

977 HJ AK BAR ASSN SUNSET REVIEW FILES NO. 1 and 2

CASES IN INVESTIGATIVE STAGE

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

CASES IN INVESTIGATIVE STAGE

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31.	245	10/21/77	Client	Conflict of interest	Abeyance ordered by Board of Governors 1/21/78.
32.	246	11/8/77	Client	Performance - delay	Under investigation.
33.	248	11/18/77	Opposing Atty.	Conflict of interest	Under investigation.
34.	249	2/15/78	Client	Performance	Under investigation.
35.	250	2/15/78	Client	Performance	Under investigation.
36.	251	3/8/78	3rd Party	Performance	Under investigation.
37.	252	3/8/78	Fee Arb Panel	Performance	Under investigation.
38.	253	3/24/78	3rd Party	Conflict of interest	Under investigation.
39.	254	3/30/78	3rd Party	Performance	Under investigation.

MARCH 31, 1978
 CASES BEFORE 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, 1976
CASES BEFORE BOARD OF GOVERNORS

	Original Doc. et #	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.

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

January 2, 1978

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	180.6 hours
Fee arbitration	15.3 hours
Fee arbitration hearings	17.5 hours
Matters in Federal Court	2.4 hours
Board of Governors law suit	1.3 hours
Election investigation	45.3 hours
TOTAL	309.6 hours

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

Sincerely,

William W. Garrison
State Bar Counsel

Enc.

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

WWG/lms

QUARTERLY DISCIPLINE REPORT

October 1, 1978 - December 31, 1978

I. CASELOAD

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

II. STATUS OF PENDING ACTIVE CASES:

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

	TOTALS 1/1/78 to 3/31/78 (1)	TOTALS 4/1/78 to 6/30/78 (2)	TOTALS 7/1/78 to 9/30/78 (3)	TOTALS 10/1/78 to 12/31/78 (4)	TOTALS 12 Month Period
Active cases pending & carried forward at beginning of period:	47	43	43	36	47
Complaints filed or reactivated during period:	<u>6</u>	<u>8</u>	<u>13</u>	<u>6</u>	<u>33</u>
TOTAL CASELOAD FOR PERIOD:	53	51	56	42	80

Less: Cases closed or ordered held in abeyance:

	(1)	(2)	(3)	(4)
(a) Dismissed	5	6	15	9
(b) Informal Admonitions	1	0	1	2
(c) Members transferred to inactive status	0	1	0	0
(d) Abeyance Status	4	0	0	1
(e) Files combined for hearing	0	0	0	2
(f) Private Reprimand	0	1	2	0
(g) Public Censure	0	0	1	0
(h) Reinstated	<u>0</u>	<u>0</u>	<u>1</u>	<u>0</u>

TOTALS	<u>10</u>	<u>8</u>	<u>20</u>	<u>14</u>	<u>52</u>
TOTAL PENDING CASES AT END OF PERIOD:	<u>43</u>	<u>43</u>	<u>36</u>	<u>28</u>	<u>28</u>

STATUS OF PENDING ACTIVE FILES:

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>	
	<u>12</u>	

* 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-B-2,3 12 Complaints	ABR-29 Petition filed and granted--9/28/79--Attorney appointed--9/28/79--Motion to suspend for failure to pay dues filed 9/28/79 Mtn. to Suspend granted 10/4/79		
79-9	7/17/79	Fee Arb. Panel	Conflict of Interest 2-A-1	Under Investigation		
79-13	5/19/79	Client	Neglect 3A,E	Under investigation Investigation delayed pending resolution of probate matter		
79-16	6/13/79	Judge	Incompetence 13	Under Investigation		
79-17	9/5/79	Third Party	Interference w/justice	Under Investigation		
79-18	9/4/79	Opposing Counsel	Conflict of Interest 2-A-5b	Investigation delayed pending resolution of civil action		

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

FILE NO.	DATE FILED	COMPLAINANT'S RELATIONSHIP TO RESPONDENT	MOST SERIOUS CHARGE	STATUS	DISPOSITION	DATE CLOSED
79-31	6/1/79	Judge	Interference w/justice 7-D-1	Under investigation		
79-32	10/11/79	Client	Relationship w/Client 4 B 2	Under investigation		
79-33	9/27/79	Third Party	Interference w/justice 7 G 2	Under investigation		
79-34	10/11/79	Opposing Counsel	Interference w/justice 7N	Under investigation		
79-35	11/8/79	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	DEFINITION	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 D 1	Under Investigation		
79-45	12/10/79	Third Party	Interference w/justice 7 0	Under investigation		



Official Business

Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

March 12, 1980

The Honorable Terry Gardiner
Speaker of the House
Alaska State Legislature
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Mr. Speaker:

In compliance with AS 44.66.010 - 060 and referral by the Speaker of the House on January 15, 1980, the House Judiciary Committee has conducted a review of the Alaska Bar Association. By letter of July 31, 1979, the Speaker had notified the Committee of the forthcoming referral, thereby permitting advance work to be done during the interim between legislative sessions.

The Alaska Bar Association has taken the position "that it is not a State agency, and that it is not subject to the Sunset review process." The Association refused the Legislative Auditor access to some of its records; therefore, no performance audit has been conducted.

On November 7, 1979 the Committee requested information on 87 points; by letter of January 30, 1980 and a 71-page booklet, The Alaska Bar Association, February 1980, the Association answered completely 73 of the 87 points. Another 13 points were addressed by the Alaska Bar Association, but were not answered completely because of stated lack of adequate or feasibly retrievable information. On one point, a request for a copy of the card index on discipline, the Alaska Bar Association refused to reply, stating that it could not release this confidential information to the House Judiciary Committee.

In addition to receiving testimony during interim hearings, the Committee held 2 hearings to receive public testimony in Juneau. Also, 2 teleconference hearings were held to obtain testimony from Anchorage, Fairbanks, Kodiak, Valdez, Ketchikan, Sitka and Nome. Written testimony was received from 6 persons and the Kenai Peninsula

Bar Association. Oral testimony was received from about 15 persons. Witnesses included the president, president-elect, two former presidents, and three members of the present Board of Governors of the Association; the Ombudsman, and a number of attorneys.

The Alaska Supreme Court has delegated to the Association the responsibility for admissions and discipline, and by statute the Association may propose court rules or rule changes. All attorneys practicing in Alaska are required to be members of the Association, and to pay dues (now \$180.00 per year). Statutory authority is AS 08.08.010 - 250, commonly called the Integrated Bar Act, and some members of the Bar seem to feel that authority also resides in the inherent power of the Alaska Supreme Court.

The Committee found that the Association is conducting a number of worthwhile activities. Unfortunately, it is not clear that most of these are benefiting the general public, as opposed to Association members. (If, as it claims, the Association is not a State agency, it would be under no obligation to benefit the general public.)

In some ways one of the most disturbing revelations was the extent to which attorneys form a closed corporation. The Association comprises all attorneys in the State, only its members may practice law, it is in charge of admissions to the Bar and of discipline of its members, it nominates the three attorneys who sit on the Judicial Council, which in turn sends judgeship nominees to the Governor, judges must themselves be attorneys, and the Association furnishes nine members of the Board of Directors of Alaska Legal Services Corporation. Only in the disciplinary hearing and attorney fee review committees is there any lay presence. There seems to be at present no provision for the exercise of supervisory responsibility by the elected representatives of the people. The position of the Court System on the Alaska Bar Association sunset is included as an appendix to this report.

The Committee received more complaints and more testimony on the subject of Bar examinations than on any other subject related to the Alaska Bar Association. A major defect in the administration of the Alaska examination is that it is prepared and graded by persons who, while skilled attorneys, are amateurs in testing. Professionalism is needed in both the preparation and grading of the

examination to ensure that the examination will score persons only on relevant factors. The training of the preparers and graders should be financed by the income derived each year from the administration of the bar examination (about \$16,000 anticipated in 1980, not including the costs of any litigation which may arise from the examination).

There appears to be no discrimination against women in the Alaska Bar Association. Alaska has one of the highest percentages of women lawyers in the United States and, specifically, the highest percentage of women on its Board of Governors. In fact, the president of the Alaska Bar Association is a woman.

Although no apparent preference for non-minorities is shown, there is a disparity in the numbers of minorities versus non-minorities in the Alaska Bar Association. Ethnic minorities are poorly represented in the Alaska Bar Association. Present membership from these ethnic groups is as follows:

Alaska Native	5.
Black	4
Asian-American	2
Hispanic	1

To the best of our knowledge, 12 Native people have been admitted to the Alaska Bar since Statehood. The only reliable statistics available are those reflecting current membership. Because the problem of low representation of minorities in the Alaska Bar Association has not been addressed adequately in the past, reasons for this situation cannot be determined at this time.

