expected to be:

Alaska Criminal Law -- Barry Stern
Alaska Procedure -- Jeff Feldman
Professional Ethics -- Bud Carpenetti
Alaska Domestic Relations
Law -- Max Gruenberg
Alaska Tort Law -- Bill Ruddy

For further information contact:

Bar Review Course of Alaska/T.B.R.
Attn: Kathryn Kolkhorst
P.O. Box 1312
Juneau, AK 99802
(907) 465-3654

(Information concerning bar review courses is furnished solely for the benefit of applicants. The Alaska Bar Association neither sponsors nor endorses any review courses and it has no control over their subject matter or the location where the courses are offered).

There are no law schools in Alaska. Our members are graduates of at least 104 different law schools located throughout the United States. The largest group of lawyers in the State are graduates of the University of Washington and the second largest group are Harvard graduates.

There are about 1300 active members in our Association, most of whom are engaged in some form of legal work. Approximately 2/3 of the attorneys are located in Anchorage. Most of the others are located in the population centers of Juneau, Fairbanks, and Ketchikan, with some in Palmer, Nome, Kenai, Kodiak, Soldotna, Bethel, Valdez, and Sitka.

We do not operate a formal placement service and, therefore, I cannot be of much assistance to you in locating employment. We do maintain a file of resumes which we make available to prospective employers who inquire. The Attorney General, Public Defender, Alaska Legal Services Corporation, and the Federal agencies are the larger government employers. The names and addresses of private firms may be obtained from Martindale-Hubbell. Presently, as in the past, if one is seriously seeking employment here, it is advisable to come to Alaska to locate a job.

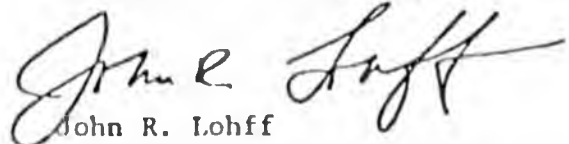
From past experience, I know that many of you have inquired about the demand for attorneys in the State. Unfortunately, I have no way of evaluating this situation nor do I know of any source from which you may obtain answers. Perhaps you can best provide your own answer to this question by comparing the attorney population with the overall population figures estimated to be as follows as of December, 1978

Statewide:	404,503
Juneau & vicinity:	17,356
Ketchikan:	11,052
Anchorage & vicinity:	175,697
Fairbanks & vicinity:	50,029

I hope that I have provided most of the information which you have requested.

Very truly yours,

ALASKA BAR ASSOCIATION



John R. Lohff
Acting Executive Director

Enc: Part 1, Alaska Bar Rules

M E M O R A N D U M

TO: APPLICANTS, ALASKA BAR EXAMINATION
FROM: NATIONAL CONFERENCE OF BAR EXAMINERS
DATE: EFFECTIVE AUGUST 17, 1979

Three hundred fifty questions used in previous Multistate tests have been released. A book containing these questions is available from the Missouri Store, 909 Lowry Street, Columbia, Missouri 65211, for \$2.50 plus \$1.00 for shipping.

ALASKA BAR ASSOCIATION

ADMISSION RULES



Application forms for Admission to the Alaska Bar Association may be obtained by forwarding a certified check or money order in the amount of \$5.00 to:

Executive Director
Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99510

Completed applications should be
mailed to:

Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99510

PART I ADMISSIONS

RULE 1: BOARD OF GOVERNORS: GENERAL POWERS RELATING TO ADMISSIONS

Section 1. As used in Rules 1-8.

- (a) "Attorney applicant" means a person who has complied with the eligibility requirements of Rule 2, Section 2;
- (b) "Bar examination" means the general or attorney's examinations which shall be offered to applicants for admission to the practice of law in Alaska;
- (c) "Board" means the Board of Governors of the Alaska Bar Association;
- (d) "Committee" means the Committee of Law Examiners appointed by the Board;
- (e) "Executive Director" means the Executive Director of the Alaska Bar Association;
- (f) "General applicant" means a person who has complied with the eligibility requirements of Rule 2, Section 1(a) through (f);
- (g) "President" means the President of the Alaska Bar Association.

Section 2. Only those persons who fulfill all requirements for admission as provided by these rules shall be admitted to the practice of law in the State of Alaska and shall be members of the Alaska Bar Association.

Section 3. The Board shall examine or provide by contract or otherwise for the examination of all applicants for admission to the practice of law and shall determine or approve the time, place, scope, form and content of all bar examinations. Bar examinations may, in whole or in part, be prepared, administered and graded by or in cooperation with other states or the National Conference of Bar Examiners consistent with standards fixed or approved by the Board acting with the advice of the Committee of Law Examiners. No contract or cooperative agreement for the preparation, administration or grading of a bar examination shall operate to divest the Board of its authority (1) to cause the Committee to review any examination, and (2) independently to determine the eligibility of an applicant to be admitted to the practice of law. The Board or any member thereof may require an applicant to appear before the Board, a committee or a master appointed by the President for such purpose, at such times and places as may be required, for oral examination and to furnish any such supplemental information or evidence in such form as may be required.

Section 4. The President shall appoint a Committee of Law Examiners composed of nine members of the Alaska Bar Association. Members of the Committee shall serve for three years and until their successors are appointed, except that an initial appointment of three members shall be for one year, and an initial appointment of three other members shall be for two years so as to effectuate staggered terms of office. Any person who has served on the Committee within the previous three years may serve as an alternate member of the Committee in the event that one or more of the regular members is unable to participate in a portion of the grading process. The Chairman of the Committee shall designate such alternate member or members to serve.

Section 5. The Committee shall prepare and grade, or administer the bar examination. The Committee shall advise the Board concerning the preparation, grading or administration of bar examinations as from time to time directed by the Board. The Board shall furnish to the Committee clerical and other assistance as may be deemed necessary by the Board.

Section 6. A majority of the members of the Committee shall constitute a quorum for the transaction of business relating to admissions. Five members of the Board shall constitute a quorum for the transaction of business relating to admissions. Five members of the Board shall constitute a quorum for such business.

Section 7. Any member of the Board, upon application by the Executive Director or by a master appointed by the President, shall have the power to issue subpoenas for the attendance of witnesses, or for the production of documentary evidence before the Board or before anyone authorized to act in its behalf.

Section 8. A member of the Board or anyone authorized to act in its behalf shall have power to administer oaths and affirmations and to take testimony concerning the admission of an applicant or administration of this Rule.

Section 9. Any person subpoenaed by the Board or its designee to appear or produce writings who refuses to appear, give testimony, or produce the matter subpoenaed is in contempt of the Board. A member of the Board may report a contempt of the Board to the Superior Court for the Judicial District in which the proceeding is being conducted. The refusal or neglect of an applicant to respond to a subpoena or subpoena duces tecum shall constitute cause for abatement of further proceedings and dismissal of the application by order of the Board and costs may be assessed in the case of the applicant's contempt.

Section 10. On verified petition of the Executive Director or of an applicant, any member of the Board may order that the testimony of a material witness residing inside or outside the state be taken by deposition in the manner prescribed by law for depositions in civil actions. The petition shall set out (1) the name and address of the witness whose testimony is desired; (2) a showing of the materiality of his testimony; (3) a showing that the witness will be unable or cannot be compelled to attend; and (4) a request for an order requiring the witness to appear and testify before an officer named in the petition for that purpose. If the witness resides outside the state and if a member of the Board orders the taking of his testimony by deposition, the member of the Board shall obtain an order of court to that effect by filing a petition for the taking of the deposition in the superior court. The proceedings on this order shall be in accordance with provisions governing the taking of a deposition in the superior court in a civil action.

RULE 2: ELIGIBILITY FOR EXAMINATION

Section 1. Every applicant for admission to the practice of law shall:

- (a) File an application in form prescribed by the Board and produce and file the evidence and documents prescribed by the Board in proof of eligibility for admission;
- (b) Be a graduate of a law school which was accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools when the applicant entered or graduated or submit proof that the law course required for graduation from such a law school will be completed and that a degree will be received as a matter of course before the date of examination. Graduates of law schools in which the principles of English Common Law are taught but which are located outside the United States and beyond the jurisdiction of the American Bar Association and the Association of American Law Schools, may qualify for admission upon proof that the foreign law school from which they graduated meets the American Bar Association Council of Legal Education Standards for approval;
- (c) Have attained the age of 19 years;
- (d) Be of good moral character;
- (e) Establish domicile in the State of Alaska at least 30 days prior to the first day upon which the bar examination is to be given. Domicile may be shown for purposes of taking the bar examination by physical presence in Alaska for the 30-day period prior to the first day of the examination.

Section 2. An applicant who meets the requirements (a) through (e) of Section 1 of this Rule and

- (a) Has passed a written examination required by another state, territory or the District of Columbia for admission to the practice of law, and
- (b) Has engaged as a licensed attorney in the active practice of law in one or more states, territories or the District of Columbia for five of the seven years immediately preceding the date of his first or subsequent applications for admission to the practice of law, may, on the date of filing the application request examination as an attorney applicant. An applicant qualified for examination as an attorney applicant shall be required to pass the attorney bar examination prescribed by the Board.

RULE 3: APPLICATIONS

Section 1. An application form shall be provided by the Board upon request and upon payment of such fees as the Board shall deem appropriate. The time, date, place or places of each bar examination shall be announced by the Board no fewer than 120 days prior to the first day of such bar examination and prompt notice thereof shall be provided all applicants and persons who have been provided applications following the date of the last preceding bar examination. Application forms provided by the Board shall be transmitted with a copy of the Alaska Bar Rules governing admission to the practice of law. The Board may provide such other matter as it may deem pertinent.

Section 2. Any person seeking admission to the practice of law shall file with the Executive Director at the office of the Alaska Bar Association an application, in duplicate, in the form provided by the Board. The application shall be made under oath and contain such information relating to the applicant's age, residence, addresses, citizenship, occupations, general education, legal education, moral character and other matters as may be required by the Board. Any notice required or permitted to be given an applicant under these rules, if not personally delivered shall be delivered to the mailing address declared on the application unless notice in writing is actually received by the Board declaring a different mailing address. Any notice concerning the eligibility of the applicant sent by certified mail to the last mailing address so provided shall be deemed sufficient under these rules. Every applicant shall submit two 2-inch by 3-inch photographs of himself showing a front view of his head and shoulders. The application shall be deemed filed only upon receipt of a substantially completed form with payment of all required fees. Applications received without payment of all fees or which are not substantially

complete shall be promptly returned to the applicant with a notice stating the reasons for rejection and requiring payment of such additional fees as may be fixed by the Board as a condition of reapplication.

Section 3. An application shall be filed not later than May 1 for the July bar examination and not later than December 1 for the February bar examination. In the event that an application is filed late an additional late filing fee of \$25 shall be paid if filed not later than fourteen days after the last day for filing a timely application, and a late filing fee of \$100 shall be paid if filed thereafter; provided, however, no application shall be accepted for late filing unless such application is filed at the office of the Alaska Bar Association not later than June 15 for the July bar examination and January 15 for the February bar examination. An untimely application shall be considered an application for the next following examination unless withdrawn by the applicant.

Section 4. The application fee shall be in an amount fixed by the Board from time to time. Fees shall be paid at the time an application is filed.

Section 5. If an applicant fails to meet the requirements of Rule 2, or to take a bar examination, no refund shall be made unless the application shall be withdrawn within 10 days following notice of its receipt by the Board in which event the application fee, less a reasonable cancellation fee, shall be refunded.

Section 6. An applicant who has failed to pass a bar examination required by Rule 2 may reapply for admission to take a subsequent bar examination.

Reapplicant shall be made by:

- (a) Sending written notice of intention to reapply to the Board within 60 days following notice of failure. Such notice shall include a description of the applicant's interim employment and any other circumstances affecting the applicant's suitability for admission to the practice of law in Alaska;
- (b) Providing such additional information as may be required by the Board.

Applicants for reexamination shall be required to pay such additional examination and application fees as may be fixed by the Board. An applicant who does not comply with this Section must reapply pursuant to Sections 1 through 5 of this Rule.

Section 7. An applicant who has failed to pass three bar examinations may be examined only by leave of the Board. Leave shall be granted only if the Board finds that there has been a substantial change in circumstances affecting the applicant's ability to pass the bar examination. The burden of establishing a substantial change in circumstances shall be upon the applicant.

RULE 4: EXAMINATIONS

Section 1. An applicant shall be allowed to take the bar examination once his application is approved by the Board. Every applicant shall be notified no fewer than ten days in advance of the bar examination whether his application has been approved and shall be provided an examination permit which shall state whether the examinee is an attorney applicant or a general applicant. The examination permit shall be presented to the examination proctor on the first day of the examination.

Section 2. Every applicant shall, after his application is approved by the Board, submit to a bar examination. The bar examination shall be given not less than once every twelve months; shall be written; and shall be conducted in the manner and at the time and place established by the Board. The Board may direct that the bar examination be administered to applicants with physical handicaps in a fair and reasonable manner other than the manner by which it is administered to other applicants. An applicant with a physical handicap who desires the bar examination to be administered to him in a manner other than that by which it is administered to other applicants shall so petition the Board at the time of filing his application. Approval of an application and subsequent bar examination shall not operate to foreclose a subsequent determination by the Board that the applicant is unfit or ineligible for certification to the Supreme Court for admission to the practice of law.

Section 3. The Committee shall, as soon as practicable after the bar examination, certify to the Board its written report of bar examination. Except to the extent that such material or information is unavailable to the Committee under the rules or policies of the National Conference of Bar Examiners, the Committee shall submit to the Board a copy of the bar examination questions, the grader's analysis thereof, a representative sampling of passing and failing answers to the bar examination, and a written report stating the total number of applicants examined, the number passing and the number failing the bar examination, the average performance of each as designated by the code number of each, the maximum possible point value of each bar examination part or section and other information the Committee or the Board may deem relevant.

Section 4. The Board shall determine the qualifications of each applicant upon the basis of the report of examination, the recommendations of the Executive Director, and such other matter it may consider pertinent under these rules. The Board shall certify to the Supreme Court the results of the bar examination and its recommendations as to those applicants who are determined qualified for admission to the practice of law and who have complied with the provisions of Rule 6. Notice of Board's determination shall be provided in writing to each applicant. Notice to an applicant determined not qualified shall state the reason for such determination.

Section 5. If written request is made of the Board within one month following notice of failure to pass a bar examination and except to the extent that such material or information is unavailable under the rules or policies of the National Conference of Bar Examiners, an applicant who takes and fails to pass the bar examination has the right to inspect his examination books, the grades assigned thereto, and a representative sampling of passing and failing answers to the bar examination at the office of the Alaska Bar Association, or at such other place and at such time or times as the Board may designate. An applicant who passes the bar examination is not entitled to inspect any examination books or discover the grades assigned thereto.

Section 6. The passing grade of the bar examination shall be seventy percent of the highest possible grade. A scaled score, as determined by the National Conference of Bar Examiners, of 135 on the Multi-State Bar Examination shall be the equivalent of seventy percent of the highest possible grade on that portion of the examination.

Section 7. An applicant who has taken the Multi-State Bar Examination within one year prior to the bar examination as part of an examination required by a state, territory or the District of Columbia for admission to the practice of law may elect to be excused from the Multi-State Bar Examination administered in Alaska and to have his most recent Multi-State Bar Examination scaled score substituted therefor, provided that the results of such examination are certified directly to the Alaska Bar Association by the administering state, territory or District of Columbia. The election must be made in writing and delivered in person or by prepaid mail to the Office of the Alaska Bar Association, 360 K Street, Room 240, Anchorage. If delivered in person, the written election must be delivered by 3:00 p.m. on the Friday immediately prior to the examination; if mailed, it must be postmarked by 5:00 p.m. on the Thursday immediately prior to the examination.

Section 8. All examination books and answers, including those designated by the Committee as comprising a representative sampling of passing and failing answers to the bar examination, may be destroyed one year following the last date an applicant has been notified of his failure; except that no examination book and answers shall be destroyed until one year following the final disposition of any proceeding to which they may be relevant.

RULE 5: NOTICE

Section 1. Notice of any final adverse determination by the Board, a master or a committee appointed by the Board shall be given to an applicant. Such notice shall be sufficiently specific to allow the applicant to be able to prepare a response, petition for review, or request for hearing as may be permitted under these rules.

Section 2. Only written notice given by the Board shall be effective. Notice by certified mail to the latest address on file with the Executive Director shall be effective.

Section 3. An applicant may be represented by an attorney in all proceedings for admission to the practice of law. Such attorney shall file a written appearance with the Board and notices required or permitted to be given the applicant shall thereafter be served upon his attorney.

RULE 6: CERTIFICATE OF ADMISSION: MEMBERSHIP REGISTRATION AND FEES

Section 1. An applicant receiving notice that he has successfully passed the bar examination prescribed by the Board pursuant to Rule 4 hereof and has in other respects been determined eligible shall within one year file an Alaska Bar Association registration card in the form provided by the Board; certify under oath that he is domiciled in the State of Alaska; and pay prorated active membership fees for the balance of the calendar year in which he is admitted computed from the date of payment.

Section 2. An applicant who fails to comply with the provisions of Section 1 of this Rule shall not be eligible for certification to the Supreme Court for admission and shall be deemed to have abandoned his application.

Section 3. Upon receiving certification of the eligibility of an applicant the Supreme Court may enter an order admitting the applicant as an attorney at law in all the courts of the state and to membership in the Alaska Bar Association. Each applicant ordered admitted to the practice of law shall take the following oath before the Supreme Court or a justice thereof:

I do affirm:

I will support the Constitution of the United States and the Constitution of the State of Alaska;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any proceeding which shall appear to me to be taken in bad faith, or any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by an artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with his business except from his or with his knowledge or approval;

I will be candid, fair, and courteous before the court and will advise other attorneys, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will strive to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

A certificate of admission shall thereupon be issued to the applicant by the clerk of the court.

RULE 7: REVIEW

Section 1. An applicant who has been denied an examination permit or who has been denied certification to the Supreme Court for admission to practice shall have the right within thirty days after notice of such denial to file with the Board a written verified statement of appeal. Failure timely to file an appeal statement shall constitute waiver of appeal rights. In his statement, an applicant shall state all grounds upon which he intends to rely and may:

- (a) object to the form of notice from which such appeal is taken on the ground that it is so indefinite or uncertain that he cannot reasonably prepare his statement;
- (b) present new matter on which he relies to establish his eligibility for admission to practice.

An applicant who is denied an examination permit or who is denied certification shall allege facts which, if true, would establish an abuse of discretion or improper conduct on the part of the Board, the Executive Director, the Committee or a

master. If the allegations in the verified statement are found to be sufficient by the Board, a hearing shall be granted.

Section 2. In any appeal the applicant shall have the burden of proving the material facts upon which he relies.

Section 3. A master appointed by the President from among the active membership of the association shall preside at all hearings convened under this rule. The master shall hear the evidence without the Board unless the President shall order the hearing in the presence of the Board. No fewer than twenty days before the hearing the applicant shall be given notice of the date of the hearing, the identity of the master, and whether the hearing is to be before the master alone, or before the Board with the master. All notices shall be given by the Executive Director as required by the master or the President.

Section 4. When the Board hears the case with the master, the master shall preside and rule on the admission of evidence. The hearing shall be administered as directed by the Board.

Section 5. A Board member or a master appointed under this rule shall disqualify himself and withdraw from any case in which he cannot accord a fair and impartial hearing. The applicant may request the disqualification of the master or of a Board member by filing an affidavit within ten days following the first notice of the hearing. The affidavit shall state with particularity why a fair and impartial hearing cannot be accorded by the person sought to be disqualified. Where the request concerns a Board member the issue shall be determined by the master. Notice of the determination shall be given applicant no fewer than ten days before commencement of the hearing and such notice shall include the name of a new master if one is appointed. The time for notice fixed by Section 3 and by this Section shall not apply to notice concerning a master appointed to replace a disqualified master.

Section 6. Only the following materials shall be subject to production by the Alaska Bar Association in any proceedings held pursuant to this Rule:

- (a) Where certification for admission to practice has been denied, the failing applicant has the right to inspect his examination books, the grades assigned thereto, the examination questions, the graders' analyses of the questions and a representative sampling of passing and failing answers to the bar examination at the office of the Alaska Bar Association or at such other place and such time or times as the Board may designate;

- (b) Where an examination permit has been denied because of failure to meet residency requirements, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which his application has been discussed, together with a synopsis of the facts with respect to any other person who, within the last two years, has been denied an examination permit for the same reason; and
- (c) Where an examination permit has been denied on the basis of character, the applicant has a right to inspect the minutes of any meeting of the Board of Governors at which his application has been discussed, together with a statement of the specific grounds upon which denial of the permit was based.

RULE 7.1: PROCEDURES

Section 1. All hearings before the master shall be electronically recorded with facilities provided by the Alaska Court System. The transcript of testimony and exhibits, together with all papers and requests filed in the proceedings, shall constitute the exclusive record for decision. The record may be destroyed two years following the last date upon which administrative appeal rights may be available under the provisions of this rule.

Section 2. From the time he has been designated to preside until issuance of his proposed decision and the transfer of the proceeding to the Board, the master shall have the following authority to:

- (a) take or cause depositions to be taken;
- (b) require the filing of memoranda of law and the presentation of oral argument with respect to any question of law upon which a ruling will be required;
- (c) hold conferences for the settlement or simplification of the issues by consent of the parties;
- (d) dispose of procedural requests;
- (e) establish the time limitations for the filing of pleadings and set the times for any hearings;
- (f) preside at and regulate the course of the hearing, maintain decorum, and exclude from the hearing any person engaged in contentious conduct or otherwise disrupting the proceedings;
- (g) administer oaths and affirmations;
- (h) examine witnesses;
- (i) rule upon questions of evidence; and
- (j) render interlocutory decisions which are appealable to the Board of Governors of which no fewer than three members shall constitute a quorum.

Section 3. The Alaska Rules of Civil Procedure shall not apply to proceedings held pursuant to Rule I-7.

Section 4. The applicant shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witnesses on any matter relevant to the issues, even if not covered in direct examination, to impeach any witness regardless of which party called him, and to rebut the evidence against him. The applicant may be called and examined as if under cross-examination whether or not he testified on his own behalf. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient standing alone to support a finding unless it would be admissible over objections in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The sworn testimony of a witness subpoenaed under these rules shall be deemed testimony received in a judicial proceeding. In any action for defamation arising out of such sworn testimony, the witness shall be entitled to the defense of privilege to the same extent available to witnesses in judicial proceedings with the State of Alaska.

Section 5. The master shall prepare in writing a proposed decision supported by findings of fact and conclusions of law. In cases in which the majority of the Board was not present during the evidentiary hearing, the master shall file the proposed decision with the Board and cause the entire record to be certified to the Board for decision. The record, upon payment of costs, shall be made available to the applicant. Copies of the proposed decision shall be served by the master on the applicant or his attorney of record and on the Executive Director, or the Bar Association's attorney of record. Within twenty days after service of the proposed decision, the applicant and the Executive Director or attorney for the Alaska Bar Association may file exceptions and briefs and, upon request, may appear and present oral argument to the Board. Copies of the exceptions and briefs, when filed, shall be served on the applicant or the Executive Director or attorney for the Bar Association, as the case may be.

Section 6. The Board may adopt the proposed findings, conclusions and decision, ruling or order of the master in whole or in part or reject it in its entirety and adopt its own findings of fact, conclusions of law, decision or order.

Section 7. The findings of fact, conclusions of law and final decision of the Board shall be conclusive as to the matter alleged in applicant's statement of appeal unless an appeal to the Supreme Court shall be filed within thirty days following service upon applicant of the findings of fact, conclusions of law and decision in the manner provided by these rules.

RULE 8: SUPREME COURT REVIEW

Section 1. Any interlocutory order of the Board of Governors may be subject to review as provided in Part VI, Rules of Appellate Procedure.

Section 2. An appeal to the Supreme Court may be filed by an applicant from a decision of the Board entered as provided in Section 7 of Rule 7.1.

Section 3. To the extent practicable, the procedure governing an appeal by an applicant for admission to the practice of law from a final decision of the Board of Governors shall be governed by the rules of practice in civil matters set forth in Part IV, Rules of Appellate Procedure.

Section 4. The filing fees normally charged for matters brought before the Supreme Court shall be applicable in all admissions cases.

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RE: APPLICATION FORMS FOR ADMISSION TO THE ALASKA BAR

Dear

Enclosed are the application forms which you requested. Also enclosed are:

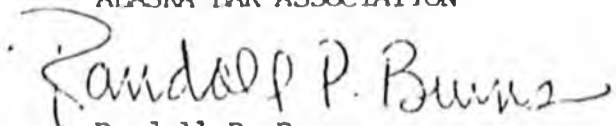
1. Receipt for the \$5.00 form fee.
2. An affidavit of residence to be completed and filed at least 20 days before the exam if you are not a resident at the time of filing the application.
3. Fingerprint cards.
4. Flyers and booklets containing instructions for completing the forms and information about the examination.

All fees must be paid at the time of filing the application and the application must be substantially complete in order for it to be accepted for filing and processing.

Please contact me if further information is required concerning the above.

Very truly yours,

ALASKA BAR ASSOCIATION


Randall P. Burns
Executive Director

APPLICATION FOR ADMISSION TO THE ALASKA BAR ASSOCIATION

I, _____ hereby apply for admission to the Alaska Bar Association and examination as _____ (a general/an attorney) applicant.

My address is: _____ Zip Code _____ *

My home phone is: _____ My office phone is: _____

Submitted herewith is the sum of \$125.00 as an Application fee, and an additional \$125.00 as a Character Investigation fee, for a total fee of \$250.00. (As an alternative to the character investigation fee, the applicant may provide a current character investigation report from the National Conference of Bar Examiners.)

I am a bona fide resident of Alaska and have been such a resident continuously since _____, 19____. (If any part of such residence has been while in military service, explain fully when and why residence was on or off a military reservation.) I will continue my bona fide Alaskan residence through the date of my admission to the Alaska Bar Association, if I am found to be eligible for such admission.

I will take the examination at _____, Alaska (Anchorage, Fairbanks, Juneau, Ketchikan)

I will _____ the examination. (write - type)

I prefer to sit in Smoking - Non Smoking section. (Circle One)

I wish to substitute my MBE score. _____ (Yes or No)

I have read the foregoing application and the attached questionnaire and have answered all questions fully and frankly. The answers are complete and true to the best of my knowledge.

DATED at _____, this _____ day of _____, 19____

Signed _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19____

Notary Public _____ My Commission Expires _____

*Any notice required to be given under Part 1 of the Alaska Bar Rules, if not personally delivered shall be delivered to this address unless notice in writing is received by the Board declaring a different address.

INSTRUCTIONS TO THE APPLICANT

All statements are to be based on your own knowledge, unless the statement is expressly qualified to show the source of your information. Answer all questions and make your answers as specific as possible. Please have the answers typewritten if possible. If the space for any answer is insufficient, you may complete your answer on a separate attached sheet.

AFFIDAVIT OF PERSONAL HISTORY

1. State:

- (a) Full Name _____
- (b) All other names by which you have been known, and when used

- (c) Whether you are:
 - (1) a citizen _____
 - (2) a resident alien who intends to become a citizen

 - (3) other (please explain): _____

- (d) Present mailing address _____
_____ Zip Code _____
- (e) Domicile _____ Zip Code _____

2. College Education

- NAME _____
- ADDRESS _____ Zip Code _____
- DATES OF ATTENDANCE _____
- DEGREE RECEIVED _____ DATE RECEIVED _____
- NAME _____
- ADDRESS _____ Zip Code _____
- DATES OF ATTENDANCE _____
- DEGREE RECEIVED _____ DATE RECEIVED _____

3. Legal Education

Law School

NAME _____

ADDRESS _____

Zip Code

DATES OF ATTENDANCE _____

DEGREE RECEIVED _____ DATE RECEIVED _____

NAME _____

LOCATION _____

DATES OF ATTENDANCE _____

DEGREE RECEIVED _____ DATE RECEIVED _____

4. For each application presented or examination taken by you for admission to any bar, state:

(a) Date of Application _____

(b) Name and address of issuing authority _____

(c) Disposition and reasons for disposition _____

5. Name all jurisdictions and courts in which you have been admitted to practice law.

Jurisdiction/Court

Date of Admission

6. Describe your legal career since law school graduation, including temporary or part-time work.

From/To _____

Address of practice _____ Zip Code _____

Immediate supervisor/associate _____

Reason for termination _____

From/To _____

Address of practice _____ Zip Code _____

Immediate supervisor/associate _____

Reason for termination _____

7. If you have ever held any judicial office, state:

Where _____

Date Held _____

Office Held _____

Reason for termination _____

Where _____

Date Held _____

Office Held _____

Reason for termination _____

8. Describe any other employment not referred to in #6 & #7 above that you held within the last five years, including temporary or part-time.

From/To _____

Name & Address _____

.....
Zip Code

Immediate supervisor _____

Reason for termination _____

From/To _____

Name & Address _____

.....
Zip Code

Immediate supervisor _____

Reason for termination _____

From/To _____

Name & Address _____

.....
Zip Code

Immediate supervisor _____

Reason for termination _____

9. If you have ever been a member of the armed services and received a less than honorable discharge, state the type of discharge, the circumstances surrounding your release, where the record can be obtained, your service number and rank, and branch and dates of active service.

.....

.....

10. If, within the last five years, you have applied for or held any business license that required proof of good character, state:

(a) Type of license

(b) Date granted/denied

(c) Name and address of issuing authority

..... Zip Code

(d) If denied, give reason for the denial

(e) If revoked or suspended, give date of revocation/suspension and reason for the action taken

11. Has any disciplinary proceeding instituted against you resulted in any disposition other than a complete acquittal of the allegations?

.....

.....

12. Have you ever been convicted of or plead guilty or no contest to a felony charge or to a misdemeanor charge of fraud, embezzlement, theft or crime of moral turpitude?

.....

.....

13. Have you ever been adjudged liable in a civil action or proceeding involving a felony charge, a charge of fraud, embezzlement, theft or crime of moral turpitude or had a legal malpractice claim made against you?

.....

.....

14. Have you ever been under guardianship or declared a ward of any court (other than a minor) or have you ever been declared incompetent or committed to or confined in any mental institution within the past five years? _____

15. Have you ever had any physical or mental disability or undergone treatment for any health problem having a bearing upon your fitness to practice law within the past five years? _____

16. For each yes answer that you have given to #'s 11-14 above, state: Date, Factual explanation, Disposition and Where record can be located.

PROCEDURAL QUESTIONS REGARDING THE BAR EXAM

1. Do you intend to substitute your scores on a multi-state exam taken within the last twelve months? _____

Yes/No

2. At the time of taking the bar exam, do you prefer to sit in the smoking or non-smoking side of the exam room? _____

AUTHORIZATION AND RELEASE

I, _____, born at _____ (city)

_____, on _____, having filed
(state) (date)

an application to the bar of _____ hereby apply for
(jurisdiction)

a character report and consent to have an investigation made as to my moral character, professional reputation and fitness for the practice of law and such information as may be received, reported to the admitting authority. I agree to give any further information which may be required in reference to my past record. I understand that I will not receive and am not entitled to a copy of the report or to know its contents, and I further understand that the contents of my character report are privileged.

