

ABA  
RESPONSE  
to REVIEW

#16



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

TO: Charlie Parr, Chairman, and Members of the House Judiciary  
Committee

FROM: Margaret W. Berck, Staff

DATE: February 14, 1980

RE: Sunset Review of the Alaska Bar Association

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Attached are the responses of the Alaska Bar Association to those requests for information which I made on the Committee's behalf in early November, 1979. Rather than xerox the lengthy appendices to these responses which were provided by the Alaska Bar Association, I have selected only a few of the appendix items to be included in your packets today. Should you desire review more of the documents contained in the appendices please let me know.

1. As of January 1, 1980, there are 1,263 active members of the Alaska Bar Association, 147 inactive members, and fifty-three (53) judicial members.

✓ 2. Seven (7) attorneys are currently practicing law in the State of Alaska on an Alaska Legal Services Corporation (ALSC) waiver. Pursuant to Alaska Bar Rule III-43, an individual who (a) is employed by or associated with Alaska Legal Services Corporation on a full-time basis, (b) is licensed to practice law in another state, and (c) has not failed the Alaska Bar examination, can be granted permission to practice law in Alaska for not more than two years (i.e., the admissions exam is "waived" for up to two years).

3. No attorney has yet applied to practice law in Alaska on an Expanded Legal Assistance Program waiver. The United States Armed Forces Expanded Legal Assistance Program, or E.L.A.P., is just being instituted in Alaska. Proposed regulations to implement the program were published in the November/December 1979 issue of The Alaska Bar Rag, and were only recently adopted by the Alaska Bar Association. Please see Alaska Bar Rule III-43.1 for information regarding the E.L.A.P. waiver requirements, which are similar to those described in #2 above, except that the person admitted on an E.L.A.P. waiver must be an active duty member of the Armed Forces, as opposed to employed by the Alaska Legal Services Corporation.

4. The total number of attorneys practicing law in this State pursuant to a waiver is seven (7). Since no one has yet applied to practice law under an E.L.A.P. waiver, only those attorneys who are practicing law on an ALSC waiver can currently be counted (see #2 above).

✓ 5. Eight (8) legal interns are currently certified in the State. Pursuant to Alaska Bar Rule IV-44, an intern permit is terminated upon the occurrence of one of the following three events, whichever occurs first: (a) expiration of a period of six months from the date the permit is issued; (b) failure of the intern to take the first Alaska Bar examination for which he or she is eligible; or (c) the intern's failure to pass any bar examination.

6. There are 1263 active members of the Alaska Bar Association.

7. There are 147 inactive members of the Alaska Bar Association.

8. There are fifty-three (53) judicial members of the Alaska Bar Association.

Ethics	Charles Flynn
Family Law	John Reese
Insurance	Karen Hunt
Law Related Education	William Choquette
Legal Educational Opportunities	Carolyn Jones
Natural Resources	Ronald Birch
Paralegal	Steve Conn
Probate	Peter Ginder
Real Estate	Frank Nosek
Statutes, By-Laws & Rules	David Bundy
Taxation	David Shaftel
Tort	Bernard Kelly

#### Special Committees

<u>TITLE</u>	<u>CHAIRPERSON</u>
Advertising	Frank Smith, Jr.
Alternative Disputes Resolution	Stephen DeLisio
Examination Review	Michael Thomas
Historian	Judge James Hornaday
Prepaid Legal	Philip Volland
Specialization	Henry Camarot
Unauthorized Practice of Law	Daniel Gerety

#### Bar Rule Committees

<u>TITLE</u>	<u>CHAIRPERSON</u>
Client Security Fund	William Cook
Conciliation Panels	No appointed Chairperson

Discipline Hearing

1st Judicial District -  
Chuck Cloudy  
2nd and 4th Judicial Districts -  
Millard Ingraham  
3rd Judicial District (Panel A) -  
Harris Saxon  
3rd Judicial District (Panel B) -  
Bernd Guetschow

E.L.A.P.

No appointed Chairperson

Fee Arbitration

1st Judicial District (Juneau) -  
(No Chairperson)  
1st Judicial District (Ketchikan) -  
Cliff Smith  
2nd & 4th Judicial Districts -  
Pat Brown  
3rd Judicial District (Panel A) -  
Ben Walters  
3rd Judicial District (Panel B) -  
John Reese

Law Examiners

Alex Young

Enclosed, as Appendix C, is a copy of the Committee Book of the Alaska Bar Association, showing the chairpersons and members of each committee listed above. In addition, please note that each member of the Board of Governors is assigned to act as liaison between the Board and at least two of the Standing Committees of the Bar. A listing of those liaison assignments is contained in Appendix C.

18. As stated in the cover letter of this response, the Board of Governors is currently completing a booklet which will, among other things, describe the powers, duties, and functions of the Association's Bar Rules Committees, the Standing Committees, and the Special Committees. That description of the Alaska Bar Association's committee structure will be available almost concurrent with this response and, to avoid duplication, the committee information is not reproduced here.

19. The available annual reports of the Standing committees are contained in Appendix D. Unfortunately, the Association's Committee files are incomplete and contain gaps in information. In addition, and as some of the correspondence indicates (for instance, see page 2 of Peter Ginder's letter to Ronald A. Offret regarding the Probate Committee), the various committees of the Alaska Bar Association have only recently been reconstituted and given substantive tasks. From the files, it would appear that many of the committees met irregularly during the mid-Seventies. Not all committee reports have been retained by the Association.

✓ 20. This request cannot be complied with because the Examination Review Committee, a special committee of the Alaska Bar Association created in mid-1979, will not issue its first (preliminary) report until March, 1980.

21. Attached, as Appendix E, are copies of the information sent to the members of the Alaska Bar Association regarding programs in Alaska by the Association's Continuing Legal Education (CLE) Committee. Information regarding the CLE programs held in 1977, 1978 and 1979 is provided.

✓ 22. In 1976 the Ethics Committee of the Alaska Bar Association rendered seven (7) opinions which were approved by the Board of Governors. In 1977 the Ethics Committee rendered two (2) opinions approved by the Board. In 1978 the Board approved five (5) opinions of the Ethics Committee, and in 1979 three (3) opinions were approved, and one is pending. Copies of these opinions are provided as Appendix F of this response.

23. While the Alaska Bar Association has not actively attempted to influence the decision making process of either the legislative or administrative branches of government in the area of substantive law, members of the various standing committees of the Association have always been available to assist the Legislature upon its request. The Bar Association has retained the services of a lobbyist to monitor legislation and provide information to the Board of Governors, local Bar Associations, and the membership that may be of interest to the legal profession. The Alaska Bar has, from time-to-time, proposed amendments to the Alaska Integrated Bar Act (1976 was the last instance of such activity), but generally the Association's lobbyist has limited his efforts to supporting such proposals as pay increases for judges, requests for the creation of additional judgeships, expansion of overcrowded court facilities, and items of that nature.

Individual members of the Alaska Bar Association may -- and do -- lobby actively on many subjects, but these individuals do not speak on behalf of the Association as a whole. Representatives of the Association have also met with members of the Legislature to answer questions and provide information on diverse topics of legislative inquiry.

24. Attached, as Appendix G, is a copy of the introductory letter sent to attorneys who desire information concerning the Alaska Bar Association's statewide Lawyer Referral Service. The letter should answer your questions regarding the referral service. As additional information, copies of two staff reports are included in Appendix G. The reports state the number of referrals made by the Service from its inception in April, 1978 through November, 1978, and for the third quarter of 1979. For further information, see the booklet describing the Alaska Bar Association.