The Judiciary Committee recognizes that the percentage of minorities failing the Alaska bar examination, compared with the percentage of non-minority persons failing, is disproportionately high. The Committee believes that this disparity may be caused in part by cultural factors.

The Committee does not believe that the Alaska Bar Association intends to discriminate against minorities. The Committee commends the Board of Governors' Legal Educational Opportunities Committee for its work in gathering statistics regarding minorities in the Alaska Bar Association. The Committee urges the Board of Governors to

continue this work so that accurate minority pass rates may be established.

The Committee urges the Board of Governors to develop a program which will speak to the statistics reflecting minority representation in the Alaska Bar Association and the apparently low percentage of minority and non-minority individuals who pass the bar examination.

The Committee urges the Board of Governors to be aware of the disparity in minority participation in the bar and to direct its Committee of Bar Examiners to continually scrutinize the preparation and grading of the examination for possible cultural biases.

The Committee urges the Board of Governors to look into establishing some other criteria for evaluating an individual's competency to practice law in the State.

When, after completion of testimony, the Committee began its deliberations, the diversity of opinion was clearly evident. Apparently no one believed that the Alaska Bar Association should be extended for the maximum four years. Some members wanted to treat attorneys like other professionals, with a board to handle admissions and discipline; others preferred to make the Supreme Court directly responsible for those functions; and a third group preferred a short extension together with appropriate statute changes. The last viewpoint was finally adopted.

Findings required by AS 44.66.050(d) follow:

(1) an identification of the problems or the needs that the programs and activities of the board, commission or agency are intended to address;

Finding: The Alaska Bar Association is intended to address the need for admission and discipline of attorneys in the State.

(2) a statement, to the extent practicable, of the objectives of the program of the board, commission, or agency program, and its anticipated accomplishments;

Finding: The objectives are to upgrade the Bar in terms of education, competence, and

professionalism of its members, and to perform some services for the general public.

(3) an identification of any other programs having similar, conflicting or duplicate objectives;

Finding: There are no other programs having similar or conflicting objectives.

(4) an assessment of alternative methods of achieving the purposes of the program;

Finding: The responsibilities could be turned over to the Supreme Court or to a professional board in the Division of Occupational Licensing. The Committee has considered these alternatives but believes that they are not feasible at this time.

(5) an assessment of the consequences of eliminating the board, commission or program and consolidating its activities with another program, or of funding it at a lower level;

Finding: The Association could not be eliminated unless some other agency were responsible for the functions.

(6) a justification for the recommended continuation or extension of the board, commission or program, and an explanation of the manner in which it avoids duplication of or conflict with other efforts;

Finding: The extension of the Association for one year will permit time for a more thorough review and there is no duplication of other efforts.

(7) any other information which, in the opinion of the committee, would improve the performance of the board, commission or agency with respect to its representation of and responsiveness to the public interest;

Finding: Information which would improve the performance of the Association is included in

other portions of this report or in legislation to be introduced by the House Judiciary Committee.

The House Judiciary Committee finds that:

- (1) The Alaska Bar Association should be extended until June 30, 1981.
- (2) Statutory changes are needed in the public interest. The Committee will propose a bill incorporating these changes.

Charles H. Parr, Chairman

Nels A. Anderson, Jr.

Ramona L. Barnes

Fred E. Brown

Thelma Buchholdt

Hugh Malone

Terry Martin

Patrick M. O'Connell

Randy Phillips



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

March 4, 1980

Representative Charles H. Parr
Pouch V
Juneau, Alaska 99811

Dear Representative Parr:

You have asked that I comment on behalf of the Court System concerning the sunset legislation of the Alaska Bar Association currently pending before your committee.

I have conferred with the Supreme Court with regard to your request and they asked me to comment as follows.

The Court strongly supports continued existence of the Alaska Bar Association as an integrated bar. The Court further suggests that the Bar Association and the Legislative Audit Committee reach a reasonable accommodation of the current dispute.

The Court has not given me brief to comment further on the subject. I hope these comments will help the committee.

Cordially,

Arthur H. Snowden, II
Administrative Director

AHS:cm

cc: Donna Willard, Esq.
President, Alaska Bar Association



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

March 12, 1980

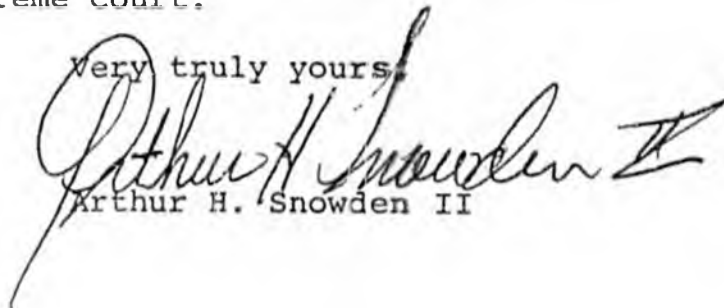
The Hon. Charles Parr, Chairman
House Judiciary Committee
Room 126, State Capitol Building
Juneau, Alaska 99811

Dear Representative Parr:

In my letter of March 4, 1980, with reference to the sunset of the Alaska Bar Association, I stated in the last sentence that the Court hopes that the Bar Association and the Legislative Budget and Audit Committee can reach a reasonable accommodation of their present dispute.

I wish to make it clear that in commenting on this subject, in no way did I intend to comment or convey any information on the merits of the controversy between the Legislative Budget and Audit Committee and the Alaska Bar Association before the Supreme Court.

Very truly yours,



Arthur H. Snowden II

ABA MTG

RPT - 6/1979

#2

To: Charlie Parr, Chairman, House Judiciary Committee
From: Peggy Berck *MB*
Re: Report on Annual Meeting of the Alaska Bar Association
Date: August 2, 1979

I. Introduction

The annual meeting of the Alaska Bar Association conducted in Sitka, June 6-9 was attended by about 200 of the Bar's 1,300 members. The meeting touched on a number of issues related to interim projects undertaken by the House Judiciary Committee. Of primary interest were formal bar discussions on the proposed Alaska Court of Appeals and personal talks with members on the issue of bar de-integration.

II. Court of Appeals

Former Attorney General, Norm Gorsuch, began the court of appeals debate early in the meeting during an oral presentation on his observations of the 1979 Alaska Legislature, noting that the bar had taken a supportive position in favor of the court during the session.

However, the University of Alaska's John Havelock followed Mr. Gorsuch with a programmed review of recent Alaska Supreme Court cases directed at questioning both the need for such a court as well as its proposed subject matter jurisdiction.

According to Mr. Havelock, the high court issued 228 opinions from May 1978 to May 1979. Mr. Havelock viewed the figure as a considerable increase from 1976 when 156 opinions were rendered. However, Mr. Havelock noted that per curiam opinions were down from 16 in 1976 to 8 during the period of his review. Per curiam opinions are brief, sometimes one sentence, opinions handed down by the court when the justices are all of one mind and no elaboration is required. Mr.

Havelock categorized the 228 opinions he reviewed as consisting of 37 sentence appeals, 100 criminal appeals and 100 civil appeals. The ratio of sentence-civil-criminal appeals, he noted, have remained essentially the same over the past several years, and are significant in addressing jurisdictional authority of the proposed new court.

The largest single category of cases addressed by the court, Mr. Havelock said, involved sentence appeals. Although sentence appeals do not take a great deal of time, Mr. Havelock said the court tended to over-write on such cases. The time devoted to sentence appeals along with the decrease in the use of per curiam and "memorandums, opinions, and judgements," Mr. Havelock said, have played a contributing factor in the court's current workload. MOJ's are used by the court to dispose of appeals without formal opinions. MOJ's affect only the parties to the suit in question and cannot be cited as precedent in contrast to per curiam opinions.

In a review of individual cases during the past year, Mr. Havelock said the criminal decisions appeared to impact the population as a whole far greater than the civil cases. Of particular note, he said, were a series of cases in the area of police search and seizure. In addition, Mr. Havelock indicated surprise at his discovery that the court handled five individual cases dealing with a juvenile's waiver to prosecution as an adult.

Perhaps most noteworthy in the civil area, Mr. Havelock said, were three opinions on product liability law, another area of concern to the committee. Mr. Havelock also noted

that municipalities were involved as litigants in 16 to 20 percent of all civil cases handled by the high court, an increase over previous years. Mr. Havelock also said the court was spending too much time on the court rule relating to attorneys fees, noting that the court addressed the rule in 10 separate cases.

Mr. Havelock concluded with an expression of support for the House Judiciary Committee's decision to hold over the court issue until next year, maintaining that the concept had not been sufficiently discussed.