I also authorize and request, every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish the Alaska Bar Association and its agents any such information, including documents, records, bar association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Alaska Bar Association or any of its agents or representatives to inspect and make copies of such documents, records, and other information, and said persons, firms, companies, corporations, governmental agencies, courts, associations or institutions are hereby released, discharged and exonerated from any and all liability of any nature or kind arising out of furnishing any and all of such information and documentation to the Alaska Bar Association, its agents or representatives.

I specifically authorize the Alaska Bar Association or any of its agents to obtain any information from my official record on file with Local Board Number _____ of the Selective Service System, located in the city of _____, State of _____; and hereby consent to and authorize the release of such information by the Selective Service System.

I hereby request and authorize the Department of the _____, (Army, Navy, Air Force) to furnish to the Alaska Bar Association, the record of each period of my service therein, and to furnish the character of service rendered for each period. My serial number was _____.

I hereby release, discharge and exonerate the Alaska Bar Association its agents and representatives from any and all liability of any nature or kind arising out of the investigation conducted by the Alaska Bar Association and from requesting, inspecting or copying such documents, records and other information.

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and are true of my own knowledge.

State of _____)
County of _____) ss

Signature of Applicant

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19__.

Notary Public _____

My Commission Expires: _____

AKASPO000 A
DEPT OF PUB SAFETY
JUNEAU ALAS

AKASPO000 A
DEPT OF PUB SAFETY
JUNEAU ALAS

INSTRUCTIONS TO APPLICANTS AND ORIENTATION INFORMATION ABOUT THE ALASKA

BAR EXAMINATION

TC General and Attorney Applicants

INSTRUCTIONS:

All persons seeking admission to the practice of law in Alaska, except re-applicants, must complete and file the enclosed Application and Questionnaire Forms in duplicate with the Office of the Alaska Bar Association. *(See Rule 3, §3, Part 1 of the Alaska Bar Rules for filing deadlines.) Untimely applications will be considered applications for the next following examination unless withdrawn by the applicant.

Applications which are not substantially complete when filed will be rejected. Consequently, applicants are urged to read each question carefully and to answer all questions. Questions seeking information concerning dates and addresses should be answered with exact dates and exact addresses including street names and numbers, cities, states and zip codes. Because applicants frequently fail to answer questions fully, we suggest that answers to those questions be reviewed before filing the application to be sure that names and complete addresses of the information requested has been included. The complete application must be typewritten, signed by the applicant and notarized.

Applicants should specify on the second line of the Application whether examination is requested as a general applicant or as an attorney applicant. The residence section of the application should be completed only by applicants who are residents of the State of Alaska at the time of filing the application. (Non-residents are referred to paragraph 8, item 2 below for further information.)

* Applicants who have failed a prior examination may re-apply in accordance with Rule 3, §6, Part 1, Alaska Bar Rules. A short re-application form may be obtained from the Office of the Alaska Bar Association for this purpose and an application fee in the amount of \$100.00 must be paid when the re-application is filed. If this procedure is followed, the above instructions may be disregarded. If the re-application is not filed within 60 days following notice of failure or does not otherwise comply with the requirements of Rule 3, §6, re-applicants must follow the instructions for general and attorney applicants when re-applying.

All applicants must file with their applications:

1. Required fees in the amount of \$250.00. This includes an application fee of \$125.00 and a character investigation fee of \$125.00. The character investigation fee will be waived if a current character investigation report from the National Conference of Bar Examiners is provided by the applicant. (No fees will be refunded unless an application is withdrawn within ten (10) days after filing in which event, a reasonable cancellation fee may be charged);
2. Two 2-inch by 3-inch photographs of the applicant showing a front view of head and shoulders;
3. Two sets of fingerprints on the forms provided with the application forms;
4. Completely and properly executed Authorization and Release forms in duplicate. (These forms are provided with the application forms.)

Resident aliens must also file with their application in addition to the above, an appropriate affidavit specifying sufficient facts to enable the admitting authority to verify their status with the Immigration and Naturalization Service and their intent to become citizens of the United States.

In addition to the above, Attorney Applicants must file with their application:

1. A certificate from the admitting authority in another state, territory, or the District of Columbia, certifying that the applicant has passed the written bar examination required by that authority for admission to the practice of law, and
2. Three (3) affidavits from former employers, clients or other attorneys establishing that the applicant has engaged in the active practice of law for five or seven years immediately preceding the date of his application for admission.

Applications received without payment of all fees or which are not substantially complete will be promptly returned to the applicant with a notice stating the reasons for rejection and requiring payment of such additional fees as may be fixed by the Board as a condition of reapplication.

The following may be filed with the application and in any event must be filed by all applicants no fewer than twenty (20) days prior to the first day of the examination:

1. A certificate from a law school certifying that the applicant meets the educational requirements of Rule 2, §1, (b), Part 1, of the Alaska Bar Rules. Applicants who are not graduates of law schools located in the United States must furnish the additional proof required by this section of the Rule.
2. An affidavit executed by the applicant stating that the applicant has been a bonifide resident of the State of Alaska for a period beginning at least thirty (30) days prior to the first day of the bar examination. This requirement is satisfied by completing the residence section of the application form. However, if an applicant is not a resident at the time of filing the application and does not complete that section of the application form, separate affidavit forms may be obtained from the Office of the Alaska Bar Association upon request.

Applicants will be notified no fewer than ten (10) days in advance of the bar examination whether their applications have been approved by the Board. If an application is approved, the applicant will receive an examination permit which must be presented to the examination proctor on the first day of the examination.

SUBSTITUTION OF MBE SCORES: Pursuant to Rule 4, §7, Part 1, Alaska Bar Rules, applicants who have taken the Multi-State Bar Examination within one year prior to the exam for which they are applying, may elect to substitute their MBE scaled scores from the prior exam in lieu of taking the MBE part of the Alaska exam.

To make the election:

1. Notify the Alaska Bar Association in writing of your election prior to the first day of the Alaska Bar Examination. Include in the notice, the name of the State in which you most recently took the exam and the date of the exam.
2. Write the examining authority in the administering state and request that your scaled score be certified directly to the Alaska Bar Association on or before October 1 for the July exam and May 1 for the February exam. Include the date you took the examination in that state and your applicant identification number. Authorize the release of your score to the Alaska Bar Association. The scaled MBE score from the prior exam will be combined with the essay scores obtained in the current Alaska examination in accordance with the standards set by the Alaska Supreme Court and the Board of Governors of the Alaska Bar Association. A scaled score of 135 is considered equivalent to 70%.

To encourage other states to release your MBE scaled scores to the Alaska Bar, the Alaska Bar Association will not reveal these scores to anyone except the examining authorities in this state unless an applicant fails the current Alaska Bar examination. (Under present rules, scores are released to applicants who fail the Alaska Bar exam. Consequently, applicants must obtain all information concerning their scores from the administering state and, if that state will not reveal the score, the election will have to be made without knowledge of the actual score.)

ORIENTATION INFORMATION

EXAMINATION DATES: The Alaska Bar Examination is given twice a year. General examinations begin on the Tuesday before the last Wednesday in February and July of each year.

LOCATIONS: Examinations may be written or typed in Anchorage, Fairbanks, Juneau or Ketchikan.

SCOPE OF THE EXAMINATION

(1) GENERAL EXAMINATION: The general examination is two and one-half (2 1/2) days in length and consists of a day and a half of essay questions (see #3 below) and one day of objective questions (the Multi-State exam). (Applicants are referred to the enclosed Multi-State Bar Examination Bulletin of Information for Applicants for further information concerning this section of the examination.)

(2) ATTORNEY EXAM: The "Alaska Essay" portion of the general examination (see #3 below) will be administered to those attorney applicants registered to take the Alaska Bar Examination. It is felt that the use of the Alaska essay portion of the examination is an appropriate vehicle to reaffirm the level of competency of an attorney who has in the past demonstrated such competency in another jurisdiction, while concomitantly assuring that an attorney seeking admission to the Alaska Bar Association has acquired necessary knowledge of Alaska law.

(3) ESSAY QUESTIONS AND ANSWERS: Essay questions are of the analytical or problem type consisting of a hypothetical case involving several principles of law. Answers to these questions are expected to demonstrate ability to analyze the facts presented by the questions, to select the material facts and to discern the points upon which the case turns. An answer should show an applicant's knowledge and understanding of the pertinent principles and theories of law, their relationship to each other and their qualifications and limitations. Answers should also demonstrate the applicant's ability to apply the law to the facts given and to reason logically in a lawyer-like manner to a sound conclusion. Answers containing only statements of conclusions will receive little credit.

Two sessions of the essay examination will consist of questions from the California Bar Exam which may involve issues on the following subjects:

Civil Procedure	Remedies
Conflict of Laws*	Evidence
Constitutional Law	Real Property
Contracts	Torts
Corporations	Trusts
Criminal Law and Procedure	

* The choice of law aspects of this subject have been deleted from the exam.

One session of the essay exam will consist of questions which may involve issues on the following subjects:

Professional Ethics	Alaska Tort Law
Alaska Procedure	Alaska Criminal Law
Alaska Domestic Relations Law	

The "Alaska essay" session may occur on the first or third day of the exam.

Reprints of California Exam questions used in past exams and typical of the essay questions, may be obtained for 50 cents by writing:

State Bar of California
Committee of Bar Examiners
555 Franklin Street - 1st Flr.
San Francisco, California 94111

GRADING: The passing grade of the examination is seventy percent (70%) of the highest possible grade. A composite or combined score of 70% is required to pass the examination.

REAPPRAISAL: The California essay component of marginal papers receiving scores just below passing will be reviewed by the Alaska Committee of Bar Examiners to determine whether the applicant has demonstrated his fitness to practice law in Alaska when his answers are evaluated as a whole.

ANONMITY: Throughout the grading process, examination books are designated only by number and the identity of the applicants is unknown to the graders. Complete anonymity is preserved through the use of a re-numbering system in which the California Committee of Bar Examiners substitutes code numbers for the applicant numbers originally appearing on the application booklets. Consequently, only the answers on the examination have any bearing upon an applicant's success or failure.

ANNOUNCEMENT OF RESULTS AND ADMISSION TO PRACTICE: Results of the examination are generally announced by the Board of Governors approximately ninety (90) days after the examination. The results are certified to the Supreme Court together with the recommendation of the Board with respect to passing and failing applicants. Each applicant is notified of the Board's determination. Applicants who have been recommended by the Board for admission must then pay prorated membership dues and complete and file a membership registration card and affidavit of residence in the Office of the Alaska Bar Association before they can be finally certified as eligible for admission. The date for the admission ceremony will be included with your notice of the Board's determination.

PREPARING FOR THE EXAMINATION: At this time there are two Bar Review Courses offered in Alaska. One course, the Alaska Bar Review/B.A.R. Inc., is set up to provide material on the entire examination. The second course, the Bar Review Course of Alaska T.B.R., is set up to provide material on the portion of the examination that deals with Alaska Law.

The Alaska Bar Review/B.A.R. Inc. meets in classroom sessions in Anchorage, and is available by cassette tapes elsewhere. It consists of outlines and taped lectures from the BAR/BRI Review Course, Los Angeles, CA and outlines and live lectures on Alaska law by local attorneys. For future information contact:

Alaska Bar Review/B.A.R. Inc.
Attn: Kenneth P. Jacobus
509 West Third Avenue
Anchorage, AK 99501
(907) 274-7522

The Bar Review Course of Alaska T.B.R. consists of outlines and live lectures in Anchorage and Juneau. Tapes of these lectures are available statewide. A practice examination will be available by mail. The lecturers on Alaska law are expected to be:

Alaska Criminal Law	--	Barry Stern
Alaska Procedure	--	Jeff Feldman
Professional Ethics	--	Bud Carpeneti
Alaska Domestic Relations Law	--	Max Gruenberg
Alaska Tort Law	--	Bill Ruddy

For further information contact:

Bar Review Course of Alaska/T.B.R.
Attn: Kathryn Kolkhorst
P.O. Box 1312
Juneau, AK 99802
(907) 465-3654

(Information concerning bar review courses is furnished solely for the benefit of applicants. The Alaska Bar Association neither sponsors nor endorses any review courses and it has no control over their subject matter or the location where the courses are offered).

INSTRUCTIONS TO APPLICANT

If you decide to substitute an MBE score from a prior exam, you should notify the Alaska Bar Office of your election as soon as possible and obtain a form letter from the Bar Office to be mailed to the Bar Exam Administrator in the State where you took the prior exam. The form letter requests the release of your MBE score by the other jurisdiction and contains a form to be used by the other jurisdiction in reporting your score.

COMMUNICATION OF MBE SCORES TO OTHER JURISDICTIONS

Arrangements have been made with the National Conference of Bar Examiners to have that organization communicate your MBE scores to bar examiners or admitting authorities in other jurisdictions upon your written request. If you wish to have another jurisdiction notified of your MBE score, you should write to the appropriate organization in that jurisdiction to authorize and request it to obtain your MBE score from the Director of Testing, National Conference of Bar Examiners, Tate Hall, Columbia, Missouri 65201. Your authorization and request should indicate the place and time of administration of the MBE involved, e.g. Los Angeles, California - February 1978 and, if possible, your application number for that examination.

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

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Dear Bar Exam Administrator:

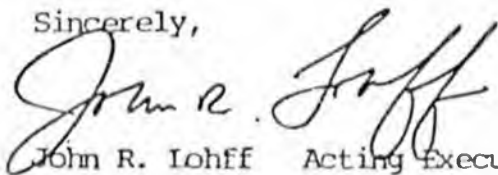
Alaska Bar Rule I-4 permits an applicant to elect to be excused from the MBE section of the Alaska Exam and substitute the MBE scaled score from an exam which he has taken within one (1) year from the date of the Alaska Exam.

The Alaskan applicant named below has made the election to substitute the score from the MBE exam taken in your jurisdiction. Please forward the scaled score to me at your earliest convenience.

It is the policy of the Alaska Bar Association to inform an applicant if his substituted MBE score is not equivalent to a passing score on the Alaska Exam. (A scaled score of 135 is equivalent to a passing score of 70%). However, the MBE score itself is not revealed to any applicant. This policy will be followed in the case of this applicant unless specific contrary directions are received from you.

Your cooperation in this matter is greatly appreciated.

Sincerely,



John R. Iohff Acting Executive Director

Dear Bar Exam Administrator:

I have applied to take the Alaska Bar Examination. Pursuant to Alaska Bar Rule I-4, I have elected to substitute my multi-state exam score from the _____ bar exam taken in your jurisdiction in lieu of taking the MBE section of the Alaska Exam.

(date)
Please release my scaled score from the above exam to the Alaska Bar Association.

My applicant number on the above exam was _____.

Sincerely,

Applicant, Alaska Bar Exam

Dear Mr. Iohff,

_____ took the _____ exam in
(name) (date)
this jurisdiction.

This applicant's MBE score on that exam was: Raw Score _____
Scaled Score _____.

Sincerely,

Administrator

_____ Bar Exam

(State)

Multistate Bar Examination

**BULLETIN OF
INFORMATION
FOR APPLICANTS**

February 27, 1980

July 30, 1980



INTRODUCTION

The Multistate Bar Examination (MBE) has been developed by the National Conference of Bar Examiners (NCBE) to be part of the bar examination of each jurisdiction that chooses to use it. The MBE will be administered by participating states on the last Wednesday in February and the last Wednesday in July of each year. Since some states administer the examination only once a year, applicants are advised to ascertain the policy of their particular jurisdictions.

All applications for admission to the bar should be directed to the board of bar examiners of the state in which the applicant wishes to practice law. Neither the National Conference of Bar Examiners nor Educational Testing Service accepts any application to take the Multistate Bar Examination. Each applicant can determine whether the MBE constitutes part of a particular jurisdiction's bar examination by writing to its state board of bar examiners.

It should be emphasized that the MBE is but one of a number of measures that a board of bar examiners may use in determining competence to practice. Each jurisdiction determines its own policy with regard to the relative weight given to the MBE and other scores. Questions about the use of MBE scores should be directed to the appropriate jurisdiction, not to Educational Testing Service or the National Conference.

This booklet is intended to provide the applicant with a description of the MBE, outlines of the subject matter covered, information about its preparation, and representative sample questions. NCBE has released three hundred fifty MBE questions used on previous tests. These questions have been printed in one volume, "Multistate Bar Examination Questions IV" (1978), and can be obtained at many law school book stores, or from The Missouri Store, 909 Lowry Street, Columbia, Missouri 65201, for \$2.50 plus \$1.00 for shipping.

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THE MULTISTATE BAR EXAMINATION

The MBE is an objective six-hour examination containing 200 questions. The examination is divided into two periods of three hours each, one in the morning and one in the afternoon, with 100 questions in each period. The examination includes questions in the following areas: Constitutional Law, Contracts, Criminal Law, Evidence, Real Property and Torts. In Contracts and Torts there are 40 questions in each; in Constitutional Law, Criminal Law, Evidence and Real Property there are 30 questions in each area.

The questions in the examination are based on general law. They were drafted and reviewed by six committees, each staffed by bar examiners, law professors, and practicing lawyers from across the country. The committees have sought to construct questions that deal with the six basic subject matter areas as they are commonly treated in law school courses. Leading treatises, hornbooks, and restatements on the subjects have been used as a basis for the questions.

Many of the questions require applicants to analyze the legal relationships arising from a fact situation or to take a position as an advocate. Some questions call for suggestions about interpreting, drafting, or counseling that might lead to more effective structuring of a transaction.

Most questions require application of traditionally accepted rules and holdings; some call for knowledge of trends and recent developments. For example, in torts the applicant should be aware of the breakdown of governmental, charitable and family immunities and the rapid growth of tort doctrine in the area of product liability.

Unless otherwise instructed in the question, the applicant should not take into account local law, such as community property law, or statutes, such as comparative negligence statutes.

All questions are multiple-choice. Applicants will be asked to choose the *best* answer from the four stated alternatives. No credit will be given for any answer other than the best one.

Scores will be based on the number of questions answered correctly. Since no deduction will be made for wrong answers, it is advisable to answer every question. Use your time effectively. Do not hurry, but work steadily and as quickly as you can without sacrificing your accuracy. If a question seems too difficult, go on to the next one.

All answer sheets will be centrally scored by machine the same way regardless of the jurisdiction in which the applicant takes the MBE.

TRANSFER OF MBE SCORES

By proper scheduling and approval by the bar examination boards involved, an applicant may be permitted to take the bar examination in two states in a period of three days. One of the states involved must administer its local bar examination on Tuesday and the other state must administer its local bar examination on Thursday. The applicant would take the local bar examination in the first state on Tuesday, the MBE in either state on Wednesday and the local bar examination in the second state on Thursday. Arrangements must be made through both boards of bar examiners of the two states involved.

Some jurisdictions will accept the transfer of an MBE score obtained by an applicant on an earlier form of the MBE administered in another jurisdiction. Applicants may inquire about accepting the transfer of scores by boards of bar examiners in the following jurisdictions: Alabama, Alaska, California, District of Columbia, Florida, Idaho, Illinois, Maine, Maryland, Mississippi, Missouri, New Hampshire, New Jersey, South Dakota, Virginia, Wisconsin, and Wyoming.

California, Florida and the District of Columbia have supplied identification of applicants to the NCBE Office of Testing and have authorized that office to transfer MBE scores to other jurisdictions. An applicant who obtained an MBE score in these jurisdictions can have his or her score transferred to another jurisdiction by sending a money order for five dollars (\$5.00) to the NCBE Office of Testing, Tate Hall, Columbia, Missouri 65211. *The NCBE Office of Testing does not release MBE scores to any applicant.*

MBE scores obtained in other jurisdictions are transferred by the board of bar examiners of the state where the applicant took the MBE.

The following outlines indicate the examination's scope of coverage. The outlines are not detailed and are not intended to list each aspect of each topic mentioned.

SUBJECT MATTER OUTLINE

Constitutional Law

- I. The nature of judicial review
 - A. Organization and relationship of the courts in a federal system
 - B. Jurisdiction
 1. Constitutional basis
 2. Congressional power to define and limit
 - C. Judicial review in operation
 1. The "case or controversy" requirement
 2. Standing, ripeness, mootness
 3. Justiciability
 4. The "adequate state ground"
 5. Discretionary abstention
 6. The presumption of constitutionality
- II. The separation of powers
 - A. The powers of Congress
 1. Commerce, taxing and spending
 2. Power over the District of Columbia and federal property
 3. War and defense powers
 4. Power to enforce the 13th, 14th, and 15th Amendments
 - B. The powers of the President
 1. As chief executive
 2. As commander-in-chief
 3. Treaty and foreign affairs powers
 - C. Interbranch checks upon the exercise of federal power
 1. Congressional limits on the executive
 2. The President's power to veto or to withhold action under a statute
 3. Judicial restraints upon President and Congress
- III. The relation of nation and states in a federal system
 - A. Intergovernmental immunities
 - B. The authority reserved to the states
 - C. National power to override state authority

IV. Individual rights

- A. "State action" and the role of federal judiciary
- B. Due process
 - 1. Substantive due process
 - a. Fundamental rights
 - b. Other rights
 - c. "Incorporation" of portions of the Bill of Rights in the Fourteenth Amendment
 - 2. Procedural due process
- C. Equal protection
 - 1. Regulations of voting and legislative representation
 - 2. Economic and social welfare regulations
 - 3. Regulations affecting other interests
 - 4. Race, alienage, sex, illegitimacy, and poverty classifications
 - 5. Other classifications
- D. Privileges and immunities clauses
- E. Obligation of contracts
- F. First Amendment freedoms
 - 1. Freedom of religion and separation of church and state
 - 2. Freedom of expression
 - a. Regulation of oral and written communication
 - b. Regulation of conduct involving protest or dissent
 - c. Regulation of obscenity
 - d. Regulation of, or impositions upon, public employment, licenses, or benefits based upon exercise of First Amendment rights
 - e. Regulation of defamation and invasions of privacy

Contracts

- I. Formation of contracts
 - A. Mutual assent
 - 1. Offer
 - 2. Acceptance
 - 3. Effect of mistake, fraud, duress or misrepresentation
 - 4. Communication problems
 - 5. Capacity to contract
 - 6. Effect of illegality
 - B. Consideration
 - 1. Bargain
 - 2. Adequacy

- 3. Past
- 4. Moral

- C. Informal contracts without assent or consideration (including promissory estoppel)

II. Third party beneficiary contracts

III. Assignment of contracts

- A. Assignment of rights
- B. Delegation of duties

IV. Statute of frauds

V. Parol evidence rule and interpretation

VI. Performance

- A. Nature of conditions
- B. Express
- C. Constructive
- D. Failure of consideration
- E. Aleatory promises
- F. Excuse of conditions
- G. Rights of defaulting plaintiff
- H. Substantial performance

VII. Breach of contract and remedies therefor

- A. What constitutes?
- B. Total or partial?
- C. Anticipatory repudiation
- D. Remedies
- E. Damages

VIII. Impossibility of performance and frustration of purpose

IX. Discharge of contracts

NOTE: Applicants should be familiar with the following provisions of the Uniform Commercial Code: Article 1, Article 2, and the following sections of Article 9 insofar as they deal with the assignment of accounts receivable and contract rights: 9-102, 9-104, 9-105, 9-106, 9-201, 9-203, 9-205, 9-206, 9-301, 9-302, 9-312, 9-318.

Criminal Law

I. Homicide

- A. Intended killings
 - 1. Premeditation - deliberation
 - 2. Provocation

- B. Unintended killings
 1. Intent to injure
 2. Reckless and negligent killings
 3. Felony - murder
 4. Misdemeanor - manslaughter

II. Property crimes

- A. Theft
 1. Larceny
 2. Embezzlement
 3. False pretenses
- B. Receiving stolen goods
- C. Robbery
- D. Burglary

III. Inchoate crimes; parties; other crimes

- A. Inchoate offenses
 1. Attempts
 2. Conspiracy
 3. Solicitation
- B. Parties to crime
- C. Other crimes
 1. Assault and battery
 2. Rape; statutory rape
 3. Kidnapping
 4. Arson

IV. General principles

- A. State of mind
 1. Required mental state
 2. Strict liability
 3. Mistake of fact or law
- B. Responsibility
 1. Insanity
 2. Intoxication
- C. Causation
- D. Justification

V. Constitutional protection of accused persons

- A. Arrest, search and seizure
- B. Confessions
- C. Lineups and other forms of identification
- D. Right to counsel
- E. Fair trial
 1. Jury trial
 2. Speedy trial
 3. Pre-trial publicity
- F. Double jeopardy

(Each of the five subject matter areas of criminal law is represented by approximately the same number of questions.)

Evidence

NOTE: For the evidence questions the Federal Rules of Evidence are deemed to govern. In case of conflict between general evidence law and the Federal Rules, the Federal Rules of Evidence will control.

I. Presentation of evidence

- A. Introduction of evidence
 1. Requirement of personal knowledge
 2. Leading questions and narrative testimony
 3. Refreshing recollection
 4. Objections and offers of proof
 5. Lay opinions and expert witnesses
 6. Qualification of witnesses
 7. Judicial notice
 8. Roles of judge and jury
- B. "Burden of Proof"
 1. Burden of producing evidence
 2. Burden of persuasion
 3. Presumptions
- C. Cross-examination: right, form and scope
- D. Impeachment
 1. Prior inconsistent statements
 2. Bias and interest
 3. Conviction of crime
 4. Prior bad acts
 5. Reputation and opinion as to character for veracity
 6. Inability to observe, remember or relate accurately

II. Privileges: Scope and Procedures

- A. Husband-wife
- B. Attorney-client
- C. Physician-patient
- D. Self-incrimination
- E. Insurance coverage
- F. Subsequent safety measures
- G. Offers of settlement
- H. Other privileges

III. Relevancy and reasons for excluding relevant evidence

- A. Concept of probative value
- B. Drawing inferences as to conduct from proof of character
 1. Other crimes
 2. Similar transactions

- 3. Reputation and opinion as to character
- C. Experimental and scientific evidence
- D. Demonstrative evidence

IV. Writings

- A. Authentication
- B. Requiring introduction of original document as the "best evidence"

V. Hearsay and circumstances of its admissibility

- A. Concept of hearsay
- B. Admissions of a party opponent
- C. Former testimony
- D. Declarations against interest
- E. Dying declarations
- F. Spontaneous declarations
 - 1. Statements of physical or mental condition
 - 2. Statements of intention or state of mind
 - 3. Statements of present sense impressions
 - 4. Excited utterances
- G. Past recollection recorded
- H. Business records
 - 1. Records of public officials
- J. Other exceptions to the hearsay rule

Real Property

- I. The estate system, including concurrent estates
 - A. Classification of estates including leaseholds
 - 1. Problems of vesting
 - 2. Rule against perpetuities
 - 3. Rule against restraints on alienation
 - B. Rights of user and exploitation (including rights to lateral and subjacent support)
 - C. Remedies for protection of interests, including waste, trespass and nuisance
- II. Rights in land
 - A. Covenants running with the land
 - B. Restrictive covenants in equity
 - C. Easements, profits and licenses
 - D. Fixtures
- III. Vendor-purchaser
 - A. The real estate contract—construction

- and performance (including installment contract)
- B. Statute of frauds
- C. Risk of loss

IV. Titles

- A. Adverse possession
- B. Deeds, leases, and conveyancing
 - 1. Delivery
 - 2. Description
 - 3. Boundaries
 - 4. Covenants
 - 5. Construction
 - 6. Assignment and subletting
- C. Priorities and recording (including marketable title)

Torts

- I. Negligence
 - A. The negligence action
 - 1. Causation
 - 2. Standard of care
 - 3. Comparative negligence
 - 4. Limitations on liability
 - 5. Damages
 - 6. Joint tortfeasors, contribution and indemnity
 - 7. Vicarious liability
 - B. Defenses
 - 1. Contributory negligence
 - 2. Assumption of the risk
 - 3. Immunities and privileges
- II. Strict liability
 - A. Defective products
 - B. Abnormally dangerous activities
 - C. Animals
- III. Intentional torts
 - A. Basis of action
 - 1. Assault
 - 2. Battery
 - 3. False imprisonment
 - 4. Infliction of emotional distress
 - 5. Trespass
 - 6. Conversion
 - 7. Fraud, misrepresentation, and deceit
 - B. Defenses: immunities and privileges
- IV. Nuisance
- V. Privacy
- VI. Defamation

Approximately half of the Torts questions will be devoted to topics included under I and approximately half to topics included under the remainder of the subject matter outline. Changes from the Torts outline previously published include, under

IA, the deletion of category 8, "Impact of insurance and of 'no fault' systems," and, under IIIA, the addition of categories 6 and 7 above.

PREPARATION OF THE MBE

The 200 questions on the MBE have been prepared by six test development committees commissioned by the Office of Testing of the NCBE. Each committee is responsible for one subject matter area. Questions are written and reviewed both by committee members and by other lawyers. All of the questions have been reviewed and approved by each of the respective committees. Technical assistance in preparing the examination is provided by test development staff members of Educational Testing Service, Princeton, New Jersey.

SAMPLE QUESTIONS

While the sample questions in this booklet illustrate the kinds of questions that will be used in the examination, they do not represent all of the types of questions or material covered.

In most cases, a fact situation is presented and a group of questions based on it are asked. There also are a number of discrete questions in the test. *Most of the fact situations presented in this Bulletin had a greater number of questions based on each one when they were presented in an actual examination.* The number of questions based on a given fact situation has often been reduced for this *Bulletin* in an attempt to illustrate as broadly as possible the kinds of fact situations used and the subject areas covered.

The following questions may be used to practice for the MBE. Allow 1 hour and 30 minutes for reading the directions that follow and answering the questions. An answer key is printed on page 43.

Directions

Each of the questions or incomplete statements below is followed by four suggested answers or completions. You are to choose the *best* of the stated alternatives. Answer all questions according to the generally accepted view, except where otherwise noted.

For the purpose of this test, you are to assume that the Uniform Commercial Code Articles 1, 2, and the provisions of 9 relating to the assignment

of accounts receivable and contract rights have been adopted. The Federal Rules of Evidence are controlling. You are also to assume that there is no relevant comparative negligence rule, no relevant No-Fault Insurance Act, and no applicable community property law unless the specific question informs you to the contrary.

1. Customer, aged twenty, went into Store at approximately 6:45 p.m. to look at some suits that were on sale. The clerks were busy, and one of them told him that he should wait on himself. Customer selected three suits from a rack and went into the dressing room to try them on. Signs posted on the walls of Store state that closing time is 9:00 p.m.; however, because of a special awards banquet for employees, Store was closed at 7:00 p.m. on this day. The employees, in a hurry to get to the banquet, did not check the dressing rooms or turn off the lights before leaving. When Customer emerged from the dressing room a few minutes after 7:00 p.m., he was alone and locked in. Customer tried the front door, but it was secured on the outside by a bar and padlock, so he went to the rear door. Customer grabbed the door knob and vigorously shook the door. It did not open, but the activity set off a mechanism that had been installed because of several recent thefts committed by persons who had hidden in the store until after closing time. The mechanism sprayed a chemical mist in Customer's face, causing him to become temporarily blind. The mechanism also activated an alarm carried by Store's employee, Watchman, who was just coming to work. Watchman unlocked the front door, ran into the store, and grabbed Customer. Customer, who was still unable to see, struck out at this person and hit a metal rack, injuring his hand. Watchman then identified himself, and Customer did the same. After assuring himself that Customer was telling the truth, Watchman allowed him to leave.