25. The following is a listing of the dates and locations of all meetings of the Board of Governors of the Alaska Bar Association since January 6, 1976:

<u>DATE</u>	<u>LOCATION</u>
January 6, 1979	Conference Phone Meeting (CPM)
February 13, 1976	CPM
February 20, 1976	CPM
February 23, 1976	CPM
March 12, 1976	Anchorage
April 22, 1976	CPM
May 15-16, 1976	Anchorage
June 1-3, 1976	Anchorage
June 5, 1976 (Annual Meeting)	Anchorage
July 13, 1976	CPM
August 9, 1976	CPM
September 20, 1976	CPM
September 27, 1976	CPM
October 14-16, 1976	Anchorage
December 1, 1976	CPM
December 28, 1976	CPM
January 27-28, 1977	Juneau
January 31, 1977	CPM
February 8, 1977	CPM
February 28, 1977	CPM
March 30, 1977	CPM

April 14, 1977	CPM
April 27, 1977	CPM
May 21, 1977	Anchorage
June 6-8, 1977	Ketchikan
June 11, 1977 (Annual Meeting)	Ketchikan
July 13, 1977	CPM
July 18, 1977	CPM
July 21, 1977	CPM
September 16-17, 1977	Anchorage
October 13-15, 1977	Kodiak
December 1, 1977	CPM
December 17, 1977	CPM

January 21, 1978	Anchorage
February 14, 1978	CPM
February 20-23, 1978 (Adjunct to Mid-Winter CLE Meeting)	Kauai, Hawaii
February 24, 1978	Kauai, Hawaii
February 25, 1978	Kauai, Hawaii
March 11, 1978	Anchorage
April 4, 1978	CPM
May 10, 1978	CPM
May 18-20, 1978	Sitka
May 23, 1978	CPM
May 26, 1978	CPM
June 6-8, 1978	Fairbanks
June 10, 1978 (Annual Meeting)	Fairbanks
June 13, 1978	CPM
June 14, 1978	CPM
June 20, 1978	CPM
June 26, 1978	CPM
July 14, 1978	CPM
August 9, 1978	CPM
August 24, 1978	CPM
September 6-8, 1978	Fairbanks
October 26-28, 1978	Anchorage
December 2-3, 1978	Anchorage
December 12, 1978	CPM

January 15, 1979	CPM
January 18, 1979	CPM
January 29-31, 1979 (Adjunct to Mid-Winter CLE Meeting)	Kauai, Hawaii
March 29-31, 1979	Juneau
April 13, 1979	CPM
April 17, 1979	CPM
May 17-19, 1979	Anchorage
May 29, 1979	CPM
June 5-6, 1979	Sitka
June 9, 1979 (Annual Meeting)	Sitka
June 15, 1979	CPM

July 16, 1979	CPM
July 19, 1979	CPM
July 30, 1979	CPM
August 6, 1979	CPM
September 6-9, 1979	Anchorage
October 25-27, 1979	Anchorage
November 17, 1979	CPM
December 6-8, 1979	Anchorage
December 21, 1979	CPM

26. Pursuant to the Association's By-Laws, the President schedules at least six regular meetings of the Board of Governors. These dates are published immediately upon the President's assumption of office. In addition, the dates are published throughout the year in the Alaska Bar Rag. Finally, all law libraries, the clerks of court, and the presidents of the local bar associations are sent a copy of the agenda of each upcoming Board meeting ten (10) days in advance of the meeting dates.

27 and 28. In 1978, the Board of Governors recommended to the Supreme Court of Alaska Bar Rule 62, commonly known as the "Rule on Rules." In accordance with its provisions, the Board, prior to adoption, publishes in the Alaska Bar Rag any proposed changes or additions to the Association's by-laws, rules, and regulations. The Bar Rag is received by all active members of the Association and is available to any interested person. There are approximately 200 non-member subscribers. Proposed Bar Rule 63 was published not only in the Alaska Bar Rag, but also in its predecessor publication, the Alaska Bar Brief. The Association received over thirty (30) responses to its proposed Definition of the Practice of Law in 1978, including comments from the State's Ombudsman, the Attorney General, Alaska Legal Services, members of the U.S. Department of Interior Regional Solicitor's Office, three city attorneys from within Alaska, the National Bank of Alaska, two public consumer agencies (Trustees for Alaska and Akpirg), the State Human Rights Commission, and numerous individual attorneys.

29 and 30. The Association's current Personnel Manual was adopted by the Board of Governors in December of 1978. A copy of that manual is enclosed as Appendix H. Titles, job descriptions, fringe benefits and office procedures are outlined in the personnel manual. Please note: in 1979, at contract renewal, the Board granted the Association's Bar Counsel additional days of vacation for the year 1979-1980, in lieu of a salary increase. The following is all information that is available on staff and salaries:



- e. Mary L. Loran Bookkeeper  
Employed on 2/15/79 at \$900 per month; employment ended on 6/19/79 at \$980
- f. Ethel B. Stratman Bookkeeper  
1975 - Employed on 9/8/75  
1977 - Employment ended on 12/15/77 at \$1300 per month  
1978 - Employed again on 9/1/78 at \$7.50 per hour;  
Salary increased on 11/6/78 to \$1200 per month  
1979 - Employment ended on 2/28/79
- g. Mary J. Blount Bookkeeper  
Employed on 4/6/78; employment ended on 8/31/78; \$1175 per month
- h. Shirley E. Dreese Administrative Assistant  
1976 - Employed on 10/11/76 at \$1150 per month  
1977 - Receiving \$1200 per month  
1978 - Employment ended on 3/22/78
- i. Laura Spickelmier Discipline and Fee Arbitration Secretary  
1977 - Employed on 4/28/77 at \$900 per month; salary increased on 11/15/77 to \$950  
1978 - Salary increased on 4/11/78 to \$1050, and to \$1140 on 9/20/78  
1979 - Employment ended on 5/30/79
- j. Carla Wilkins Receptionist and Lawyer Referral Secretary  
Employed on 6/26/79 at \$1000 per month; employment ended on 11/15/79
- k. Susan K. Harnasch Receptionist and Lawyer Referral Secretary  
Employed on 3/27/79 at \$900 per month; employment ended on 6/22/79
- l. Michelle Smith Receptionist and Lawyer Referral Secretary  
1978 - Employed on 4/3/78 at \$950 per month  
1979 - Employment ended on 3/28/79 at \$1030 per month

Temporary Employees:

Robert E. Allen Printer  
Employed on 2/28/77 - 4/6/78 at \$12.00 per hour

Adrian B. Clark Discipline and Admissions Investigator  
Employed on 4/15/78 - 5/15/78 at \$20.00 per hour (Part-time)

31. Attached, as Appendix I, are copies of the 1976, 1977, 1978 and 1979 budgets of the Alaska Bar Association.

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ATTACHMENTS

32. Attached, as Appendix J, are copies of the 1976, 1977 and 1978 audits. An audit of the finances of the Association for 1979 is currently being conducted. The audit for 1979 will be provided to the House Judiciary Committee when completed.

33. The monthly, fixed publishing costs of the Alaska Bar Rag are approximately as follows:

a. Typesetting:	\$75.00 per page, at 12 pages	\$900.00
b. Printing:	12 pages	540.00
c. Postage		24.00
TOTAL		\$1464.00

The Bar Rag receives income from paid subscriptions (The Bar Rag is "free" to active members of the Association), advertising, and the Anchorage Bar Association. The Alaska Bar Association has, in the past, paid those costs not met by the income generated.

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34. The Alaska Bar Association receives State funds from only one source (the Alaska Court System) for only one purpose (discipline). This contribution represents approximately only fifty percent (50%) of the discipline costs incurred by the Association.