Chief Justice Jay Rabinowitz appeared before the bar meeting later the same day to pitch for the proposed court, saying there was a clear need for the interim panel. In direct response to Mr. Havelock's presentation, the chief justice said there had been a definite increase in the use of per curiam and MOJ opinions in those matters currently before the justices. He said the court system proposed the creation of a court of appeals rather than enlarging the current supreme court, or instituting the use of panels, as the better way to solve the current caseload problem. The chief justice cited a study conducted by the American Bar Association which reached the same conclusion.

Chief Justice Rabinowitz also informed the Association of a new court rule, effective July 1, 1979, establishing maximum attorney's fees awards in criminal appointments. This issue will be explored in detail in my report on Legal Representation for Indigents.

The bar addressed the issue of the proposed court of appeals in a resolution sponsored by the Tanana Valley Bar Association. The resolution as introduced would have placed the bar in support of HCSSB 104 provided several significant changes were incorporated, including making the court a constitutional rather than a legislative court, but with the caveat that a legislative court could be implemented pending adoption of a constitutional amendment at the next general election. Other conditions in the proposed resolution would have required the court's jurisdiction to be limited to criminal cases; matters appealed to the intermediate court be remanded back to the court of original jurisdiction and the current bill's sunset clause be eliminated.

Addressing the resolution, Chief Justice Rabinowitz said he could support all of the proposed resolution with the exception of the subsection calling for establishment of a constitutional court. Other states, he contended, have established such courts purely through legislative enactment.

Later in the day, I interviewed District Court Judge Hugh Connelly of Fairbanks concerning the issue of the proposed court of appeals. Judge Connelly played a major role in drafting the court of appeals resolution along with other members of specially established subcommittee of the Tanana Valley Bar Association. On the issue of limiting the court to criminal cases, Judge Connelly said that although the criminal law is not as complex as certain civil law areas, it does require constant research to remain current with new judicial decisions. And he said a clear division between civil and

criminal jurisdictions would permit the selection of judges for the court of appeals to be drawn from attorneys with expertise in the criminal law area.

However, Judge Connelly said he personally favored the system in Texas which has separate supreme courts for civil and criminal cases. Court system personnel have balked at such a system because of potential problems in cases where civil and criminal law overlap, but Connelly said he thought such an argument wasn't strong enough to allow the idea to be dropped without further study. Judge Connelly said the sponsors of the resolution believed a constitutional court was necessary because a legislative court lacks certain inherent powers. (I intend to prepare a separate memorandum on this issue).

Judge Connelly also said additional related issues were considered by the Tanana Valley Bar Association which were not incorporated into the resolution. Included, he said, were discussions on the use of five judges instead of three on the proposed court of appeals, a device intended to prevent one strong judge from determining the direction of the court. He also said the Fairbanks bar discussed whether the judicial qualifications of the appellate judges should be set forth in the constitution, the case for all other judges in Alaska.

In another discussion, Art Snowden, court system administrator, raised another point in favor of amending the jurisdiction as currently proposed in HCSSB 104. He said the current proposed budget for the court permits only

limited travel, requiring the court to sit mostly in Anchorage and placing a tremendous financial burden for those appealing lower court decisions both civil and criminal to be forced to travel to Anchorage. Since most criminal appeals are handled by the public defender's office, that segment of the population at least will not have to bear the additional expense necessitated by travel should the new court be strictly limited to criminal jurisdiction.

On Saturday, June 9, Resolution #10 on the court of appeals was presented to the membership for debate, amendment and enactment. Following a lengthy debate, the meeting voted to sever the subsection on requiring the court to be created by constitutional amendment. After severing the subsection, the bar adopted a motion to strengthen the section to require a constitutional creation without even a temporary legislative enactment. Finally, the meeting passed the remaining limiting subsections after rejecting a motion to table the issue.

III. Integrated vs. Non-integrated Status of the Alaska Bar Association.

During his legislative report to the membership, Mr. Gorsuch cited the upcoming July 1, 1980 sunset review of the bar association as the most important legislative activity for the association during the next regular session.

On the issue of de-integration, Mr. Rozell, a member of the bar's board of governor's and the association's president-elect, said the issue was not a life or death matter to him, but contended that an integrated bar was the best system for Alaska since the state bar is so small.

Mr. Rozell said he was a member of the New York Bar, which is non-integrated, and complained that the bar there doesn't even maintain a compilation of attorney's offices. However, he said New York has recently asked such information from attorneys and Mr. Rozell surmized that the action may well be a first step in establishing an integrated bar there.

In addition, Mr. Rozell contended that the Alaska Constitution may preclude the legislature from de-integrating the bar association. But on that point, Ms. Karen Hunt, another member of the board of governor's, disagreed. She said shifting the disciplining and admission functions of the association to the supreme court under any de-integration plan would be in accord with the constitution and court decisions which have held that the high court has the power to control practice of law in the state.

However, Ms. Hunt said the bar has been handling admissions and discipline for a long time and had a good record, asking: "Why should the state establish another bureaucracy with the costs to be borne by individual citizens when the association is performing those functions on its own without the expense to the citizens at large?" Her comment, however, appeared in conflict with Mr. Gorsuch's statement during his presentation that about \$65,000 of the court system's budget went to assist the bar with costs of disciplining members. I asked Ms. Hunt for a percentage breakdown between the state contribution and bar expenditures for disciplining, and she replied that the state paid about 50 per cent of the entire costs. She

said admission costs were paid by the applications through a \$250.00 fee.

IV. Business Meetings

Generally, the business meetings of the association were poorly run. Most noteworthy was the failure of the board of governors to provide any back-up information on the effects of several proposed rule changes. Several members specifically asked for back-up information, but the board was unable to provide it.

There was also no discussion at all of a report by the association's Committee on Legal Educational Opportunities which noted that only five Alaskan Natives (one retired) and three blacks currently are admitted to practice in Alaska. The report outlined a number of methods which could be used by the bar to increase its membership of ethnic minorities, yet the association failed to take any action on this important issue. I am not alone in my criticism of the bar's annual meeting. Mr. Havelock's article in the July Bar Rag, the association's newsletter, likens the board, officers, and members of the association to Inspector Clousseau characters.

In assessing what action the committee may wish to take in connection with any future dealings with the bar, two additional facts which came to light during the course of the convention may be noteworthy.

First, the Alaska Bar Association currently is being sued by certain of its members for allegedly violating the public meeting law by holding a meeting in Hawaii. The superior court ruled that the bar was not subject to the

public meetings law, but the issue is now on appeal to the supreme court. The association has expended \$8,000 in legal fees defending the suit. Those dissident members in the lawsuit were not in attendance at the convention.

Second, the legal profession currently is the subject of an FTC investigation into allegations of price fixing and restraint of trade. Dick Savelle, a member of the board of governors, alluded to the investigation in opposition to a resolution offered from the floor to require the board to record its meetings and maintain the recording as a public record for two years. The resolution passed despite the opposition of several members of the board.

APPENDIX

Item No.

Table of Contents

1. Agenda for Business Meeting
2. Annual Meeting Program
3. Amendment to DR 2-102 (D), Re: Firm Names -- Passed.
4. Proposed Reciprocity Rule -- Tabled Indefinitely.
5. Resolution 1, INAX -- Passed.
6. Resolution 2, Prepaid Legal Services -- Failed.
7. Resolution 3, Mandatory CLE Program -- Failed.
8. Resolution 4, Urging the Appointment of an Alaskan to the 9th Circuit Court of Appeals -- Passed.
9. Resolution 5, Requiring ALSC Attorneys to Provide Representation in all Divorces and Bankruptcy Matters Sought by their Clients -- Tabled Indefinitely.
10. Resolution 6, Cooperative Buying Association for Members -- No Action.
11. Resolution 7, Requiring ALSC to Publish Board Meetings and Minutes -- Passed.
12. Resolution 8, Reduction of Bar Dues for First Five Years of Membership -- No Action.
13. Resolution 9, Prohibiting the Use of Secretaries, Law Clerks, and Others as Standing Masters, Acting District Court Judges, and Urban Magistrates -- Tabled Indefinitely.
14. Resolution 10, Court of Appeals -- Passed.
15. Summary of Four Additional Resolutions Brought from the Floor and Relating to the Board of Governors.
16. Working Model of a Mandatory CLE Program -- The Association's Committee on CLE Took No Position on this Issue.
17. Annual Committee Reports.