If Customer is to prevail on a claim against Store based on battery from the use of the chemical spray, Customer must establish that

- (A) he suffered severe bodily harm
- (B) the spray mist was an offensive or harmful contact
- (C) he suffered severe emotional distress
- (D) his conduct was not a factual cause of the chemical's spraying him

2. Dock had been the unsuccessful suitor of Mary, who had recently announced her engagement to Paul. Angered by her engagement, Dock sent Mary the following letter: "I hope you know what you are doing. The man you think you love wears women's clothes when at home. A Friend." The receipt of this letter caused Mary great emotional distress. She hysterically telephoned Paul, read him the letter, and told him that she was breaking their engagement. The contents of the letter were not revealed to others. Paul, who was a young attorney in the state attorney's office, suffered serious humiliation and emotional distress as a result of the broken engagement.

If Paul asserts a claim against Dock based on defamation and it is proved that Dock's statement was true, such proof will be

- (A) a defense by itself
- (B) a defense only if Dock was not actuated by malice
- (C) a defense only if Dock reasonably believed it to be true
- (D) no defense by itself

Questions 3-4 are based on the following fact situation.

Tortfeasor tortiously injured Victim in an auto accident. While Victim was consequently hospitalized in Hospital, Tortfeasor's liability insurer, Insurer, settled with Victim for \$5,000. Victim gave Insurer a signed release and received a signed memorandum wherein Insurer promised to pay Victim \$5,000 by check within thirty days. When Victim left Hospital two days later, Hospital demanded payment of his \$4,000 stated bill. Victim thereupon gave Hospital his own negotiable promissory note for \$4,000, payable to Hospital's order in thirty days, and also, as security, assigned to Hospital the Insurer settlement memorandum. Hospital promptly assigned for value the settlement memorandum and negotiated the note to Holder, who took the note as a holder in due course. Subsequently Victim misrepresented to Insurer that he had lost the settlement memorandum and needed another. Insurer issued another memorandum identical to the first, and Victim assigned it to the ABC Furniture to secure a \$5,000 credit sale contract. ABC immediately notified Insurer of this assignment. Later it was discovered that Hospital had mistakenly overbilled Victim by

an amount of \$1,000 and that Tortfeasor was an irresponsible minor.

3. If Victim starts an action against Insurer forty days after the insurance settlement agreement, can Victim recover?
- (A) Yes because his attempted assignments of his claim against Insurer were ineffective, inasmuch as Insurer's promise to pay "by check" created a right in Victim that was too personal to assign
 - (B) No because he no longer has possession of Insurer's written memorandum
 - (C) No because Tortfeasor's minority and irresponsibility vitiated the settlement agreement between Victim and Insurer
 - (D) No because he has made at least one effective assignment of his claim against Insurer, and Insurer has notice thereof
4. In view of Tortfeasor's age and irresponsibility when Insurer issued his liability policy, can Holder and ABC Furniture recover on their assignments?
- (A) Neither can recover because Victim, the assignor, is a third-party beneficiary of the liability policy whose rights thereon can be no better than Tortfeasor's.
 - (B) Neither can recover unless Insurer knowingly waived the defense of Tortfeasor's minority and irresponsibility.
 - (C) Neither can recover because the liability policy and settlement thereunder are unenforceable on account of Tortfeasor's minority.
 - (D) Either Holder or ABC Furniture, depending on priority, can recover as assignee (or subassignee) of Victim's claim because the latter arose from Insurer's settlement agreement, the latter agreement not being vitiated by Tortfeasor's minority and irresponsibility when he obtained the policy.

Questions 5-7 are based on the following fact situation.

Pemberton and three passengers, Able, Baker, and Charley, were injured when their car was struck by a truck owned by Mammoth Corporation and driven by Edwards. Helper, also a Mammoth employee, was riding in the truck. The issues in *Pemberton v. Mammoth* include the negligence of Edwards in driving too fast and failing to wear

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RE: RE-APPLICATION FORMS

Dear

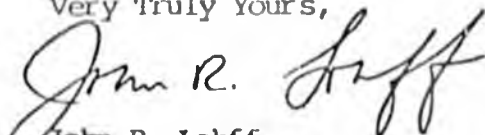
Enclosed are the re-application forms which you requested. When completing this form please up-date all information furnished in your original application.

Your re-application fee, if any, must be filed with your re-application. The re-application fee is \$100.00. However, applicants who withdrew before taking an examination are allowed credit for payment of the original application fee.

For your information, I am also enclosing a flyer and booklet containing information about the examination and an affidavit of residence form to be used in the event you are not an Alaskan resident at the time of re-applying.

Please contact me if further information is required concerning the above.

Very Truly Yours,


John R. Lohff
Acting Executive Director

Encls.

Form #A3

RE-APPLICATION FOR ADMISSION TO THE ALASKA BAR

AND

AFFIDAVIT OF RESIDENCE

I, _____, hereby apply for admission to the Alaska Bar Association by _____ (General or Attorney Examination)

My address is: _____

(Zip Code)

I am a bona fide resident of Alaska and have been such a resident continuously since _____, 19__ . *(If any part of such residence has been while in the military service, explain fully when and why residence was on or off a military reservation.) I will continue my bona fide Alaskan residence through the date of my admission to the Alaska Bar Association if I am found to be eligible for such admission.

I will take the examination at _____, Alaska. I will write it _____. (In longhand or on a typewriter.) I prefer to sit in _____. (Smoking or non-smoking section.) I wish to substitute my MBE score. (Yes or No)

My home phone number is: _____

My office phone number is: _____

I incorporate herein, by reference, and make a part hereof my answers to the questions in the Applicants Questionnaire and Affidavit which was attached to and filed with my first application for Admission to the Alaska Bar dated _____. These answers to questions 1 through 26 are true and correct, except the following information should be added due to changes in circumstances since they were filed: (Please list here all information required to bring answers 1 through 26 up to date, including complete addresses and zip codes. [Attach a supplemental sheet if necessary])

I have read the foregoing Re-Application and Affidavit of Residence and have answered all questions fully and frankly. The answers are complete and true to the best of my knowledge.

DATED at _____, this _____ day of _____, 19__.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19__.

Notary Public

My Commission Expires: _____

A re-application fee of \$100 must be submitted with this application. * Do not complete this line if you are not a resident at the time you file this application. If you do not complete this section of the application, you must file an affidavit of residence at least 20 days prior to the exam.

APPENDIX M

ALASKA BAR ASSOCIATION
REQUEST FOR INVESTIGATION

REQUEST FOR INVESTIGATION of _____
A Member of the State Bar of Alaska
TO THE ALASKA BAR ASSOCIATION:

I, _____
(Type, or print your full name)

complain about the above named attorney and state that he or she:

1. Maintains his or her address at

(Street and Number, City, village, town, zip code)

Alaska, Telephone No. _____

2. Has committed acts of misconduct as set forth in the statement below.

I, therefore, request that such misconduct be investigated by the State Bar Counsel.

DATE: _____

SIGNATURE: _____

ADDRESS: _____

TELEPHONE: _____

INSTRUCTIONS:

a. Please type or hand letter all information except signature.

b. Under "Statement" state all circumstances as to the conduct of the attorney, in chronological order. Attach additional sheets if necessary.

c. Specify exactly what the attorney did which you believe to have been misconduct.

d. Please return original of this form and attachment to: Alaska Bar Association, Box 279, Anchorage, Alaska 99510

e. An additional copy should be retained by person signing this form.

f. All proceedings involving allegations of misconduct by or disability of an attorney shall be kept confidential at all levels of the proceedings, and members of the bar participating in those proceedings are required to keep them confidential; provided, that upon the filing of the record in the Court, the record shall be considered public information, except in cases involving allegations of disability. ABR II-31, §1.

STATEMENT

ALASKA BAR
ASSOCIATION

BOX 279

ANCHORAGE, ALASKA
99510

272-7469

APPENDIX N

MI

Alaska Bar Association's Discipline Report
for the Period January 1, 1975 - October 11, 1976

DISCIPLINE & FEE ARBITRATION STATUS REPORT

(January 1, 1975 to October 12, 1976, including cases pending on January 1, 1975.)

I. CASELOAD:

1. Cases pending and carried forward on January 1, 1975:

- a. Discipline.....63
- b. Fee Arbitration..... 2

TOTAL.....65

2. Complaints & Petitions filed since January 1, 1975:

- a. Discipline.....116
- b. Fee Arbitration..... 41

TOTAL.....157

Total Caseload for Period.....222

3. Cases closed during period:

a. Discipline:

- (1) Dismissed.....37
- (2) Informal Admonitions. 5
- (3) Suspensions..... 2

TOTAL.....44

b. Fee Arbitration.....33

Total Cases Closed During Period.....77

4. Total Pending Complaints & Petitions.....145

The above statistics do not reflect the number of inquiries disposed of during the period which did not require complaints. Interviews with prospective complainants outnumbered interviews with actual complainants by at least 2 to 1 and possibly more.

II. STATUS OF PENDING CASES:

1. Discipline:

a. Inactive Files

- (1) Files in abeyance due to respondents membership status..13
- (2) Temporal suspension pending final decision in criminal case..... 1

Total Number Inactive Files.....14

b. Active Files

- (1) Investigative Stage
 - (a) Investigation complete & ready for report to Review Committee.....74

- (b) Investigation in progress.....34
 - (c) Report before Review Comm. Member..... 4
- Total Cases in investigative stage.....112

2. Trial Stage

- (a) Referred for hearing.....7
 - (b) Request to vacate informal ad. & for hearing.....1
 - (c) Hearing Committee report after hearing.....1
- Total Cases in Trial Stage..... 9

Total Active Files.....121

2. Fee Arbitration..... 10

Total Pending Cases.....145

III. NUMBER OF DISCIPLINE COMPLAINTS PER ATTORNEY: (Total may differ from total disciplinary caseload because one complaint may include several attorneys).

Number of Complaints per Attorney	No. of Attorneys against whom Complaints filed	Complaints
10	1	10
6	2	12
5	3	15
4	6	24
3	9	27
2	16	32
1	<u>73</u>	<u>73</u>
Totals	110	193

The complaints considered during this reporting period were against slightly less than 13% of the Bar's present active members (approximately 850). Twenty-one (21) members were responsible for approximately 46% of these complaints (members with three or more complaints). Sixteen (16) members receiving two complaints each were responsible for 16% of the complaints and 73 members receiving one complaint each were responsible for 38% of the complaints.

IV. COMPLAINANT (Discipline):

Approximately 61% of the complaints were initiated by clients; 12% by adverse parties; 10% by opposing attorneys and 5% by bar associations. The remaining 12% of the complaints were initiated by judges, heirs, Fee Arbitration panels, attorneys, etc.

V. TYPES OF DISCIPLINE COMPLAINTS (Most Serious Charge);

The most serious charge in 60% (108) of the complaints involved performance; 17% (30) of the complaints contained charges involving interference with justice; 9% (16) involved fees; 8% (14) involved funds; 3% (6) involved solicitation, 1% (2) involved convictions. The precise nature of the charges in 2% (3) of the complaints was unclear. (For a more detailed explanation of the above charges, see the subheadings in the attached docket sheet.)

VI. FEE ARBITRATION DECISIONS:

In 55% (11) of the cases heard by fee arbitration panels, fees charged by the attorneys were reduced to some extent. 31% (10) of the fee arbitration cases were settled before hearing. Two petitions were dismissed for lack of jurisdiction.

VII. Docket of pending and closed complaints and petitions covered by this report is attached.

DISCIPLINE REPORTS (January 1, 1975 to October 11, 1976 including cases pending on January 1, 1975)

Case No.	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status 10/11/76	Final Disposition
1	11/71	client	Funds--failure to account	Investigation complete--ready for report. (Fees reduced, etc.)	
2	11-18-71	3rd party atty	Solicitation--ambulance chasing	Absence pending respondent's reinstatement to membership	
3	9/11/72	client	Fees--Excessive for type of case.	6-24-75-Inv. Comm. rec dismissal upon compliance with conditions--pending for proof of compliance & location of complainant (\$200 ref. to c.)	
4.	3/20/73	client	Fees--excessive	Investigation complete--ready for report	
5.	4/11/73	adverse party	interference with Justice--aiding disobedience of court order	Investigation complete--ready for report	
6.	5/14/73	client	Performance--failure to obtain agreed result		dismissed-'75
7.	5/17/73	client	Funds--failure to deposit in trust & to refund unearned portion on withdrawal	1-75-hearing before trial comm. open for committee report. (\$200 returned to client)	
8.	6/4/73	client	Performance--representation of conflicting interests	Order for referral to trial committee	
9.	6/6/73	client	Funds--conversion		suspended '75
10.	6/11/73	client	Funds--conversion		suspended '75
11.	7/14/73	client	Performance--neglect		dismissed 5/76
12.	9/10/73	client	Fees--excessive & failure to return on withdrawal	Investigation completed--ready for report	
13	9/14/73	client	Perf. --delay in depositing funds to int. bearing account.	Under inv. --extensive investigation completed & settled with client for approx \$500.00.	
14.	10/1/73	client	Performance--neglect	atty refunded \$500	Informal Admission 5/76.
15	10/2/73	client	Perf. --neglect	Investigation Comm. hearing completed & open for report--	
16	11/2/73	client	Perf. --representing conflicting interests.	dispute with client settled for \$10,000.	Dismissed 9/76
17	11/9/73	client	Fees--in excess of agreement	Investigation completed--ready for report	
18	11/14/73	opposing atty	Perf. --communication with adverse party rep. by court	Absence pending reinstatement to active membership	
19	11/19/73	client	Perf. --failure to perform	Order for referral to trial comm.	
20	11/20/73	judge	Solicitation--ambulance chasing	Pending before review committee member.	
21	12/10/73	local bar assn	Performance.	absence pending reinstatement to active membership	

Discet o. No.	Date Filed	Complainant relation to respondent	Most serious Charge	Status 10/11/75	Final Disposition
22	12/14/73	client	Fees-excessive	Absence pending pet. for reinstatement	
23	1/18/74	client	Perf.--representation of conflicting interests	Some investigation but incomplete	
24	1/18/74	client	Perf.--failure to perform	Absence pending ct. decision on Pet. for removal to inact.	
25	2/13/74	client	Perf.--incompetence		Dismissed 9/76
26	2/19/74	client	Perf--neglect & improper withdrawal	Investigation complete & ready for report	
27	2/15/74	client	Perf--neglect	Absence pending pet. for reinstatement	
28	2/21/74	client	Perf.--business int. adv. to client		Dismissed 9/76
29	2/26/74	opposing atty.	Perf.-communication with adverse party rep. by counsel		Informal Admission, '75
30	3/5/74	client	Fees-excessive	Inv. completed & ready for report	
31	3/12/74	client	Perf--neglect		Dismissed '75
32	3/15/74	client	Perf--neglect & improper withdrawal	Inv. complete & ready for report	
33	4/2/74	client	Perf--neglect	Absence pending ct. decision on pet. for removal to inact. status	
34	3/27/74	heir (respondent is admin.)	Perf--neglect (delay)	Inv. complete & ready for report	
35	4/8/74	client	Perf.-business int. adverse to client	Order for referral to trial comm.	
36	4/8/74	adverse party	Int. with Justice-improper trial publicity	Inv. complete & ready for report	
37	4/18/74	client	Perf.-neglect	Absence pending ct. decision on Pet. for removal to inact.	
38	3/21/74	adverse party	Perf--representing con- flicting interests		Dismissed 9/76
39	5/20/74	client	Perf.-neglect	further inv. requested by review comm. member- fee reduction of \$185.00	
40	5/4/74	client & adv. party (3 respon- dents)	Fees & Funds--		Dismissed 8/75
41	5/20/74	client	Perf--Representation of conflicting interests	Inv. complete & ready for report	
42	5/20/74	client	Perf.-Neglect		Dismissed 9/76
43	7/8/74	client (2 re- spondents)	Perf.-negligence & improper withdrawal		Dismissed as to one atty & other informal admonished 9/76
44	7/9/74	client	perf--neglect		Dismissed 5/76
45	7/19/74	Alaska Bar Assn	Int. with Justice- communication with jurors	Inv. complete & ready for report	
46	8/1/74	Alaska Bar Assn	Conviction	Temp. suspension pending final idgmt. in criminal case.	

Discret P. No.	Date Filed	Complainant relation to Respondent	Most Serious Charge	Status 10/11/76	Final Disposition
47	8/1/74	Att. Bar Assn	Conviction	Prog. reduced to Traffic violation- inv. complete & ready for report	
48	8/2/74	client	Funds—delay in releas.	Order for referral to trial comm.	
49	8/8/74	client	Perf.—neglect & improper withdrawal	Inv. complete & ready for report	
50	8/21/74	heir	Perf.—neglect & failure to communicate		Dismissed 8/76
51	9/3/74	client	Fees—excessive		Dismissed 9/76
52	9/12/74	client	Fees—excessive		Dismissed 4/75
53	9/18/74	heir	Perf.—failure to perform	Abeyance pending pet. for reinstatement	
54	10/8/74	client	Perf.—conflict of int	Inv. complete and ready for report	
55	10/10/74	clients	Fees—excessive & unearned	Inv. complete & ready for report—re- funded \$150.00	Dismissed 5/75
56	10/10/74	clients	Fees—excessive & unearned due to inadequate rep.		Dismissed 10/75
57	10/17/74	client	Funds—failure to repay loans	Inv. complete & ready for report	
58	10/25/74	client	Fees—excessive for type of work performed	Inv. complete & ready for report	
59	11/9/74	client	Perf.—neglect	Order for referral to trial comm.	
60	11/18/74	Third party	Int. with Justice—improper trial publicity		Dismissed 8/76
61	12/2/74	Third party	Performance—neglect	Pending before review committee member	Dismissed 5/76
62	12/4/74	client	Funds—Failure to promptly pay out	Pending before review comm. member. \$796 re- mitted to client.	
63	12/30/74	client	Perf.—neglect	Abeyance pending cl. decision on Pet. for removal to inactive status.	
64	1/9/75	client	Perf.—neglect (delay)	Inv. complete & ready for report	
65	1/9/75	client	Funds—failure to account	Inv. incomplete	
66	1/10/75	opposing atty	Int. with Justice—abuse of court process	Inv. incomplete	
67	1/20/75	opposing atty.	Int. with Justice—extra- judicial statements about pending matter	Inv. incomplete	
68	2/75	client	Perf.—neglect (delay)	Inv. complete & ready for report	
69	2/24/75	client	Fees—failure to refund unearned fees	Abeyance pending re- instatement to active membership	
70	2/18/75	opposing atty	Perf.—slander & communication with adverse party rep. by counsel	Inv. complete & ready for report.	
71	2/27/75	client	Perf.—negligence resulting in excessive fees		Dismissed 5/75
72	2/3/75	client	Perf.—neglect (delay & failure to communicate)	Inv. incomplete	
73	3/3/75	adverse party & respondent	Perf.—confidential info.		Dismissed 5/76

Complaint No.	Date Filed	Complainant relation to Respondent	Most Serious Charge	Status 10/11/75	Final Disposition
74	3/12/75	client	Fees: Failure to perform after receipt of fees	Inv. complete & ready for report	
75	3/12/75	client	Perf.: Neglect (delay)	Inv. complete & ready for report	
76	3/21/75	client	Perf.: Neglect (delay)	Inv. complete & ready for report	
77	3/24/75	client	Perf.: Neglect (delay) & lack of communication	Inv. incomplete	
78	3/26/75	client	Perf.: Neglect (delay)		Dismissed 5/75
79	3/31/75	opposing atty	Int. with Justice-lack of compliance with agreement	Inv. complete & ready for report	
80	4/10/75	client	Perf.-incompetence resulting in unsatisfactory result & excessive fees	Inv. incomplete	
81	4/9/75	client	Perf.: Improper withdrawal after delay	Inv. complete & ready for report	
82	4/15/75	client	Perf.: Neglect (delay)		Dismissed 5/75
83	4/15/75	client	Perf.: Neglect (failure to perform)	Absence pending of decision on pet. for removal to inactive status.	
84	4/21/75	client	Perf.: Representation of conflicting interests	Investigation incomplete	
85	4/15/75	adverse party	Int. with Justice: scheme to defraud	Inv. complete and ready for report	
86	4/16/75	partner (atty)	Int. with Justice: commission of crime	Inv. complete and ready for report	
87	5/1/75	client	Perf.: Neglect (refus. to communicate)	Inv. incomplete	
88	5/9/75	Alaska Bar Assn (2 respondents)	Int. with Justice: harassment, claim not warranted	Inv. incomplete	
89	5/9/75	client	Perf.: inadequate performance resulting in excessive fees	Inv. complete & ready for report	
90	5/9/75	client	Perf.: Confidential communications		Dismissed 9/75
91	5/75	adverse party	Int. with justice: intimidation		Informal admonishment 8/75
92	5/23/75	client	Perf.: neglect & excessive fees due to inadequate perf.	Inv. complete & ready for report	
93	5/29/75	judge	Solicitation: sell lawation publicity	Inv. incomplete	
94	6/2/75	client	Perf.: neglect	Inv. incomplete	
95	6/1/75	client	Perf.: fraud, neglect, etc.		Dismissed 1/75
96	6/4/75	client	Perf.: bad advise or failure to advise	Inv. incomplete	
97	6/10/75	client's atty	Perf.: compromising clients claim without authority	Inv. complete & ready for report	
98	6/18/75	adverse party	Int. with Justice: slander, harassment & soliciting cases against complainant	Inv. complete & ready for report	
99	7/8/75	atty for heir	Perf.: Neglect & failure to communicate	Inv. incomplete	
100	7.9/75	client	Perf.: Neglect	Inv. complete & ready for report	

Docket # No.	Date Filed	Complainant's Relation to Respondent	Most Serious Charge	Status 10/11/76	Final Disposition
101	7/75	Alaska Bar Assn (3 respondents)	Perf.: Neglect (delay- bad advise, etc.)		Dismissed 12/75
102	7/75	Alaska Bar Assn	Perf.: Conflict of Int & several other charges	informal Admonishment vacated at request of respondent & hearing before trial comm. pending	
103	7/23/75	adverse party	Int. with Justice: failure to honor agreement	Inv. complete & ready for report	
104	7/75	Alaska Bar Assn	Perf.: Rep. of conflicting interests & merous charges	Inv. complete & ready for report	1 charge dis- missed 8/76
105	7/30/75	client	Perf.: Unauthorized settlement		Dismissed 12/75
106	8/11/75	client	Perf.: Neglect	Inv. complete & ready for report	
107	8/12/75	opposing atty	Int. with Just.: slanderous accusations	Inv. complete & ready for report	
108	8/22/75	client	Perf.: Neglect		Dismissed 5/76
109	8/25/75	client	Perf.: Neglect (delay & failure to communicate)	Inv. complete and ready for report	
110	8/27/75	opposing atty	Perf.: Communication with adverse party rep. by counsel	Inv. complete & ready for report	
111	8/28/75	opposing atty	Perf.: Representing adverse interests	Inv. complete & ready for report	
112	8/2/75	x-employee	Perf.: request for investigation of all cases to prevent harm to clients	Inv. incomplete	
113	8/8/75	client	Perf.: confidential communications	Inv. incomplete	
114	8/9/75	client	Perf.: Neglect & bad advise		Dismissed 9/76
115	8/9/75	client	Perf.: Neglect & lack of aggressive action	Inv. complete & ready for report	
116	8/10/75	client	Fees: neglec resulting in excessive fees for inadequate services	Inv. complete & ready for report	
117	8/22/75	client	Perf.: Improper withdrawal	Inv. complete & ready for report	
118	8/6/75	client	Perf.: improper withdrawal		Dismissed 9/76
119	8/15/75	client	Funds: failure to pay out	Inv. complete & ready for report	
120	8/26/75	client & ad- vers party; (4 respondents)	Perf.: Representing con- flicting interests		Dismissed 8/76
121	8/30/75	client	Perf.: Neglect (delay)	Inv. incomplete	
122	10/2/75	opposing atty	Perf.: Communication with adverse party rep. by counsel		Dismissed 8/76
123	10/10/75	judge	Int. with Justice: Misrep. to court	Pending before review committee	
124	10/14/75	judge & adverse party	Int. with Justice: slander- ous accusations	Inv. complete & ready for report	
125	10/28/75	adverse party	Perf.: representation of conflicting interests	Inv. incomplete	
128	11/10/75	client	unclear	Inv. complete & ready for report	
129	11/10/75	father of client	unclear	Inv. complete & ready for report	
128	11/10/75	adverse party	unclear		Dismissed 1/76
128	11/75	adverse party	Perf.: neglect (delay)	Inv. complete & ready for report	

ocket P. No.	Date Filed	Complainant's Relation to Respondent	Most Serious Charge	Status 10/11/75	Final Disposition
130	10/20/75	opposing atty.	Perf.: Neglect (delay & improper withdrawal-neg.)	Investigation incomplete	
131	11/17/75	opposing atty.	Int. with Justice: ex parte appearances before agency	Inv. complete & ready for report	
132	11/75	third party	Solicitation-ambulance chasing	Order for referral to trial comm.	
133	11/25/75	client	Perf.: poor representation & negligence	Inv. incomplete	
134	11/25/75	client (2 respondents)	Perf.: neglect (delay & excessive fees for inadequate services)	Inv. incomplete	
135	12/5/75	adverse party	Perf.: Neglect (delay)		Dismissed 7/76
135	12/9/75	atty	Solicitation: announcements	Inv. complete & ready for report	
137	12/23/75	client	Perf.: Neglect (delay)	Inv. incomplete	
138	12/17/75	client	Perf.: Rep. conflicting ints.		Dismissed 9/76
139	12/12/75	client (4 respondents)	Perf.: abandonment & bad advise; improper withdrawal	Inv. complete & ready for report	
140	1/5/76	adverse party	int. with Justice: slanderous accusations	Inv. complete & ready for report	
141	1/8/76	opposing atty.	Int. with Justice: misrep. to court		Dismissed 8/76
142	1/28/76	opposing atty.	Perf.: Communication with adverse party w/o. by counsel	Inv. complete & ready for report	
143	2/25/76	adverse party	Int. with Justice: disobedience of court order	Inv. incomplete	
144	3/4/76	client	Perf.: confidential communications	Inv. incomplete	
145	2/21/76	client (2 respondents)	Fees: excessive for work performed	Inv. complete & ready for report - fees reduced by atty.	
146	2/9/76	client	Perf.: neglect	Inv. complete and ready for report	
147	3/10/76	client (3 respondents)	Int. with Justice: misrep. to court & abuse of process	inv. complete ready for report	
148	3/5/76	third person (atty)	Solicitation: sign & name	Order for referral to trial comm.	
149	3/10/76	opposing atty.	Int. with Justice: ex parte communication with judge	Inv. complete & ready for report	
150	3/76	client & adverse party (2 respondents)	Perf. etc- numerous charges including negligence	Inv. incomplete	
151	4/5/76	client	Funds: failure to account	Inv. complete & ready for report	
152	4/76	Alaska Bar Assn.	Perf.: business int. adverse to employer	Pending before review comm. member	Dismissed 10/76
153	4/21/76	adverse party	Funds: failure to remit promptly	Inv. complete & ready for report	
154	4/10/76	adverse party	Int. with Justice: extrajudicial statements about pending case	Inv. incomplete	
155	4/12/76	opposing atty.	Perf.: communications with adverse party w/o. by counsel	Inv. complete & ready for report	
156	5/25/76	adverse party	Int. with Justice: intimidation	Inv. complete & ready for report	
157	5/25/76	client	Perf.: neglect (delay)	Inv. complete & ready for report	
158	5/25/76	client	Perf.: negligence-failure to protect client's int.	Inv. complete & ready for report	

Docket P. No.	Date Filed	Complainant's Relation to Respondent	Most Serious Charge	Status 10/11/76	Final Disposition
159	5/6/76	client	Funds: conversion of prop.	Inv. complete & ready for report	
160	5/7/76	purchaser	Int. with Justice: scheme to defraud	abeyance pending disposition of civil action dispositive of legal issues	
161	VOIDED	duplicate of entry on page 154			VOIDED
162	6/7/76	client	Perf: Improper withdrawal	Inv. complete & ready for report	
163	8/4/76	client	Perf: Neglect (delay)	Inv. incomplete (abeyance pending closing estate)	
164	8/6/76	client	Perf & fees: Failed to perform after receipt of fee	Inv. complete & ready for rec. to Bd. for pet. for inactive status	
165	8/3/76	client	Funds: conversion (on int with just & issuance of bad check)	Inv. complete & ready for rec. to Bd. re pet. for transfer to inactive status	
166	7/7/76	opposing atty	Perf: rep conflicting int.	Inv. complete & ready for report	
167	8/10/76	client	Perf: negligence & excessive fees for inadequate service	Inv. complete & ready for report.	
(No entry - 168)					
169	8/19/76	adverse party	Int. with Justice: abuse of process		Summarily dismissed 9/76
170	8/76	adverse party	Funds: failure to account		Summarily dismissed 9/76
171	9/1/76	client	Perf. & fees: failed to perform after receipt of fees	Inv. complete & ready for rec. to Bd. re pet. for transfer to inactive status	
172	8/30/76	adverse party	Int. with Justice: misrep. to ct. re service of notice	Inv. complete & ready for report	
173	9/2/76	adverse party	Int. with Justice: Scheme to defraud creditors & ct.	Inv. complete & ready for report	
174	9/10/76	client	Perf: failure to perform	Inv. complete & ready for rec. to Bd. re pet. for removal to inactive status.	
175	9/13/76	third party	Int. with Justice: abuse of process	Investigation incomplete	
176	9/24/76	client	Perf: neglect (delay and refusal to communicate)	Investigation incomplete	
177	9/30/76	judge	Perf: incompetence in rep. of client due to intoxication etc.	Investigation incomplete	
178	9/21/76	Fee Arb Panel	Perf: adverse business interest	Rec. for informal admonition pending before review comm. member	
179	9/21/76	Fee Arb Panel	Perf: Rep. of conflicting int.	Inv. complete & ready for report	
180	10/2/76	client	Perf: compromising clients int. without authority	Inv. incomplete	
181	10/1/76	opposing atty	int. with just-harassment	Inv. incomplete	

FEE APPROPRIATION REPORT: (January 1, 1975

to September 30, 1976 including cases pending
on January 1, 1975.)

