

U.S. AIR FORCE SUNSET REVIEW FILE NO. 18

September 26, 1979

Peter C. Ginder
Chairman
Probate Committee
420 L Street #402
Anchorage, Alaska 99501

Dear Pete:

I am in receipt of your letter of September 19, 1979
and the information contained therein.

I want to take this opportunity to thank you for keep-
ing me informed on the activities of the Probate Committee
and to express my appreciation for your efforts.

Sincerely yours,

ALASKA BAR ASSOCIATION

Donna C. Willard
President

wj

Law Offices of
Kempel, Huffman & Ginder

420 "L" Street, Suite 402
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Roger R. Kempel
Richard R. Huffman
Peter C. Ginder
Ronald L. Baird

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SEP 20 1979

ALASKA BAR
ASSOCIATION

September 19, 1979

Donna C. Willard, Esquire
President
Alaska Bar Association
P.O. Box 279
Anchorage, Alaska 99501

Re: Alaska Bar Association
Standing Committee on Probate

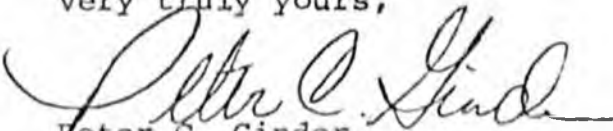
Dear Donna:

I have enclosed an illustrative copy of a letter sent today to all of the members of the above-referenced committee. Please be advised that a copy has been sent as well to Ted King, our liaison with the Board.

The enclosed letter is self-explanatory. Suffice it to say that the response to this letter, or the lack thereof, will give us a great deal of insight into the ultimate fate of the committee.

Again, I appreciate your patience and cooperation. Needless to say, I will keep you posted on my attempt to generate some enthusiasm for the work of the Probate Committee.

Very truly yours,


Peter C. Ginder

PCG/rg

Enclosure

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September 17, 1979

Ronald A. Offret, Esq.
Vice-Chairman
310 "K" Street, #408
Anchorage, Alaska 99501

Dear Ron:

I write in my capacity as Chairman of the Standing Committee on Probate of the Alaska Bar Association. I do so in order to solicit your views in regard to the role to be played by this Committee. Your thoughts, comments and suggestions will be incorporated into a statement of goals and purposes which will soon be sent to Donna C. Willard, President of the Alaska Bar Association.

At the outset, it should be pointed out that there is a very real question in the minds of many in regard to whether or not this particular committee need continue to exist at all. I have been a member of this committee since my admission to the bar in the autumn of 1974. During that period the Probate Committee has, to the best of my knowledge, neither held a meeting, actively lobbied for passage of a particular piece of legislation, nor undertaken any other activities generally undertaken by committees of this type. A review of my rather sparse file involving the activities of this committee reflects fewer than half a dozen pieces of correspondence, most of which are similar to this one.

The relative inactivity of the Probate Committee has not, I suspect, been due to lack of interest in the subject matter, for the committee is made up of people who are, by definition, interested in this area. Further, I do not feel that it is due to any lack of energy or initiative on the part of

Ronald A. Offret
Re: Standing Committee on Probate
September 17, 1979 - Page Two (2)

the various committee members. Rather, I feel that this committee's inactivity over the past five years is due to two factors: First, the bar association has for a number of years placed little if any emphasis on the successful operation of the various standing committees. The relative indifference of the bar has resulted, in my view, in apathy on the part of the members of the committees themselves. This factor is no longer present, as the incumbent Board of Governors has made it clear that it places a significant amount of emphasis upon the committee function. It is equally clear that the Board intends to revitalize the committees so that they might play an effective role in the overall context of bar activities.

A second factor resulting in this committee's inactivity is, I feel, unique to this committee. We are not, unlike other committees, dealing with laws which require extensive revision. The Alaskan adaptation of the Uniform Probate Code, AS 13.06.005 et seq., is a coherent and unified body of law which has been enacted here in Alaska on a relatively recent basis. Whatever its perceived defects, it is hardly ripe for extensive revision. As a result, one of the roles normally undertaken by a committee such as this one is effectively foreclosed.