35. Per diem (\$75.00 per day) and travel (coach fare) is paid to only those members of the Board of Governors residing outside the community where approved meetings of the Association are held.

36. The total travel and per diem expenses paid by the Alaska Bar Association to other than members of the Board of Governors can be categorized as follows:

- (a) Administrative - travel expenses of the Executive Director and, occasionally, the Executive Assistant;
- (b) Discipline - travel expenses of the Bar Counsel and, occasionally, the investigator; and
- (c) Committees - travel expenses of speakers for programs and, occasionally, committee members, etc.

Staff administrative and discipline travel expenses are broken out in the audits provided in Appendix J. The actual cost to the Association of the expenditures for travel and per diem made in con-

nection with CLE programs is shown by the "Continuing Legal Education" line item in the audits contained in Appendix J. Expenses for the other committees of the Association appear under a separate line item entitled "Committees."

37. Enclosed, as Appendix K, is a copy of an October 3, 1979 memorandum prepared by Vickilee Goodrow, the Association's Bookkeeper, which updates her August 27, 1979 profit and loss statement for the Association's 1979 Mid-Winter CLE meeting in Hawaii.

38. The total amount of income derived from admission fees is contained in Appendix J.

39 through 40. The audits contained in Appendix J state the costs of administering the Alaska Bar examination. In addition, any litigation costs resulting from the admissions process are also shown.

41. It is assumed that this question refers to instances when the Alaska Bar Association was sued or sued in the trial courts of Alaska. Since 1976, this has occurred twice -- once in 1978 in Horowitz v. Alaska Bar Association (Supreme Court docket #4310/4311), and once in 1979 in State of Alaska v. Willard (Superior Court docket #79-5932). The former case is pending before the Supreme Court and the latter case is pending in Superior Court. These cases are public record and are available to the House Judiciary from the Court. The Association has never been assessed or recovered attorney fees.

42. Enclosed, as Appendix L, is a copy of the "Application for Admission to the Alaska Bar Association," as well as the attendant rules, brochures, instructions, fingerprint cards, and other materials sent to those persons either making simple inquiry or actually requesting application forms.

43 and 44. The item contained in Appendix L, entitled "Instructions to Applicants and Orientation Information about the Alaska Bar Examination," describes the content of the Alaska Bar examination for both general and attorney applicants.

45 through 52. For the purposes of this section, the following abbreviation apply:

- GA - General applicants taking the Alaska Bar examination
- AA - Attorney applicants taking the Alaska Bar examination

	GA	AA	TOTAL
a. February 1976 Alaska Bar Exam Results:			
No. of Examinees	90	6	96
No. Who Passed	67	6	73
No. Who Failed	23	0	23
b. July 1976 Alaska Bar Exam Results:			
No. of Examinees	95	2	97
No. Who Passed	77	0	77
No. Who Failed	18	2	20
c. February 1977 Alaska Bar Exam Results:			
No. of Examinees	100	8	108
No. Who Passed	76	7	83
No. Who Failed	24	1	25
d. July 1977 Alaska Bar Exam Results:			
No. of Examinees	117	5	122
No. Who Passed	91	4	95
No. Who Failed	26	1	27
e. February 1978 Alaska Bar Exam Results:			
No. of Examinees	93	7	100
No. Who Passed	60	5	65
No. Who Failed	33	2	35
f. July 1978 Alaska Bar Exam Results:			
No. of Examinees	117	8	125
No. Who Passed	84	7	91
No. Who Failed	33	1	34
g. February 1979 Alaska Bar Exam Results:			
No. of Examinees	102	13	115
No. Who Passed	65	10	75
No. Who Failed	37	3	40
h. July 1979 Alaska Bar Exam Results:			
No. of Examinees	97	5	102
No. Who Passed	64	5	69
No. Who Failed	33	0	33

53 through 60. The Alaska Bar Association does not ask for information regarding the race, ethnic background, or sex of any applicant who desires to take the Alaska Bar examination, although a photograph of every applicant is required. The Board of Governors, however, as a part of the on-going research it is sponsoring with the Legal Educational Opportunities Committee (see #16 above), and on behalf of the LEO Committee, does now provide each applicant with a copy of a voluntary questionnaire which asks for information regarding each applicant's race or ethnic background. This questionnaire, if returned, is submitted to the LEO Committee. It is not sent to the Bar Association, nor kept on file by the Bar Association, and the responses are treated in a confidential manner. Hence, beginning this year, the LEO Committee will be able to make such statistics available. You should be aware, however, that since completion of the survey is currently voluntary, to date the response rate is running at about fifty percent (50%). Applicants for the February 1980 exam were the first group asked to complete the survey, and were considered a trial group.

61. William W. Garrison, Esq., is the Alaska Bar Association's Disciplinary Administrator and Bar Counsel.

62. The booklet being prepared by the Board of Governors explains, in substantial detail, the processing of all complaints received by the Association. In brief, however, the Conciliation Panels were adopted by the Supreme Court, at the request of the Association, as a means of establishing a forum where complaints resulting from a breakdown in communications between the client and his or her attorney could be arbitrated or mediated. Prior to the creation of Conciliation Panels, if the allegations contained in a complaint would not constitute actual misconduct by an attorney (i.e., did not violate the Code of Professional Responsibility), or if the matter was not a dispute over attorney fees, then the client basically was without a forum in which to air his or her grievances, since the case could not be referred to either of the two existing forums: the hearing committee or a fee arbitration panel. The purpose of the Conciliation Panels is to provide the public with a place to air complaints and seek solutions to problems which previously would have been denied consideration by the Association, in as much as the complaint fit neither existing categories of grievance proceeding.

63. A copy of the "Request for Investigation" form is provided as Appendix M to this response.

SEE

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64 and 65. Copies of disciplinary reports prepared by the Association for the Supreme Court of Alaska in 1975, 1976, 1977, 1978 and 1979 are provided as Appendix N to this response.

66. The cover letter to the 1977 year-end grievance report, which is dated March 17, 1978 and contained in Appendix N, provides explanation for revisions in the 1977 year-end report. This is the only report revised.

67. The Alaska Bar Association cannot release confidential information and is therefore unable to provide the House Judiciary Committee with a copy of the requested card file on disciplinary cases.

68. The discipline reports furnished in Appendix N contain, for the most part, the statistical data requested here. The information requested in (c) and (d) is available within the records of the Association, but is not in a form readily retrievable to answer the inquiry. To compile the information would be an undue burden on the small staff of the Association. In addition, the information requested in (c) and (d), because of confidentiality, cannot be made available for compilation by the Committee.

69 through 75. The information requested is contained in the discipline reports furnished in Appendix N.

SEE

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76. Enclosed, as Appendix O, is a copy of an internal report prepared by the Board of Governors. The final column of this report indicates the number of months (or years) taken to resolve a case. The report is based on the disciplinary reports for the final quarter of 1977 through the first quarter of 1979. The report clearly demonstrates that the employment of a full-time Bar Discipline Administrator (in mid-1977) has had a significant impact on the efficiency with which a complaint is processed.

✓ 77. Yes, records are maintained on previous disciplinary complaints against an attorney, regardless of whether such complaints are ultimately dismissed. In this way, a discipline "history" is created on an attorney, which is helpful to the Bar Counsel and the Board when making final decisions or recommendations to the Supreme Court regarding appropriate disciplinary action.

78 through 81. To the extent not set forth in Appendix N, the Alaska Bar Association has not kept statistics of the nature required in questions #78 through 81.

82. When unethical conduct on the part of a judge is observed, the matter is referred to the Judicial Qualifications Commission. The Association is aware of no instance where a judge has failed to report attorney misconduct. The Bar Association has commenced proceedings based upon requests from the Judiciary, as shown in Appendix N.