FILE NO.	DATE FILED	STATUS IF PENDING ON 9/30/76	FINAL DISPOSITION
1-74	11-29-74		2-7-75; Award \$4743 less than amount charged.
2-74	12 74		5/5/75: Award same as amount billed.
1-75	2-28-75		7-9-75 Award \$150 less than amount charged.
2-75	4-1-75		7-9-75 Award of amount billed.
3-75	4-1-75		7-9-75 Award \$289 less than amount billed.
4-75	4-7-75		7-9-75 Fee reduced \$150 by consent.
5-75	4-23-75		7-30-75 Fee reduced \$240.
6-75	4-24-75		8-12-75 Award-same as charged.
7-75	5-5-75		6-6-75 Petition withdrawn with consent of respondent.
8-75	5-9-75		10-10-75 Settled before hearing.
9-75	5-15-75		8-12-75 Fee reduced \$100.
10-75	6-2-75		10-24-75 Award-same as charged.
11-75	7-8-75	Pending-decision on motion for reconsideration.	
12-75	7-29-75		8-12-75 Petition withdrawn.
13-75			1-22-76 Fee reduced by \$ <u>24,709.71</u>
14-75	9-12-75		9-19-75 Dismissed for lack of juris. (court awarded fees)
15-75	9-25-75		1-27-76 Fee reduced \$232.
16-75	9-29-75	Pending-decision due.	
17-75	10-2-75		1-27-76 Award-same as charged.
18-75	10-23-75		9-3-76 Award-same as charged.
19-75	11-4-75		5-14-75 Award-same as charged.
20-75	11-19-75	Pending-decision due.	
21-75	12-2-75		8-17-75 Stipulation for dismissal.
1-76	1-9-76		2-14-76 Settled before hearing.
2-76	1-20-76		10-4-76 Award-same as charged.
3-76	2-5-76		3-15-76 Petition withdrawn.
4-76	3-4-76		9-31-76 Award-same as charged-referred to Bar Counsel for review (pending disc. matter- docket # 179.)

FEE ARBITRATION REPORT

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File No.	DATE FILED	STATUS IF PENDING ON 9/30/76	FINAL DISPOSITION
5-75	3-12-76		5-6-76 Settled before hearing
6-75	3-23-76		9-21-76 Fee reduced by approx \$4000-referred to Bar Counsel (pending disc. matter docket no. 173.)
7-75	4-5-76		
8-75	5-12-76	Pending-decision due	
9-75	4-22-76		6-13-76 Settled before hearing
10-75	4-20-76		6-13-76 Dismissed for lack of jurisdiction (Petitioner was not a client.)
11-75	5-20-76		7-13-76 Settled before hearing
12-75	5-6-76		8-27-76 Fee reduced \$261
13-75	5-7-76		? Settled before hearing
14-75	6-25-76	Pending-hearing postponed until petitioner returns to State for other reasons	
15-75	6-30-76		9-14-76 Fee reduced \$2725.
16-75	8-24-76	Pending-hearing scheduled 10-12-76.	
17-75	8-26-76	Pending-no hearing date scheduled due to notice that settlement discussion in progress	
18-75	9-27-76	Pending-Petition accepted	
19-75	9-28-76	Pending-Petition accepted	
20-75	9-30-76	Pending-Petition accepted	

NZ

Alaska Bar Association's Discipline Report
for the Fourth Quarter of 1976
(Actual Dates: October 12, 1976 - December 31, 1976)

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

January 21, 1977

Chief Justice Boochever
303 K Street
Anchorage, Alaska 99501

Dear Bob:

A Disciplinary and Fee Arbitration Report for the period between October 12, the date of the last report, and December 31, 1976 is enclosed.

During this two and one-half month period there has been a gradual reduction in the disciplinary back-log. Sixty-seven files were closed or placed in abeyance due to the status of the respondents. However, twenty-one new complaints were filed leaving us with an active caseload of 90 files at the end of the period.

Investigation of most of the cases closed in this period had been completed prior to the beginning of the period. Additional investigation is needed in many of the pending matters. A.B. Clark, our part-time investigator, has agreed to forego part of his winter vacation in Arizona and has returned to Alaska to begin investigative work.

Cases in the investigative stage are moving along rather well, but those in the trial stage are backlogging. Three attorneys are still working part-time on discipline. Terry Johnson and Herb Ross are employed at the rate of \$35.00/hour. Steve Dalisio is volunteering time. To date, the Review Committee members have been reasonably prompt in acting on recommendations.

In the past, I have suggested to the Court that we should rely on the volunteer services of members of the private bar for trial work if we are unable to obtain enough money from the state to permit us to hire a full-time staff attorney for disciplinary work. Appropriations, to date, have been considerably less than our requests and the amount necessary to employ any attorney. Steve Dalisio is the only attorney who has volunteered for this work. Steve recommends, and I concur, that the Disciplinary Rules should be amended to require this type of service on the part of experienced members of the Bar.

The above are short-term solutions to the disciplinary problem. It

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is my opinion that a long-range, practical solution to the problem can only be found in an innovative, comprehensive study of not only this problem but other problems currently facing the legal profession.

Respectfully yours,

Mary F. LaFollette
Executive Director

MPL/dc

cc: Justices

Art Snowden

Members of Alaska Bar Board of Governors

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

DISCIPLINE & FEE ARBITRATION REPORT

(October 12, 1976 to December 31, 1976)

I. CASELOAD:

1. Cases Pending and carried forward on October 12, 1976:
 - a. Discipline
 - (1) Inactive Files14
 - (2) Active Files.....121
 - b. Fee Arbitra' ion.....10

TOTAL.....145
2. Complaints & Petitions filed or Reactivated since October 12, 1976:
 - a. Discipline
 - (1) New Complaints.....21
 - (2) Files Re-Activated.. .1
 - b. Fee Arbitration.....6

TOTAL.....28

TOTAL CASELOAD FOR PERIOD.....173
3. Cases Closed or Transferred To Inactive Status During Period
(Includes 3 Inactive Disciplinary files listed on 10/2)
 - a. Discipline
 - (1) Dismissed4
 - (2) Informal Admonitions..6
 - (3) Suspensions.....0
 - (4) Transfer to Inactive
status: 1

 - (5) Inactive files on
10/12: 13
 - (6) Transferred to Inac-
tive status: 5

TOTAL.....67
 - b. Fee Arbitration.....4

Total Cases Closed or transferred to
Inactive Status During Period.....71

Total Pending Discipline Complaints and Fee
Arbitration Petitions.....102

 - a. Discipline.....90
 - b. Fee Arbitration.....12

The above statistics do not reflect the number of inquiries disposed of during the period which did not require complaints or petitions.

II. STATUS OF PENDING ACTIVE FILES:

1. Discipline
 - a. Investigative Stage.....74
 - b. Trial Stage.....14
 - c. Disability Petition
Pending Before the
Supreme Court.....2

TOTAL ACTIVE FILES.....90
 2. Fee Arbitration.....12
- TOTAL PENDING CASES.....102

ACTIVE DISCIPLINARY FILES ON 12/31/76

DOCKET P. NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS 12/31/76
1	11/71	client	Funds-failure to account	Investigation complete, ready for report. (Fees reduced, etc.)
2	9/11/72	client	Fees-excessive for type of case	6-24-75-Inv.Comm. rec dismissal upon compliance with conditions; pending for proof of compliance and location of complainant (\$200 ref. c.)
3	4/11/73	adverse party	Interference with Justice-aiding disobedience of court order.	Investigation complete-ready for report
4.	5/17/73	client	Funds-failure to deposit in Tr/acct. & to refund unearned portion on withdrawal	1-75-hearing before trial committee/open for committee report. (\$300 refund to client)
5	6/4/73	client	Performance-representation of conflicting interests	Order for referral to trial committee
6	9/10/73	client	Fees-Excessive & failure to return on withdrawal	Investigation completed-ready for report
7	9/14/73	client	Perf.-delay in depositing tr/funds to int. bearing account	Under inv.-extensive investigation completed & settlement with client for approx. \$1800.00
8	10/2/73	client	Perf.-neglect	Investigation Comm. hearing completed & open for report
9	11/9/73	client	Fees-in excess of agreement	Investigation completed-ready for report
10	11/19/73	client	Perf.-failure to perform	Order for referral to trial committee
11	1/18/74	client	Perf-representation of conflicting interests	Some investigation but incomplete
12	2/19/74	client	Perf-neglect & improper withdrawal	Investigation complete & ready for report
13	3/27/74	heir (respondent is administrator)	Perf--neglect (delay)	Inv. complete & ready for report
14	4/8/74	client	Perf.-business int. adverse to client	Order for referral to trial comm.
15	4/8/74	adverse party	Int. with Justice-improper trial publicity	Inv. complete & ready for report
16	5/20/74	client	Perf.-neglect	Further inv. requested by review comm. member-fee reduction of \$136.00
17	7/19/74	Alaska Bar Assn.	Int. with Justice-communication with jurors	Inv. complete & ready for report
18	8/2/74	client	Funds-delay in release	Order for referral to trial committee

DOCKET P. NO.	DATE FILED	CO. / RELATIVE TO RESPONDENT	ANT'S MOST SERIOUS CHARGE	STATUS 12/31/76
19	8/8/74	client	Perf-neglect & improper withdrawal	Inv. complete & ready for report
20	10/17/74	client	Funds-failure to repay loans	Inv. complete & ready for report
21	11/9/74	client	Perf.-neglect	Order for referral to trial comm.
22	1/9/75	client	Funds-failure to acct.	Inv. incomplete
23	1/20/75	opposing attorney	Int. with Justice-extra judicial statements about pending matter	Inv. incomplete
24	2/18/75	opposing attorney	Perf.-slander & communication with adverse party rep. by counsel	Referred to trial comm.
25	2/3/75	client	Perf--neglect (delay & failure to communicate)	Inv. incomplete
26	3/24/75	client	Perf: Neglect (delay & lack of communication)	Inv. incomplete
27	3/31/75	opposing attorney	Int. with Justice-lack of compliance with agreement	Inv. complete and ready for report
28	4/10/75	client	Perf.-incompetence resulting in unsatisfactory result and excessive fees	Inv. incomplete
29	4/21/75	client	Perf: Representat.on of conflicting interests	Investigation incomplete
30	5/1/75	client	Perf: Neglect (refusal to communicate)	Inv. incomplete
31	5/9/75	Alaska Bar Assn. (2 respondents)	Int. with Justice: Harassment, claim not warranted	Inv. incomplete
32	5/9/75	client	Perf: inadequate, resulting in excessive fees	Inv. complete & ready for report
33	5/29/75	judge	Solicitation: self-laudation, publicity	Inv. incomplete
34	6/2/75	client	Perf: neglect	Inv. incomplete
35	6/4/75	client	Perf: bad advice on failure to advise	Inv. incomplete
36	7/8/75	atty for heir	Perf: Neglect & failure to communicate	Inv. incomplete
37	7/75	Alaska Bar Assn.	Perf: Conflict of Int. & Several other chgs.	Informal admonishment vacated at request of respondent & hearing before trial comm. pending
38	7/75	Alaska Bar Assn.	Perf: Rep. of conflicting interests & numerous charges	Inv. complete & ready for report
39	9/2/75	X-employee	Perf: request for investigation of all cases to prevent harm to clients	Inv. incomplete

DOCKET P. NO.	DATE FILED	COMPLAINANT'S RELATION TO RESPONDENT	MOST SERIOUS CHARGE	STATUS 12/31/76
40	9/15/75	client	Funds: failure to pay out	Inv. complete & ready for report
41	10/10/75	judge	Int. with Justice: Misrep. to court	Referred to Trial Comm.
42	10/14/75	judge & adverse party	Int. with Justice: slanderous accusations	Inv. complete & ready for report
43	10/28/75	adverse party	Perf: representation of conflicting interests	Inv. incomplete
44	10/20/75	opposing attorney	Perf: Neglect (delay & improper withdrawal-neg.)	Inv. incomplete
45	11/17/75	opposing attorney	Int with Justice: ex parte appearances before agency	Inv. complete & ready for report
46	11/75	third party	Solicitation-ambulance chasing	Order for referral to trial committee
47	11/25/75	client	Perf: neglect/poor representation	Inv. incomplete
48	11/25/75	client (2 respondents)	Perf: neglect (delay and excessive fees for inadequate services.)	Inv. incomplete
49	12/23/75	client	Perf: Neglect (delay)	Inv. incomplete
50	12/12/75	client (4 respondents)	Perf: abandonment & bad advice; improper withdrawal	Inv. complete & ready for report
51	2/26/76	adverse party	Int. with Justice; disobedience of court order	Inv. incomplete
52	3/4/76	client	Perf: confidential communications	Inv. incomplete
53	3/10/76	Client 3 respondents	Int. with justice: misrep. to court & abuse of process	Inv. complete and ready for report
54	3/5/76	third person (atty)	Solicitation: sign & name	Order for referral to trial committee
55	3/76	client & adverse party (2 respondents)	Perf, etc-numerous charges including negligence	Inv. incomplete
56	4/5/76	client	Funds: failure to account	Referred to Trial Committee
57	4/21/76	adverse party	Funds: failure to remit properly and promptly	Inv. complete & ready for report
58	4/10/76	adverse party	Int. with justice: extrajudicial statements about pending case	Inv. incomplete
59	5/25/76	adverse party	Int. with Justice: intimidation	Referred to Trial Committee
60	5/6/76	client	Funds: conversion of prop.	Inv. complete & ready for report
61	6/7/76	purchaser	Int. with Justice: scheme to defraud	Referred to Trial Committee

COMPLAINANT'S

DOCKET P. NO.	DATE FILED	RELATION TO RESPONDENT	MOST SERIOUS CHARGE	STATUS 12/31/76
62	6/7/76	client	Perf: Improper withdrawl	Inv. complete & ready for report.
63	8/4/76	client	Perf: Neglect (delay)	Inv. incomplete, (abeyance pending closing estate)
64	7/7/76	opposing attorney	Perf: rep. conflicting interests	Inv. complete & ready for report
65	9/2/76	adverse party	Int. with Justice: Scheme to defraud creditors	Inv. complete & ready for report
66	9/13/76	third party	Int. with Justice; abuse of process	Investigation incomplete
67	9/24/76	client	Perf: Neglect (delay and refusal to communicate)	Investigation incomplete
68	9/30/76	judge	Perf: incompetence in rep. of client due to intoxication, etc.	Investigation incomplete
69	9/21/76	Fee Arb Panel	Perf: adverse business interest	Rec. for informal admonition pending before review committee member
70	10/4/76	client	Perf: compromising clients interest without authority	Inv. incomplete
71	10/12/76	client	Performance: neg-allowed case to be dismissed	Open-pending disposition of disability pet.
72	10/15/76	Business Associate	Other-business dealings	Inv. complete-ready for report
73	10/20/76	client	Perf: Poor representation	Under Inv.
74	10/25/76	client	Funds: misappropriation	Open-pending disposition of disability petition
75	11/9/76	client	Performance	Inv. complete. Ready for report
76	11/9/76	client	Fees	Inv. complete-ready for report
77	11/15/76	opposing attny	Solicitation: contacted complainant's client about representation	Under investigation
78	11/23/76	co-counsel	Performance	Under investigation
79	10/19/76	Ak. Bar	Other-Disability Petition to Supreme Court	Order for removal entered conditional upon consent-open for consent
80	10/20/76	Ak. Bar	Other-Disability Petition to Supreme Court	Open-Unable to locate respondent
81	11/16/76	client's wife	Funds-withheld property	Invest. complete
82	11/30/76	Bus. Assoc.	Other-DR 1-101A	Under Investigation
83	11/29/76	co-counsel	Perf: Neglect-failure to communicate	Under investigation
84	11/30/76	opposing attny	Int. with Justice-conflict	Under investigation
85	11/30/76	Ak. Bar	Conviction-misd.	Under investigation

DOCKET DATE
P. NO. FILED

COMPLAINANT
RELATION TO
COUNSEL

MOST SERIOUS CHARGE

AUG 12/31/76

86	11/30/76	Ak. Bar	Felony charges	Under Investigation
87	11/30/76	Ak. Bar	Conviction-Felony	Certificate of conv. ready for forwarding to Court for temporary suspension
88	12/8/76	client	Perf: failure to follow instructions	Under investigation
89	12/20/76	opposing attorney	Int. with Justice: contacted client	Investigation complete-ready for report
90	12/27/76	client's wife	Funds: Took retainer & failed to complete work	Open pending disposition of disability petition-another attorney completing work without charge

OPEN FEE ARBITRATION REPORT: (DECEMBER 31, 1976)

FILE NO.	TE F. ED	STATUS IF PENDING 12/31/76	FINAL DISPOSITION
1 11-75	7/8/75	Pending-decision on motion for reconsideration	
2 7-76	4/6/76	Pending-decision due	
3 16-76	8/24/76	Pending-hearing scheduled	
4 17-76	8/26/76	Pending, hearing scheduled	
5 18-76	9/27/76	Pending-hearing scheduled	
6 19-76	9/28/76	Pending-hearing scheduled	
7 20-76	9/30/76	Pending-hearing scheduled	
8 21-76	10/27/76	Pending-hearing scheduled	
9 22-76	11/11/76	Pending-hearing scheduled	
10 23-76	11/11/76	Pending-hearing scheduled	
11 24-76	12/2/76	Pending-hearing scheduled	
12 25-76	12/5/76	Pending-hearing scheduled	

N3

Alaska Bar Association's Discipline Report
for the First Quarter of 1977

April 28, 1977

Honorable Robert Boochever
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

RE: Quarterly Discipline Report.

Dear Bob:

I'm happy to report that the disciplinary "back log" is dwindling and that it should be almost entirely eliminated by the end of June if not sooner. This does not mean that all active files will be closed on that date but it does mean that all of the active files over six months old will have been either disposed of in the investigative stage or referred for formal hearing. (The average number of complaints filed and the fact that all investigations must necessarily be conducted after a complaint is filed, suggest that at least 30-40 active files will always be under investigation.)

As shown by the attached report, by the end of April all but 3 of the complaints filed prior to September, 1976, will have been either assigned to contract bar counsel, disposed of by dismissal or informal admonition, or referred for formal hearing. The three exceptions require additional investigation which will be completed by A. B. Clark as soon as he returns to work on or about May 2. Some of the other files presently assigned to bar counsel may be referred back to the Bar Office for additional investigation before completion of Reports and Recommendations, but we should be able to complete these investigations and reports by June 30.

Of the fourteen cases before the Hearing Committees, three are scheduled for hearing on May 5. One has been ordered held in abeyance pending the U.S. Supreme Court decision in Bates v. Arizona. Four probably will be disposed of either by stipulation or orders vacating the orders for referrals to the trial committee. Hearings in three others should be scheduled and heard in June or around the first of July. Hopefully, the remaining three can be heard this summer, along with others now in the investigative stage which will be referred for hearing.

At the present time, Dick Felton is the only attorney representing the Bar on a regular basis who has trial experience and will prosecute these matters. Because Felton had a conflict, two pending matters recently had to be referred to another attorney. None of the other attorneys presently working for the Bar could or would handle these cases and it was quite difficult to locate anyone willing to represent the Bar. Mark Moderow has now been retained in these matters. The hearings in the other matters will not only have to await the convenience of the members of the Trial Committees but will, also, have to be adjusted to fit Felton's schedule which

includes work for private clients as well as the Bar.

The Board of Governors will act on the case now pending before it at its next meeting in May.

Of the three matters pending before the Court on March 31, one was disposed of in April by an Order transferring the member to inactive status. An Order for re-local examination has been entered in a second case. These exams will be completed by May 5 and hopefully, the hearing can be completed by mid-May. I have no information concerning the disposition of the third matter involving temporary suspension upon certification of conviction of a "serious crime".

We now have two applications for the full time staff attorney position. The applicants will be interviewed by the Board at its May meeting, assuming these applicants are seriously interested in the position. The Senate has cut our request for funding for this position from \$40,000.00 to \$20,000.00 but we are hopeful that the full amount will be restored by the Free Conference Committee.

At the request of Stan Ditus, I have obtained copies of the Michigan and Minnesota Disciplinary Rules which will be considered by the Bar's Committee in drafting amendments to the present disciplinary rules. At least some of these amendments should be presented to the Board for approval at the June Meeting.

Please contact me if you have questions concerning the above.

Sincerely,

Mary F. LaFollette
Executive Director

- cc: Board of Governors
- Disciplinary Comm. Members
- Supreme Court Justices

P.S. I'm enclosing a copy of the American Bar Foundation report on discipline.

QUARTERLY DISCIPLINE REPORT

January 1, 1977 to March 31, 1977

I. CASELOAD:

1. Cases pending & carried forward on Dec. 31, 1976.....	90	
2. Complaints filed or reactivated since Dec. 31, 1976..	<u>18</u>	
TOTAL CASELOAD FOR PERIOD		108
3. Cases closed or ordered held in abeyance:		
(a) Dismissed.....	22	
(b) Informal Admonitions.....	3	
(c) Abeyance status.....	<u>5</u>	
TOTAL		<u>30</u>
4. Total Pending Cases on March 31, 1977		<u><u>78</u></u>

II. STATUS OF PENDING ACTIVE FILES

1. Investigative Stage:		
(a) Reviewing Committee Members.....	3	
(b) Bar Counsel.....	<u>57</u>	
Total		60
2. Before Hearing Committees.....		14
3. Before Board of Governors.....		1
4. Before Supreme Court.....		<u>3</u>
TOTAL ACTIVE FILES ON MARCH 31, 1977		<u><u>78</u></u>

III. CASELOAD FOR SIX MONTH PERIOD (Oct. 12, 1976 to March 31, 1977)

1. Cases Pending & Carried Forward on 10-12-76.....	135	
Less: Files in Abeyance status.....	<u>14</u>	
Total Active Files.....		121
2. Complaints Filed since 10-12-76.....	<u>40</u>	
TOTAL CASELOAD FOR PERIOD		161
3. Cases Closed or Ordered held in Abeyance		
(a) Dismissed.....	64	
(b) Informal Admonitions.....	9	
(c) Members transferred to Inactive status.....	3	
(d) Abeyance Status.....	7	
TOTAL.....		<u>83</u>
TOTAL ACTIVE FILES AT END OF PERIOD.....		<u><u>78</u></u>

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 1	11/71	Client	Funds - Failure to Account	Inv. Committee rec. dismissal-Bar Counsel completed inv.-\$3,200 refund to client. 3/31/77 LaFollette (Referred to Johnson in April for completion of report.)
2. 13	9/14/73	Client	Perf.-delay in dep. trust funds to interest bearing account	Review Committee Member returned file for further inv. Inv. completed 3/31/77-Bar Office (April file assigned to B.Shute)
3. 17	11/9/73	Client	Fees-in excess of agreement	Investigation Committee rec. dismissal-Bar Counsel completed investigation-Settlement with client for reduced fees. 3/31/77-LaFollette (April-report completed)
4. 23	1/8/74	Client	Perf-conflict of interest	Investigation incomplete 3/31/77-Bar Office
5. 26	2/19/74	Client	Perf-neglect & improper withdrawal	Investigation complete 3/31/77-Johnson (April-report completed and forwarded to Rev.Comm.)
6. 39	5/20/74	Client	Perf-neglect	Review. Comm. Member returned file for inv. Inv. completed. 3/31/77-LaFollette (April-report completed and referred to R.C.)
7. 45	7/19/74	Alaska Bar Assn.	Int. with Justice Communication with jurors	Report completed & forwarded to Irv Bertram on 3/31/77
8. 49	8/8/74	Client	Perf-neglect & improper withdrawal	Ready for report. 3/31/77-Bar Office (April-assigned to Johnson-report completed & forwarded to R.C.)
9. 57	10/17/74	Client	Funds-failure to repay loans	Inv. complete & ready for report. 3/31/77-DeLisio
10. 65	1/9/75	Client	Funds-failure to account	Inv. incomplete. 3/31/77-Bar Office
11. 72	2/3/75	Client	Perf-neglect delay & failure to communicate	Inv. incomplete. Ross on 3/2/77 (April to John Conway.)

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
12. 79	3/31/75	Opposing Attorney	Int. with Justice Lack of compliance w/agreement	Inv. complete and ready for report 3/31/77-Bar Office (April-assigned to DeLisio)
13. 80	4/10/75	Client	Perf-incompetence resulting in unsatisfactory result & excessive fees	Forwarded to Millard Ingraham for Review 3/11/77
14. 87	5/1/75	Client	Perf-Neglect Refusal to communicate	Forwarded to Monroe Clayton for Review 3/25/77
15. 88	5/9/75	Alaska Bar Assn. (2 Resp.)	Int. with Justice Harrassment, claim not warranted	Inv. incomplete 3/31/77-Bar Office (April-assigned to DeLisio)
16. 89	5/9/75	Client	Perf-inadequate, resulting in excessive fees	Further inv. needed 3/31/77-Bar Office
17. 93	5/29/75	Judge	Solicitation: self-laudation, publicity	Inv. incomplete Assigned to Ross 3/2/77
18. 94	6/2/75	Client	Perf-neglect	Review Comm. Member remanded for further inv. on 3/28/77 3/28/77 file returned to Ross (April-returned to R.C.)
19. 96	6/4/75	Client	Perf-bad advice on failure to advise	Inv. incomplete Assigned to Ross 2/10/77
20. 99	7/8/75	Attorney for heir	Perf-Neglect & failure to communicate	Inv. incomplete Assigned to DeLisio 1/5/76
21. 104	7/75	Alaska Bar Assn.	Perf-Rep. of conflicting interests & Numerous charges	More investigation needed. (Involves 12 charges) Assigned to Johnson 12/10/76
22. 119	9/15/75	Client	Funds - failure to pay out	Inv. complete & ready for report. Further inv. required. 3/31/77-Bar Office April-Forwarded to R.
23. 124	10/14/75	Judge & Adverse Party	Int. w/Justice slandorous accusations	Inv. complete & ready for report 3-31-77-Bar Office (April-assigned to DeLisio)

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
24. 130	10/20/75	Opposing Attorney	Perf-Neglect (delay & improper withdrawal-neg.)	Inv. Incomplete Assigned to Ross 3/2/77
25. 133	11/25/75	Client	Perf-neglect/poor representation	Inv. incomplete Assigned to DeLisio 1/14/77
26. 134	11/25/75	Client (2 Respondents)	Perf - neglect (delay and excessive fees for inadequate svc.)	Inv. incomplete Assigned to DeLisio 1/15/77
27. 139	12/12/75	Client (4 Respondents)	Perf- abandonment & bad advice; improper withdrawal	Inv. complete & ready for report 3/31/77-Bar Office (April-assigned to Johnson)
28. 147	3/10/76	Client (3 Respondents)	Int. w/justice: misrep. to court & abuse of process.	Inv. complete & ready for report. Assigned to DeLisio 2/10/77
29. 150	3/76	Client & adverse party (2 Respondents)	Perf - etc.- numerous charges including negligence	Inv. incomplete 3/31/77-Bar Office (April-assigned to Brian Shute)
30. 154	4/10/76	Adverse Party	Int. w/justice: extra judicial statements about pending case	Inv. incomplete Assigned to DeLisio 2/77 (April-report filed)
31. 163	8/4/76	Client	Perf. Neglect (Delay)	Inv. incomplete, (absence pending closing estate) Assigned to DeLisio 1/15/77 (April-report complete)
32. 176	9/24/76	Client	Perf. Neglect (delay & refusal to communicate)	Investigation incomplete 3/31/77-Bar Office
33. 178	9/21/76	Fee Arb Panel	Perf. adverse business interest	Review Comm. Member returned file for further inv. 3/31/77-Bar Office
34. 187	11/9/76	client	Fees	Inv. complete, ready for report. Assigned to DeLisio 2/2/77
35. 188	11/15/76	opposing attorney	Solicitation: contacted complainant's client about representation	Under investigation. 3/31/77-Bar Office (April-assigned to Shute & report forwarded to R. C.)

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status	
36.	189	11/23/76	Co-counsel	Performance	Under investigation Assigned to DeLisio 2/20/77
37.	193	11/16/76	Client's wife	Funds-withheld property	Under investigation 3/31/77-Bar Office
38.	194	11/30/76	Business Associate	Other-DR 1-101A	Under Investigation 3/31/77-Bar Office
39.	195	11/29/76	Co-Counsel	Perf-Neglect, failure to communicate	Under investigation 3/31/77-Bar Office
40.	196	11/30/76	Opposing attorney	Int. w/justice conflict	Inv. completed. 3/31/77-Bar Office DeLisio (Apr to R.C.)
41.	198	11/30/76	Alaska Bar Assn.	Felony charges	Under investigation 3/31/77-Bar Office
42.	200	12/8/76	Client	Perf - failure to follow instructions	Under investigation 3/31/77-Bar Office
43.	201	12/20/76	Opposing Attorney	Int. w/Justice, contacted client	Investigation complete ready for report Assigned to DeLisio 2/20/77
44.	203	1/10/77	Attorney	Solicitation	Under Investigation 3/31/77-Bar Office
45.	204	1/17/77	Opposing attorney	Performance	Under Investigation 3/31/77-Bar Office
46.	205	1/19/77	Client	Perf.-improper withdrawal	Under investigation 3/31/77-Bar Office
47.	206	1/24/77	Client	Funds	Under investigation 3/31/77
48.	207	1/28/77	Adverse Party	Perf.-contacting client rep. by attorney	Under investigation 3/31/77-Bar Office
49.	209	2/8/77	Client	Unclear	Complainant requested to furnish information concerning charges 3/31/77-Bar Office
50.	210	2/16/77	Client	Performance	Complainant asked to furnish additional information about nature of charges 3/31/77-Bar Office
51.	211	2/21/77	Client	Perf.-negligence	Under investigation 3/31/77-Bar Office

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
52. 212	2/25/77.	Adverse Party	Performance	Under investigation 3/31/77-Bar Office
53. 213	2/28/77	Client	Perf-negligence	Under investigation 3/31/77-Bar Office
54. 214	3/7/77	Opposing Attorney	Perf-Improper statement during trial	Investigation com- pleted 3/31/77-Bar Office (Apr-Johnson-report forwarded to R.C.)
55. 215	3/8/77	Client	Perf-Unauthorized settlement	Under investigation 3/31/77-Bar Office
56. 216	3/9/77	Opposing Attorney	Perf.-threatening crim. prosecution	Under investigation 3/31/77-Bar Office
57. 217	3/9/77	Opposing Attorney	Interference with Justice	Under investigation 3/31/77-Bar Office
58. 218	3/11/77	Client	Performance	Under investigation 3/31/77-Bar Office
59. 219	3/14/77	Opposing Attorney	Perf. improper trial conduct	Under investigation 3/31/77-Bar Office
60. 220	3/22/77		Perf.-neglect	Under investigation 3/31/77-Bar Office

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	5	4/11/73	Adverse Party	Interference with Justice-aiding dis- obedience of Court Order	Referred to Trial Comm. Assigned to Felton, 2/18/77
2.	7	5/17/73	Client	Funds-failure to deposit in Trust Acct. & to refund unearned portion on withdrawal	1-75 hearing before trial comm/open for comm. report. (\$300 refund to client). Trial Comm. Members: Pete Bartlett, Chairman, Jack Hendri- son, Alan McGrath
3.	8	6/4/73	Client	Perf-representa- tion of conflic- ting interests	Order for referral to trial comm. 3-31/77 LaFollette (Apr. Referred to Felton)
4.	19	11/19/73	Client	Perf-failure to perform	Order for referral to trial comm. 3/31/77-LaFollette (Apr. referred to Felton)
5.	35	4/8/74	Client	Perf-business int. adverse to client	Order for referral to trial comm. Assigned to Ross 10/4/76. Tran- ferred to Bar Office 3/30/77. (Apr.; Retain- ed Moderow to rep. Ba
6.	48	8/2/74	Client	Funds - delay in release	Order for referral to trial comm. Assigned to Ross 10/4/76. Transferred to Bar Of 3/30/77. (Apr.; Re- tained Moderow to rep Bar)
7.	70	2/18/75	Opposing Attorney	Perf.-slander & communication with adverse party rep. by counsel	Referred to trial comm. Ross trans- ferred to Felton. Set for hearing 5/15/77
8.	102	7/75	Alaska Bar Assn.	Perf. Conflict of int. & several other charges	Informal admonishment vacated at request of respondent & hearing before trial comm. pending.. Assigned to Ross 10/4/76. Trans- ferred to Felton on 2/10/77.
9.	123	10/10/75	Judge	Int. w/Justice Misrep. to court	Referred to Trial Com Assigned to Ross 10/21/76. Transferre to Felton 2/10/77

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
10. 132	11/75	Third Party	Solicitation-Ambulance Chasing	Order for referral to trial comm. Hearing scheduled 5/5/77. Assigned to Ross 10/29/77. Transferred to Felton 2/10/77
11. 148	3/5/76	Third Person (attorney)	Solicitation-sign & Name	Order for referral to trial comm. Reviewing Comm. member ordered file held in abeyance pending decision in Bates v Ariz. Assigned to Ross 9/21/76, transferred to Felton 2/10/77
12. 151	4/5/76	Client	Funds-Failure to Account	Referred to trial comm. Assigned to Ross 12/10/76, transferred to Felton 2/10/77
13. 156	5/25/76	Adverse Party	Int. w/Justice: intimidation	Referred to trial comm. Hearing scheduled 5/5/77. Assigned to Ross 12/31/76. Transferred to Felton 2/10/77.
14. 159	5/6/76	Client	Funds-conversion of property	Referred to trial Comm. Assigned to Felton 2/18/77

ACTIVE DISCIPLINARY FILES

March 31, 1977

CASES BEFORE BOARD OF GOVERNORS

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 59	11/9/74	Client	Perf-neglect	Hearing Committee Proposed Decision finalized 3/30/77. Board hearing at May meeting

ACTIVE DISCIPLINARY FILES

March 31, 1977

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 192	10/20/76	Alaska Bar	Other-Disab. Petition to Supreme Court	Consent signed by Respondent 3/31/77 LaFollette & DeLisio (April - Order for Transfer)
2. 199	11/30/76	Alaska Bar	Conviction- Felony	Certificate of convic- tion forwarded to Supreme Court. 3/31/77: LaFollette
3. 208	2/25/77	Alaska Bar	Other-Disab. Petition	Petition filed. 3/31/77: DeLisio (April - answer filed Order for medical exam entered.)