Original

AGENDA

ANNUAL BUSINESS MEETING

Alaska Bar Association
Sheffield House
Sitka, Alaska

June 9, 1979

1. Call to Order
2. Introduction of Board of Governors
3. Approval of Minutes of Business Meeting,
Fairbanks, Alaska - June, 1978
4. Selection of Business Meeting Site and Date, 1980
5. Election of Officers
6. National Bar Crises - Clark Wadlow, Esq.
7. Old Business
 - (a) Report of the Self-Risk Management Committee
 - (b) Report on Mandatory Continuing Legal Education
8. New Business
 - (a) Committee Reports
 - (b) Proposed Rule on Reciprocity
 - (c) Proposed Amendments to DR 2-102(D)
 - (d) Consideration of Resolutions
9. Adjournment

WELCOME TO SITKA!

Program Schedule

WEDNESDAY, JUNE 6 --

- 2:00 p.m. — Annual Meeting Registration Begins. Sheffield House Lobby.
- 6:00 p.m. — Welcoming Cocktail Party. New Archangel Room.

THURSDAY, JUNE 7 --

- 9:00 a.m. — Registration Continues. Sheffield House Lobby.
- 9:00 a.m. -- Annual Meeting Begins. Pioneer Room.
— Opening Remarks by Kenneth O. Jarvi, President Alaska Bar Association.
- 9:15 a.m. — Professional Update Conference. Pioneer Room.
— Report on the 1979 Alaska Legislature. Norman C. Gorsuch, Esq. Juneau
— Recent Significant Court Decisions. Kenneth P. Jacobus, Esq. Anchorage
— The New Federal Bankruptcy Act. Hon. J. Douglas Williams, II Bankruptcy Judge Anchorage
Donna C. Willard, Esq. Anchorage
- Noon — No Host Cocktails. New Archangel Room.
- 12:30 p.m. — Luncheon. New Archangel Room.
"The State of the Judiciary"
Hon. Jay A. Rabinowitz
Chief Justice
Alaska Supreme Court
- Noon — Spouses Luncheon. Location to be Announced.

-
- 2:00 p.m. — Videotape CLE. Pioneer Room.
"How to Select or Upgrade Automatic Typing Equipment."
Bernard Stenrin, Esq.

"The Nifty, Thrifty Fifty — Money Saving Ideas for the Law Office."
Jimmy Brill, Esq.

FRIDAY, JUNE 8 --

- 9:00 a.m. — Professional Update Conference Resumes. Pioneer Room.
— New Trends in Business and Commercial Law. Wayne C. Booth, Esq. Anchorage
Hoyt M. Cole, Esq. Anchorage
Walter H. Garretson, Esq. Anchorage
Steve C. Hillard, Esq. Anchorage
- New Trends in Tort Law. Bernard P. Kelly, Esq. Anchorage
- The New Criminal Code. Joseph D. Balfe, Esq. District Attorney Anchorage
William P. Bryson, Esq. Anchorage
Rhonda Butterfield, Esq. Fairbanks
Michael Rubenstein, Esq. Anchorage
- Noon — No Host Cocktails. New Archangel Room.
- 12:30 p.m. — Luncheon. New Archangel Room.
"The Interior Department and Alaska"
Hon. Guy Martin
Assistant Secretary of the Interior for Land and Water
Washington, D.C.

-
-
- 2:00 p.m. — Videotape CLE. Pioneer Room.
"How to Increase Your Profits
and Reduce Your Secretarial
Costs by Using a Secretarial
Style Manual"
Leo Eisenstatt, Esq.
- "How to Increase Your Legal
Practice and Provide for Your
Old Age"
Jay Foonberg, Esq.
- 2:00 p.m. — Bus Tour of Sitka Begins. Meet in Hotel
Lobby.
- 4:30 p.m. — Annual Meeting of the Alaska Bar Founda-
tion. Pioneer Room.
- 6:00 p.m. — Cocktails and Boat Cruise of Silver Bay.

SATURDAY, JUNE 9 --

- 9:00 a.m. — Business Meeting of the Alaska Bar Associa-
tion. Pioneer Room.
— Report of the Committee on Errors and
Omissions Insurance.
Karen Hunt, Esq.
Anchorage
- Report on Mandatory Continuing Legal
Education.
Sandra K. Saville, Esq.
Anchorage
- Consideration of Resolutions.
- Noon — No Host Cocktails. New Archangel Room.
- 12:30 p.m. — Luncheon. New Archangel Room.
"A Lawyer-Reporter's View
of the News"
Bill Kurtis, Esq.
CBS News
Chicago
- 2:00 p.m. — Business Meeting Resumes. Pioneer Room.
- 5:00 p.m. — Business Meeting Adjourns.
- 6:00 p.m. — Cocktail Reception. Centennial Building.
- 7:00 pm. — Alaska Bar Association Dinner Dance.
Centennial Building.
Special Entertainment by the
Russian Dancers
-
-

TO: ALASKA BAR ASSOCIATION MEMBERS
FROM: BOARD OF GOVERNORS
DATE: May 22, 1979
SUBJECT: Amendment to DR 2-102(D), Re: Firm Names

The following amendment to Disciplinary Rule DR 2-102(D) was unanimously endorsed by the Board of Governors in Anchorage on May 19, 1979. It will be discussed in Sitka at the Annual Meeting on Saturday, June 9, 1979.

The rule requires that all lawyers whose names are used in a firm name must have been or must currently be a member of the Alaska Bar Association.

A partnership shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations on those members and associates of the firm not licensed to practice in all listed jurisdictions; provided, however, a firm name may not be used in Alaska unless all those named are or were members of the bar in Alaska.

THIS AMENDMENT PASSED.

TO: ALASKA BAR ASSOCIATION MEMBERS
FROM: BOARD OF GOVERNORS
DATE: May 23, 1979
SUBJECT: Proposed Reciprocity Rule

Re-establishing reciprocity for attorney admission to the active practice of law in Alaska will be discussed in Sitka June 9, 1979 at the annual meeting.

A majority of the Board of Governors endorsed the concept of reciprocity at its March, 1979 meeting in Juneau. Below is a proposed rule as recommended by the Statute, Bylaws & Rules Committee to the Board of Governors in Anchorage on May 18, 1979.

PROPOSED AMENDMENT TO ALASKA BAR RULE 2, SECTION 2

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

(a) Has passed a written examination required by another state, territory, or the District of Columbia, for admission to the practice of law, and

(b) Has engaged as a licensed attorney in the active practice of law in one or more states, territories or the District of Columbia for five of the seven years immediately preceding the date of his first or subsequent applications for admission to the practice of law, and

(c) Has been sponsored by one or more members in good standing of the Alaska Bar Association, and

(d) Is admitted to the Bar in a jurisdiction which would admit to the practice of law a member of the Alaska Bar Association, similarly qualified, without examination, may be admitted to the Alaska Bar Association without examination, provided, however, that if the Board, after reviewing the law school record, employment history, and experience of the applicant, determines that the applicant should be required to pass an examination as to his qualifications, the applicant shall be required to pass the attorney bar examination prescribed by the Board.

THIS MATTER WAS TABLED INDEFINITELY.

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7489

RONALD L. KULL, EXECUTIVE DIRECTOR
WILLIAM GARRISON, BAR COUNSEL

OFFICERS

KENNETH O. JARVI
PRESIDENT
ANCHORAGE

DONNA C. WILLARD
PRESIDENT ELECT
ANCHORAGE

ALBERT H. BRANSON
VICE PRESIDENT
ANCHORAGE

RICHARD D. SAVELL
SECRETARY
FAIRBANKS

BOARD MEMBERS


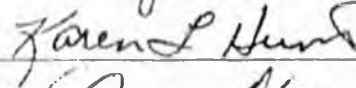

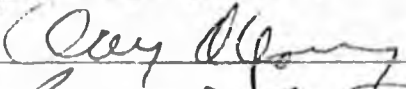

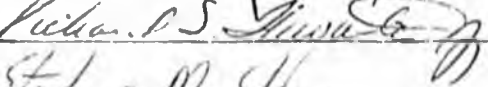
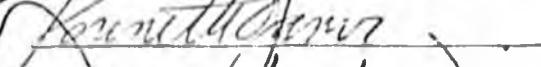
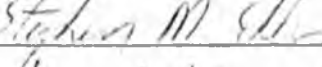

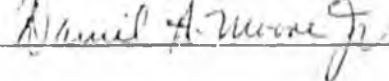
ALBERT H. BRANSON
STANLEY T. FISCHER
KAREN L. HUNT
KENNETH O. JARVI
EDWARD G. KING
JONATHAN H. LINK
WILLIAM B. ROZELL
RICHARD D. SAVELL
DONNA C. WILLARD

RESOLUTION NO. 1

WHEREAS the Self-Risk Management Committee of the Bar Association has recommended that INAX be sponsored by the Alaska Bar Association as the Bar-endorsed malpractice insurance carrier for Alaska attorneys,

BE IT RESOLVED that the Alaska Bar Association endorse INAX as the Bar-sponsored malpractice carrier for attorneys practicing law in Alaska.