83. The Board of Governors itself does not determine the inadequacy, incompleteness or insufficiency of a request for investigation. The Bar Counsel and the Association's investigator pursue each complaint to gather all the information necessary to determine whether there are reasonable grounds to believe that formal action by the Board of Governors should be taken on the complaint.

84 and 85. To the extent available, the information regarding the originator of complaints requested by these two questions is contained in Appendix N.

86. The information that is available on the number of fee arbitrations held during the past four years is contained in Appendix N.

87. Since there have been approximately 160 fee arbitrations held in the past four years, furnishing factual summaries of each one would be an intolerable burden for the staff.



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

TO: Charlie Parr, Chairman, and Members of the House Judiciary  
Committee

FROM: Margaret W. Berck, Staff

DATE: February 14, 1980

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Request number 34 asked the bar association the following: "Provide the source, purpose and amount of all state funds obtained by the Alaska Bar Association during 1976, 1977, 1978 and 1979."

The bar association responded: "The Alaska Bar Association receives State funds from only one source (the Alaska Court System) for only one purpose (discipline). This contribution represents approximately only fifty percent (50%) of the discipline costs incurred by the Association."

The attached excerpts from my previous report to this Committee and also from information subsequently provided by Art Snowden more clearly set forth state financial involvement in the Alaska Bar Association.

fees defray the costs of regulating the profession is significant. If taxpayers support most of the costs of regulating all professions but for the legal profession, what justifies this differentiation. Furthermore, should it be determined that it is more expensive to regulate lawyers than doctors, the burden on the taxpayer can be reduced by increasing the license fees for lawyers.

Costs resulting from the admission function of the Alaska Bar Association are absorbed by current application fees. Individuals seeking admission to the bar are required to pay \$5 for the application form and a \$250 examination fee. Should application fees be structured to absorb admission costs, no additional financial burden falls on the taxpayer.

→ Furthermore, it should be noted that the Alaska Bar Association is not completely independent of state financial resources. For many years the Alaska Bar Association was furnished with free office space, use of equipment and supplies provided by the court system. Several years ago, when the Bar Association was required to vacate those offices, moving expenses were provided by the court system. Currently office space for the Bar Association is being subsidized by the Department of Law at the rate of \$10,000 per annum, raising a question of conflict of interest.<sup>3</sup> [corrected by subsequent information from Art Snowden which is attached hereto.]

Additionally, for the past several years state funds have been provided to defray the association's expenses for disciplinary proceedings. In 1978 the Bar Association received \$58,600 from the state; in 1979, \$36,700, and the Allocation for 1980 is \$51,000.<sup>4</sup> This state

<sup>3</sup>This information was disclosed by Richard Barrier, Manager, Fiscal Operations and Deputy Administrator, Alaska Court System.

<sup>4</sup>The reason disbursements in 1979 were lower than the previous year, and also lower than the 1980 allocation, was because the court system overpaid the Bar Association by some \$11,000 in 1978. It should be noted that the court system has never audited the Bar Association relative to these expenses.

QUESTION #5: Whether the Alaska Court System currently is providing any funds to the Alaska Bar Association to assist that association in its rental payments for office space. If such funds are or have been provided in the past, please list the amount of such funds for each of the following years: 1976, 1977, 1978, and 1979.

ANSWER: The Alaska Court System has provided free office space for the Alaska Bar Association for at least the past eight years. Prior to the building of the Boney Memorial Court Building, the Bar Association was housed in leased space in the basement of the Voyager Hotel, along with the Land Recording Office. This rent was included in the Court System budget. With the completion of the new court building, space was freed up in the old court building which was allocated to the Alaska Bar. This amounted to approximate 900 square feet. From 1973 to 1977 the Bar Association resided in the office on the third floor of the old Anchorage court building. In 1977 at the request of the District Attorney, arrangement was made to transfer the Bar Association off the third floor of the old court building and into Department of law space in the Australaska building, to permit the District Attorney to house a special prosecution unit in space on the third floor of the old court building. In effect what happened was that the Bar Association moved into space which was under lease to the Department of Law. There was a tradeoff of space between the Court System and the Department of Law. This situation remained through the end of FY 78. In FY 79 the Bar Association negotiated a new lease for space in the Australaska building which was an expansion over the previous space. At that point in time the Court System agreed to pay the Bar Association an amount for rent approximately equivalent to the amount of free rent that the Bar had previously been provided by the Court, or \$10,000 a year. In FY 79 the Bar Association was paid \$10,000 towards its office rent in the Australaska building.

1976 and 1977 Official Audits of the  
Alaska Bar Association

ALASKA BAR ASSOCIATION

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS

YEAR ENDED-DECEMBER 31, 1977 AND 1976

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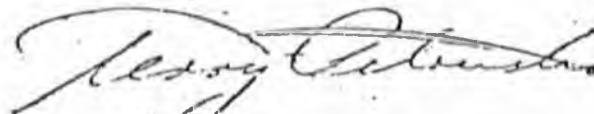
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February 16, 1978

The Members  
Alaska Bar Association  
Anchorage, Alaska

We have examined the balance sheet of the Alaska Bar Association as of December 31, 1977, and the related statements of unrestricted revenues and expenses and changes in fund balances for the year then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Alaska Bar Association at December 31, 1977, and the results of its operations for the year then ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.



TERRY L. PETRUSKA, C.P.A.

## ALASKA BAR ASSOCIATION

## BALANCE SHEETS

## GENERAL FUND

December 31

	ASSETS	
	1977	1976
Current Assets:		
Cash	\$ 159,460	\$ 113,675
Accounts receivable (Note B)	9,507	4,338
Prepaid expenses		2,997
Total Current Assets	148,767	121,010
Library and Equipment (Note A)		
Video Tape library	4,830	4,830
Library	1,868	1,868
Office furniture and equipment	17,092	15,076
	23,790	21,774
Less accumulated depreciation	(13,513)	(10,848)
Total Library and Equity	10,477	10,926
	\$ 159,244	\$ 131,936

## LIABILITIES AND FUND BALANCE

Current Liabilities:		
Accounts payable	\$ 9,208	\$ 6,525
Accrued and withheld payroll taxes	375	1,085
Unearned membership dues (Note A)	47,029	39,960
Unearned fees (Note A)	16,430	11,200
Note payable (Note C)	552	2,097
Payable to client security fund (Note D)	3,284	2,290
Total Current Liabilities	76,878	62,957
General Fund Balances:		
Reserve for working capital (Note E)	13,577	13,577
Unappropriated	68,789	55,402
Total Fund Balance	82,366	68,979
	\$ 159,244	\$ 131,936

See notes to financial statements.

ALASKA BAR ASSOCIATIONSTATEMENT OF UNRESTRICTED REVENUES AND EXPENSES  
AND CHANGES IN FUND BALANCEGENERAL FUND

	<u>Year Ended</u>	
	<u>1977</u>	<u>1976</u>
<b>REVENUES:</b>		
Membership dues	\$ 166,294	\$ 143,993
Admission fees	48,000	40,213
Continuing legal education	14,484	8,956
Insurance fees	2,565	1,925
Convention revenues	3,747	16,754
News Letter revenues	-	660
Interest income	5,102	1,146
Lawyer referral and administrative services - Anchorage Bar Association	5,188	4,453
Alaska Court System contract for disciplinary services	37,301	21,766
Miscellaneous	694	769
	<u>283,375</u>	<u>240,635</u>
<b>EXPENSES:</b>		
Bar admission (Note F)	32,164	33,079
Board of Governors (Note F)	14,635	11,517
Discipline and unauthorized practice (Note F)	69,405	22,660
Continuing legal education	11,673	8,705
Committees	2,265	137
Legislative	9,376	9,952
News Letter	896	1,675
U.C.L.A. - Alaska Law Review	8,122	10,630
Convention	9,342	16,847
Lawyer referral	5,605	548
Administrative (Note F)	106,505	95,480
	<u>269,988</u>	<u>211,590</u>
Excess of unrestricted revenues over expenses	13,387	29,045
<b>FUND BALANCE:</b>		
Beginning of year	68,979	39,934
End of year	<u>\$ 82,366</u>	<u>\$ 68,979</u>

See notes to financial statements.