N4

Alaska Bar Association's Discipline Report
for the Second Quarter of 1977

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

MARY F. LAFOLLETTE EXECUTIVE DIRECTOR AND BAR COUNSEL

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EDWARD A. STANLA
DONNA C. WILLARD

August 30, 1977

Hon. Robert Boochever, Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Re: Quarterly Discipline Report

Dear Bob:

The Discipline Report for the period ending June 30, 1977 is enclosed. At the end of the quarter, the caseload was reduced to a manageable 61 cases, 11 of which were pending before review committee members for final disposition or referral to trial committees. All but 6 of the cases filed prior to November 1976 were either pending before review committee members, referred for formal hearing or closed. The remaining 6 old files were all assigned to bar counsel and some action should be taken on them before the end of September.

The Anchorage Disciplinary Committee heard 3 matters during the quarter. A committee decision has not yet been filed in one of these cases. One case was certified to the Board of Governors and dismissed in June. The third case is pending before the Board and will be considered in October.

At the June meeting, the Board also reviewed the record in the case heard in March and the record in that matter has been certified to the Court.

Although several attorneys were retained by the Bar on a part time basis during the quarter, most of their files were returned and assigned to Bill Garrison when he was employed full time by the Board in June. Terry Johnson still has two of the older cases and Mark Moderow appeared for the Bar before the Disciplinary Committee in two matters heard in July.

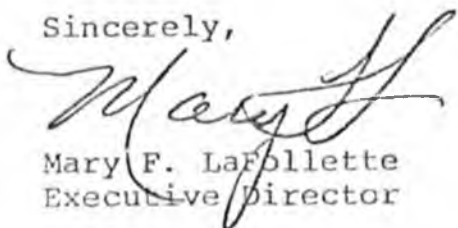
Work is continuing on the amendments to the Disciplinary rules and proposed amendments should be submitted to the Board for consideration at the October meeting.

Hon. R. Boochever
Disciplinary Report
August 30, 1977

Page 2

Please contact me if you have questions concerning the above.

Sincerely,



Mary F. LaFollette
Executive Director

Encl.

cc: Chief Justices (5)
Board of Governors (9)
Terry Johnson
Bill Garrison
Disciplinary Committee (6)

MFI/sd

QUARTERLY DISCIPLINE REPORT

March 31, 1977 - June 30, 1977

I. CASELOAD:

1. Cases pending & carried forward on Mar. 31, 1977...	78
2. Cases filed or reactivated since Mar. 31, 1977.....	<u>12</u>
TOTAL CASELOAD FOR PERIOD	90
3. Cases closed or ordered held in abeyance since 3/31/77:	
(a) Dismissed	
(1) By Review Committee Member.....	19
(2) By Board of Governors.....	1
(b) Informal admonitions.....	8
(c) Abeyance status (transfer to inactive membership).....	<u>1</u>
TOTAL	<u>29</u>
4. Total Pending Cases on June 30, 1977:	<u><u>61</u></u>

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage:	
(a) Review Committee (R.C.) Members.....	11
(b) Bar Counsel.....	<u>30</u>
TOTAL	41
2. Before Hearing Committees	16
3. Before Board of Governors	2
4. Before Supreme Court	<u>2</u>
TOTAL PENDING ACTIVE CASES ON APRIL 30, 1977	<u><u>61</u></u>

STATISTICAL REPORT FOR 9 MONTH PERIOD
October 12, 1976 to June 30, 1977

	Totals 10/12/76 to 12/30/76 (1)	Totals 1/1/77 to 3/31/77 (2)	Totals 4/1/77 to 6/30/77 (3)	Total
Active cases pending 7 carried forward at beginning of period:	121	20	78	121
Complaints filed or reactivated during period	<u>22</u>	<u>18</u>	<u>12</u>	<u>52</u>
TOTAL CASELOAD FOR PERIOD:	143	108	90	173
Less: Cases closed or ordered held in abeyance:				
(a) Dismissed:	(1) 42	(2) 22	(3) 20	
(b) Informal admonitions:	6	3	8	
(c) Members transferred to inactive status:	1	2	1	
(d) Abeyance status:	<u>4</u>	<u>3</u>	<u>0</u>	
TOTALS:	<u>53</u>	<u>30</u>	<u>29</u>	<u>112</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>90</u>	<u>78</u>	<u>61</u>	<u>61</u>

STATUS OF PENDING ACTIVE FILES:

1. Investigative stage:				
(a) Review Committee Members:	74	3	11	
(b) Bar Counsel:		57	30	
2. Before Hearing Committee:	14	14	16	
3. Before Board of Governors:		1	2	
4. Before Supreme Court:	<u>2</u>	<u>3</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>90</u>	<u>78</u>	<u>61</u>	

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 1	11/71	Client	Funds - Failure to Account	Inv. Committee rec dismissal-Bar Coun completed inv.-\$3, refund to client. 4/19/77 to Johnson
2. 23	1/8/74	Client	Perf-conflict of interest.	Report & rec. forwarded to J. Conway on 6/27/77 (Ref'd. to tr. comm. 7/7/77.)
3. 57	10/17/74	Client	Funds-failure to repay loans	Inv. complete & ready for report. 3/31/77: DeLisio - 5/4 - transferred H. Ross, 6/17/77 - transferred to Garrison.
4. 65	1/9/75	Client	Funds-failure to account	Report & rec. forwarded to R.C., Dave Wolf on 6/18/77. (Dismissed 8/26/77)
5. 89	5/9/75	Client	Perf: inadequate, resulting in excessive fees	Report & rec. forwarded to R.C., Dave Wolf, on 6/22/77
6. 93	5/29/75	Judge	Solicitation: self-laudation, publicity	Report & rec. forwarded to R.C., J. Conway, on 6/30/77.
7. 94	6/2/75	Client	Perf: neglect	4/15 - Report & re-submitted to R. Wolf. 6/18/77 rt to Bar office for inv.-Resubmitted 3rd time to R.C. Wolf - 6/77.
8. 104	7/75	Alaska Bar Assn.	Perf: Rep. of conflicting interests & numerous charges	(Involves 12 charges) Assigned Johnson 12/10/76 Transferred to Garrison 5/76. By 6/27/77 8 of 1 charges disposed by dismissal or i formal ad.
9. 130	10/20/75	Opposing attorney	Perf: Neglect (delay & improper withdrawl-neg.	Assigned to Ross 3/2/77. 6/7/77 transferred to Garrison. (Rec. b Garrison to B.O.G that be held in abeyance pending trial in civil ca To be considered B.O.G. at Oct. mt

ACTIVE DISCIPLINARY FILES

June 30, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
10. 139	12/12/75	Client	Perf: abandonmen. & bad advice; improper withdrawl	Inv. complete & ready for report. 4/7/77 Terry Johnson.
11. 147	3/10/76	Client (3 respondents)	Int. with justice: misrep. to court & abuse of process	1/77 returned by R.C. for inv. Assigned to DeLisi 2/10/77 transferred to Bar offc. on 4/12/77; 6/77 assigned to Garrison - Inv. pending.
12. 150	3/76	Client & adverse party (2 respondents)	Perf, etc-numerous charges including negligence	3/31/77 Bar offc. (April-assigned to Schute) 6/22/77 Report & rec. to R.C., J. Conway - 7/6/77 file closed
13. 187	11/9/76	Client	Fees	Assigned to DeLisi 2/2/77. 5/13/77 Report & rec. forwarded to R.C., J. Conway. 6/21 Ret' for referral to Fed Arb. Comm. (Assigned to Garrison)
14. 193	11/16/76	Client's wife	Funds-withheld property	Under investigation 3/31/77 Bar offc. (7/28/77 Dismiss'd.)
15. 194	11/30/76	Bar Assoc.	Other-DR 1-101A	3/31/77 Bar office Report & rec. forwarded to R.C., W on 6/18/77. (8/2 dismissed)
16. 196	11/30/76	Opposing atty.	Int. with Justice-conflict	Investigation completed, 3/31/77 - DeLisi. Report rec. to J.C. Wolf 4/15/77.
17. 198	11/30/76	Bar Assoc.	Int. with Justice-(felony charges)	Abeyance pending Criminal trial
18. 200	12/8/76	Client	Perf: failure to follow instructions	Under investigation 3/31/77 Bar office 4/22 - Assigned to H. Ross. 6/17 transferred to Garrison.
19. 203	1/10/77	Attorney	Solicitation	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison

ACTIVE DISCIPLINARY FILES

June 30, 1977

CASES IN INVESTIGATIVE STAGE

Original Case #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
20. 204	1/17/77	Opposing atty.	Performance	Under investigation 3/31/77: Bar office 6/77-assigned to Garrison
21. 205	1/19/77	Client	Perf.-improper withdrawal	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
22. 206	1/24/77	Client	Funds	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
23. 212	2/25/77	Adverse party	Performance	Under investigation 3/31/77: Bar office 6/77 - Garrison
24. 213	2/28/77	Client	Perf.-negligence	Under investigation 3/31/77: Bar office Report & rec. to R.C., Conway on 6/21/77
25. 215	3/8/77	Client	Perf. Unauthorized settlement	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
26. 216	3/9/77	Opposing atty.	Perf.-threatening criminal prosecution	Under investigation 3/31/77: Bar office Report & rec. for- warded to R.C. Wolf on 6/18/77
27. 217	3/9/77	Opposing atty.	Interference with Justice	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
28. 218	3/11/77	Client	Performance	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
29. 219	3/14/77	Opposing atty.	Perf.-Improper trial conduct	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
30. 220	3/22/77		Perf.-neglect	Under investigation 3/31/77: Bar office 6/77 assigned to Garrison
31. 221	4/18/77	Client	Funds	Report & rec. to R.C. Wolf on 6/18/77 (File ret'd for other inv. on 8/2/77)

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES IN INVESTIGATIVE STAGE

Original Docket \$	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
32. 223	5/17/77	3rd party	Fees	6/77 assigned to Garrison
33. 224	5/18/77	Client	Performance	6/77 assigned to Garrison
34. 225	5/17/77	Opposing atty.	Funds	6/77 assigned to Garrison
35. 226	5/20/77	Client & adv. party (involves 2 attys.)	Funds	6/77 assigned to Garrison
36. 227	6/2/77	Bar Assn.	Solicitation	6/77 assigned to Garrison
37. 228	6/28/77	Bar Assn.	Int. with Justice	6/77 assigned to Garrison
38. 229	6/28/77	Client	Performance	6/77 assigned to Garrison
39. 230	?	Client	Performance	6/77 assigned to Garrison
40. 231	6/30/77	Bar Assn.	Performance	6/77 assigned to Garrison
41. 232	6/28/77	Fee Arb. Panel	Performance	6/77 assigned to Garrison

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 7	5/17/73	Client	Funds-failure to deposit in Tr/acct. & to refund unearned portion on withdrawal	1/75 Hearing before trial committee/ordered for committee report (\$300 refund to client) Trial Committee Members: P Bartlett, Chairma Jack Hendrickson, Alan McGrath
2. 8*	6/4/73	Client	Performance-representation of conflicting interests	Order for referral to trial committee 4/4/77 Felton. 6/77 transferred Garrison
3. 13	9/14/73	Client	Perf.-delay in dep. trust funds to interest bearing account	6/20: Respondent receive inf. ad. complies with conditions within 30 days. Otherwise refer to Trial Co
4. 19	11/19/73	Client	Perf.-failure to perform	Order for referral to tr. comm. 6/29 Ref'd back to Wol with Rec. to vacate order & issue informal admonition
5. 35	4/8/74	Client	Perf.-business int. adverse to client	Order for referral to trial comm. Apr: Retained Modrow to rep. bar (Hearing 7/17 & 18)
6. 48	8/2/74	Client	Funds-delay in release	Order for referral to trial comm. Apr: Retained Modrow to rep. Bar (Hearing 7/17-18)
7. 70	2/18/75	Opposing atty.	Perf.-slander & communication with adverse party rep. by counsel	Trial Comm. on 6/15/77 (Proposed decision filed with Bd. on 7/8/77 Scheduled for hearing before Bd. in Oct.)
8. 102	7/75	Alaska Bar Assn.	Perf: Conflict of int. & several other chgs.	Informal admonishment vacated at request of respondent & hearing before trial comm Assigned to Ross 10/4/76. Transferred to Felton on 2/10/77 Transferred Garrison (Committee hearing 7/29/77)

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
9. 123	10/10/75	Judge	Int. with Justice Mis-rep. to court	Referred to Trial Comm. Assigned to Ross 10/21/76. 6/77 transferred to Garrison (Hearing postponed pending outcome of civil appeal)
10. 133	11/25/75	Client	Perf: neglect/poor representation	Order for referral to Trial Comm. 6/17/77. (Assigned to Garrison.)
11. 148	3/5/76	Third person atty.	Solicitation: sign & name	Order for referral to trial committee Reviewing Comm. Member ordered file held in abeyance pending decision in Bates v. Ariz. Assigned to Ross: 9/21/76. Transferred to Felton 2/10/77. 6/77 transferred to Garrison.
12. 151	4/5/76	Client	Funds: Failure to account	Referred to Trial Committee. Assigned to Ross 12/10/76. Transferred to Felton 2/10/77. 6/77 transferred to Garrison.
13. 154	4/10/76	Adverse party	Int. with justice: extrajudicial statements about pending case	Assigned to DeLis 2/77. (April: report filed)
14. 156	5/25/76	Adverse party	Int. with Justice: intimidation	Referred to Trial Committee. Assigned to Ross 12/3/76. Transferred to Felton 2/10/77. Hearing 5/5/77 - Comm. proposed decision pending.
15. 159	5/6/76	Client	Funds: conversion of propert.	Referred to Trial Committee. Assigned to Felton 2/18/77. 6/77 transferred to Garrison.

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
16. 163	8/4/76	Client	Perf: Neglect (delay)	Assigned to DeLisi 1/15/72 (Apr. repo completed) 5/25 - referred to Trial Comm. (Assigned to Garrison on 5/25/7

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES BEFORE BOARD OF GOVERNORS

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 59	11/9/74	Client	Perf. Neglect	Bd. Hearing: 6/18/77 Order to refer to Sup. Ct. (Record certified 8/17/77)
2. 222		Client	Performance	6/2/77 Report & re to R.C., Conway-- 6/17/77--Conway re turned file with rec. to BOG that matter be held in abeyance pending outcome of civil trial--6/21-rec fo warded to BOG-deci sion expected at Oct. BOG mtg.

ACTIVE DISCIPLINARY FILE

June 30, 1977

CASES BEFORE SUPREME COURT

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 199	10/30/76	Alaska Bar	Conviction-Felony	3/77 Certificate of conviction forwarded to Ct.; 5/77 Order for temp. suspension. 6/7/77 - Denied Mo. for Stay; 6/77 Petition for Review filed. (7/77 Ct. ordered Bar to brief q. of ct's. authority to waive Rule & lift suspension. 8/77 - ct. ordered expedited hearing on q. of discipline; hearing scheduled 9/2/75)
2. 208	2/25/77	Alaska Bar	Other-Disability Petition	Pet. filed 2/25/77 (3/31/77 - assigned DeLisio) Apr - Ans filed; ct. ordered medical report. <i>Rep.</i> filed with court. <i>3)</i>

N5

Alaska Bar Association's Discipline Report
for the Third Quarter of 1977

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

MARY F. LAFOLLETTE EXECUTIVE DIRECTOR AND BAR COUNSEL

Officers

DICK L. MADSON
PRESIDENT
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WILLIAM B. ROZELL
RICHARD D. SAVELL
EDWARD A. STAHLA
DONNA C. WILLARD

October 11, 1977

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Bob:

The quarterly discipline report for the period 6/30/77 to 9/30/77 is enclosed.

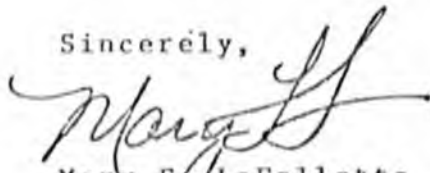
There was little change in the statistical caseload during the period. Ten files were closed by dismissal or informal admonishment, but ten new complaints were filed and one closed case was reactivated at the request of a respondent for formal hearing after informal admonishment.

Four cases were presented to Trial Committees. The decision in one of these cases was reviewed by the Board in September and is now pending before the Court. Committee decisions in the other cases have not yet been filed.

Hearings are scheduled before the Board in October in two cases which were heard by the Committees in May and June.

Please contact me if you have any questions concerning the above.

Sincerely,



Mary F. LaFollette
Executive Director

cc: Chief Justices
Board of Governors
John Hughes & members
of Trial Committee
David Wolf
Monroe Clayton
~~Mark Anderson~~
Bill Garrison

sd

QUARTERLY DISCIPLINE REPORT

June 30, 1977 - Sept. 30, 1977

I. CASELOAD

1. Cases pending & carried forward on June 30, 1977.....61

2. Cases filed or reactivated since June 30, 1977.....11

TOTAL CASELOAD FOR PERIOD

72

3. Cases closed or ordered held in abeyance since June 30, 1977:

(a) Dismissed

(1) By Review Committee Member..... 8

(2) By Board of Governors..... 0

(b) Informal admonitions..... 2

(c) Abeyance status (transfer to inactive membership)..... 0

TOTAL

10

4. Total Pending Cases on Sept. 30, 1977:

62

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage"

(a) Review Committee (R.C.) Members.....12

(b) Bar Counsel.....30

TOTAL

42

2. Before Hearing Committees

13

3. Before Board of Governors

4

4. Before Supreme Court

3

TOTAL PENDING ACTIVE CASES ON Sept. 30, 1966

62

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 1	11/71	Client	Funds - Failure to Account	Inv. Comm. rec. dismissed-Bar Counsel completed inv. - \$3200 refund to client. 4/19/77 to Johnson 9/30/77 Report forwarded to R. C. Wolf
2. 57	10/17/74	Client	Funds - Failure to repay loans	Inv. complete & ready for report. 3/31/77 DeLisio 5/4-Transferred to H. Ross 6/17/77-transferred Garrison. 9/30 Report forwarded to R.C. Clayton
3. 89	5/9/75	Client	Perf: inadequate resulting in excessive fees	Report & rec forwarded to R.C. Dave Wolf, 6/22/77
4. 93	5/29/75	Judge	Solicitation: self-laudation, publicity	Report & rec forwarded to R.C. D. Wolf, on 6/30/77
5. 94	6/2/75	Client	Perf: neglect	4/15-Report & rec submitted to R.C. Wolf 6/18/77 ret'd to Bar Ofc. for inv. Resubmitted for 3rd time R.C. Wolf 6/77.
6✓ 104	7/75	Alaska Bar Assn.	Perf: Rep. of conflicting interests & numerous charges	(Involves 12 charges Assigned to Johnson 12/10/76. Transferred to Garrison 5/77. 6/27/77 8 of 12 charges disposed of by dismissal or informal adj. By 8/15/77 2 of remaining 4 charges dismissed 2 charges pending.
7. 130	10/20/75	Opposing Atty.	Perf: Neglect (delay and improper withdrawal - neg.)	Assigned to Ross 3/77 6/7/77 transferred to Garrison. (Rec. by Garrison to BOG that held in abeyance pending trial in civ. c. To be considered by BOG at Oct. meeting
8✓ 139	12/12/75	Client	Perf: abandonment & bad advice; improper withdrawal	Inv. complete & ready for report. 4/7/77 Johnson, 8/7/77 file returned Garrison.
9. 147	3/10/76	Client (3 Respondents)	Int. with justice: misrep. to court & abuse of process	1/77 returned by R. for inv. Assigned to DeLisio. 2/10/77 transferred to Bar Ofc. 4/12/77; 6/77 assigned to Garrison-Inv. pending. 9/9/77-Report forwarded to R.C. Wolf

DISCIPLINARY FILES
 Sept. 30, 1977
 CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
10. 187	11/9/76	Client	Fees	Assigned to DeLisio 2/27/77. 5/13/77-Report & rec. forwarded to R.C. J. Conway. 6/21 returned for referral to Fee Arb Comm. (Assigned to Garrison. 9/27/77 Report & file returned to R.C. Conway
11. 196	11/30/76	Opposing Atty.	Int. with Justice-Conflict	Investigation completed 3/31/77-DeLisio. Report & Rec. to R.C. Wolf on 4/15/77.
12. 198	11/30/76	Bar Assoc.	Int. with Justice-(Felony charges)	Abeyance pending criminal trial.
13.✓ 200	12/8/76	Client	Perf: failure to follow instructions	Under investigation. 3/31/77 Bar Ofc. 4/22-assigned to H. Ross. 6/17 transferred to Garrison.
14.✓ 203	1/10/77	Attorney	Solicitation	Under investigation. 3/31/77 Bar Ofc. 6/77 assigned to Garrison
15. 204	1/17/77	Opposing Atty.	Performance	Under Investigation. 3/31/77 Bar Office. 6/77 assigned to Garrison 9/14 Report forwarded to R.C. Wolf.
16.✓ 205	1/19/77	Client	Perf: Improper withdrawal	Under investigation. 3/31/77 Bar office 6/77 assigned to Garrison
17. 206	1/24/77	Client	Funds	Under Investigation. 3/31/77 Bar Office 6/77 assigned to Garrison 9/28 Rpt. fwd. to RC Wolf
18.✓ 215	3/8/77	Client	Perf: Unauthorized settlement	Under investigation 3/31/77 Bar Office 6/77 assigned to Garrison
19. 216	3/9/77	Opposing Atty.	Perf: Threatening criminal prosecution.	Under investigation 3/31/77 Bar Office Report & rec forwarded R. C. Wolf on 5/25/77. Returned by Wolf 6/77; returned to Wolf 6/77
20.✓ 217	3/9/77	Opposing Atty.	Interference with Justice	Under investigation 3/31/77 Bar Office 6/77 assigned to Garrison
21.✓ 218	3/11/77	Client	Performance	Under investigation 3/31/77 Bar Office 6/77 assigned to Garrison
22.✓ 219	3/14/77	Opposing Atty.	Perf: Improper Trial conduct	Under investigation 3/31/77 Bar Office 6/77 assigned to Garrison
23.✓ 220	3/22/77		Perf: Neglect	Under investigation 3/31/77 Bar Office 6/77 assigned to Garrison

FIVE DISCIPLINARY FILES
 Sept. 30, 1977
 CASES IN INVESTIGATIVE STAGE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
24. 221	4/18/77	Client	Funds	Report & rec. to R. C. Wolf on 6/18/77 (File returned for further investigation on 8/26/77) 9/12 File returned to Wolf.
25. 223	5/17/77	3rd Party	Fees	6/77 assigned to Garrison
26. 225	5/17/77	Opposing Atty.	Funds	6/77 assigned to Garrison
27. 226	5/20/77	Client & adv. party (Involves 2 attys.)	Funds	6/77 assigned to Garrison
28. 227	6/2/77	Bar Assn.	Solicitation	6/77 assigned to Garrison
29. 228	6/28/77	Bar Assn.	Int. with Justice	6/77 assigned to Garrison
30. 229	6/28/77	Client	Performance	6/77 assigned to Garrison
31. 230	?	Client	Performance	6/77 assigned to Garrison
32. 231	6/30/77	Bar Assn.	Performance	6/77 assigned to Garrison
33. 233	7/5/77	Client	Perf: Conflict of Interest	7/77 assigned to Garrison
34. 234	7/11/77	Client	Perf: & Funds	7/77 assigned to Garrison
35. 235	8/1/77	Client	Performance	8/77 assigned to Garrison
36. 236	7/28/77	Fee Arb Panel	Int. with Justice	7/77 assigned to Garrison
37. 237	8/3/77	Opposing Party	Int. with Justice	8/77 assigned to Garrison
38. 238	7/26/77	3rd Party	Performance	7/77 assigned to Garrison
39. 239	7/26/77	3rd Party	Performance	7/77 assigned to Garrison
40. 240	8/24/77	Client	Performance	8/77 assigned to Garrison
41. 241	9/16/77	Client	Funds	9/16/77 assigned to Garrison
42. 242	9/28/77	Opposing Atty.	Performance	9/77 assigned to Garrison

ACTIVE DISCIPLINARY FILE

Sept. 30, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 7	5/17/73	Client	Funds-failure to deposit in Tr/acct. & to refund un-earned portion on withdrawal.	1/75 Hearing before trial comm./open for comm. report (\$300 refund to client) Trial Comm Members: Pete Bartlett, Chairman, Jack Hendrickson, Al McGrath
2. 8	6/4/73	Client	Performanc-representation of conflicting interests	Order for referral to trial comm. 4/4/77 Felton. 6/77 transferred to Garrison
3. 13	9/14/73	Client	Perf: delay in dep. trust funds to interest bearing account	6/20: Respondent to receive inf. ad. if complies with condit within 30 days. Otherwise refer to Trial Comm.
4. 23	1/8/74	Client	Perf: Conflict of interest	Report & rec. forward to J. Conway on 6/27 Ref'd to Trial Comm 7/7/77
5. 35	4/8/74	Client	Perf: Business int. adverse to client	Order for referral to Trial Comm. Apr: Retained Moderow to re Bar. Hearing 7/17 & 9/30 Comm. decision pending.
6. 48	8/2/74	Client	Funds-delay in release	Order for referral to Trial Comm. Apr: Retained Moderow to re Bar. Hearing 7/17 & 9/30 Comm. decision pending.
7. 102	7/75	Ak. Bar Assn.	Perf: Conflict of interest & several other charges	Informal admonishment vacated at request of respondent & hearing before Trial Comm. Assigned to Ross 2/4 Transferred to Felton on 2/10/77 6/77 Transferred to Garrison (Comm. Hear 7/29/77)
8. 123	10/10/75	Judge	Int. with Justice Mis-rep. to court	Referred to Trial Co Assigned to Ross 10/21/76. 6/77 transferred to Garrison (Hearing postponed pending outcome of civil appeal.)

ACTIVE DISCIPLINARY FILES

Sept. 30, 1977

CASES BEFORE HEARING COMMITTEE

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
9. 133	11/25/75	Client	Perf:neglect/poor representation	Order for referral to Trial Comm. 6/17/77. (assigned to Garrison)
10. 148	3/5/76	3rd person Atty.	Solicitation: sign and name	Order for referral to Trial Comm. Review Comm. Member ordered file held in abeyance pending decision in Bates v Ariz. Assign to Ross 9/21/76. Tr ferred to Felton 2/1 6/77 transferred to Garrison.
11. 151	4/5/76	Client	Funds: Failure to account	Referred to Trial Co Assigned to Ross 12/10/76. Transferr to Felton 2/10/77. 6/77 transferred to Garrison.
12. 154	4/10/76	Adverse Party	Int. with justice: extra-judicial statements about pending case.	Assigned to DeLisio 2/77. (April: repor filed.)
13. 178	9/21/76	Fee Arb Panel	Performance	6/17/77-File closed with informal Adm. 7/28/77 Respondent r quested formal heari Order for inf. adm. vacated. Assigned t Garrison

ACTIVE DISCIPLINARY FILES

Sept. 30, 1977

CASES BEFORE BOARD OF GOVERNORS

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 70	2/18/75	Opposing Atty.	Perf: Slander & communication w/ adverse party rep. by counsel	Trial Comm. Hearing 6/15/77. Proposed decision filed with Bd. on 7/8/77. Scheduled for Bd. review in Oct
2. 156	5/25/76	Adverse Party	Int. w/Justice intimidation	Referred to Trial Comm. Assigned to Ross 12/2/76. Transferred to Felton 2/10/77. Hearing 5/5/77. Decision filed in Sept. Board review scheduled 10/17/77.
3. 163	8/4/76	Client	Perf: Neglect (delay)	Assigned to DeLisio 1/15/72 (Apr. report completed) 5/25- referred to Trial Comm. (Assigned to Garrison on 5/25/77). Stipulation for hearing by Board rather than Trial Comm. Hearing scheduled 10/17/77.
4. 222		Client	Performance	6/2/77 Report & rec. R. C., Conway. 6/17/77 Conway returns file with rec to BOG that matter be held abeyance pending outcome of civil trial 6/21 rec. forwarded BOG, decision expected at Oct. BOG meeting.

ACTIVE DISCIPLINARY FILE

Sept. 30, 1977

CASES BEFORE SUPREME COURT

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1. 59	11/9/74	Client	Perf: Neglect	Board Hearing: 6/18/77 Order to refer to Sup. Ct.; Record Certified to Supreme Court on 8/17/77.
2. 199	10/30/76	Ak. Bar	Conviction-Felony	3/77 Certificate of conviction forwarded to Ct.; 5/77 Order for temp. suspension. 6/7/77 Denied Mo. for Stay. 6/77 Petition for Review filed (7/77 Ct. ordered Bar to brief q. of Ct's. authority to waive Rule & lift suspension. 8/77 Ct. ordered expedited hearing on g. of discipline; hearing 9/2/75. Board review 7/18 and Record forwarded to Sup. Ct. 9/22 with rec for 3 yrs. suspension.
3. 208	2/25/77	Ak Bar.	Other-Disability Petition	Pet. filed 2/25/77 (3/31/77 assigned DeLisio) Apr. Answer filed; Ct. ordered medical Report. Report filed with Court 8/77.