Dated this 26 day of April, 1979.

THIS RESOLUTION PASSED.

RESOLUTION 2

RESOLVED: That the Alaska Bar Association institute a Prepaid Legal Services plan.

<u>[Signature]</u> Signature	<u>514 W. 2nd</u> Address
<u>[Signature]</u> Signature	<u>941 W. 4th</u> Address
<u>[Signature]</u> Signature	<u>510 "L" ST. #604 Anchorage</u> Address
<u>[Signature]</u> Signature	<u>510 "L" ST # 604 Anchorage</u> Address
<u>[Signature]</u> Signature	<u>1049 W. 5th AVE ANCHORAGE</u> Address
<u>[Signature]</u> Signature	<u>425 "G" ST, Anchorage</u> Address
<u>[Signature]</u> Signature	<u>425 "G" ST, Anchorage</u> Address
<u>[Signature]</u> Signature	<u>425 G ST, Anch. Ak.</u> Address
<u>[Signature]</u> Signature	<u>425 G ST Anch Ak</u> Address
<u>[Signature]</u> Signature	<u>425 G ST. Anch. Ak.</u> Address
<u>[Signature]</u> Signature	<u>425 G St, Anch., Ak.</u> Address

THIS RESOLUTION FAILED.

RESOLUTION 3

RESOLVED: That the license to practice law in the state of Alaska be conditioned upon completion of 15 hours of Continuing Legal Education.

James J. Jurek
Signature

941 W 4th
Address

Mark J. Jurek
Signature

601 W. 5th Ave
Address

T. R. Beard
Signature

510 "L" St #604 Anchorage
Address

Robert Thomas
Signature

1049 W. 5th Ave, Anchorage, AK
Address

Ed C. Johnson
Signature

425 "G" St, Anchorage
Address

Bob Hall
Signature

425 G St, Anchorage
Address

Howard S. Tuckey
Signature

425 G St. Anchorage, AK
Address

Mary R. Gordon
Signature

425 G St Anch, AK
Address

Robert J. ...
Signature

425 G St. Anchorage
Address

Joe P. ...
Signature

425 G St. Anchorage
Address

THIS RESOLUTION FAILED.

RESOLUTION NO. 4

BE IT RESOLVED, that the Alaska Bar Association send a letter to President Carter and Attorney General Griffin Bell urging the appointment of a qualified Alaskan to fill one of the vacancies on the Ninth Circuit Court of Appeals.

Danora X. Savelle

Susan A. Vaillancourt
Reginald J. Chappell, Esq.
W.H. J. J.

M. Gregory Dupuis

Stanley Hewitt

Paul Haskin

[Signature]

Virgil D. Vochanka

Joseph J. Brewer

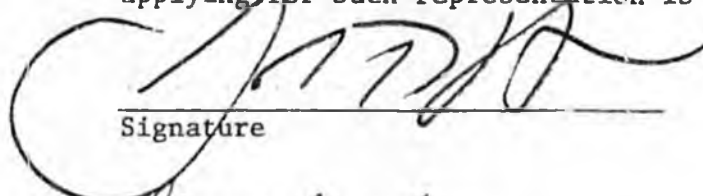
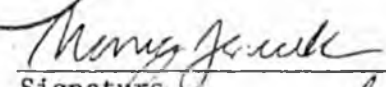
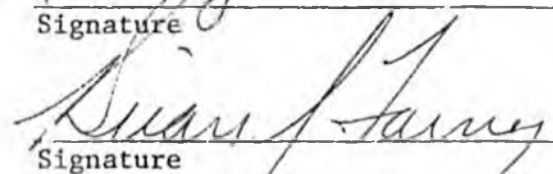
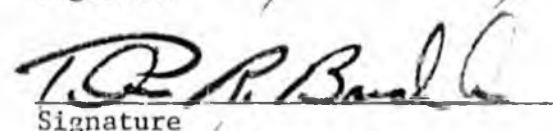
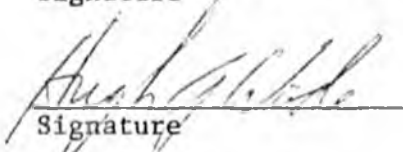
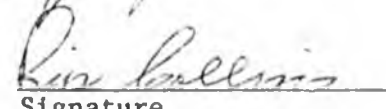
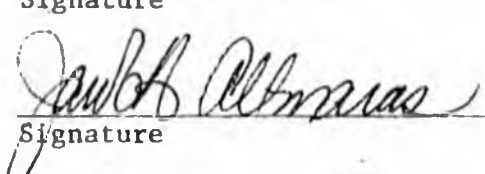
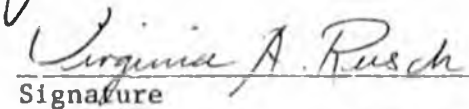
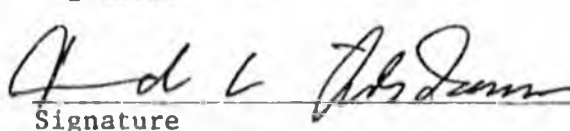
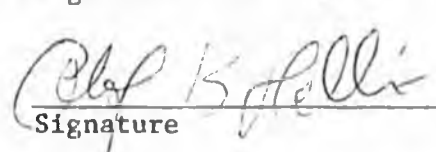
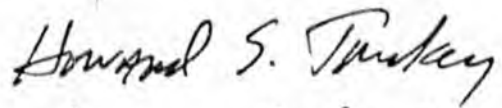
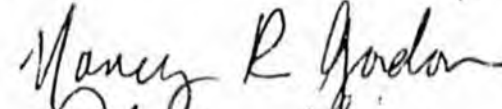
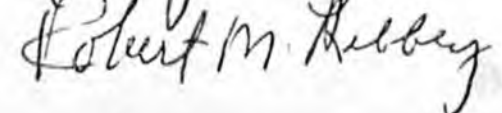
RECEIVED

THIS RESOLUTION PASSED.

THIS RESOLUTION WAS TABLED INDEFINITELY.

RESOLUTION 5

RESOLVED: That legislation be introduced to amend the Alaska Legal Services Corporation Act to provide that no divorces nor personal bankruptcies be rejected by personnel of Alaska Legal Services if the person applying for such representation is eligible for their services.

 Signature	<u>814 W Second St.</u> Address
 Signature	<u>941 W. 4th</u> Address
 Signature	<u>601 W. 5th Ave</u> Address
 Signature	<u>510" L" St #604 Anchorage</u> Address
 Signature	<u>737 1/5th</u> Address
 Signature	<u>Box 381, Anchorage, AK</u> Address
 Signature	<u>1049 W. 5th Ave, Anchorage, AK</u> Address
 Signature	<u>425 G St Suite 650</u> Address
 Signature	<u>425 G St., Anchorage</u> Address
 Signature	<u>425 G St, Anchorage</u> Address
 Howard S. Turkey	<u>425 G. St, Anch Ak.</u>
 Nancy R Gordon	<u>425 G St Anch Ak</u>
 Robert M. Hibbey	<u>425 G St., Anch, Ak.</u>

THERE WAS NO ACTION ON THIS RESOLUTION.

RESOLUTION 6

RESOLVED: That the Alaska Bar Association institute a cooperative buying association for the benefit of its members.

Morris Jurek
Signature

941 W. 4th
Address

[Signature]
Signature

814 W. 2nd
Address

[Signature]
Signature

401 W. 5th Ave
Address

[Signature]
Signature

510 "L" ST. #604 Anchorage
Address

[Signature]
Signature

737 H St.
Address

[Signature]
Signature

Box 381, Anchorage AK
Address

[Signature]
Signature

510 "L" ST #604 Anchorage
Address

[Signature]
Signature

1049 W. 5th Ave, ANCHORAGE
Address

[Signature]
Signature

435 G St, Suite 650
Address

[Signature]
Signature

425 "G" St., Anchorage.
Address

[Signature]

425 G St., Anch

[Signature]

425 G St., Anch, Ala.

[Signature]

425 G St., Anch

[Signature]

425 G St., Anch. Ak

THIS RESOLUTION PASSED AS AMENDED.

RESOLUTION 7

(a schedule of its Board Meetings and Minutes of its Board Meetings)

RESOLVED: That ~~(meetings of)~~ Alaska Legal Services ~~(be)~~ published in the same manner and with the same notice required of the Alaska Bar Association.