ALASKA BAR ASSOCIATIONBALANCE SHEETCLIENT SECURITY FUND

	<u>December 31</u>	
	<u>1977</u>	<u>1976</u>
<u>ASSETS</u>		
Cash	\$ 17,729	\$ 8,138
Receivable from General Fund	3,285	2,290
	<u>\$ 21,014</u>	<u>\$ 10,428</u>

<u>FUND BALANCE</u>		
Beginning of year	\$ 10,428	\$ 7,480
Additional contributions	10,586	2,948
End of year	<u>\$ 21,014</u>	<u>\$ 10,428</u>

- See Note D -

See notes to financial statements.

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

Note A. Summary of Significant Accounting Policies.

## (1) Accounting basis for reporting income.

The Association's accounting records are maintained on the accrual method. Receipts for membership dues are recognized as revenue in the period to which they apply. Administrative fees collected for the Alaska Bar Insurance Trust Fund are recognized as income by the General Fund when received. Fees collected from applicants for admission to the Association are recognized as follows:

- (a) Forms and charter investigation fee are recognized when received.
- (b) Application fee is recognized during the period in which the applicant sits for the examination.

## (2) Library and Equipment.

Contributions of books are recorded at their estimated fair market values at time of receipt, and other items are recorded at cost. Depreciation expense is computed by the straight-line method over the estimated useful life of the asset.

## (3) Income Taxes.

The Association is exempt from income taxes as a public agency of the State of Alaska.

Note B. Accounts Receivable.

Accounts receivable were due from the following:

	December 31.	
	1977	1976
Alaska State Court	\$ 6,713	\$ 2,455
Idaho Bar Association	1,109	1,109
Alaska Bar Association Insurance Trust Fund	1,030	205
Anchorage Bar Association	455	569
	<u>\$ 9,307</u>	<u>\$ 4,338</u>

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

Note C. Note Payable.

The Association is obligated on an installment note, dated April 3, 1975, payable in 36 equal installments of \$141 per month including interest. Collateralized by duplicating equipment.

Note D. Client Security Fund.

During 1975, the Board of Governors established a fund, pursuant to a rule promulgated by the Supreme Court of the State of Alaska, to provide amounts for settling claims related to members' client trust funds. The Client Security Fund is funded from membership dues.

Note E. Reserve for Working Capital.

The reserve was created by the Board of Governors as a segregation of the General Fund Balance. The fund is not restricted to any specific purpose.

Note F. Detail of Selected Expenses.

	December 31	
	1977	1976
Bar admission:		
Rentals	\$ 1,739	\$ 1,349
Mailing and supplies	2,549	639
Salaries	8,573	9,118
Grading fees and per diem	14,462	10,103
Litigation costs	3,642	10,933
Telephone and miscellaneous	1,199	937
	<u>\$ 32,164</u>	<u>\$ 33,079</u>
Board of Governors:		
Travel and per diem	\$ 11,838	\$ 8,608
Telephone	1,469	1,324
Rent	370	1,130
Postage and supplies	488	291
Miscellaneous	470	164
	<u>\$ 14,635</u>	<u>\$ 11,517</u>

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

## Detail of Selected Expenses (Continued)

	December 31	
	1977	1976
Discipline and unauthorized practice:		
Salaries	\$ 62,293	\$ 20,284
Supplies	3,028	464
Travel	3,188	176
Telephone	896	446
	<u>\$ 69,405</u>	<u>\$ 21,370</u>
Administrative:		
Telephone and telegraph	\$ 1,395	\$ 2,099
Salary of Executive Director	40,917	35,700
Expense allowance and travel:		
Executive Director	3,743	1,200
Secretarial and bookkeeping		
salaries	27,077	29,292
Office supplies	2,688	4,906
Postage	3,997	4,576
Office equipment rental	6,180	3,902
Audit and accounting	3,424	2,850
Library	804	633
Payroll taxes	7,547	5,357
Depreciation	2,465	2,335
Insurance, including employee		
medical	2,168	1,372
Reproduction and printing	1,525	478
Dues	255	125
Interest expense	147	314
Judicial poll	956	491
Miscellaneous	1,217	210
	<u>\$106,505</u>	<u>\$ 95,840</u>

Note G: Group Insurance Fund Transfer.

On March 31, 1976, the Association transferred the assets and liabilities of the Group Insurance Fund to the Alaska Bar Association Trust Fund. Below is a summary of the assets and liabilities transferred to the trust:

ALASKA BAR ASSOCIATIONNOTES TO FINANCIAL STATEMENTSYEARS ENDED DECEMBER 31, 1977 AND 1976Note G. Group Insurance Fund Transfer. (Continued)

Cash	\$ 3,616
Premiums and administrative fees receivable	<u>469</u>
Assets transferred	<u>\$ 4,085</u>
Insurance premiums received in advance	\$ 3,716
Administrative fees collected for the Alaska Bar Association	<u>369</u>
Total liabilities transferred	<u>\$ 4,085</u>

1977 and 1978 Official Audits of the  
Alaska Bar Association

ALASKA BAR ASSOCIATION

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 1978 AND 1977

CONTENTS

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Statement of Unrestricted Revenues and Expenses and Changes in Fund Balances - General Fund	3
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February 1, 1979

The Members  
Alaska Bar Association  
Anchorage, Alaska

We have examined the balance sheet of the Alaska Bar Association as of December 31, 1978, and the related statements of unrestricted revenues and expenses and changes in fund balances for the year then ended. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Alaska Bar Association at December 31, 1978 and the results of its operations for the year then ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

TERRY L. PETRUSKA, C.P.A.

ALASKA BAR ASSOCIATION

BALANCE SHEETS

GENERAL FUND

	<u>December 31</u>		
	<u>ASSETS</u>	<u>1978</u>	<u>1977</u>
Current Assets:			
Cash		\$ 140,925	\$ 139,460
Accounts receivable (Note B)		14,872	9,307
Prepaid expenses		2,120	-
Total Current Assets		<u>157,917</u>	<u>148,767</u>
Library and Equipment (Note A)			
Video Tape library		4,830	4,830
Library		1,868	1,868
Office furniture and equipment		24,926	17,092
		<u>31,624</u>	<u>23,790</u>
Less accumulated depreciation		<u>(15,334)</u>	<u>(13,313)</u>
Total Library and Equity		<u>16,290</u>	<u>10,477</u>
		<u>\$ 174,207</u>	<u>\$ 159,244</u>

LIABILITIES AND FUND BALANCE

Current Liabilities:			
Accounts payable and accrued expenses		\$ 2,302	\$ 9,583
Advanced fees for Hawaii convention		20,478	-
Unearned membership dues (Note A)		62,028	47,029
Unearned fees (Note A)		11,700	16,430
Note payable		10,000	552
Payable to client security fund (Note C)		3,453	3,284
Total Current Liabilities		<u>109,961</u>	<u>76,878</u>
General Fund Balances:			
Reserve for working capital (Noted)		13,577	13,577
Unappropriated		50,669	68,789
Total Fund Balance		<u>64,246</u>	<u>82,366</u>
		<u>\$ 174,207</u>	<u>\$ 159,244</u>

See notes to financial statements.