	Totals 10/12/76 to 12/30/76 (1)	Totals 1/1/77 to 3/31/77 (2)	Totals 4/1/77 to 6/30/77 (3)	Totals 6/30/77 to 9/30/77 (4)	Totals
Active cases pending & carried forward at beginning of period:	121	90	78	61	121
Complaints filed or reactivated during period	<u>22</u>	<u>18</u>	<u>12</u>	<u>11</u>	<u>63</u>
TOTAL CASELOAD FOR PERIOD:	143	108	90	72	184
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	42	22	20	8	
(b) Informal Admonitions	6	3	8	2	
(c) Members transferred to inactive status	1	2	1	0	
(d) Abeyance status	<u>4</u>	<u>3</u>	<u>0</u>	<u>0</u>	
TOTALS	<u>53</u>	<u>30</u>	<u>29</u>	<u>10</u>	<u>122</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>90</u>	<u>78</u>	<u>61</u>	<u>62</u>	<u>62</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative state:					
(a) Review Committees	{74	3	11	12	
(b) Bar Counsel		57	30	30	
2. Before Hearing Committee	14	14	16	13	
3. Before Board of Governors		1	2	4	
4. Before Supreme Court	<u>2</u>	<u>3</u>	<u>2</u>	<u>3</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD	<u>90</u>	<u>78</u>	<u>61</u>	<u>62</u>	

N6

Alaska Bar Association's Discipline Report
for the Fourth Quarter of 1977
or, the Year-End Report

March 17, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

In following up our phone conversation of February 17th, please find enclosed a revised grievance report for the last calendar year along with information on fee arbitration matters.

By way of explanation, please note the incorrect copy. The circled figures in the far right hand column do not accurately reflect the number of cases handled during the past year. While you may not be able to appreciate my ignorance in preparing this report, hopefully, you can understand how the error came about.

While the totals are not necessarily incorrect they are not in any way meaningful.

Thank you for your patience in this matter.

Respectfully,

William W. Garrison
State Bar Counsel

WWG/lms

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
David Wolf
John Conway
Monroe Clayton
Pete Ellis

STATISTICAL REPORT FOR 12 MONTH PERIOD
January 1, 1977 to December 31, 1977

Totals 1/1/77 to 3/31/77 (1)	Totals 4/1/77 to 6/30/77 (2)	Totals 6/30/77 to 9/30/77 (3)	Totals 9/30/77 to 12/31/77 (4)	Totals 12 Month Period
--	--	---	--	------------------------------

Active cases pending & carried forward at beginning of period:

90 78 61 62 90

Complaints filed or reactivated during period:

18 12 11 5 46

TOTAL CASELOAD FOR PERIOD:

108 90 72 67 136

Less: Cases closed or ordered held in abeyance:

	(1)	(2)	(3)	(4)
(a) Dismissed	22	20	8	11
(b) Informal Admonitions	3	8	2	7
(c) Members transferred to inactive status	2	1	0	0
(d) Abeyance Status	3	0	0	1
(e) Suspension	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>

TOTALS 30 29 10 20 89

TOTAL PENDING CASES AT END OF PERIOD:

78 61 62 47 47

STATUS OF PENDING ACTIVE FILES:

1. Investigative stage:

(a) Review Committees	3	11	12	3
(b) Bar Counsel	57	30	30	31

2. Before Hearing Committee

14 16 13 7

3. Before Board of Governors

1 2 4 4

4. Before Supreme Court

3 2 3 2

TOTAL ACTIVE FILES AT END OF EACH PERIOD

78 61 62 47

STATISTICAL REPORT FOR 12 MONTH PERIOD
January 1, 1977 to December 31, 1977

	Totals 1/1/77 to 3/31/77 (1)	Totals 4/1/77 to 6/30/77 (2)	Totals 6/30/77 to 9/30/77 (3)	Totals 9/30/77 to 12/31/77 (4)	Totals
Active cases pending & carried forward at beginning of period:	90	78	61	62	291
Complaints filed or reactivated during period:	18	12 <i>these figures</i>	11	5	46
TOTAL CASELOAD FOR PERIOD:	108	90 <i>NOT THESE</i>	72	67	337
Less: Cases closed or ordered held in abeyance:					
(a) Dismissed	22	20	8	11	
(b) Informal Admonitions	3	8	2	7	
(c) Members transferred to inactive status	2	1	0	0	
(d) Abeyance Status	3	0	0	1	
(e) Suspension	0	0	0	1	
TOTALS	30	29	10	20	89
TOTAL PENDING CASES AT END OF PERIOD:	78	61	62	47	248
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	3	11	12	3	29
(b) Bar Counsel	57	30	30	31	148
2. Before Hearing Committee	14	16	13	7	50
3. Before Board of Governors	1	2	4	4	11
4. Before Supreme Court	3	2	3	2	10
TOTAL ACTIVE FILES AT END OF EACH PERIOD	78	61	62	47	248

FEE ARBITRATION REPORT FOR 1977

Cases pending on January 1, 1977:	12	
Petitions filed during year:	<u>20</u>	
Total Caseload for Year:		<u>32</u>
Cases disposed of during year:	<u>22</u>	
Total cases still pending at end of year:		10
Decisions pending:	4	
Abeyance:	1	
Scheduled for Hearing:	<u>5</u>	
	10	

N7

Alaska Bar Association's Discipline Report
for the First Quarter of 1978

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

Officers

DICK L. MADSON
PRESIDENT
FAIRBANKS
KENNETH O. JARVI
PRESIDENT ELECT
ANCHORAGE
WILLIAM B. ROZELL
VICE PRESIDENT
JUNEAU
DONNA C. WILLARD
SECRETARY
ANCHORAGE

P. O. BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

Board Members

ALBERT H. BRANSON
R. STANLEY DITUS
KAREN L. HUNT
KENNETH O. JARVI
DICK L. MADSON
WILLIAM B. ROZELL
RICHARD D. SAVELL
EDWARD A. STAHLA
DONNA C. WILLARD

April 12, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

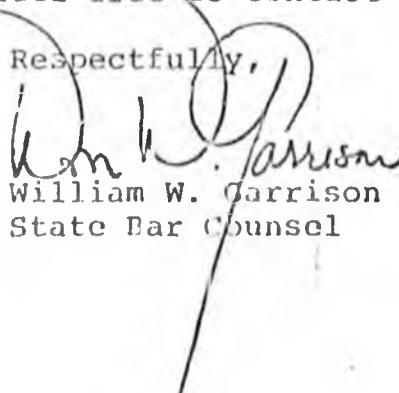
Please find enclosed the Quarterly Report for the period covering January 1, 1978 - March 31, 1978. Due to the loss of key personnel and the consequent necessity to undertake additional administrative functions I could not devote the amount of time I would have wished solely to disciplinary matters. Nevertheless the present pending caseload is less than last quarter. While 6 grievances were opened approximately 39 matters were handled informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	101.4 hours
Miscellaneous & administration	126.9 hours
Fee arbitration - does not include time at hearings	13.9 hours
Matters in Federal Court	.9 hours
TOTAL	243.1 hours

If you have any questions, please feel free to contact me.

Respectfully,


William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
David Wolf
John Conway
Monroe Clayton
Pete Ellis

WWG/lms

QUARTERLY DISCIPLINE REPORT

January 1, 1978 - March 31, 1978

I. CASELOAD

1.	Cases pending & carried forward on January 1, 1978.....	47	
2.	Cases filed or reactivated since January 1, 1978.....	<u>6</u>	
	TOTAL CASELOAD FOR PERIOD		53
3.	Cases closed or ordered held in abeyance since January 1, 1978:		
	(a) Dismissed by Review Committee Member.....	5	
	(b) Informal admonitions by Review Committee Member....	1	
	(c) Abeyance status.....	<u>4</u>	
	TOTAL		10
4.	Total Pending Cases on March 31, 1978:		<u>43</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	3	
	(b) Bar Counsel.....	28	
	TOTAL		31
2.	Before Hearing Committees		7
3.	Before Board of Governors		3
4.	Before Supreme Court		<u>2</u>
	TOTAL PENDING ACTIVE CASES ON March 31, 1978		<u>43</u>

	Totals 4/1/77 to 6/30/77 (1)	Totals 7/1/77 to 9/30/77 (2)	Totals 10/1/77 to 12/31/77 (3)	Totals 1/1/78 to 3/31/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	78	61	62	47	78
Complaints filed or reactivated during period:	<u>12</u>	<u>11</u>	<u>5</u>	<u>6</u>	<u>34</u>
TOTAL CASELOAD FOR PERIOD:	90	72	67	53	112

Cases closed or ordered held in abeyance:

	(1)	(2)	(3)	(4)
(a) Dismissed	20	8	11	5
(b) Informal Admonitions	8	2	7	1
(c) Members transferred to inactive status	1	0	0	0
(d) Abeyance Status	0	0	1	4
(e) Suspension	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>

TOTALS	<u>29</u>	<u>10</u>	<u>20</u>	<u>10</u>	<u>69</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>61</u>	<u>62</u>	<u>47</u>	<u>43</u>	<u>43</u>

STATUS OF PENDING ACTIVE FILES:

1. Investigative stage:					
(a) Review Committees	11	12	3	3	
(b) Bar Counsel	30	30	31	28	
2. Before Hearing Committee	16	13	7	7	
3. Before Board of Governors	2	4	4	3	
4. Before Supreme Court	<u>2</u>	<u>3</u>	<u>2</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD	<u>61</u>	<u>62</u>	<u>47</u>	<u>43</u>	

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	94	6/2/75	Client	Performance: Neglect	Informal admonition conditioned on refund of \$1,250 2/15/78 on recommendation to review committee member.
2.	104	7/75	Alaska Bar Assn.	Performance: Rep. of conflicting interests and numerous charges	Send to review committee member 3/28/78.
3.	139	12/12/75	Client	Performance: Abandonment and bad advice; improper withdrawal	Dismissed 3/3/78 on recommendation to review committee member.
4.	147	3/10/76	Client (3 Respondents)	Interference with justice: Misrepresentation to court and abuse	Returned from review committee member, pending compliance with refund.
5.	196	11/30/76	Opposing Atty.	Interference with justice - conflict	Dismissed 3/31/78 on recommendation to review committee member.
6.	198	11/30/76	Alaska Bar Assn.	Interference with justice - (felony charges)	Under investigation.
7.	200	12/8/76	Client	Performance: Failure to follow instructions	Under investigation.
8.	203	1/10/77	Attorney	Solicitation	Dismissed 1/20/78 on recommendation to review committee member with stipulation that file could be re-opened.
9.	215	3/8/77	Client	Performance: Unauthorized settlement	Dismissed 3/29/78 on recommendation to review committee member.
10.	217	3/9/77	Opposing Atty.	Interference with justice	Under investigation.
11.	218	3/11/77	Client	Performance	Under investigation.
12.	219	3/14/77	Opposing Atty.	Performance: Improper trial conduct	Sent to review committee member 3/10/78.
13.	220	3/22/77		Performance: Neglect	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	223	5/17/77	3rd Party	Fees	Under investigation.
15.	225	5/17/77	Opposing Atty.	Funds	Under investigation.
16.	226	5/20/77	Client & adverse party (Involves 2 attorneys)	Funds	Under investigation.
17.	227	6/2/77	Alaska Bar Assn.	Solicitation	Under investigation.
18.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Under investigation.
19.	229	6/28/77	Client	Performance	Under investigation.
20.	230	?	Client	Performance	Under investigation.
21.	231	6/30/77	Alaska Bar Assn.	Performance	Under investigation.
22.	234	7/11/77	Client	Performance and funds	Under investigation.
23.	235	8/1/77	Client	Performance	Under investigation.
24.	236	7/28/77	Fee Arb Panel	Interference with justice	Under investigation.
25.	237	8/3/77	Opposing Party	Interference with justice	Under investigation.
26.	238	7/26/77	3rd Party	Performance	Abeyance ordered by Board of Governors 1/21/78.
27.	239	7/26/77	3rd Party	Performance	Abeyance ordered by Board of Governors 1/21/78.
28.	240	8/24/77	Client	Performance	Under investigation.
29.	241	9/16/77	Client	Funds	Under investigation.
30.	242	9/28/77	Opposing Party	Performance	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
31.	245	10/21/77	Client	Conflict of interest	Abeyance ordered by Board of Governors 1/21/78.
32.	246	11/8/77	Client	Performance - delay	Under investigation.
33.	248	11/18/77	Opposing Atty.	Conflict of interest	Under investigation.
34.	249	2/15/78	Client	Performance	Under investigation.
35.	250	2/15/78	Client	Performance	Under investigation.
36.	251	3/8/78	3rd Party	Performance	Under investigation.
37.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
38.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
39.	254	3/30/78	3rd Party	Performance	Under investigation.

March 31, 1978
CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of interest	To be combined with docket number 234.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	148	3/5/76	3rd Party Atty.	Solicitation -- Sign and name	Held in abeyance pending interpretation of <u>Bates v. State of Arizona</u> .
6.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
7.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.

March 31, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	To be informally admonished.
2.	48	8/2/74	Client	Funds - Delay in release	To be informally admonished.
3.	154	4/10/76	Adverse Party	Interference with justice -- Extra-judicial statements about pending case	To be informally admonished.

March 31, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Oral argument was given in February.
2.	208	2/25/77	Alaska Bar Assn.	Other - Disability Petition	Petition to change Respondent to inactive status pending before the cour'.

N8

Alaska Bar Association's Discipline Report
for the Second Quarter of 1978

August 1, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

Please find enclosed the Quarterly Report for the period covering April 1, 1978 - June 30, 1978. Due to vacation schedules, two out of town Board of Governors meetings and the re-modeling and expansion of the Bar office I was unable to devote as much time to discipline matters as I would have liked. While 8 grievances were opened this quarter approximately 57 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	37.1 hours
Miscellaneous & administration	208.2 hours
Fee arbitration - does not include time at hearings	31.2 hours
Matters in Federal Court	.4 hours
Board of Governors law suit	5.6
TOTAL	282.5 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

QUARTERLY DISCIPLINE REPORT

April 1, 1978 - June 30, 1978

I. CASELOAD

1. Cases pending & carried forward on April 1, 1978.....	43
2. Cases filed or reactivated since April 1, 1978.....	<u>8</u>
TOTAL CASELOAD FOR PERIOD	
3. Cases closed since April 1, 1978:	
(a) Dismissed by Review Committee Member.....	6
(b) Informal admonitions by Board of Governors.....	1
(c) Members transferred to inactive status.....	1
TOTAL	8
4. Total Pending Cases on June 30, 1978:	<u>43</u>

51

I. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage	
(a) Review Committee Members.....	2
(b) Bar Counsel.....	30
TOTAL	32
2. Before Hearing Committees	6
3. Before Board of Governors	2
4. Before Supreme Court	<u>3</u>
TOTAL PENDING ACTIVE CASES ON JUNE 30, 1978:	<u>43</u>

STATISTICAL REPORT FCR 12 MONTH PERIOD
July 1, 1977 to June 30, 1978

	Totals 7/1/77 to 9/30/77 (1)	Totals 10/1/77 to 12/31/77 (2)	Totals 1/1/78 to 3/31/78 (3)	Totals 4/1/78 to 6/30/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	61	62	47	43	61
Complaints filed or reactivated during period:	<u>11</u>	<u>5</u>	<u>6</u>	<u>8</u>	<u>30</u>
TOTAL CASELOAD FOR PERIOD:	72	67	53	51	91
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	8	11	5	6	
(b) Informal Admonitions	2	7	1	1	
(c) Members transferred to inactive status	0	0	0	1	
(d) Abeyance Status	0	1	4	0	
(e) Suspension	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	
TOTALS	<u>10</u>	<u>20</u>	<u>10</u>	<u>8</u>	<u>48</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>62</u>	<u>47</u>	<u>43</u>	<u>43</u>	<u>43</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	12	3	3	2	
(b) Bar Counsel	30	31	28	30	
2. Before Hearing Committee	13	7	7	6	
3. Before Board of Governors	4	4	3	2	
4. Before Supreme Court	<u>3</u>	<u>2</u>	<u>2</u>	<u>3</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD	<u>62</u>	<u>47</u>	<u>43</u>	<u>43</u>	

DISCIPLINARY FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	104	7/75	Alaska Bar Assn.	Performance: Rep. of conflicting interests and numerous charges	Dismissed 4/5/78 on recommendation to review committee member.
2.	147	3/10/76	Client (3 Respondents)	Interference with justice: Misrepresentation to court and abuse	Returned from review committee member, pending compliance with refund.
3.	198	11/30/76	Alaska Bar Assn.	Interference with justice - (felony charge)	Dismissed 6/2/78 on recommendation to review committee member.
4.	200	12/8/76	Client	Performance: Failure to follow instructions	Under investigation.
5.	217	3/9/77	Opposing Atty.	Interference with justice	Under investigation.
6.	218	3/11/77	Client	Performance	Under investigation.
7.	219	3/14/77	Opposing Atty.	Performance: Improper trial conduct	Dismissed 4/13/78 on recommendation to review committee member.
8.	220	3/22/77		Performance: Neglect	Under investigation.
9.	223	5/17/77	3rd Party	Fees	Dismissed 5/9/78 on recommendation to review committee member.
10.	225	5/17/77	Opposing Atty.	Funds	Under investigation.
11.	226	5/20/77	Client & adverse party (Involves 2 attorneys)	Funds	Sent to review committee member 5/30/78.
12.	227	5/2/77	Alaska Bar Assn.	Solicitation	Under investigation.
13.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Sent to review committee member 5/9/78.

DISCIPLINE FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	229	6/28/77	Client	Performance	Under investigation.
15.	230	?	Client	Performance	Under investigation.
16.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
17.	234	7/11/77	Client	Performance and funds	Under investigation.
18.	235	8/1/77	Client	Performance	Under investigation.
19.	236	7/28/77	Fee Arb Panel	Interference with justice	Dismissed 5/22/78 on recommendation to review committee member.
20.	237	8/3/77	Opposing Party	Interference with justice	Under investigation.
21.	240	8/24/77	Client	Performance	Under investigation.
22.	241	9/16/77	Client	Funds	Under investigation.
23.	242	9/28/77	Opposing Party	Performance	Under investigation.
24.	246	11/8/77	Client	Performance - delay	Under investigation.
25.	248	11/18/77	Opposing Atty.	Conflict of interest	Under investigation.
26.	249	2/15/78	Client	Performance	Under investigation.
27.	250	2/15/78	Client	Performance	Under investigation.
28.	251	3/8/78	3rd Party	Performance	Under investigation.
29.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
30.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
31.	254	3/30/78	3rd Party	Performance	Under investigation.

DISCIPLINE FILES
June 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
32.	255	4/4/78	Attorney	Interference with justice	Under investigation.
33.	256	4/5/78	Attorney	Performance	Under investigation.
34.	257	4/24/78	Client	Performance	Under investigation.
35.	258	4/25/78	Client	Conflict of interest	Under investigation.
36.	259	5/23/78	Client	Performance	Under investigation.
37.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
38.	262	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.

DISCIPLINARY FILES
June 30, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	To be informally admonished.
2.	48	8/2/74	Client	Funds - Delay in release	To be informally admonished.
3.	154	4/10/76	Adverse Party	Interference with justice -- Extra-judicial statements about pending case	Informally admonished 5/78 by President of Board of Governors.

DISCIPLINARY FILES
 June 30, 1978
 CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of interest	To be combined with docket number 234.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	148	3/5/76	3rd Party Atty.	Solicitation -- Sign and name	Dismissed 5/9/78 on recommendation to review committee member.
6.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
7.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.

DISCIPLINARY FILES
June 30, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Oral argument was given in February.
2.	208	2/25/77	Alaska Bar Assn.	Other - Disability Petition	Inactive status by order of the Court dated 4/20/78.
3.	260	6/2/78	Alaska Bar Assn.	Other - Reinstatement Petition	Reinstatement pending.

N9

Alaska Bar Association's Discipline Report
for the Third Quarter of 1978

October 3, 1978

Hon. Robert Boochever,
Chief Justice
Alaska Supreme Court
Pouch U
Juneau, Alaska 99801

Dear Chief Justice Boochever:

Please find enclosed the Quarterly Report for the period covering July 1, 1978 - September 30, 1978. While 13 grievances were opened this quarter approximately 59 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	49.0 hours
Informal complaints & administration	181.4 hours
Fee arbitration - does not include time at hearings	14.2 hours
Matters in Federal Court	1.0 hours
Board of Governors law suit	1.8 hours
TOTAL	247.4 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

WWG/lms

QUARTERLY DISCIPLINE REPORT

July 1, 1978 - September 30, 1978

I. CASELOAD:

1.	Cases pending & carried forward on July 1, 1978.....	43	
2.	Cases filed or reactivated since July 1, 1978.....	<u>13</u>	
	TOTAL CASELOAD FOR PERIOD		56
3.	Cases closed since July 1, 1978:		
	(a) Dismissed by Review Committee Member.....	15	
	(b) Informal Admonitions by Review Committee Member....	1	
	(c) Private Reprimand by Board of Governors.....	2	
	(d) Public Censure by Supreme Court.....	1	
	(e) Reinstatement by Supreme Court.....	1	
	TOTAL		20
4.	Total Pending Cases on September 30, 1978:		<u>36</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	6	
	(b) Bar Counsel.....	20	
	TOTAL		26
2.	Before Hearing Committees		9
3.	Before Board of Governors		1
4.	Before Supreme Court		<u>0</u>
	TOTAL PENDING ACTIVE CASES ON SEPTEMBER 30, 1978:		<u>36</u>

STATISTICAL REPORT FOR 12 MONTH PERIOD
October 1, 1977 to September 30, 1978

	Totals 10/1/77 to 12/31/77 (1)	Totals 1/1/78 to 3/31/78 (2)	Totals 4/1/78 to 6/30/78 (3)	Totals 7/1/78 to 9/30/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	62	47	43	43	62
Complaints filed or reactivated during period:	<u>5</u>	<u>6</u>	<u>8</u>	<u>13</u>	<u>32</u>
TOTAL CASELOAD FOR PERIOD:	67	53	51	56	94

Less: Cases closed or ordered held in abeyance:

	(1)	(2)	(3)	(4)
(a) Dismissed	11	5	6	15
(b) Informal Admonitions	7	1	0	1
(c) Members transferred to inactive status	0	0	1	0
(d) Abeyance Status	1	4	0	0
(e) Suspension	1	0	0	0
(f) Private Reprimand	0	0	1	2
(g) Public Censure	0	0	0	1
(h) Reinstated	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>

TOTALS	<u>20</u>	<u>10</u>	<u>8</u>	<u>20</u>	<u>58</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u><u>47</u></u>	<u><u>43</u></u>	<u><u>43</u></u>	<u><u>36</u></u>	<u><u>36</u></u>

STATUS OF PENDING ACTIVE FILES:

1. Investigative stage:					
(a) Review Committees	3	3	2	6	
(b) Bar Counsel	31	28	30	20	
2. Before Hearing Committee	7	7	6	9	
3. Before Board of Governors	4	3	2	1	
4. Before Supreme Court	<u>2</u>	<u>2</u>	<u>3</u>	<u>0</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u><u>47</u></u>	<u><u>43</u></u>	<u><u>43</u></u>	<u><u>36</u></u>	

DISCIPLINARY FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	147	3/10/76	Client (3 Resp- ondents)	Interference with justice: Misrepresentation to court and	Dismissed 9/11/78 on recommendation to review committee member.
2.	200	12/8/76	Client	Performance: Failure to follow instructions	Informal admonition on recommendation to review committee member.
3.	217	3/9/77	Opposing Atty.	Interference with justice	Sent to review committee member 9/28/78.
4.	218	3/11/77	Client	Performance	Dismissed 9/28/78 on recommendation to review committee member.
5.	225	5/17/77	Opposing Atty.	Funds	Sent to review committee member 9/19/78.
6.	226	5/20/77	Client & adverse party (Involves	Funds	Dismissed 9/18/78 on recommendation to review committee member.
7.	227	6/2/77	Alaska Bar Assn.	Solicitation	Dismissed 9/11/78 on recommendation to review committee member.
8.	229	6/28/77	Client	Performance	Sent to review committee member 9/23/78.
9.	230	?	Client	Performance	Dismissed 8/25/78 on recommendation to review committee member.
10.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
11.	235	8/1/77	Client	Performance	Dismissed 9/5/78 on recommendation to review committee member.
12.	237	8/3/77	Opposing Party	Interference with justice	Sent to review committee member 9/25/78.
13.	238	7/26/77	3rd Party	Performance	Dismissed 9/28/78 on recommendation to review committee member.

DISCIPLINE FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
14.	239	7/26/77	3rd Party	Performance	Dismissed 9/28/78 on recommendation to review committee member.
15.	240	8/24/77	Client	Performance	Dismissed 8/28/78 on recommendation to review committee member.
16.	241	9/16/77	Client	Funds	Dismissed 9/22/78 on recommendation to review committee member.
17.	242	9/28/77	Opposing Party	Performance	Dismissed 9/15/78 on recommendation to review committee member.
18.	246	11/8/77	Client	Performance - delay	Sent to review committee member on 9/28/78.
19.	248	11/18/77	Opposing Atty.	Conflict of interest	Dismissed on 7/21/78 on recommendation to review committee member.
20.	249	2/15/78	Client	Performance	Under investigation.
21.	250	2/15/78	Client	Performance	Under investigation.
22.	251	3/8/78	3rd Party	Performance	Dismissed 8/28/78 on recommendation to review committee member.
23.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
24.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
25.	254	3/30/78	3rd Party	Performance	Under investigation.
26.	255	4/4/78	Attorney	Interference with justice	Under investigation.
27.	256	4/5/78	Attorney	Performance	Under investigation.
28.	257	4/24/78	Client	Performance	Under investigation.

DISCIPLINE FILES
September 30, 1978
CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
29.	258	4/25/78	Client	Conflict of interest	Under investigation.
30.	259	5/23/78	Client	Performance	Under investigation.
31.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
32.	262	6/2/78	Alaska Bar Assn.	Interference with justice	Dismissed by recommendation to review committee member.
33.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
34.	264	7/5/78	3rd Party	Performance	Under investigation.
35.	265	7/5/78	3rd Party	Performance	Under investigation.
36.	266	7/18/78	3rd Party	Performance	Dismissed 8/16/78 on recommendation to review committee member.
37.	267	7/24/78	Client	Performance	Under investigation.
38.	268	7/19/78	Alaska Bar Assn.	Performance	Sent to review committee member 9/27/78.
39.	269	7/24/78	Client	Conflict of interest	Under investigation.
40.	270	8/3/78	Client	Conflict of interest	Under investigation.
41.	271	8/9/78	Client	Performance - delay	Under investigation.
42.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	23	1/8/74	Client	Performance -- Conflict of	Before hearing committee.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Awaiting decision.
3.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters pending in Supreme Court.
4.	133	11/25/75	Client	Performance -- Neglect/poor representation	Ready to be scheduled for hearing.
5.	151	4/5/76	Client	Funds -- Failure to account	Needs further preparation. i.e. out of state deposition.
6.	178	9/21/76	Fee Arb Panel	Performance	Ready to be scheduled for hearing.
7.	220	3/22/77	3rd Party	Performance -- Neglect	Ready to be scheduled for hearing.
8.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready to be scheduled for hearing.
9.	234	7/11/77	Client	Performance and funds	Before hearing committee.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE BOARD OF GOVERNORS

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	35	4/8/74	Client	Performance -- Business interest adverse to client	Private reprimand 8/24/78.
2.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	To be put on agenda for October meeting.
3.	48	8/2/74	Client	Funds - Delay in release	Private reprimand 8/24/78.

DISCIPLINARY FILES
September 30, 1978
CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	59	11/9/74	Client	Performance: Neglect	Public censure 9/5/78.
2.	260	6/2/78	Alaska Bar Assn.	Other - Reinstatement Petition	Reinstated 7/25/78.

N10

Alaska Bar Association's Discipline Report
for the Fourth Quarter of 1978
or, the Year-End Report

January 2, 1978⁹

Hon. Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

Please find enclosed the Quarterly Report for the period covering October 1, 1978 - December 31, 1978. While 6 grievances were opened this quarter approximately 73 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	47.2 hours
Informal complaints & ad- ministration	180.6 hours
Fee arbitration	15.3 hours
Fee arbitration hearings	17.5 hours
Matters in Federal Court	2.4 hours
Board of Governors law suit	1.3 hours
Election investigation	45.3 hours
TOTAL	309.6 hours

If you have any questions, please feel free to contact me.

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

WWG/lms

QUARTERLY DISCIPLINE REPORT

October 1, 1978 - December 31, 1978

I. CASELOAD

1.	Cases pending & carried forward on October 1, 1978.....	36	
2.	Cases filed or reactivated since October 1, 1978.....	<u>6</u>	
	TOTAL CASELOAD FOR PERIOD		42
3.	Cases closed since October 1, 1978:		
	(a) Dismissed by Review Committee Member.....	8	
	(b) Informal Admonitions by Review Committee Member....	2	
	(c) Dismissed with prejudice by Hearing Committee.....	1	
	(d) Ordered held in abeyance by Board of Governors.....	1	
	(e) Files combined for hearing.....	2	
	TOTAL		14
4.	Total Pending Cases on December 31, 1978:		<u>28</u>

II. STATUS OF PENDING ACTIVE CASES:

1.	Investigative Stage		
	(a) Review Committee Members.....	1	
	(b) Bar Counsel.....	20	
	TOTAL		21
2.	Before Hearing Committees		5
3.	Before Board of Governors		0
4.	Before Supreme Court		<u>2</u>
	TOTAL PENDING ACTIVE CASES ON DECEMBER 31, 1978:		<u>28</u>

	Totals 1/1/78 to 3/31/78 (1)	Totals 4/1/78 to 6/30/78 (2)	Totals 7/1/78 to 9/30/78 (3)	Totals 10/1/78 to 12/31/78 (4)	Totals 12 Month Period
Active cases pending & carried forward at beginning of period:	47	43	43	36	47
Complaints filed or reactivated during period:	<u>6</u>	<u>8</u>	<u>13</u>	<u>6</u>	<u>33</u>
TOTAL CASELOAD FOR PERIOD:	53	51	56	42	80
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	5	6	15	9	
(b) Informal Admonitions	1	0	1	2	
(c) Members transferred to inactive status	0	1	0	0	
(d) Abeyance Status	4	0	0	1	
(e) Files combined for hearing	0	0	0	2	
(f) Private Reprimand	0	1	2	0	
(g) Public Censure	0	0	1	0	
(h) Reinstated	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>	
TOTALS	<u>10</u>	<u>8</u>	<u>20</u>	<u>14</u>	<u>52</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>43</u>	<u>43</u>	<u>36</u>	<u>28</u>	<u>28</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	3	2	6	1	
(b) Bar Counsel	28	30	20	20	
2. Before Hearing Committee	7	6	9	5	
3. Before Board of Governors	3	2	1	0	
4. Before Supreme Court	<u>2</u>	<u>3</u>	<u>0</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>43</u>	<u>43</u>	<u>36</u>	<u>28</u>	

FEE ARBITRATION REPORT FOR 1978

Cases pending on January 1, 1978:	10	
Petitions filed during year:	<u>27</u>	
Total Caseload for Year:		<u>37</u>
Cases disposed of during year:	<u>19</u>	
Total cases still pending at end of year:		
Decisions pending:	5	
Scheduled for Hearing:	3	
* Needs non-attorney signature on Decision:	<u>4</u>	
	12	

* Non-attorney member was transferred suddenly to Chicago, then shortly thereafter to Washington, D.C. He has the Decisions and should be returning them shortly.