Legislative enactment of the Uniform Probate Code also removes this Committee from the business of drafting proposed "model" forms or practice manuals. The "official" forms promulgated and adopted by the Supreme Court of the State of Alaska on June 5, 1974, are sufficiently comprehensive to cover most of the situations apt to be encountered in day-to-day probate practice. Moreover, similar forms are readily available from other states which have adopted the Code. Finally, of course, there are a variety of practice aids available to the practitioner here in Alaska, including official comments, practice manuals, and a growing body of commentary and case law. There does not appear to be a significant need for additional work in this area on a local level.

It is apparent from my conversations with Donna that serious consideration will be given to disbanding this Committee if it fails during the coming year to develop coherent goals and

Ronald A. Offret
Re: Standing Committee on Probate
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objectives and then take steps to accomplish them. I personally feel that the Committee can become a viable entity, and that it should continue to exist. I feel that the Committee can perform a valuable function in at least three distinct areas. First, by its mere existence it serves as a vehicle for action if action indeed becomes necessary. This alone gives its continued existence some value. Second, it can and should be used as a clearing house for information and discussion on the problems apt to be faced by probate practitioners. I feel that this role is an important one, even if organized along informal lines. Third, there is a public information function which can readily be met by the members of this Committee.

Finally, of course, there is at least some necessity to refine and supplement existing legislation. This committee could most certainly do an effective job of drafting, submitting and promoting various pieces of legislation designed to amend or supplement the Code. Supplemental legislation which would appear to be desirable would include legislation dealing with simultaneous death, fiduciary powers, allocation of principal and income, and assignment of group life insurance policies.

I would very much appreciate it if you would give active thought to the role of this committee and contact me with your comments and suggestions when you have done so. Your comments, formal and informal, will be of great assistance. I will look forward to hearing from you.

Very truly yours,

KEMPPEL, HUFFMAN & GINDER



Peter C. Ginder

PCG/rg

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February 20, 1979

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FEB 25 1979

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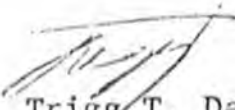
Attn: Donna C. Willard
President Elect

Dear Donna:

For some time I have been meaning to give you a report on progress of the Alaska Probate Committee. Frankly, a recent bout of mine own with pneumonia has delayed the report and some committee activities. However, some things have been accomplished. In general, we are doing the following. First, the committee is preparing a position on three different pieces of legislation which has been introduced in the Alaska legislature and will be providing that to the appropriate committee. Additionally, a group in the committee is working on an effort to obtain repassage of the Uniform Simultaneous Death Act. In addition, the committee is seeking to adopt a position on trust registrations since at least a fair portion of the committee feels that it should be repealed. Also, some discussion has been had concerning interpretations of the code by different masters and possible means of obtaining uniform interpretations.

I hope this update is of assistance to you.

Very truly yours,


Trigg T. Davis

TTD:pn

*Orig sent to Donna
2/26*

HUGHES THORSNESS GANTZ POWELL & BRUNDIN
Attorneys at Law

JOHN C. HUGHES	RICHARD D. THALER
DAVID H. THORSNESS	CARL J. D. BAUMAN
RICHARD O. GANTZ	FRED B. ARVIDSON
JAMES M. POWELL	ROBERT T. PRICE
BRIAN J. BRUNDIN	* DENNIS M. BUMP
* MARCUS R. CLAPP	MARY HUGHES PATCH
KENNETH P. JACOBUS	FRANK A. PFIFFNER
GARY W. GANTZ	* RALPH R. BEISTLINE
JERRY E. MELCHER	RANALD H. JARRELL
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Please reply to: ANCHORAGE

May 8, 1978

Kenneth O. Jarvi
President Elect
Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99510

Re: Probate Committee

Dear Mr. Jarvi:

Pursuant to your request, March 29, 1978, as enlarged by an oral request of Boyett Godell, it is my painful duty to report that the probate committee as such has not functioned well during the year of 1977. However, I think it is also fair to state that it has functioned as well in 1977 as it has in any of the other recent past years.

By virtue of a letter of January 11, 1977, I was either appointed chairman or co-chairman, as the case may be with Norman C. Banfield of Juneau. I have not seen Norman during the past year, but I have talked with Mrs. Banfield and it is my belief that Norman is at least partially retired from the practice of law. I will send a copy of this letter to him and we will perhaps hear more from him.