ALASKA BAR ASSOCIATION

STATEMENT OF UNRESTRICTED REVENUES AND EXPENSES  
AND CHANGES IN FUND BALANCE

GENERAL FUND

	Year Ended December 31	
	<u>1978</u>	<u>1977</u>
<b>REVENUES:</b>		
Membership dues	\$ 191,266	\$ 166,294
Admission fees	48,686	48,000
Continuing legal education	11,687	14,484
Insurance fees	1,392	2,565
Convention revenues-Hawaii	16,080	-
Convention revenues-Other	13,621	3,747
Interest income	7,433	5,102
Lawyer referral	3,125	960
Administrative services-Anchorage Bar	975	4,228
Alaska Court System contract for disciplinary services	54,620	37,301
Miscellaneous	2,482	694
	<u>351,367</u>	<u>283,375</u>
<b>EXPENSES:</b>		
Bar admission (Note E)	29,875	32,164
Board of Governors (Note E)	34,217	14,635
Discipline and unauthorized practice (Note E)	74,351	69,405
Continuing legal education	16,196	11,673
Committees	932	2,265
Legislative	8,762	9,376
News Letter	1,213	896
U.C.L.A. - Alaska Law Review	6,672	8,122
Convention-Hawaii	16,515	-
Convention-Other	14,223	9,342
Lawyer referral	12,200	5,605
Contractual service-self insurance	11,642	-
Administrative (Note E)	142,689	106,505
	<u>369,487</u>	<u>269,988</u>
Excess (deficit) of unrestricted revenues over expenses	(18,120)	13,387
<b>FUND BALANCE:</b>		
Beginning of year	<u>82,366</u>	<u>68,979</u>
End of year	<u>\$ 64,246</u>	<u>\$ 82,366</u>

See notes to financial statements.



ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note A. Summary of Significant Accounting Policies

(1) Accounting basis for reporting income.

The Association's accounting records are maintained on the accrual method. Receipts for membership dues are recognized as revenue in the period to which they apply. Administrative fees collected for the Alaska Bar Insurance Trust Fund are recognized as income by the General Fund when received. Fees collected from applicants for admission to the Association are recognized as follows:

(a) Forms and charter investigation fee are recognized when received.

(b) Application fee is recognized during the period in which the applicant sits for the examination.

(2) Library and Equipment.

Contributions of books are recorded at their estimated fair market values at time of receipt, and other items are recorded at cost. Depreciation expense is computed by the straight-line method over the estimated useful life of the assets.

(3) Income Taxes.

The Association is exempt from income taxes as a public agency of the State of Alaska.

Note B. Accounts Receivable

Accounts receivable were due from the following:

	December 31	
	<u>1978</u>	<u>1977</u>
Alaska State Court	\$ 10,200	\$ 6,713
Idaho Bar Association	-0-	1,109
Alaska Bar Association Insurance Trust Fund	1,409	1,030
Bar Rag	3,000	-0-
Others	263	455
	<u>\$ 14,872</u>	<u>\$ 9,307</u>

ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note C. Client Security Fund

During 1975, the Board of Governors established a fund, pursuant to a rule promulgated by the Supreme Court of the State of Alaska, to provide amounts for settling claims related to members' client trust funds. The Client Security Fund is funded from membership dues.

Note D. Reserve for Working Capital

The reserve was created by the Board of Governors as a segregation of the General Fund Balance. The fund is not restricted to any specific purpose.

Note E. Detail of Selected Expenses

	<u>December 31</u>	
	<u>1978</u>	<u>1977</u>
Bar admission:		
Rentals	\$ 2,489	\$ 1,739
Mailing and supplies	1,748	2,549
Salaries	9,118	8,573
Grading fees and per diem	14,006	14,462
Litigation costs	82	3,642
Telephone and miscellaneous	2,432	1,199
	<u>\$ 29,875</u>	<u>\$ 32,164</u>
Board of Governors:		
Travel and per diem-Other	\$ 26,200	\$ 11,838
Travel and per diem-Hawaii	4,780	-
Telephone	1,544	1,469
Rent	-	370
Postage and supplies	753	488
Miscellaneous	940	470
	<u>\$ 34,217</u>	<u>\$ 14,635</u>
Discipline and unauthorized practice:		
Salaries	\$ 62,684	\$ 62,293
Supplies	1,733	3,028
Travel	2,601	3,188
Telephone	988	896
Rent	5,522	-
Litigation	823	-
	<u>\$ 74,351</u>	<u>\$ 69,405</u>

ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note E. Detail of Selected Expenses (Continued)

	December 31	
	1978	1977
Administrative:		
Salary of Executive Director	\$ 40,455	\$ 40,917
Expense allowance and travel, Executive Director	5,797	3,743
Secretarial and bookkeeping salaries	25,452	27,077
Payroll taxes	11,596	7,547
Office supplies	6,019	2,688
Postage	4,047	3,997
Office equipment rental	7,141	6,180
Office rent	8,281	-
Staff parking	675	-
Telephone and telegraph	3,272	1,366
Audit and accounting	10,554	3,724
Library	1,627	814
Depreciation	2,022	2,465
Litigation-Horowitz, et al. v. ABA	7,292	-
Insurance, including employee medical	5,243	2,168
Reproduction and printing	1,035	1,525
Dues	230	255
Interest expense	12	147
Judicial poll	458	956
Miscellaneous	1,481	1,217
	\$142,689	\$106,505

February 1, 1979

The Trustees  
Alaska Bar Association Trust Fund  
Anchorage, Alaska

We have examined the balance sheet of the Alaska Bar Association Trust Fund as of December 31, 1978, and the related statement of operations and changes in fund balance for the year ended December 31, 1978. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the aforementioned financial statements present fairly the financial position of the Alaska Bar Association Trust Fund at December 31, 1978, and the results of its operations for the year then ended in conformity with generally accepted accounting principles.

TERRY L. PETRUSKA, C.P.A.

February 1, 1979

The Board of Directors  
Alaska Bar Foundation, Inc.

I have verified the activity of the Alaska Bar Foundation, Inc. for the year ended December 31, 1978. In addition, cash bank balances were confirmed and verified as of December 31, 1978.

As such, the following balance sheet as of December 31, 1978 and statement of revenues and expenses and changes in fund balance for the year ended December 31, 1978 accurately reflect the financial position of the Alaska Bar Foundation, Inc. as of December 31, 1978.

Sincerely,

Terry L. Petruska, C. P. A.

BALANCE SHEET AT DECEMBER 31, 1978

Cash in savings and savings certificates	<u>\$ 6,102</u>
	<u>\$ 6,102</u>
Accounts payable - Alaska Bar Association	\$ 263
George F. Boney Memorial Fund Balance-Unappropriated	<u>5,739</u>
	<u>\$ 6,102</u>

STATEMENT OF REVENUE AND EXPENSE AND CHANGES IN  
FUND BALANCE FOR THE YEAR ENDED DECEMBER 31, 1978

Interest income	<u>\$ 332</u>
Excess of revenue over expenses	332
Fund balance - beginning of year	<u>5,407</u>
Fund balance - end of year	<u>\$ 5,739</u>

ALASKA BAR ASSOCIATION TRUST FUND

BALANCE SHEET

December 31, 1978

ASSETS

Cash \$ 4,706

LIABILITIES AND FUND BALANCE

Insurance premiums received in advance \$ 3,297

Administrative fees payable to Alaska  
Bar Association 1,409

Total Liabilities 4,706

Fund balance -  
\$ 4,706

See notes to financial statements.