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	217	3/9/77	Opposing Atty.	Interference with justice	Informal admonition 11/24/78 on recommendation to review committee member.
2.	225	5/17/77	Opposing Atty.	Funds	Informal admonition 10/25/78 on recommendation to review committee member.
3.	229	6/28/77	Client	Performance	Dismissed 12/18/78 on recommendation to review committee member.
4.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
5.	237	8/3/77	Opposing Party	Interference with justice	Dismissed 10/25/78 on recommendation to review committee member.
6.	246	11/8/77	Client	Performance - delay	Sent to review committee member 9/28/78.
7.	249	2/15/78	Client	Performance	Under investigation.
8.	250	2/15/78	Client	Performance	Under investigation.
9.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
10.	253	3/24/78	3rd Party	Conflict of interest	Dismissed 12/11/78 on recommendation to review committee member.
11.	254	3/30/78	3rd Party	Performance	Under investigation.
12.	255	4/4/78	Attorney	Interference with justice	Dismissed 12/4/78 on recommendation to review committee member.
13.	256	4/5/78	Attorney	Performance	Under investigation.
14.	257	4/24/78	Client	Performance	Under investigation.
15.	258	4/25/78	Client	Conflict of interest	Under investigation.
16.	259	5/23/78	Client	Performance	Under investigation.

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
17.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
18.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
19.	264	7/5/78	3rd Party	Performance	Dismissed 12/26/78 on recommendation to review committee member.
20.	265	7/5/78	3rd Party	Performance	Dismissed 12/26/78 on recommendation to review committee member.
21.	267	7/24/78	Client	Performance	Under investigation.
22.	269	7/24/78	Client	Conflict of interest	Dismissed 12/18/78 on recommendation to review committee member.
23.	270	8/3/78	Client	Conflict of interest	Under investigation.
24.	271	8/9/78	Client	Performance - delay	Dismissed 12/20/78 on recommendation to review committee member.
25.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.
26.	273	10/4/78	Attorney	Interference with attorney/ client relationship	Under investigation.
27.	274	11/6/78	Judge	Contempt of court	Under investigation.
28.	275	4/28/78	Attorney	Performance	Under investigation.
29.	276	11/20/78	3rd Party	Performance	Under investigation.
30.	277	11/20/78	Client	Performance	Under investigation.
31.	278	11/14/78	3rd Party	Conflict of interest	Under investigation.

CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters in Supreme Court.
2.	133	11/25/75	Client	Performance -- Neglect/poor representation	Dismissed with prejudice 11/24/78.
3.	151	4/5/78	Client	Funds -- Failure to account	By Board of Governors order of 12/11/78 to be held in abeyance.
4.	220	3/22/77	3rd Party	Performance -- Neglect	Combined with docket number 178. Ready for hearing.
5.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready for hearing.
6.	234	7/11/77	Client	Performance and funds	Combined with docket number 23. Ready for hearing.
7.	268	7/19/78	Alaska Bar Assn.	Performance	Ready for hearing.

CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	Waiting for briefing schedule.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Waiting for briefing schedule.

NII

Alaska Bar Association's Discipline Report
for the First Quarter of 1979

April 2, 1979

Hon. Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, AK. 99701

Dear Chief Justice Rabinowitz:

Please find enclosed the Quarterly Report for the period covering January 1, 1979 - March 31, 1979. While 5 grievances were opened this quarter approximately 85 matters were disposed of informally.

Additional statistics which you may find of interest are as follows:

Admission appeals	146.5 hours
Informal complaints	269.0 hours
Administration	24.9 hours
Fee arbitration	19.6 hours
Fee arbitration hearings	23.0 hours
Board of Governors lawsuit	1.7 hours
Election investigation	14.2 hours
TOTAL	498.9 hours

I cannot point out with pride the number of disciplinary matters disposed of during this last quarter. By way of explanation it should be mentioned that I was on leave for two (2) weeks during this quarter. I also attended the Board of Governors meeting/mid-winter meeting in Kauai which lasted one (1) week and a three (3) day Board of Governors meeting in Juneau.

These factors combined with the unprecedented amount of time spent on admission appeals did not allow this office to devote further time

Chief Justice Rabinowitz
April 2, 1979
Page - 2

to dispose of pending formal grievances. I do not feel, however, that the number of pending cases is unmanageable.

If you would like further information please contact me.

Respectfully,

William W. Garrison
State Bar Counsel

lms

Enc.

cc: Justices
Board of Governors
John Hughes & members
of Trial Committee
Bob Richmond
Bill Ruddy
Monroe Clayton

QUARTERLY DISCIPLINE REPORT

January 1, 1979 - March 31, 1979

I. CASELOAD

1. Cases pending & carried forward on January 1, 1979.....	28	
2. Cases filed or reactivated since January 1, 1979.....	<u>5</u>	
TOTAL CASELOAD FOR PERIOD		33
3. Cases closed since January 1, 1979:		
(a) Dismissed by Review Committee Member.....	1	
(b) Informal Admonitions by Review Committee Member....	1	
TOTAL		2
4. Total Pending Cases on March 31, 1979:		<u>31</u>

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage		
(a) Review Committee Members.....	1	
(b) Bar Counsel.....	23	
TOTAL		24
2. Before Hearing Committees		5
3. Before Board of Governors		0
4. Before Supreme Court		<u>2</u>
TOTAL PENDING ACTIVE CASES ON MARCH 31, 1979:		<u>31</u>

Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status	
1.	217	3/9/77	Opposing Atty.	Interference with justice	Re-opened by request of Respondent 1/19/79. Needs further investigation before a hearing can be scheduled.
2.	225	5/17/77	Opposing Atty.	Funds	Re-opened by request of Respondent 1/16/79 and dismissed on recommendation to Review Committee Member on 3/28/79.
3.	231	6/20/77	Alaska Bar Assn.	Performance	Under investigation.
4.	246	11/8/77	Client	Performance - delay	Sent to Review Committee Member 9/28/79.
5.	249	2/15/78	Client	Performance	Under investigation.
6.	250	2/15/78	Client	Performance	Under investigation.
7.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
8.	254	3/30/78	3rd Party	Performance	Under investigation.
9.	256	4/5/78	Attorney	Performance	Under investigation.
10.	257	4/24/78	Client	Performance	Under investigation.
11.	258	4/25/78	Client	Conflict of interest	Under investigation.
12.	259	5/23/78	Client	Performance	Under investigation.
13.	261	6/2/78	Alaska Bar Assn.	Interference with justice	Under investigation.
14.	263	6/19/78	Attorney	Performance - misrepresentation	Under investigation.
15.	267	7/24/78	Client	Performance	Under investigation.
16.	270	8/3/78	Client	Conflict of interest	Under investigation.

CASES IN INVESTIGATIVE STAGE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
17.	272	8/28/78	3rd Party	Conflict of interest	Under investigation.
18.	273	10/4/78	Attorney	Interference with attorney/ client relationship	Under investigation.
19.	274	11/6/78	Judge	Contempt of court	Under investigation.
20.	275	4/28/78	Attorney	Performance	Under investigation.
21.	276	11/20/78	3rd Party	Performance	Under investigation.
22.	277	11/20/78	Client	Performance	Under investigation.
23.	278	11/14/78	3rd Party	Conflict of interest	Under investigation.
24.	279	2/9/79	Atty. & 3rd Party	Performance	Under investigation.
25.	280	3/6/79	Alaska Bar Assn.	Funds	Under investigation.
26.	281	1/27/79	Attorney	Advertising	Informal admonition by recommendation to Review Committee Member on 3/20/77.

CASES BEFORE HEARING COMMITTEE

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	123	10/10/75	Judge	Interference with justice misrepresentation to court	Held in abeyance pending decision of matters in Supreme Court.
2.	220	3/22/77	3rd Party	Performance -- Neglect	Ready for hearing.
3.	228	6/28/77	Alaska Bar Assn.	Interference with justice	Ready for hearing.
4.	234	7/11/77	Client	Performance and funds	Ready for hearing.
5.	268	7/19/78	Alaska Bar Assn.	Performance	Ready for hearing.

CASES BEFORE SUPREME COURT

	Original Docket #	Date Filed	Complainant's Relationship to Respondent	Most Serious Charge	Status
1.	46	10/7/76	Alaska Bar Assn.	Conviction of felony	Decision pending.
2.	102	7/75	Alaska Bar Assn.	Performance -- Conflict of interest and several other charges	Decision pending.

N12

Alaska Bar Association's Discipline Report
for the Second Quarter of 1979

(Please Note: the Actual Data is Contained in the 1979 Third Quarter Report)

July 26, 1979

Honorable Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

Due to recent changes in the disciplinary rules which went into effect April 1, 1979 we have found it necessary to revise our reporting system. Unfortunately, as a result of an office relocation and changes in the staff this revised system has not been perfected in time to provide a disciplinary report for the second quarter. It is my intention to include that statistical information in the third quarterly report.

I can provide a preliminary breakdown of the following figures:

- (1) As of April 2, 1979, after the new disciplinary rules went into effect, 25 formal complaints were before Bar Counsel in the investigative stage; (4) four complaints were pending before area hearing committees and two (2) matters were before the Supreme Court;
- (2) During the second quarter six (6) new matters were accepted as formal complaints;
- (3) Of the matters pending before Bar Counsel, fourteen (14) matters were disposed of informally, either through dismissal for lack of grounds or through informal admonition. One (1) matter was ordered held in abeyance by the Board of Governors pending outcome of criminal prosecution and one (1) matter was dismissed by the Board of Governors after respondent waived hearing before the area hearing committee.

Chief Justice Rabinowitz

Page 2

July 26, 1979

(4) The two (2) matters that were pending before the Supreme Court have been determined by mandate.

(5) As of July 25, 1979, twelve (12) matters are presently pending before Bar Counsel; five (5) matters are pending hearing or determination by the area hearing committee.

(6) No matters are presently pending before the disciplinary board or the Supreme Court.

I trust that this cursory, however, temporary method of reporting the status of the disciplinary files will meet with your acceptance.

Respectfully,

William W. Garrison
State Bar Counsel

WWG/sw

cc: Board of Governors
Alaska Bar Association
John Lohff, Acting Executive Director

	TOTALS 4/1/78 to 6/30/78 (1)	TOTALS 7/1/78 to 9/30/78 (2)	TOTALS 10/1/78 to 12/31/78 (3)	TOTALS 1/1/79 to 3/31/79 (4)	12 Month Period
Active cases pending & carried forward at beginning of period:	43	43	36	28	43
Complaints filed or reactivated during period:	<u>8</u>	<u>13</u>	<u>6</u>	<u>5</u>	<u>32</u>
TOTAL CASELOAD FOR PERIOD:	51	56	42	33	75
Less: Cases closed or ordered held in abeyance:					
	(1)	(2)	(3)	(4)	
(a) Dismissed	6	15	9	1	
(b) Informal Admonitions	0	1	2	1	
(c) Members transferred to inactive status	1	0	0	0	
(d) Abeyance Status	0	0	1	0	
(e) Files combined for hearing	0	0	2	0	
(f) Private Reprimand	1	2	0	0	
(g) Public Censure	0	1	0	0	
(h) Reinstated	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	
TOTALS	<u>8</u>	<u>20</u>	<u>14</u>	<u>2</u>	<u>44</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>43</u>	<u>36</u>	<u>28</u>	<u>31</u>	<u>31</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
1. Investigative stage:					
(a) Review Committees	2	6	1	1	
(b) Bar Counsel	30	20	20	23	
2. Before Hearing Committee	6	9	5	5	
3. Before Board of Governors	2	1	0	0	
4. Before Supreme Court	<u>3</u>	<u>0</u>	<u>2</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD:	<u>43</u>	<u>36</u>	<u>28</u>	<u>31</u>	

MI3

Alaska Bar Association's Discipline Report
for the Third Quarter of 1979

BOARD OF GOVERNORS
ALASKA BAR ASSOCIATION

OFFICERS

DONNA C. WILLARD
PRESIDENT
ANCHORAGE

WILLIAM B. ROZELL
PRESIDENT ELECT
JUNEAU

JONATHAN H. LINK
VICE PRESIDENT
FAIRBANKS

EDWARD G. KING
SECRETARY
KETCHIKAN

P.O. BOX 279
ANCHORAGE, ALASKA 99510
AREA CODE 907/272-7469

WILLIAM GARRISON, BAR COUNSEL

October 15, 1979

BOARD MEMBERS

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WILLIAM B. ROZELL

RICHARD D. SAVELL

DONNA C. WILLARD

The Honorable Jay Rabinowitz
Chief Justice
Alaska Supreme Court
604 Barnette Street
Fairbanks, Alaska 99701

Dear Chief Justice Rabinowitz:

In an effort to prepare a disciplinary report which provides a comprehensive, yet concise, overview of the matters received and processed by the disciplinary staff for a given period, I have implemented the Uniform Reporting System recommended by the National Organization of Bar Counsel. The purpose for establishing uniform methods of reporting are discussed in the NOBC Resolution which is included in the report.

Also included is the Uniform Characterization of complaints which is divided into two parts. Part A lists 14 categories approved by the NOBC for the Uniform Characterization of Complaints. Part B identifies those sections of the Code of Professional Responsibility which fall within each category. This part is a user guide to insure consistent characterization of offenses within an agency and uniform characterizations among disciplinary agencies. It is suggested that the court retain Part A and B as a permanent record.

The NOBC's recommended method of reporting was received by this office late in February 1979. Since that time, it has been tested and found workable. The amount of time necessary to classify complaints is minimum when it is done in connection with other work at the time the file is open.

This method of reporting was submitted to the Board of Governors along with the recommendation that it be implemented by this office. After due consideration the Board of Governors voted unanimously to adopt the system. Due to changes in personnel, I was unable to prepare the second quarterly report as required under the adopted method of reporting. The report

The Honorable Jay Rabinowitz
Page 2
October 15, 1979

was further delayed as a result of a request for information received from the Ombudsman's office. I beg your indulgence for this delay.

As no method for reporting is perfect, it is anticipated that there will be changes implemented as the need arises. I would appreciate any suggestions which you may have by way of improving the report and constructive criticism would be welcomed.

The report itself is, and will be in the future, composed of four parts: A numerical breakdown of the disciplinary cases received and resolved, a statistical breakdown of the types of grievances disposed of, a numerical breakdown of fee arbitration matters received and resolved, and a descriptive analysis of cases received, pending and disposed of.

Should you have any questions or comments concerning the implementation of this system, please feel free to contact me.

Respectfully,



William W. Garrison
State Bar Counsel

WWG/sw

cc: Justices, Supreme Court
Board of Governor, Members

BOARD MEMBERS--A separate section will be prepared for your blue book. Parts A and B should be retained in this section for future references.

DISCIPLINE REPORT
April 1, 1979 - September 30, 1979

I. CASELOAD

1. Cases pending & carried forward on April 1, 1979	31
2. Cases filed or reactivated since April 1, 1979	27
TOTAL CASELOAD FOR PERIOD	58
3. Cases closed since April 1, 1979:	
(a) Dismissed by Bar Counsel	22
(b) Informal Admonitions	2
(c) Disbarred	1
TOTAL	26
4. Total Pending Cases on September 30, 1979	<u>32</u>

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage	
(a) To Committee Member for Advisory Opinion	1
(b) Bar Counsel	27
(c) Special Prosecutor	1
(d) Matters held in abeyance	1
TOTAL	29
2. Before Hearing Committee	1
3. Before Board of Governors	0
4. Before Supreme Court	1
TOTAL PENDING ACTIVE CASES ON SEPTEMBER 30, 1979:	<u>32</u>

III. MATTERS NOT CONSTITUTING VIOLATION OF RULES

Investigator	101
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FEE ARBITRATION REPORT
April 1, 1979 - September 30, 1979

CASELOAD

1. Cases pending & carried forward on April 1, 1979	8
2. Cases filed since April 1, 1979	11
TOTAL CASELOAD FOR PERIOD	19
3. Cases Closed since April 1, 1979	7
TOTAL PENDING CASES ON SEPTEMBER 30, 1979	12

ALASKA BAR ASSOCIATION
 SURVEY OF GRIEVANCES
 Closed from 4-1-79 to 9-30-79

In an effort to better inform the court, bar and public of the source and nature of grievances, and the areas of practice from which grievances arise, the following is a sample based on the files closed in the Bar Association office from April 1 to September 30, 1979.

In describing the nature of the grievance, only the most serious allegation is reflected. In fact, more grievances allege various acts of misconduct. It is not practical to attempt to reflect all allegations.

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	0	0
2. Conflict of Interest	5	17.8
3. Neglect (failure to perform, delay, abandonment)	2	7.1
4. Relationship with client	10	35.7
5. Misrepresentation/Fraud	0	0
6. Excessive Fees	0	0
7. Interference with justice	7	2.5
8. Improper advertising & solicitation	1	3.5
9. Criminal conviction	1	3.5
10. Personal Behavior	2	7.1
11. Failure to cooperate with investigation	0	0
12. Medical incapacity	0	0
13. Incompetence	0	0

An additional 101 matters were handled which did not involve violating of the Code of Professional Responsibility, but did involve an interview, require a response or assistance was rendered.

NATIONAL ORGANIZATION OF BAR COUNSEL

UNIFORM CHARACTERIZATION OF COMPLAINTS
UNIFORM STATISTICAL REPORTS
UNIFORM DESCRIPTION OF AREAS OF PRACTICE
FROM WHICH COMPLAINTS ARISE

I. Resolution

Whereas the NOBC expressed an interest in considering and adopting a uniform method for reporting complaints and discipline activities at its August 1978 meeting and requested a report and recommendation at its next meeting; and

Whereas a committee was appointed to develop uniform reporting methods in the following areas: 1) The uniform designation of categories which describe the nature of the misconduct alleged in each complaint processed; 2) A uniform method for counting and describing the various matters handled by each agency; 3) A uniform method for describing the areas of practice which most frequently give rise to complaints; and

Whereas the public, the legal profession and the courts have a continuing interest in the nature and progress of the disciplinary system; and

Whereas the legal profession will benefit from training and education as to types of offenses most often handled and dispositions imposed and the areas of practice from which complaints most frequently arise; and

Whereas objective reporting to demonstrate the capacity of a discipline agency to expeditiously adjudicate matters and meet its goals is important to obtain adequate funding; and

Whereas comparison of discipline activities between jurisdictions requires uniform methods of reporting; and

Whereas uniform methods for reporting discipline data will improve coordination with the National Discipline Data Bank; and

Whereas uniform methods for reporting discipline data will provide information which can improve training programs for disciplinary staffs;

NOW THEREFORE BE IT RESOLVED that the National Organization of Bar Counsel recognizes that the public, the legal profession, the courts and the members of the organization will benefit from the uniform characterization of complaints, statistical reporting of the disposition of complaints, and description of the area of practice from which complaints arise, therefore the attached report is hereby adopted by this organization as the recommended reporting method to be used by lawyer discipline agencies.

II. UNIFORM CHARACTERIZATION OF COMPLAINTS:

- A. The following characterizations shall be used for the uniform description of complaints.
1. Trust violations (Embezzlement/Conversion withholding client's property)
 2. Conflict of interest
 3. Neglect (Failure to perform, delay)
 4. Relationship with client (Disclosing confidential information/Improper withdrawal/Abandonment/Failure to protect interest of client)
 5. Misrepresentation/Fraud
 6. Excessive fees
 7. Interference with Justice
 8. Improper advertising and solicitation
 9. Criminal conviction
 10. Personal behavior
 11. Wilful failure to cooperate with discipline authorities
 12. Medical incapacity
 13. Incompetence
 14. No jurisdiction/or referred to other agency

Following is a detailed outline of the specific provisions of the Code of Professional Responsibility which are encompassed by the fourteen (14) categories of complaint indicated above. The only purpose of this detail is to help classify complaints in a consistent and uniform manner.

B. The following is an outline showing which sections of the case of Professional Responsibility fall within each of the 15 categories in Part A.

1. Trust Violations

A. Canon 9

- | | |
|--|------------------|
| 1. Co-mingling of clients funds | DR 9-102 (A) |
| 2. Mismanagement of Clients Funds,
Securities, Properties | DR 9-102 (B) |
| a. Failure to promptly notify client
of receipt | DR 9-102 (B) (1) |
| b. Failure to promptly identify and
deposit | DR 9-102 (B) (2) |
| c. Failure to maintain complete
records and render accounting | DR 9-102 (B) (3) |
| d. Failure to promptly pay or deliver
client upon request | DR 9-102 (B) (4) |

B. Embezzlement

C. Conversion

D. Statutory trust account rules

E.

2. Conflict of Interest

- | | |
|--|--------------|
| A. Conflicts of Interest - Failing to
Exercise Independent Professional
Judgment For Client | DR 5-101 |
| 1. Accepting employment impairing
independent professional judgment | DR 5-101 |
| a. Accepting employment without
disclosing personal interest
affecting professional judgment | DR 5-101 (A) |
| b. Accepting employment when
probable witness | DR 5-101 (B) |
| 2. Failing to withdraw as counsel when
the lawyer becomes a witness | DR 5-102 |
| a. Witness on behalf of client | DR 5-102 (A) |
| b. Witness other than on behalf of
client when client prejudice
apparent | DR 5-102 (B) |
| 3. Acquiring interests in litigation | DR 5-103 |
| a. Acquiring proprietary interest
in client's litigation | DR 5-103 (A) |
| b. Advancing or guaranteeing client
financial assistance | DR 5-103 (B) |

- 4. Business relations with clients DR 5-104
 - a. Adverse interests in business transactions with client DR 5-104 (A)
 - b. Acquiring publication rights prior to conclusion of employment DR 5-104 (B)

- 5. Accepting or continuing employment when the interest of another client may impair independent professional judgment for the client DR 5-105
 - a. Accepting employment involving differing interests or adversely affecting independent professional judgment for the client DR 5-105 (A)
 - b. Continuing multiple employment adversely affecting independent professional judgment for the client or involving differing interests DR 5-105 (B)
 - c. Affiliate accepting employment declined by lawyer with conflict DR 5-105 (D)

- 6. Settling similar claims of clients DR 5-106
 - a. Settling aggregate claims from multiple clients without advice and consent DR 5-106 (A)

- 7. Influence by one other than client DR 5-107
 - a. Accepting:
 - 1. Compensation from one other than client DR 5-107 (A) (1)
 - 2. Anything of value related to clients representation from one other than client DR 5-107 (A) (2)
 - b. Direction or regulation of professional judgment by one other than client DR 5-107 (B)
 - c. Non-lawyer involvement with a professional legal corporation or association DR 5-107 (C) (1)
(2) (3)

- B. Misconduct As a Public Official DR 8-101
 - 1. Improper use of public office: DR 8-101 (A)
 - a. Exploitation of public position to obtain legislative favor DR 8-101 (A) (1)
 - b. Exploitation of public position to influence a tribunal DR 8-101 (A) (2)
 - c. Acceptance of anything of value soliciting political favor DR 8-101 (A) (3)
- C. Failure To Avoid The Appearance Of Professional Impropriety DR 9-101
 - 1. Impropriety in accepting employment in a matter involving former judicial capacity DR 9-101 (A)
 - 2. Impropriety in accepting employment in a matter involving former public capacity DR 9-101 (B)
- 3. Neglect (Failure to Perform and Delay)
 - A. Neglect DR 6-101 (A) (3)
 - B. Inadequate preparation DR 6-101 (A) (2)
 - C. Limiting liability to client DR 6-102 (A)
 - D. Lack of communication
 - E. Failure to file papers
 - F. Failure to return calls/answer mail
- 4. Relationship with Client
 - A. Disclosure of client confidences and secrets DR 4-101
 - 1. Revealing of confidence or secret of a client DR 4-101 (B) (1)
 - 2. Using confidence or secret of a client to the disadvantage of the client DR 4-101 (B) (2)
 - 3. Using confidence or secret of a client without consent for the advantage of the lawyer or third person DR 4-101 (B) (3)

- 4. Failure to prevent employees, associates, and others whose services are utilized by the lawyer from disclosing or using confidences or secrets of client DR 4-101 (D)
- B. Failure to protect interest of client DR 7-101 (A)
 - 1. Failing to seek the lawful objectives of client through reasonably available means permitted by law and the disciplinary rules DR 7-101 (A) (1)
 - 2. Failing to carry out a contract of employment entered into with a client for professional services DR 7-101 (A) (2)
 - 3. Prejudicing or damaging client during professional relationship DR 7-101 (A) (3)
- C. Withdrawal from employment DR 2-110
 - 1. Failure to avoid perceivable prejudice to client DR 2-110 (A) (1)
 - 2. Failure to refund fees advanced upon withdrawal DR 2-110 (A) (2)
 - 3. Failure to withdraw after discharge by client DR 2-110 (B) (1)
- D. Extortion or intimidation (to collect fees)
- E. Refusal to release documents DR 9-102 (B) (4)
- F. Abandonment
- G.
- 5. Misrepresentation/Fraud
 - A. Statements on application of respondent or another for admission to the Bar DR 1-101 (A) (B)
 - B. Dishonesty, fraud, deceit or misrepresentation DR 1-102 (A) (4)
 - C.
- 6. Excessive Fees
 - A. Overreaching - charging or collecting an illegal or fairly excessive fee DR 2-106 (A) (B)
 - B. Contingent fees in criminal cases DR 2-106 (C)
 - C. Division of legal fees DR 2-107 (A)
 - 1. Dividing legal fees with another attorney not a partner or associate DR 2-107 (A)

- D. Division of legal fees with a non-lawyer DR 3-102 (A)
- E.
- F.
7. Interference With Justice
- A. Overzealous representation DR 7-101
1. Failing to seek the lawful objectives of client through reasonably available means permitted by law and the disciplinary rules DR 7-101 (A) (1)
- B. Failing to represent a client within the bounds of the law DR 7-102
1. Proscribed conduct DR 7-102 (A)
- a. Malicious or harassing litigation DR 7-102 (A) (1)
- b. Persuing unwarranted claims or defenses DR 7-102 (A) (2)
- c. Concealing or knowingly failing to disclose that which a lawyer is required by law to reveal DR 7-102 (A) (3)
- d. Knowingly using perjured testimony or false evidence DR 7-102 (A) (4)
- e. Knowingly making a false statement of law or fact DR 7-102 (A) (5)
- f. Creating or preserving false evidence DR 7-102 (A) (6)
- g. Counseling or assisting client in conduct a lawyer knows to be illegal or fraudulent DR 7-102 (A) (7)
- h. Knowingly engaging in other legal conduct or conduct contrary to a disciplinary rule DR 7-102 (A) (8)
2. Receiving information of proscribed conduct DR 7-102 (B)
- a. Failing to request a client to rectify fraud upon another person or tribunal or reveal in the event of refusal DR 7-102 (B) (1)
- b. Failing to reveal fraud upon tribunal by person other than client DR 7-102 (B) (2)
- C. Public prosecutor or other government lawyer misconduct DR 7-103

- 1. Instituting criminal charges unsupported by probable cause DR 7-103 (A)
- 2. Failing to make timely disclosure to the defendant or counsel of evidence negating the guilt of the accused, mitigating the degree of the offense, or reducing the punishment DR 7-103 (B)

- D. Communicating with one of adverse interest DR 7-104
 - 1. Communicating on the subject of representation with a party known to be represented by a lawyer in that matter without prior consent DR 7-104 (A) (1)
 - 2. Giving advice to an unrepresented party whose interests are or have a reasonable possibility of being in conflict with the interest of client DR 7-104 (A) (2)

- E. Threatening criminal prosecution solely to obtain advantage in a civil matter DR 7-105 (A)
- F. Trial Conduct DR 7-106
 - 1. Disregarding or advising client to disregard a standing rule or ruling of a tribunal DR 7-106 (A)
 - 2. Failing to disclose to tribunal:
 - a. Legal authority in the controlling jurisdiction directly adverse to client which is not disclosed b. opposing counsel DR 7-106 (B) (1)
 - b. The identities of the clients he represents and the persons who employ him DR 7-106 (B) (2)
 - 3. Before a tribunal: DR 7-106 (C)
 - a. Stating or alluding to any matter that the lawyer has no reasonable basis to believe is relevant to the case or that will not be supported by admissible evidence DR 7-106 (C) (1)
 - b. Asking any questions that the lawyer has no reasonable basis to believe is relevant to the case that is intended to degrade a witness or other person DR 7-106 (C) (2)

- c. Asserting personal knowledge of the facts in issue except when testifying as a witness DR 7-106 (C) (3)
- d. Asserting personal opinion as to the justness of a cause, credibility of a witness or guilt or innocence of an accused DR 7-106 (C) (4)
- e. Failing to comply with known local customs of courtesy or practice of the Bar or a particular tribunal without giving to opposing counsel timely notice of intent not to comply DR 7-106 (C) (5)
- f. Engaging in undignified or discourteous conduct degrading to a tribunal DR 7-106 (C) (6)
- g. Intentionally or habitually violating any established rule of procedure or evidence DR 7-106 (C) (7)

G. Trial Publicity DR 7-107

- * Also applicable to professional or juvenile disciplinary proceedings DR 7-107 (F)
- 1. Making or participating in making an extra judicial statement for public dissemination in a criminal matter:
 - a. During investigation DR 7-107 (A)
 - b. During pre-trial procedures DR 7-107 (B) (1)-(C)
 - c. During jury trial selection DR 7-107 (D)
 - d. Post-trial or disposition without trial and prior to the imposition of sentence DR 7-107 (D)
- ② Making or participating in making a proscribed extra-judicial statement for public dissemination in a civil matter that relates to: (see 7-107 (G) (1)-(5) and Chicago Council of Lawyers v. Bauer, 544 F 2d 242, 7 CA (1975)) DR 7-107 (G) (1)-(5)
- 3. Making or participating in making a proscribed statement outside the official course of an administrative proceeding DR 7-107 (H)
- 4. Failing to prevent employees or associates from making proscribed extra-judicial statements DR 7-107 (J)