Wm. J. J. J.
Signature

941 W 4th
Address

J. J. J.
Signature

814 W 2nd N.A.
Address

Brian J. J.
Signature

601 W 5th Ave
Address

T. J. J.
Signature

510 L ST #600
Address

R. J. J.
Signature

Box 381 (Mudrook, AK)
Address

H. J. J.
Signature

732 11th Ave
Address

J. J. J.
Signature

510 L ST #600 Anchorage
Address

J. J. J. Almaras
Signature

1049 W. 5th Ave, Anchorage, AK
Address

Virginia A. Rusch
Signature

425 G St, Suite 650
Address

D. L. J.
Signature

425 "G" St, Anchorage
Address

Clof K. Helle
Robert M. Tubey
Howard S. Tucker

425 G St, Anchorage
425 G St, Anch, Ak
425 G St, Anchorage Ak.

Mary R. Gordo

425 G St. Anchorage, Ak

RESOLUTION 8

RESOLVED: That Bar dues for persons admitted less than 5 years be \$150.

<u>Monica Jensen</u> Signature	<u>941 W. 4th</u> Address
<u>[Signature]</u> Signature	<u>814 W 2d Ave</u> Address
<u>Diana Tamm</u> Signature	<u>601 W. 5th Ave.</u> Address
<u>T.R. Baudin</u> Signature	<u>510 "L" St. #6014 Anchorage</u> Address
<u>[Signature]</u> Signature	<u>1014 W. 5th Ave, Anch.</u> Address
<u>And C Johnson</u> Signature	<u>425 "G" St, Anchorage</u> Address
<u>Clyde Hall</u> Signature	<u>425 G St, Anchorage</u> Address
<u>Howard S. Trickey</u> Signature	<u>425 G. St. Anch</u> Address
<u>Marcy R Gordon</u> Signature	<u>425 G St Anch, Ak</u> Address
<u>Thomas A. [Signature]</u> Signature	<u>425 G St. Anch Ak</u> Address
<u>Robert M. Libbey</u> Signature	<u>426 St., Anch., Ak</u> Address

THERE WAS NO ACTION ON THIS RESOLUTION.

THIS RESOLUTION WAS TABLED INDEFINITELY.

RESOLUTION No. 9

WHEREAS, citizens of the State of Alaska are entitled to have their civil and criminal cases decided by qualified judges selected in accord with the statutes and Constitution of this state; and

WHEREAS, use of standing masters, acting District Court judges and urban magistrates for divorce, traffic, and small claims cases deprives the citizenry of this right; and

WHEREAS, in the urban areas of the state the use of standing masters cannot be excused by lack of real judges; and

WHEREAS, there is unwarranted cost to the parties of curing errors made by standing masters due to inexperience or lack of legal education; and

WHEREAS, most contacts of most citizens with the judicial system are in the kinds of cases in which standing masters are being substituted for real judges; and

WHEREAS, use of secretaries, law clerks, and others as standing masters, acting District Court judges, and urban magistrates, evades and subverts the system of judicial council review, bar polls, gubernatorial appointment, retention elections, and judicial qualifications commission jurisdiction, all of which are important mechanisms for assuring competence, honesty, and due respect for the citizenry among judges; therefor,

Be it resolved, that the court system should cease using standing masters, except in rural areas which do not have real judges.

Be it resolved, further, that the Supreme Court be urged to delete provisions in the Rules of Procedure for urban standing masters except in probate matters, and

Be it further resolved, that the legislature be requested to limit the power of the presiding Superior Court judges to appoint magistrates to those appointed for rural areas, and that the statutory power to appoint acting District Court judges be repealed.

TANANA VALLEY BAR ASSOCIATION

By:

Ralph Beistline, President

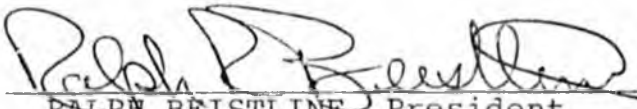
Item 13

#10

BE IT RESOLVED by the membership of the Alaska Bar Association that the Association support passage of the House Committee Substitute to Senate Bill 104, proposing an intermediate appellate court, provided the following changes are made in the present bill:

1. ~~the court be made a constitutional court (rather than a legislative court; but a legislative court may be implemented pending adoption of a constitutional amendment;)~~
2. matters appealed to the intermediate appellate court be remanded from the court to the court of original jurisdiction;
3. the civil appeals jurisdiction of the intermediate appellate court be deleted; and
4. the provision terminating the intermediate appellate court on June 1, 1981, Section 36 of the present bill, should be deleted in its entirety.

TANANA VALLEY BAR ASSOCIATION

By: 
RALPH BEISTLINE, President

THIS RESOLUTION PASSED AS AMENDED.

SUMMARY OF FOUR ADDITIONAL RESOLUTIONS BROUGHT FROM THE FLOOR.

1. Resolution 11, requiring that the Board of Governors tape record each meeting and preserve the tapes for a period of at least two years, passed.
2. Resolution 12, requiring the Board of Governors to keep and publish an annual line item budget, passed.
3. Resolution 13, allowing reimbursement of Board expenditures rather than per diem, was tabled indefinitely.
4. Resolution 14, regarding the charging of Board expenses, failed.

CONTINUING LEGAL EDUCATION
FOR ATTORNEYS IN ALASKA

Purpose:

It is of primary importance to the members of the Bar and to the public that attorneys continue their legal education throughout the period of their active practice of law. These rules will establish the minimum requirements.

Educational Requirements:

(a) Minimum requirement. Each active member of the Alaska Bar Association shall complete a minimum of ten (10) credit hours each year beginning with 1981.

(b) Reporting. Each active member of the Alaska Bar Association shall make a sworn written report of compliance on a form to be provided by the Board by January 30th of each year.

Exemption from Certification:

New Admission. An attorney shall not be required to comply with this rule during the calendar year in which he or she is admitted to the Bar.

Sanctions:

Any member who has not filed the appropriate compliance within thirty (30) days after his or her time for compliance shall be removed from the role of active members of the Bar and transferred to inactive status pending such member's compliance. To effect such removal, the Board shall notify in writing, by certified or registered mail, the non-complying member that the Executive Director shall petition the Supreme Court for an order suspending such member, unless within ten (10) days of receipt of such notice, such member shall complete and return to the Board of Governors an accompanying form of petition which may be accompanied by affidavit or affidavits in support thereof, requesting an extension of time or exemption from compliance.

Waivers:

The Board may, in individual cases involving hardship or extenuating circumstances, grant waivers of the minimum educational requirements or extensions within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application therefore shall be made on forms prescribed by the Board. Waivers of the minimum educational requirements may be granted for any period of time not to exceed one (1) year. In the event that the hardship or extenuating circumstances upon which a waiver has been granted continue beyond the period of the waiver, the attorney must reapply for an extension of the waiver. The Board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by such methods as may be prescribed by the Board.

Credit:

Credit will be given only for continuing legal education activities approved by the Board of Governors. Hours in excess of the minimum annual requirement may be carried forward for credit into the next succeeding year. Hours to be carried forward must be reported in the annual report for the year in which they were completed.

No credit will be given for hours accumulated prior to admission to the Bar.

Credit may be earned through teaching an approved continuing legal education activity. The Board shall award two (2) hours of credit for each hour of presentation of the approved continuing legal education activity.

Standards for Approval of Continuing Legal Education Activities:

(a) The Board of Governors shall designate the number of hours to be earned by participation in approved continuing legal education activities.

(b) The following standard shall govern the approval of continuing legal education activities by the Board of Governors:

1) The primary objective of any continuing legal education activity shall be to increase the participant's professional competence as a lawyer.

2) The continuing legal education activity shall deal primarily with matters related to the practice of law, professional responsibility or ethical obligations of lawyers.

3) Credit may be given for continuing legal education activities given by live instruction or by video tape or cassette.

4) Continuing legal education materials are to be prepared and activities conducted by an individual or group qualified by practical or academic experience.

5) Continuing legal education activities are to be accompanied by thorough, well-organized and readable written materials which are available to participants at the time of presentation unless otherwise approved by the Board.

Supplemental Rules:

The Board may make and adopt additional rules not inconsistent with these rules in the furtherance of the development of a continuing legal education program for Alaska lawyers.