ALASKA BAR ASSOCIATION TRUST FUND

STATEMENT OF OPERATIONS AND CHANGES IN FUND BALANCE

Year Ended December 31, 1978

Revenues (Note 2):	
Insurance premiums	\$ 16,380
Administrative fees	<u>1,429</u>
	<u>17,809</u>
Expenses (Note 2):	
Insurance premiums	16,380
Administrative fees	<u>1,429</u>
	<u>17,809</u>
Excess of revenues over expenses	<u>\$ -0-</u>

See notes to financial statements.

ALASKA BAR ASSOCIATION TRUST FUND

NOTES TO FINANCIAL STATEMENTS

Year Ended December 31, 1978

1. Organization:

The Trust Fund was organized March 11, 1976 pursuant to a trust indenture entered into by the Alaska Bar Association and its members. Operations began April 1, 1976.

The purpose of the Trust is to provide and maintain a broad range of health and welfare benefits for the Association's members, their employees and families through insurance policies issued by licensed insurance carriers. These benefits were available to the Association's members through the Association's Group Insurance Fund prior to the organization of the Trust Fund.

2. Significant Accounting Policies:

The following is a summary of the Trust Fund's significant accounting policies:

Insurance Premiums

Insurance premiums are recognized as revenues at the time the premiums are due and payable to the insurance carriers. Amounts received from subscribers in excess of amounts immediately due and payable to the carriers are deferred until the premium due date.

Administrative Fees

Administrative fees collected from subscribers are recognized as income when collected. At the time the fees are collected an expense is recorded to recognize the administrative support provided by the Alaska Bar Association.

Income Taxes

The Alaska Bar Association Trust Fund is subject to income taxation as a complex trust as defined by the Internal Revenue Code. A provision for income taxes will be provided should the Trust have taxable income in the future.



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

February 21, 1980

TO: Members of the House Judiciary Committee

FROM: Charles H. Parr, Chairman

SUBJECT: Options for Bar Association Sunset Review

It appears to me that there are a number of options for the Committee in dealing with the Sunset Review of the Bar Association. I have listed these very sketchily and hope that they may serve as a framework for our discussions.

- 1 - Continue the existing situation in which the Supreme Court has final authority and delegates to the Bar Association the responsibility for admissions, discipline, and rule proposal.
- 2 - Same as No. 1 above except that no State funds will be made available to the Bar Association and it would be made clear to the Supreme Court that such funds should not be included in its budget.
- ② 3 - De-integrate the Bar Association, which would then become purely a private organization. Make the Supreme Court directly responsible for admissions and discipline.
- ① 4 - Establish a Board of Legal Practice similar to the existing boards for other professions. Make this board responsible for admissions and discipline. Under this option the Bar Association would be a private organization and would carry out any other functions it might choose.
- 5 - Do away with mandatory membership in the Bar Association, leaving other things as they are.

CHP:vc



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### MEMORANDUM

February 19, 1980

TO: Charlie Parr, Chairman, and Members of the House  
Judiciary Committee

FROM: Margaret W. Berck, Staff

SUBJECT: Sunset Review of the Bar Association

1. There is no audit by the State Auditor on the Bar Association. The State Auditor is awaiting the results of forthcoming litigation against the Bar Association regarding his access to confidential records maintained by the Bar Association.

2. Bart Rozell testified that the State Auditor does not have access to individual tax returns in the Department of Revenue. The State Auditor told me that that is not true. He stated that he has a signed agreement with the Department of Revenue which allows him access to those materials under various conditions that protect the privacy rights of the taxpayers involved. Similarly, the State Auditor has access to other confidential records maintained by the State such as juvenile records and welfare records in the Department of Health and Social Services. The State Auditor stated that the Bar Association's resistance to permitting a review of their confidential records is the first time in the history of the State Auditor's office that they have been denied access.

3. According to responses submitted by the Bar Association, the Board of Governors has held two meetings out of the State since 1976. Both of these meetings occurred in Hawaii, one in February 1978 and one in January 1979. As a result of the 1978 meeting, several members of the Bar filed suit against the Association contending that such an out-of-state meeting violated the public meeting law. This case is currently before the Alaska Supreme Court. The Bar Association has expended some \$7,292.00 defending this litigation. (See Report on Examination of Financial Statements, Year Ende' December 31, 1978 and 1977, page 7, which is included in your packets.) In assessing the costs of individual

members for the Hawaii meetings, the Bar representatives only mentioned travel and per diem expenses of the Board of Governors. I believe that the costs of organization resulting from such action should also be included in any cost assessment to individual members.

4. The Committee should note that the Continuing Legal Education programs offered by the Bar Association are not free to the members. Individual members seeking to take such a course, must pay for it. Ms. Williard stated that the Bar Association generates income as a result of these programs. For that reason it appears that the dues paid by individual members do not support these programs.



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

#### MEMORANDUM

February 20, 1980

TO: Charlie Parr, Chairman, and Members of the House  
Judiciary Committee

FROM: Margaret W. Berck, Staff

SUBJECT: Sunset Review of the Alaska Bar Association

Attached is a civil rule change proposed by the Alaska Bar Association to the Alaska Supreme Court. Currently this proposal is before the Supreme Court and has not been acted upon as of this date.

In essence, the proposal would preclude legal representation by lay persons in administrative agency proceedings or in arbitration proceedings. Both Alaska and Federal law frequently make provisions for individuals to obtain a lay person to represent them in an administrative agency hearing. The rationale for these provisions is clear. Most citizens are unable to bear the expenses of hiring an attorney to represent them in such matters.

For various reasons, it is unlikely that the Alaska Supreme Court will adopt the Bar's proposal. Most significant perhaps is the fact that the scope of the civil rules is limited to actions or proceedings in the courts. It seems clear that these rules may not be utilized by the Alaska Supreme Court to dictate to the executive branch how it will run its administrative hearings.

In my opinion this proposal by the Bar is noteworthy to the Committee not only because it reflects sloppy legal work, but also because it reflects a restraint of trade philosophy.

MWB:vc  
Att.

CIVIL RULE 81

As proposed, Civil Rule 81 would read:

(a) Who May Practice.

(1) Members of the Alaska Bar Association. Subject to the provisions of paragraphs (2) and (3) of this subdivision, only attorneys who are members of the Alaska Bar Association shall be entitled to practice in the courts and before the administrative agencies of this state (.) or in any arbitration proceedings in Alaska.

(2) Other Attorneys (.) - Courts. A member in good standing of the bar of a court of the United States, or of the highest court of any state or any territory or insular possession of the United States, who is not a member of the Alaska Bar Association who is not otherwise disqualified from engaging in the practice of law in this state, may be permitted, upon motion, to appear and participate in a particular action or proceeding in a court of this state. The motion and notice of hearing thereon shall be served on the executive (SECRETARY) director of the Alaska Bar Association, the State Department of Revenue, the local municipal taxing authority and, unless the court directs otherwise by an order pursuant to Rule 5(c) of these Rules, on each of the parties to the action or proceeding. With his motion, the applicant must file with the court the following:

(a) The name, address and telephone number of a member of the Alaska Bar Association with whom the applicant will be associated (, WHO MAINTAINS AN OFFICE IN THE JUDICIAL DISTRICT WHERE THE ACTION OR PROCEEDING IS PENDING) and who is authorized to practice in the courts of this state.

(b) A written consent to the motion, signed by such member of the Alaska Bar Association.

(c) A certificate of the presiding judge or clerk of the court where he has been admitted to practice, executed not earlier than 60 days prior to the filing of the motion, showing that he has been so admitted in such court, that he is in good standing therein and that his professional character appears to be good.