- H. Communicating with or investigating veniremen, jurors or family members DR 7-108
1. Communicating with a member of the venire from which the jury will be selected for trial DR 7-108 (A)
 2. During the trial of the case: DR 7-108 (B)
 - a. Communicating with any member of the jury DR 7-108 (B) (1)
 - b. Communicating with any member of the jury even though unconnected with the case DR 7-108 (B) (2)
 3. Harassing or embarrassing member of jury after discharge DR 7-108 (D)
 4. Conducting or causing harassing investigation of a venireman or juror DR 7-108 (E)
 5. Communicating with or investigating family members of veniremen or jurors DR 7-108 (F)
 6. Failing to promptly reveal improper conduct by a venireman or juror or by another towards a venireman or juror or family member DR 7-108 (G)
- I. Contact with witnesses DR 7-109
1. Suppressing evidence that lawyer or client has legal obligation to reveal or produce DR 7-109 (A)
 2. Advising or causing a person to secrete self or leave the jurisdiction to avoid testifying DR 7-109 (B)
 3. Paying, offering to pay or acquiescing in the payment of compensation witness contingent upon the content of testimony or the outcome of the case DR 7-109 (C)
- J. Contact with officials DR 7-110
1. Giving or lending anything of value to a judge, official, or employee of a tribunal except as permitted by Section (C) (4) of Canon 5 of the Code of Judicial Conduct DR 7-110 (A)
 2. In an adversary proceeding, communicating or causing another to communicate, as to the merits of the cause with a judge or an official before whom the proceeding is pending (note exceptions) DR 7-110 (B)

- K. False statements concerning judges and other adjudicatory officers DR 8-102
 - 1. False statements concerning judicial candidates DR 8-102 (A)
 - 2. False accusations against a judge or other adjudicatory officer DR 8-102 (B)

- L. Noncompliance of a lawyer candidate for judicial office with Canon 7 of the Code of Judicial Conduct DR 8-103 (A)

- M. Failure to avoid the appearance of professional impropriety DR 9-101
 - 1. Improper statements if implications of influence on tribunals, legislative bodies or public officials DR 9-101 (C)

- N. Accepting employment for legal service to harass, maliciously injure or present unwarranted claim DR 2-109 (A)

- C. Failing to maintain the integrity and competence of the legal profession DR 1-101

- P. Misconduct DR 1-102
 - 1. Violating attorneys oath or disciplinary rule DR 1-102 (A) (1)
 - 2. Circumventing disciplinary rule through actions of another DR 1-102 (A) (2)
 - 3. Conduct prejudicial to the administration of justice DR 1-102 (A) (5)

- Q. Accepting employment for legal service to harass, maliciously injure or present unwanted claim DR 2-109 (A)

- R. Withdrawal from employment DR 2-110
 - 1. Withdrawal generally
 - a. Withdrawing without tribunal approval DR 2-110 (A) (1)
 - b. Withdrawing without taking reasonable steps to avoid perceivable prejudice to client DR 2-110 (A) (2)
 - c. Failing to refund fee advanced upon withdrawal DR 2-110 (A) (3)
 - 2. Mandatory withdrawal DR 2-110 (B)
 - a. Failing to withdraw from legal service to harass or maliciously injure DR 2-110 (B) (1)

- b. Failing to withdraw when continued employment results in disciplinary rule violation DR 2-110 (B) (
 - c. Failing to withdraw when mental and physical condition renders employment ineffective DR 2-110 (B) (
 - d. Failing to withdraw after discharge by client DR 2-110 (B) (
 - S. Restrictive employment agreements DR 2-108 (A) (
 - T. Aiding the unauthorized practice of law
 - 1. Aiding a nonlawyer in the unauthorized practice of law DR 3-101 (A)
 - 2. Unauthorized practice - jurisdictional regulations DR 3-101 (B)
 - 3. Forming a partnership with a non-lawyer DR 3-103 (A)
8. Improper advertising* and solicitation
- A. Prohibited publicity generally DR 2-101
 - 1. Self-laudatory public solicitation DR 2-101 (A)
 - 2. Prohibited commercial publicity DR 2-101 (B)
 - 3. Compensation for professional publicity DR 2-101 (C)
 - B. Prohibited notices DR 2-102
 - 1. Prohibited professional notices, letterheads, offices and law lists DR 2-102 (A)
 - 2. Prohibited names in private practice DR 2-102 (B)
 - 3. Misleading partnership names DR 2-102 (C)
 - 4. Nondisclosure of partnership jurisdictional limitations DR 2-102 (D)
 - 5. Separation of professions DR 2-102 (E)
 - C. Prohibited recommendation of professional employment DR 2-103
 - 1. Self-recommendation without request DR 2-103 (A)
 - 2. Prohibited reward practices DR 2-103 (B)
 - 3. Prohibited request practices DR 2-103 (C)

- D. Accepting employment from unsolicited advice DR 2-104 (A)
- E. Prohibited publicity limiting or specializing practice DR 2-105 (A)
- * The code sections affected by recent Supreme Court decisions have not been deleted.
9. Criminal Conviction Dr 1-102 (A) (3)
10. Personal Behavior
- A. Offensive personalities - Attorneys Oath
- B. Conduct reflecting on fitness to practice law DR 1-102 (A) (6)
- C.
11. Wilful Failure To Cooperate With Discipline Authorities
- A. Non-disclosure of information to authorities DR 1-103
1. Failing to report knowledge of a violation of Disciplinary Rule 1-102 to investigating authorities DR 1-103 (A)
2. Failing to disclose information concerning another lawyer or a judge DR 1-103 (B)
- B. Local court rules or decisions
- C. ABR-JI-11
1. Knowingly misrepresent any facts or circumstances surrounding a grievance complaint.
2. Failure to answer a Request for Investigation or formal complaint in conformity with ABR.
3. Contempt of the Disciplinary Board of the Alaska Bar Association or of a Hearing Committee
12. Medical Incapacity
- A. Mental infirmity or illness
- B. Alcoholism
- C. Addiction to drugs
- D. Failure to withdraw where mental or physical condition renders it unreasonably difficult for lawyer to discharge duties DR 2-110 (B) (4)
DR 2-110 (C) (4)
- E.
13. Incompetence DR 6-101 (A) (1)
DR 6-102

14. No Jurisdiction Or [Matters Which Set Forth
No Unethical Conduct Under Agency's Jurisdiction]

- A. Judicial conduct
- B. Matters involving attorneys outside
the agency's jurisdiction
- C. Advice - requests for legal advice/
assistance
- D. Fee disputes
- E. Minor disagreements in personal business
transactions
- F.
- Q.

DISCIPLINARY REPORT

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
73/74-33	1/18/74	Client	Conflict of Interest 2A-3a	In Abeyance pending Respondent's resignation from practice of law		
73/74-69	6/3/75	Alaska Bar Assn.	Criminal Conviction 9	Supreme Court Decision rendered 7/20/79 Closed	Order for disbar- ment effective 7/30/79	7/30/79
75-39	7/75	Alaska Bar Assn.	Conflict of Interest 2A-5b--Relationship with Client 4-A-2 Interference w/justice 7-E	Supreme Court Decision Rendered 7/13/79 Closed	Public Censure on three counts	7/15/79
75-60	10/10/75	Judge	Interference w/justice 7-P-3	Disposition delayed pending Supreme Court Review--Closed	Dismissed	4/24/79
76-12	4/76	Client	Conflict of Interest 2	Matter held in abeyance due to Resp. illness	Dismissed	9/11/79
77-15	3/9/77	Opposing Counsel	Interference w/justice 7-J-2	Investigation delayed due to absence of wit- nesses--Referred to RCM 7/28/78. RCM report received--Ordered informal admonition--11/24/78-- Respondent request formal hearing 12/6/78--Presented to BOG upon Stip. to waive hearing before Area Hrg. Committee--3/30/79 Closed	Dismissed 3/31/79	4/2/79
77-18	3/22/77	Third Party	Neglect--3 A & E	Petition for formal Hrg. held pending malpractice action	Investigation initially delayed because of absence of witness	

7-25	6/28/77	Client	Misrepresentation, Fraud 5-B	Petition for formal Hearing filed 10/16/78	Hearing delayed due to absence of witnesses	
77-28	6/30/77	Alaska Bar Assn.	Relationship w/client 4-B-3	Closed	Dismissed	4/24/79
77-43	6/30/77	Fee Arb. Panel	Neglect 3A.E	Fee Arb. Pet. and Req- uest for Investigation filed on 6/30/77. Fee Arb. Hrg. originally scheduled 12/7/77--Re- scheduled 3/28/77--Decision rendered 6/6/78-Referred to Discipline-6/6/78. Referred to RCM 9/8/78-RCM opinion received 7/18/79	Informal Admonition 8/31/79	10/8/79
78-1	2/15/78	Client	Relationship with Client	Investigation and disposi- tion delayed due to non- resident complainant's failure to respond to request for information--Closed	Dismissal	5/2/79
78-2	2/15/78	Client	Relationship with Client 4-B-3	Complainant notified 7/5/78 that investigation did not reveal grounds for disciplinary action. Complainant given opportunity to respond--No answer received Closed	Dismissed	5/2/79
78-4	3/8/78	Fee Arb. Panel	Interference with Justice 7-T-1	Under Investigation- Malpractice suit pending		
78-6	3/30/78	Adverse Party	Interference with Justice 7-D-1	Disposition delayed- absence of Complainant Closed	Dismissal	5/2/79
78-8	4/5/78	Opposing Counsel	Personal Behavior 10-B	Closed	Dismissed	4/24/79

78-9	4/24/78	Client	Neglect 3-A	Investigation & Disposition delayed due to Complainant failure to respond to request for info	Dismissal	5/2/79
78-10	4/25/78	Client	Conflict of Interest 2-A-5a	Dismissal pending preparation of notice and service of same		
78-13	6/2/78	Alaska Bar Assn.	Interference w/justice 7-B -1-f	Held in abeyance pending disposition of criminal prosecution		
78-15	6/19/78	Opposing Counsel	Interference w/justice 7-B-1-h	Referred back to atty. complainant for review and clarification of issues		
78-19	7/17/78	Client	Relationship w/client 4-B-3	Closed	Dismissal	5/7/79
78-20	7/11/78	Alaska Bar Assn.	Misrep./Fraud 5-B	To Review Committee Member 9/27/78--To Hearing Committee 6/12/79--Awaiting Report from Area Hearing Committee		
78-22	8/3/78	Opposing Counsel	Relationship w/client 4-A-2	Investigation delayed pending civil action in process		
78-24	8/28/78	Client	Relationship w/client 4-A-3	Closed	Dismissed	10/1/79
78-25	10/4/78	Opposing Counsel	Interference w/justice 7-D-1	Atty v. Atty complaint Parties instructed to attempt to come to some agreement		

78-26	11/6/78	Judge	Interference w/justice 7-F-1	Closed	Dismissed	10/1/79
78-27	4/28/78	Atty-Employer	Personal Behavior 10-B	Closed	Dismissed	4/30/79
78-28	10/2/78	Adverse Party	Interference w/justice 7-A-1	Closed	Dismissed	6/13/79
78-29	11/20/78	Client	Incompetence 13	Investigation pending resoltuion of civil malpractice suit		
78-30	11/14/79	Client	Conflict of Interest 2-A-5-A	Closed	Dismissed	10/1/79
79-1-F	2/9/79	Opposing Counsel	Interference w/justice 7-D-1--Personal Behavior 10-B Failure to co-operate with Disciplinary Authorities 11-C-2	Petition for formal Hearing sent to Resp. 9/20/79		
79-2	3/6/79	Alaska Bar Assn.	Trust Violation 1-A 1,2c	Accounting in Process		
79-3	3/8/79	Alaska Bar Assn.	Improper Advertising 8-A-2	Closed	Informal Admonition 3/20/79	4/30/79
79-4	3/22/79	Alaska Bar Assn.	Criminal Conviction 9	Pet. for Formal Hrg. 4/24/79--Set for formal Hrg. 6/12/79-Rescheduled 7/12/79--Record to BOG 9/8/79--Record to Supreme Court 9/17/79		

79-5	4/24/79	Attorney	Interference w/justice 7-G-2	Sen. to Committee member for advisory opinion 8/29/79		
79-6	5/3/79	Alaska Bar Assn.	Criminal Conviction 9	Supreme Court order Suspending Resp. issued 6/18/79--Resp. previously suspended for non- payment of dues--Present address unknown		
79-7	5/6/79	Alaska Bar Assn.	Interference w/justice 7-T-1	BOG assigned matter to special prosecutor--under investigation		
79-8	5/18/79	Alaska Bar Assn. Client	Relationship w/client 4-B-2,3 12 Complaints	ABR-29 Petition filed and granted--9/28/79--Attorney appointed--9/28/79--Motion to suspend for failure to pay dues filed 9/28/79		
79-9	7/17/79	Fee Arb. Panel	Conflict of Interest 2-A-1	Under Investigation		
79-10	4/18/79	Third Party	Interference w/justice	Closed	Dismissed	5/2/79
79-11	3/1/79	Client	Relationship w/client	Closed	Dismissed	5/14/79
79-12	5/2/79	Third Party	Conflict of Interest 2-A-5-a	Closed	Dismissed	6/27/79
79-13	5/19/79	Client	Neglect 3A,E	Under investigation Investigator delayed pending resolution of probate matter		
79-14	5/2/79	Third Party	Conflict of Interest 2-A-5-A	Closed	Dismissed	7/16,'79
79-15	6/12/79	Client	Relationship w/client 4-B-2	Closed	Dismissed	8/28/79

79-16	6/13/79	Judge	Incompetence 13	Under Investigation		
79-17	9/5/79	Third Party	Interference w/justice 7-B-1-a	Under Investigation		
79-18	9/4/79	Opposing Counsel	Conflict of Interest 2-A-5b	Investigation delayed pending resolution of civil action		
79-19	9/13/79	Client	Relationship w/client 4-C-1	Closed	Dismissed	9/5/79
79-20	9/6/79	Opposing Counsel	Interference w/justice T-2	Under investigation		
79-21	9/12/79	Alaska Bar Assn.	Improper Advertising 8-2	Under investigation		
79-22	9/12/79	Alaska Bar Assn.	Improper Advertising 8-2	Under investigation		
79-23	9/12/79	Client	Neglect--3 A,B	Under investigation		
79-24	9/19/79	Alaska Bar Assn.	Interference w/justice 7-J-2	Under investigation		
79-25	9/24/79	Alaska Bar Assn.	Improper Advertising 8-2	Under investigation		
79-26	9/24/79	Client	Relationship w/ client 4-B-2,3	See 79-8 Consolidated		
79-27	9/24/79	Third Party	Interference w/justice 7-C	Under investigation		
79-28	9/27/79	Alaska Bar Assn.	Interference w/justice 7-T-2	Under investigation		

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Alaska Bar Association's Discipline Report
Fourth Quarter of 1979

ALASKA BAR ASSOCIATION
SURVEY OF GRIEVANCES
Closed from 10-1-79 to 12-31-79

In an effort to better inform the court, bar and public of the source and nature of grievances, and the areas of practice from which grievances arise, the following is a sample based on the files closed in the Bar Association office from October 1, to December 31, 1979.

In describing the nature of the grievance, only the most serious allegation is reflected. In fact, more grievances allege various acts of misconduct. It is not practical to attempt to reflect all allegations.

I. NATURE OF GRIEVANCE	#	%
1. Trust violations (embezzlement/ conversion/withholding client's property)	0	0
2. Conflict of Interest	1	.9
3. Neglect (Failure to perform, delay abandonment)	0	0
4. Relationship with client	0	0
5. Misrepresentation/Fraud	1	.9
6. Excessive Fees	0	0
7. Interference with justice	6	54.5
8. Improper advertising & solicitation	2	18.1
9. Criminal conviction	0	0
10. Personal Behavior	1	.9
11. Failure to cooperate with investigation	0	0
12. Medical incapacity	0	0
13. Incompetence	0	0
14. Other	0	0
TOTAL	11	

An additional 77 matters were handled which did not involve violations of the Code of Professional Responsibility, but did involve an interview, require a response on the rendering of assistance to resolve the matter.

FEE ARBITRATION REPORT

October 1, 1979 - December 31, 1979

CASELOAD

1. Cases pending & carried forward on October 1, 1979 .	12
2. Cases filed since October 1, 1979	13
TOTAL CASELOAD FOR PERIOD	25
3. Cases Closed since October 1, 1979	10
 TOTAL PENDING CASES ON December 31, 1979	 15

DISCIPLINARY REPORT
4th Quarter
October 1, 1979 - December 31, 1979

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
73/74-33	1/18/74	Client	Conflict of Interest 2A-3a	In Abeyance pending Respondent's resignation from practice of law		
77-18	3/22/77	Third Party	Neglect--3 A & E	Petition for formal Hrg. held pending malpractice action	Investigation initially delayed because of absence of witness	
77-25	6/28/77	Client	Misrepresentation, Fraud 5-B	Petition for formal Hearing filed 10/16/78	Hearing delayed due to absence of witnesses	
78-4	3/8/78	Fee Arb. Panel	Interference with Justice 7-T-1	Under Investigation- Malpractice suit pending		
78-10	4/25/78	Client	Conflict of Interest 2-A-5a	Dismissal pending prepara- tion of notice and service of same -- Closed	Dismissed	10/22/79
78-13	6,2/78	Alaska Bar Assn.	Interference w/justice 7-B -1-f	Held in abeyance pending disposition of criminal prosecution--Criminal Prosecution Dismissed Investigation in Progress		
78-15	6/19/78	Opposing Counsel	Interference w/justice 7-B-1-h	Referred back to atty. complainant for review and clarification of issues		

DISCIPLINE REPORT
October 1, 1979 - December 31, 1979

I. CASELOAD

1. Cases pending & carried forward on October 1, 1979	32
2. Cases filed or reactivated since October 1, 1979	17
TOTAL CASELOAD FOR PERIOD	49
3. Cases closed since October 1, 1979:	
(a) Dismissed by Bar Counsel	9
(b) Informal Admonitions	2
(c) Disbarred	0
TOTAL	11
4. Total Pending Cases on December 31, 1979	38

II. STATUS OF PENDING ACTIVE CASES:

1. Investigative Stage:	
(a) To Committee Member for Advisory Opinion	0
(b) Bar Counsel	35
(c) Special Prosecutor	1
(d) Matters held in abeyance	1
(e) Conciliation Panel	1
TOTAL	36
2. Before Hearing Committee	0
3. Before Board of Governors	0
4. Before Supreme Court	2
TOTAL PENDING ACTIVE CASES ON DECEMBER 31, 1979	38

III. MATTERS NOT CONSTITUTING VIOLATION OF RULES

Investigator:	77
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FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
78-20	7/11/78	Alaska Bar Assn.	Misrep./Fraud 5-B		To Review Committee Member 9/27/78--To Hearing Committee 6/12/79--To BOG 10/10/79 To Supreme Court 10/31/79	
78-22	8/3/78	Opposing Counsel	Relationship w/client 4-A-2		Investigation delayed pending civil action in process	
78-25	10/4/78	Opposing Counsel	Interference w/justice 7-D-1		Atty v. Atty complaint: Parties instructed to attempt to come to some agreement	
78-29	11/20/78	Client	Incompetence 13		Investigation pending resolution of civil malpractice suit	
79-1-F	2/9/79	Opposing Counsel	Interference w/justice 7-D-1--Personal Behavior 10-B Failure to co-operate with Disciplinary Authorities 11-C-2		Petition for formal Hearing sent to Resp. 9/20/79. Answer received Investigation continuing on affirmative defenses	
79-2	3/6/79	Alaska Bar Assn.	Trust Violation 1-A 1,2c		Accounting in Process	
79-4	3/22/79	Alaska Bar Assn.	Criminal Conviction 9		Pet. for Formal Hrg. 4/24/79--Set for formal Hrg. 6/12/79-Rescheduled 7/12/79- To BOG 9/8/79-- To Supreme Court 9/17/79	

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-5	4/24/79	Attorney	Interference w/justice 7-G-2	Sent to Committee member for advisory opinion 8/29/79 Closed	Dismissed	10/31/79
79-6	5/3/79	Alaska Bar Assn.	Criminal Conviction 9	Supreme Court order Suspending Resp. issued 6/18/79--Resp. previously suspended for non- payment of dues--Present address unknown		
79-7	5/6/79	Alaska Bar Assn.	Interference w/justice 7-T-1	BOG assigned matter to special prosecutor--under investigation		
79-8	5/18/79	Alaska Bar Assn. Client	Relationship w/client 4-B-2,3 12 Complaints	ABR-29 Petition filed and granted--9/28/79--Attorney appointed--9/28/79--Motion to suspend for failure to pay dues filed 9/28/79 Mtn. to Suspend granted 10/4/79		
79-9	7/17/79	Fee Arb. Panel	Conflict of Interest 2-A-1	Under Investigation		
79-13	5/19/79	Client	Neglect 3A,E	Under investigation Investigation delayed pending resolution of probate matter		
79-16	6/13/79	Judge	Incompetence 13	Under Investigation		
79-17	9/5/79	Third Party	Interference w/justice	Under Investigation		
79-18	9/4/79	Opposing Counsel	Conflict of Interest 2-A-5b	Investigation delayed pending resolution of civil action		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-20	9/6/79	Opposing Counsel	Interference w/justice T-2	Under investigation		
79-21	9/12/79	Alaska Bar Assn.	Improper Advertising 8-2	Closed	Dismissed	10/8/79
79-22	9/12/79	Alaska Bar Assn.	Improper Advertising 8-2	Closed	Dismissed	10/10/79
79-23	9/12/79	Client	Neglect--3 A,B	Under investigation		
79-24	9/19/79	Alaska Bar Assn.	Interference w/justice 7-J-2	Closed	Informal Admonition	11/28/79
79-25	9/24/79	Alaska Bar Assn.	Improper Advertising 8-2	Under investigation		
79-26	9/24/79	Client	Relationship w/ client 4-B-2,3	See 79-8 Consolidated		
79-27	9/24/79	Third Party	Interference w/justice 7-C	Closed	Dismissed	11/28/79
79-28	9/27/79	Alaska Bar Assn.	Interference w/justice 7-T-2	Closed	Dismissed	10/22/79
79-29	8/2/79	Opposing Counsel	Personal Behavior 10 B	Closed	Dismissed	12/13/79
79-30	6/1/79	Third Party	Interference w/justice 7-A	Closed	Dismissed	10/17/79

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-31	6/1/79	Judge	Interference w/justice 7-D-1	Under investigation		
79-32	10/11/79	Client	Relationship w/Client 4 B 2	Under investigation		
79-33	9/27/79	Third Party	Interference w/justice 7 G 2	Under investigation		
79-34	10/11/79	Opposing Counsel	Interference w/justice 7N	Under investigation		
79-35	11/3/79	Opposing Counsel	Interference w/justice 7-D-1	Closed	Informal Admonition	11/8/79
79-36	11/30/79	Third Party	Misrepresentation/Fraud 5 B	Under investigation		
79-37	10/26/79	Third Party	Misrepresentation/Fraud 5B	Closed	Dismissed	12/13/79
79-38	10/30/79	Client	Relationship w/client 4 E	Under investigation		
79-39	11/2/78	Alaska Bar Assn	Improper advertising 8 A 2	Under investigation		
79-40	11/6/79	Client	Relationship w/client 4 B 2	Under investigation		
79-41	11/8/79	Client	Relationship w/client 4 B 1	Under investigation		
79-42	9/26/79	Third Party	Solicitation 8 C 1	Under investigation		

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
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79-43	11/28/79	Attorney	Relationship w/client 4 B 3		Referred to Conciliation Panel--Suggested Resolution issued 12/19/79	
79-44	11/29/79	Opposing Counsel	Interference w/justice 7 D 1		Under Investigation	
79-45	12/10/79	Third Party	Interference w/justice 7 0		Under investigation	

APPENDIX 0

DOCKET #	OPENED	ACTION		
1	11/71	Informal adm 12/9/77	12/9/77	7 years
7	5/17/73	Dismissed 12/12/77 (HC)	12/12/77	7
8	6/4/73	Dismissed 10/15/77	10/15/77	52
13	9/14/73	Informal adm 12/6/77	12/6/77	51
23	1/8/74	Combined with #234 12/31/77; before hearing comm by 9/30/78		
35	4/8/74	Ready for Brd 1/21/78; to be informally adm 3/31/78; private reprimand 8/24/78	8/24/78	52
46	10/7/76	On Brd agenda 10/78; S.C. decision pending 3/3/79		
48	8/2/74	Ready for Brd 1/21/78; to be informally adm 3/31/78; private reprimand 8/24/78	8/24/78	48
57	10/17/74	Dismissed 10/26/77	10/26/77	3 years
59	11/9/74	Argument before S.C. 2/78; public censure 9/5/78	9/5/78	46
70	2/18/74	Informal adm 10/15/77	10/15/77	44
87	5/9/75	Dismissed 11/1/77	11/1/77	28
93	5/29/75	Dismissed 12/30/77	12/30/77	29
94	6/2/75	To rev comm member 8/9/77; informal adm 2/15/78	2/15/78	32
102	7/?/75	Before hearing comm 12/31/77; S.C. decision pending 3/31/79		
104	7/ /75	10 of 12 original charges dismissed in 1977 (RCMR); 2 charges to review comm 3/28/78; dismissed 4/5/78 (RCMR)	4/5/78	33
123	10/10/75	Abeyance before hearing comm; pending matters before S.C. 12/31/77		
130	10/25/75	Brd ordered abeyance 10/15/77 pending dispo of civil lit		
133	11/25/75	Ready for hearing 12/31/77; dismissed 11/24/78	11/24/78	36
139	12/12/75	Dismissed 3/8/78 (RCMR)	3/8/78	27
147	3/10/76	To rev comm member 9/9/77; returned from rev comm 3/31/78; dismissed 9/11/78 (RCMR)	9/11/78	30
148	3/5/76	In abeyance until <u>Bates</u> interpretation; dismissed 5/9/78 (RCMR)	5/9/78	26

<u>DOCKET #</u>	<u>OPENED</u>	<u>ACTION</u>		
151	4/5/76	Brd held in abeyance 12/11/78; combined with #178; ready for hearing 12/31/78		
154	4/10/76	Ready for Brd 1/21/78; to be informally adm 3/31/78; informal adm by Pres. 5/78	5/?/78	25
156	5/25/76	Informal adm 10/15/77	10/15/77	17
163	8/4/76	Informal adm 10/15/77	10/15/77	14
178	9/21/76	Ready for hearing 12/31/77; combined with #220 12/31/78		
187	11/9/76	Dismissed 10/4/77	10/4/77	11
196	11/30/76	To rev comm member 11/15/77; dismissed 3/31/78 (RCMR)	3/31/78	16
198	11/30/76	Held in abeyance; under invest by 3/31/78; dismissed 6/2/78 (RCMR)	6/2/78	19
199	10/30/76	S.C. ordered suspension	?	
200	12/8/76	Informal adm (RCMR) date ?	?	
203	1/10/77	Informal adm w/stip to conditions by respondent as of 10/31/77; dismissed 1/20/78	1/20/78	12
204	1/17/77	Dismissed 11/1/77	11/1/77	10
205	1/19/77	Dismissed 12/1/77	12/1/77	11
206	1/24/77	Informal adm 11/1/77	11/1/77	10
208	2/25/77	Abeyance pending therapy outcome; petition inactive status to SC 3/31/78; inactive status SC 4/20/78	4/20/78	14
215	3/8/77	Dismissed 3/29/78 (RCMR)	3/29/78	12
216	3/9/77	Informal adm 11/16/77	11/16/77	8
217	3/9/77	To rev comm member 9/28/78; informal adm 11/24/78 (RCMR); reopened by respondent 1/19/79		
218	3/11/77	Dismissed 9/28/78 (RCMR)	9/28/78	18
219	3/14/77	To rev comm member 3/10/78; dismissed 4/13/78 (RCMR)	4/13/78	13
220	3/22/77	Ready for hearing 9/30/78; combined with #178 on _____		
221	4/18/77	Dismissed 11/1/77 (RCMR)	11/1/77	7

DOCKET #	OPENED	ACTION		
222	?	In abeyance 12/31/77 pending civil lit		
223	5/17/77	Dismissed 5/9/78 (RCMR)	5/9/78	12
225	5/17/77	To rev comm member 9/17/78; informal adm 10/25/78 (RCMR); reopened by respondent 1/19/79		
226	5/20/77	To rev comm member 5/30/78; dismissed 9/18/78 (RCMR)	9/18/78	16
227	6/2/77	Dismissed 9/11/78 (RCMR)	9/11/78	15
228	6/28/77	To review comm member 5/9/78; ready for hearing 9/30/78		
229	6/28/77	To review comm member 9/29/78; dismissed 12/18/78 (RCMR)	12/18/78	18
230	?	Dismissed 8/25/78 (RCMR)	8/25/78	?
231	6/30/77	Under investigation		
233	7/5/77	Dismissed 12/30/77 (RCMR)	12/30/77	5
234	7/11/77	Combined with #26 3/31/78; to rev comm member 9/30/78; combined with #23 12/31/78; ready for hearing comm 9/30/78		
235	8/1/77	Dismissed 9/5/78 (RCMR)	9/5/78	13
236	7/28/77	Dismissed 5/22/78 (RCMR)	5/22/78	10
237	8/3/77	To rev comm member 9/25/78; dismissed 10/28/78 (RCMR)	10/28/78	14
238	7/26/77	Brd held in abeyance 1/21/78 crim; dismissed 9/28/78 (RCMR)	9/28/78	14
239	7/26/77	Brd held in abeyance 1/21/78 crim; dismissed 9/28/78 (RCMR)	9/28/78	14
240	8/24/77	Dismissed 8/28/78 (RCMR)	8/28/78	12
241	9/16/77	Dismissed 9/22/78 (RCMR)	9/22/78	12
242	9/28/77	Dismissed 9/15/78 (RCMR)	9/15/78	12
243	10/10/77	Dismissed 12/6/77 (RCMR)	12/6/77	2
244	10/21/77	Dismissed 12/12/77 (RCMR)	12/12/77	2
245	10/21/77	Brd held in abeyance 1/21/78		

<u>DOCKET #</u>	<u>OPENED</u>	<u>ACTION</u>		
246	11/8/77	To rev comm member 9/28/78		
248	11/18/77	Dismissed 7/21/78 (RCMR)	7/21/78	8
249	2/15/78	Under investigation		
250	2/15/78	Under investigation		
251	3/8/78	Dismissed 8/28/78 (RCMR)	8/28/78	5
252	3/8/78	Under investigation		
253	3/24/78	Dismissed 12/11/78 (RCMR)	12/11/78	9
254	3/30/78	Under investigation		
255	4/4/78	Dismissed 12/4/78 (RCMR)	12/4/78	8
256	4/5/78	Under investigation		
257	4/24/78	Under investigation		
258	4/25/78	Under investigation		
259	5/23/78	Under investigation		
260	6/2/78	Reinstatement petition; S.C. reinstatement 7/25/78	7/25/78	1
261	6/2/78	Under investigation		
262	6/2/78	Dismissed by 9/30/78 (RCMR)	9/30/78	3
263	6/19/78	Under investigation		
264	7/5/78	Dismissed 12/26/78 (RCMR)	12/26/78	5
265	7/5/78	Dismissed 12/26/78 (RCMR)	12/26/78	5
266	7/18/78	Dismissed 8/16/78 (RCMR)	8/16/78	1
267	7/24/78	Under investigation		
268	7/19/78	To rev comm member 9/27/78; ready for hearing 12/31/78		
269	7/24/78	Dismissed 12/18/78 (RCMR)	12/18/78	5