Confidentiality:

The files and records of the Board of Governors as they may relate to or arise out of any failure of a member of the Association to satisfy these continuing legal education requirements, shall be deemed confidential and shall not be disclosed except in furtherance

"Subpoena of Bar, req. of atty affected, Subpoena or by court order"

ANNUAL COMMITTEE REPORTS

ALASKA BAR ASSOCIATION

1979

F
Committee Reports

Law Offices of
Kempel, Huffman & Ginder

420 "L" Street, Suite 402
Anchorage, Alaska 99501

Richmond, Willoughby & Willard

RECEIVED

APR 27 1970

Roger R. Kempel
Richard R. Huffman
Peter C. Ginder

Telephone
(907) 277-1604
(907) 276-1605

RECEIVED

APR 27 1970

Richmond, Willoughby & Willard

April 25, 1979

RECEIVED

APR 24 1979

ALASKA BAR ASSOCIATION

Donna C. Willard,
President Elect
Board of Governors
Alaska Bar Association
P.O. Box 279
Anchorage, Alaska 99510

Re: Bar Polls and Elections Committee

Dear Donna:

I write in response to your letter of April 20, 1979, a copy of which is attached hereto. This letter is designed to function as the formal report you requested in that letter.

The activities of the Bar Polls and Elections Committee can be summed up very briefly. Suffice it to say that the members of the committee appeared and counted ballots each and every time their services were required. We made every attempt to do our work rapidly and accurately, and the required tabulations were, to the best of my knowledge, furnished to the Bar on a timely basis.

I have every hope of attending the convention in Sitka. Unfortunately, however, problems have developed with my reservations, and I may not be able to attend. Needless to say, I will contact you as soon as my plans are firm.

Very truly yours,

KEMPEL, HUFFMAN & GINDER

P. C. Ginder
Peter C. Ginder

PCG/rg

W. EUGENE GUESS, 1932-1978
JOSEPH RUDD, 1933-1978

ROBERT C. ELY
THEODORE E. FLEISCHER
FRANCIS E. SMITH, JR.
HERBERT BERKOWITZ
MICHAEL G. BRIGGS
DAVID H. BUNDY
HARRIS SAXON
PHILLIP J. EIDE
GARY A. ZIPKIN
STEPHEN J. PEARSON
JOSEPH M. WILSON
PAUL DE STEFANO
ROBERT H. WOLFE
LOUIS R. VEERMAN
CLIFFORD W. HOLST
JOHN FOSTER
DANIEL G. RODGERS
RICHARD M. ROBINSON
JOHN M. MILLER
ANTOINETTE M. T. DOLINI

LAW OFFICES OF
Ely, Guess & Rudd

A PROFESSIONAL CORPORATION
510 L STREET
ANCHORAGE, ALASKA 99501
CABLE ADDRESS: "NORTHACRE"
TELEX [090] 25-292
TELECOPIER [907] 279-8354
TELEPHONE [907] 277-5121

JUNEAU OFFICE
SUITE A
MENDENHALL BUILDING
JUNEAU, ALASKA 99801
TELEX [099] 45-365
TELEPHONE [907] 586-3210

NORMAN C. GORSUCH
GORDON E. EVANS
MONTE L. BRICE

JOSEPH A. McLEAN
OF COUNSEL

April 3, 1979

HAND DELIVER

RECEIVED

APR 4 1979

**GARRISON & JAMES
ATTORNEYS AT LAW**

Donna C. Willard
President Elect
Alaska Bar Association
360 "K" Street
Anchorage, Alaska 99501

Re: Continuing Legal Education Committee

Dear Donna:

I apologize for taking so long to reply to your letter of March 5. I am not sure what the "purposes statement" is, but I will tell you something about the Committee's activities.

As you no doubt are aware, Ron Kull is interested in C.L.E. and experienced in this area. He has, to a great extent, taken on the administrative burden of scheduling, lining up speakers, etc. He has numerous contacts based on his past C.L.E. experience, and has been drawing on these liberally in order to find and schedule speakers. We will begin to see the results in the next month or so as this year's series of C.L.E. programs gets under way in May with the evidence program.

I am pleased by the interest and involvement of our Southcentral Committee, most of whom attend meetings regularly. Sandi Saville had originally indicated that she could not participate, but I persuaded her to take on the mandatory C.L.E. project. We will have a proposed rule on mandatory C.L.E. by early May, and the substance of a report to the Sitka convention. As you may know, the C.L.E. portion of the Sitka convention will be taken up primarily by "up-dates" in various areas of law, as well as some videotapes to fill what we assume will be sparsely attended afternoon sessions. So far everything looks good for this program.

Donna C. Willard
April 3, 1979
Page Two

After a rocky beginning, plans for the 1980 Hawaii program are underway. Although there are some who are not particularly happy with leaving the Kuai Surf or scheduling the meeting in mid-January, I think everybody now agrees that this is our only viable option and that we should proceed with it. We are, in any event, working on this assumption. I am certain that we can put together a fine program.

On mandatory C.L.E., which could be a fairly time-consuming matter on the convention agenda, I would expect that our Committee will come up with a fairly low-key, dispassionate recommendation. I do not think that the Committee will use a "hard sell" to get mandatory C.L.E. adopted. Our inclination is to present a proposed rule, taking into consideration all of the factors which we thought were important, and to give the convention some idea of how we think a mandatory program would work. At this point the Committee has not developed a philosophical commitment to pushing mandatory C.L.E. through. In fact, even if the convention did adopt such a proposal, I would be inclined to recommend that we wait at least one year to implement it. I think that we need this time to get some further C.L.E. experience under our belt and to organize ourselves for what will be a fairly substantial task.

One comment on the administration of C.L.E. Ken Jarvi chose, for good reasons I believe, to set up three committees to cover the three major areas of the State. Each has its own chairman. As it has turned out, and as was surely anticipated, the Southcentral Committee does all of the State-wide program planning. In fact, I am not sure what the other regional Committees have done in the way of C.L.E. There has been an interaction between the various Committees. As an example, I expect that there will be little, if any, input from Fairbanks or Southeast on mandatory C.L.E. prior to the convention. Thus the proposal presented to the convention will, of necessity, be the proposal of the Southcentral Committee.

I suppose that we could have a system of sending minutes of meetings back and forth and that sort of thing. But you know how that goes. The work really gets done when several people sit down together face to face. This is not to suggest that the regional committee system be dismantled or that it is not accomplishing exactly what Ken Jarvi thought it should. But I want you to be aware that the

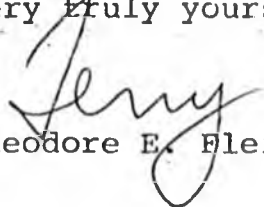
Donna C. Willard
April 3, 1979
Page Three

Southcentral Committee tends to work pretty much in a vacuum, with only occasional opportunities (such as Hawaii and the summer convention) for the entire Committee to get together. This is probably the best we can do. One solution would be to budget some money for Committee travel, so that members from other areas could attend meetings in Anchorage, at least on (say) a bi-monthly basis.

By this letter I would ask that Ron Kull schedule a time during one afternoon at the Sitka convention when all C.L.E. Committee members could get together. Ideally, this would occur before the business meeting so that we could have at least one discussion of the mandatory C.L.E. proposal.

I will appreciate your comments on C.L.E. performance and your expectations for the future.

Very truly yours,


Theodore E. Fleischer

TEF/sg

cc: ✓Ken Jarvi, Esq.
Ron Kull, Esq.

LAW OFFICES OF
CHRISTIANSON, ROYCE & STAHLA
403 Lincoln, P. O. Box 4
Sitka, Alaska 99835

RECEIVED

MAY 11 1979

Richmond, Willoughby & Willard

907 - 747-6681

WARREN C. CHRISTIANSON
WILLIAM O. ROYCE
EDWARD A. STAHLA

May 7, 1979

Ms. Donna Willard
President Elect
Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99510

RECEIVED

MAY 11 1979

ALASKA BAR
ASSOCIATION

Dear Donna:

Many complaints from the South Tongass Bar Association would be silenced if the CLE programs could be given at the South Tongass Bar locale as well as in the Ketchikan and Juneau locale. Should that occur, Sitka would like to throw in its oar as we believe the scenery is much better in Sitka than it is in the South Tongass Bar locale.

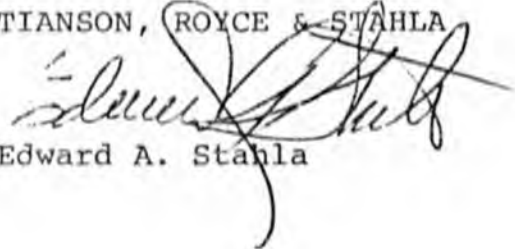
Seriously, the desires of the southeastern Continuing Legal Education Committee are that video tapes be made available at a reasonable price such that those people that cannot attend a seminar where live instructors are provided can view the video tape. In addition, the Bar Association has many video tapes in its library. It is requested that the prior decision of the Board of Governors to permit those video tapes to be rented by Bar Associations at reasonable prices.