(d) A list of each judicial, administrative or arbitration proceeding in Alaska in which he or any member of his firm is currently appearing as counsel or has appeared within the past 24 months.

(e) An affidavit in which he consents to be subject to the Disciplinary Rules of the Alaska Bar Association.

(f) Provide proof of payment of Alaska income taxes for all income earned within the preceding two years of the date of the motion and produce proof that he has paid all license taxes in the year in which the motion is made in accordance with AS and AS.

An attorney thus permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom he is associated. Section (a)(3) is repealed and new subsection (3) is added to read:

(3) Other Attorneys - Administrative Agencies and Arbitration. A member in good standing of the bar of a court of the United States, or of the highest court of any state or any territory or insular possession of the United States, who is not a member of the Alaska Bar Association, and who is not otherwise disqualified from engaging in the practice of law in this state, may be permitted, upon motion made to the Director of the Administrative agency or arbitrator before which the particular proceeding is pending, to appear and participate in a particular action or proceeding. The motion and notice of hearing thereon shall be served on the executive director of the Alaska Bar Association, the State Department of Revenue, the local municipal taxing authority and, unless the director of the agency before whom the proceeding is pending or arbitrator directs otherwise by an order pursuant to Rule 5(c) of these Rules on each of the parties to the action or proceeding. With his motion, the applicant must file the following:

- (a) The name, address and telephone number of a member of the Alaska Bar Association with whom the applicant will be associated who is authorized to practice in the courts of this state.
- (b) A written consent to the motion, signed by such member of the Alaska Bar Association.
- (c) A certificate of the presiding judge or clerk of the court where he has been admitted to practice, executed not earlier than 60 days prior to the filing of the motion, showing that he has been so admitted in such court, that he is in good standing therein and that his professional character appears to be good.

(d) A list of each judicial, administrative or arbitration proceeding in Alaska in which he or any member of his firm is currently appearing as counsel or has appeared within the past 24 months.

(e) An affidavit in which he consents to be subject to the Disciplinary Rules of the Alaska Bar Association.

(f) Provide proof of payment of Alaska income taxes for all income earned within the preceding two years of the date of the motion and produce proof that he is in possession of a valid business license and that he has paid all license taxes in the year in which the motion is made in accordance with A.S. and A.S.

Any attorney thus permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom he is associated.

Section (a)(3) is renumbered as Section (a)(4) and reenacted to read:

(4) Authority and Duties of Attorneys. Local counsel shall be primarily responsible to the court, administrative agency or arbitrator for the conduct of all stages of the proceedings, shall be presented during all proceedings before the court, administrative agency or arbitrator and their authority shall be superior to that of attorneys permitted to appear under paragraphs (2) and (3) of this subdivision.

(remainder of rule remains the same)



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

TO: Charlie Parr, Chairman, and Members of the Committee

FROM: Margaret W. Berck, Staff

DATE: February 14, 1980

-----

Attached for your information are: 3 sample quarterly discipline reports (First Quarter of 1977, First Quarter 1978, and Fourth Quarter 1979) and the Year-End Reports for 1977 and 1978.

Should you desire to review additional quarterly reports during the period of 1976-1979, please let me know.

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

Honorable Robert Boocheva  
April 28, 1977  
Page 2

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 medical 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>78</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>78</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>78</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 complete & 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 & read 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 & read 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 <sup>1</sup>	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 instruc- tions	Under investigation 3/31/77-Bar Office
43.	201	12/20/76	Opposing Attorney	Int. w/Justice, contacted client	Investigation comple 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 requests to furnish informati 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 conviction 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.)

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:	<u>18</u>	<u>12</u>	<u>11</u>	<u>5</u>	<u>46</u>
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	<u>30</u>	<u>29</u>	<u>10</u>	<u>20</u>	<u>89</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>78</u>	<u>61</u>	<u>62</u>	<u>47</u>	<u>47</u>
<u>STATUS OF PENDING ACTIVE FILES:</u>					
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	<u>3</u>	<u>2</u>	<u>3</u>	<u>2</u>	
TOTAL ACTIVE FILES AT END OF EACH PERIOD	<u>78</u>	<u>61</u>	<u>62</u>	<u>47</u>	

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	<u>30</u>	<u>29</u>	<u>10</u>	<u>20</u>	<u>89</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>78</u>	<u>61</u>	<u>62</u>	<u>47</u>	<u>248</u>
<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	<u>78</u>	<u>61</u>	<u>62</u>	<u>47</u>	<u>248</u>

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	

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

## BOARD OF GOVERNORS

## ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

April 12, 1978

## Officers

DICK L. MADSON  
PRESIDENT  
FAIRBANKS

KENNETH O. JARVI  
PRESIDENT ELECT  
ANCHORAGE

WILLIAM B. ROZELL  
VICE PRESIDENT  
JUNEAU

DONNA C. WILLARD  
SECRETARY  
ANCHORAGE

## 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

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

Dear Chief Justice Boochever:

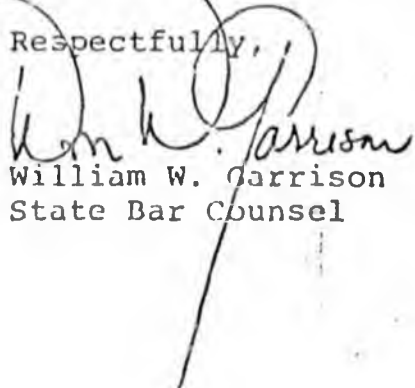
Please find enclosed the Quarterly Report for the period covering January 1, 1978 - March 31, 1978. Due to the loss of key personnel and the consequent necessity to under take additional administrative functions I could not devote the amount of time I would have wished solely to disciplinary matters. Nevertheless the present pending case-load 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>
<b>TOTAL CASELOAD FOR PERIOD:</b>	<b>90</b>	<b>72</b>	<b>67</b>	<b>53</b>	<b>112</b>

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

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>					
<b>TOTAL ACTIVE FILES AT END OF EACH PERIOD</b>	<b><u>61</u></b>	<b><u>62</u></b>	<b><u>47</u></b>	<b><u>43</u></b>					

	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.

	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.

	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.

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 court.

Alaska Bar Association's Discipline Report

for the Fourth Quarter of 1978

or, the Year-End Report

January 2, 1978<sup>9</sup>

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 & administration	80.6 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.

	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.

	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.

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

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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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		

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-P-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	11/8/79	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	CLOSED
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 i 1	Under Investigation	
79-45	12/10/79	Third Party	Interference w/justice 7 0	Under investigation	



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Charlie Parr, Chairman, and Members of the House Judiciary  
Committee

FROM: Margaret W. Berck, Staff

DATE: February 14, 1980

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Attached hereto is an internal report prepared by the Board of  
Governors of the Alaska Bar Association which indicates the  
length of time involved in the disposition of disciplinary  
matters.

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

Case No.	Date	Description	Date	Page
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

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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		

Case No.	Date	Description	Date	Page
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

270	8/3/78	Under investigation		
271	8/9/78	Dismissed 12/20/78 (RCMR)	12/20/78	4
272	8/28/78	Under investigation		
273	10/4/78	Under investigation		
274	11/6/78	Under investigation		
275	4/28/78	Under investigation		
276	11/20/78	Under investigation		
277	11/20/78	Under investigation		
278	11/14/78	Under investigation		
279	2/9/79	Under investigation		
280	3/6/79	Under investigation		
281	1/25/79	Informal adm 3/20/79 (RCMR)	3/20/79	2

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 Dave Hamack

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 21 wrap up

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 Norm Gornuch  
 list of locals

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 Legislative Com  
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