Finally, the southeastern segment of the Continuing Legal Education Committee is encouraged that CLE programs are being provided in southeast Alaska.

Yours very truly,

CHRISTIANSON, ROYCE & STAHLA

By


Edward A. Stahl

EAS/nr

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

COLE, HARTIG, RHODES, NORMAN & MAHONEY

HOYT M. COLE
ROBERT L. HARTIG
JAMES D. RHODES
JOHN K. NORMAN
ROBERT J. MAHONEY
BERNARD J. DOUGHERTY
MICHAEL W. SHARON

G. RODNEY KLEEDERN
J. MICHAEL ROBBINS
ROGER H. BEATY
STEPHEN D. ROUTH
WEV W. SHEA
EDGAR R. LOCKE
C. WALT EBELL
SPENCER C. SNEED

OF COUNSEL:
G. KENT EDWARDS

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

SUITE 201

717 K STREET

ANCHORAGE, ALASKA 99501

(907) 274-3576

April 24, 1979

KODIAK OFFICE:
202 CENTER AVE., BOX 503
KODIAK, ALASKA 99615
(907) 486-3143
(907) 486-3144
C. WALT EBELL

RECEIVED

APR 27 1979

ALASKA BAR
ASSOCIATION

REPLY TO:
Anchorage

RECEIVED

APR 27 1979

Richmond, Willoughby & Willard

Ms. Donna C. Willard
President Elect
Alaska Bar Association
P. O. Box 279
Anchorage, AK 99510

Re: Alaska Bar Association
Environmental Law Committee

Dear Madam President:

Following is a report on the activities of this Committee submitted in accordance with the requirements of the Bylaws of our Association calling for a report to be submitted prior to the annual business meeting of the Alaska Bar Association.

The Alaska Bar Association Environmental Law Committee has been extremely active this year. Thanks to Ken Jarvis' committee reorganizational efforts, we now have a full compliment of active and enthusiastic members. The Committee has held ten meetings during the past year. At several of the meetings representatives of local government agencies and others interested in environmental law in Alaska have attended, given brief presentations, and exchanged ideas with the members.

At our organizational meeting, John A. Reeder was elected Vice Chairman and Jane Pearia was elected Recording Secretary. With the staggered membership terms, the Committee is looking forward to continuity that has been lacking in the past.

Ms. Donna C. Willard
President Elect
April 24, 1979
Page Two

The primary focus of the Committee's activity this year has been on the emerging area of coastal zone management in Alaska. In conjunction with the University of Alaska, the Committee is sponsoring a one-day seminar on the implementation of the Coastal Zone Management Act in Alaska, to be held at the Anchorage campus of the University on Saturday, May 19th. An impressive array of speakers has been assembled for this seminar. They will discuss implementation of coastal zone management at the local, state and federal levels. Jon Tillinghast, Assistant Attorney General, will be the lead-off speaker and will present an overview of the Coastal Zone Management Act. He will be followed by various other speakers from around the state. In addition, Roger Beers, an attorney with the Resources Defense Council in San Francisco, will be a featured speaker, directing his remarks to coastal zone management at the national level.

I am enclosing a copy of our program brochure which will be mailed to the Alaska Bar and to numerous other individuals, organizations and governmental agencies.

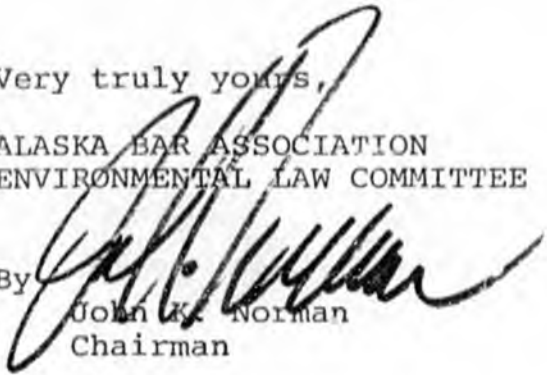
We would like to note that in planning this seminar Mr. Ron Kull has been extremely helpful to this Committee, and we would like to take this opportunity to acknowledge all the help he has given us.

In summary, I can say that it has been a productive year for the Environmental Law Committee. Although my term on the Committee is now expiring, I have every reason to believe that the committee will retain the momentum that we have gathered this year, and that we can continue to look forward to having this Committee be one of the most active committees in our Association.

Very truly yours,

ALASKA BAR ASSOCIATION
ENVIRONMENTAL LAW COMMITTEE

By


John K. Norman
Chairman

JKN:bw
Enclosure

cc: All Members

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

420 "L" STREET, SUITE 100
ANCHORAGE, ALASKA 99501

March 23, 1979

Kenneth O. Jarvi
Attorney at Law
1049 W. Fifth Avenue
Anchorage, Alaska 99501

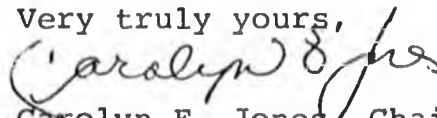
Re: Report from ABA Committee
on Legal Educational
Opportunities

Dear Ken:

At the time our committee was formed, you asked that we present a preliminary report to the Board of Governors at its March meeting. Although plagued by the normal amount of absenteeism, we have stuck it out and managed to define the general direction we think the ABA as a whole and this committee should be moving. I apologize for not having a report prepared in time for the Board to review it in advance of the March meeting and I offer the usual lawyer excuses about briefing schedules, oral arguments, etc.

You will note in the report several items that might properly be considered at the annual meeting. If you think that an oral report from our committee might be effective in generating support for our recommendations, I would be willing to make such a presentation.

Very truly yours,



Carolyn E. Jones, Chairperson
Committee on Legal Educational
Opportunities

CEJ:dr

cc Board of Governors

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MAR 27 1979

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REPORT TO ALASKA
BAR ASSOCIATION BY COMMITTEE ON
LEGAL EDUCATIONAL OPPORTUNITIES

I

RESTORATION OF WICHE FUNDS
FOR ALASKANS WHO WISH TO STUDY LAW

At present, Governor Hammond has recommended a budget for the Post Secondary Education Commission that is little more than continuation level. Should that budget be accepted by the legislature, the Commission would be able to continue funding all those students presently receiving WICHE funds. With the remaining funds, the Commission would then fund one new applicant for each of the 15 areas of graduate study covered by the WICHE program. Consequently, new applicants for WICHE monies would not be completely eliminated. Any remaining monies would be allocated on a priority basis determined by the estimated employment demand for each field and determined by the number of students in each field applying, as a percentage of the total applicants. If the funding is at the level proposed by the Governor, the Commission would not reach students past the fourth ranking; law is ranked 13th. Therefore, under the Governor's budget, only one new applicant for the study of law would be funded in the coming fiscal year.

The Senate Finance Subcommittee reviewing the Commission's budget has indicated that it will recommend full funding for the Commission. Full funding would allow the Commission to provide WICHE monies for all applicants regardless of the field of graduate study. It is expected, however, that the Governor would veto full funding.

With a total bar membership of 1,320, it is self-evident that there is no shortage of lawyers in Alaska. In 1972 when there were about 500 lawyers admitted to practice, the bar membership has increased at a rate of 11 percent annually. Nor will a cut off of WICHE funds halt this rapid growth because it is estimated that more than 90 percent of recent admittees only qualified as Alaskan residents at the time of taking the bar exam. What will happen if WICHE funds are cut back is that indigenous Alaskan residents, and particularly Alaska's ethnic minorities, will be deprived of an opportunity to study law.

RECOMMENDATION

A. The Alaska Bar Association will immediately send a letter to Governor Hammond and the relevant Senate and House committees outlining the consequences of a cutback in WICHE funds in terms of increasing the number of Alaskan lawyers.

B. The Alaska Bar Association will direct its lobbyist or designated members of the bar to personally speak with the Office of the Governor and the legislature regarding the WICHE cutback and its implications for future Alaskan lawyers.

II

INCREASING THE NUMBER OF ETHNIC MINORITIES INTERESTED IN THE STUDY OF LAW AS A CAREER

The Committee has been able to identify five Alaskan Natives (one retired) and three blacks admitted to practice in Alaska. There are several explanations for the paucity of ethnic lawyers practicing law in Alaska.

1. At present, only five percent of Alaskan Natives and blacks finish in the top quarter of their class in Anchorage. Fifty percent of eleventh grade Alaskan Natives and blacks tested in the lowest quarter of their class. Of those who do finish in the top quarter, most have no career goals or have not prepared themselves for college course work.

2. There is no law school in Alaska.

3. Little money is available for the study of law outside of Alaska.

4. An inordinate number of minorities who do take the Alaska bar exam fail it.