In the past several years, I have from time to time, circulated Round Robin's letters with various members of the probate committee; but to date, none of my letters have stimulated much response that I can recall.

The last letter that I passed around to the committee was on February 12, 1976, at which time we were discussing the tentative standards for specialization in estate planning and probate law.

My major personal effort on behalf of the bar, during the past year has been in the area of grievance committee work

Mr. Kenneth O. Jarvi
May 8, 1978
Page Two

and one of our major hearings involved several allegations of poorly attended probate matters that extended over a great period of time.

I don't know how the message can be delivered to the Bar, but it is my opinion that the uniform probate code has enlarged the possibility for dilatory practice in the probate sector, particularly for those who only occasionally do some probate work.

As I see it, the probate code for the State of Alaska really wasn't sufficiently inadequate as to require the adoption of the uniform probate code because we did have essentially a no notice probate, and we had removed most of the hurdles, such as, court order for the sale of all property, and we did have a definitive 1, 2, 3 statutory procedure that could be understood by most lawyers who wanted to practice probate occasionally. All they had to do was follow the statute and go by the numbers.

Under the uniform probate code, instead of a book of rules so to speak, we have a series of options and not infrequently the lawyers that are faced with a series of options couched in vague and unfamiliar language find themselves pretty much like the farmer boy in the potato cellar sorting spuds, decisions! decisions! decisions! and the result is that a busy lawyer trying to handle an occasional probate finds that a year or so has gone by and he hasn't made any decisions.

I have recently received a request from the lower 48 in respect of a probate that has been pending for more than one year, and no personal representative has yet been appointed, no notice to creditors published, no inventory filed and the lawyer involved is still faced with decisions.

Once a probate proceeding gets a year behind schedule, it is pretty difficult for any other lawyer to pick up the file and make it appear like a professional operation.

It would seem to me that until the day we do have meaningful specialization within the probate practice of law and probably even after we do have that specialization, that the court through its rule making authority, could greatly

Mr. Kenneth O. Jarvi
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assist the probate practice by installing a rule to the effect that no lawyer or firm of lawyers could file a probate matter if they had pending a probate matter of more than eighteen months or two years duration without a special order of court. The point being that some norm be established (comparable to the theory that no Judge should receive compensation who has had under consideration a motion for six months without decision thereon). Over and above the proposition above recited, I have in mind two areas of housekeeping chores that could be modified either by rule making authority or statutory change to the benefit of probably court personell as well as the general public.

The trust registration is covered in Chapter 36 and the contents of the registration is covered in Section 13.36.010. It appears to me that the main purpose served by the statute is to designate a person upon whom service of process can be had. The service of process is important and represents a plus to the general public, but it also seems to me that there ought to be a positive benefit to the trustor and to the beneficiary.

It would be my suggestion that the registration of a trust under Chapter 36 should be prima facie evidence that the person named in said registration has the authority to act as trustee, but the successor trustee if any should be named in the registration and that a title company or a lending institution should be entitled to rely on the authority of the trustee named in the "trust registration" to act for and on behalf of the trust. If we did this, then the designated trustee could not only accept service, but would have the prima facie authority and a title company or a bank could rely upon the signature of that particular individual.

From a housekeeping stand point, in the Anchorage office, most of the trust registrations are contained on one legal sheet of paper. A ten dollar fee is paid and the court in the probate's office opens a file, places the one sheet of paper in the file and it is then placed in the file cabinet for posterity. If you would look at the trust registration file in the Anchorage office, you would see a filing cabinet full of file folders with nothing in them except the Acco Fastners and one sheet of paper. A more practical method of handling these simple filings would be to photocopy them and put them into a regular recording book or in a ring binder of some sort which certainly would be less cumbersome. If

Mr. Kenneth O. Jarvi
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Page Four

a standard trust registration form were established, it could be accommodated in a much more economical arrangement. My main concern however, is not the housekeeping chores, but rather the thought is to breathe more life and purpose into the statute other than the registered agent concept suit.

It is my recommendation that Section 13.11.315 which allows for the deposit with the court of a will of the testatory during his lifetime, is not well thought out. I admit prejudice because I cannot think of a situation where I would use the court as a depository and I never have used the court as a depository of a will. The areas of rethinking are as follows: My understanding is that Court Administrator Arnold on March 15, 1978 issued a memorandum directing that wills could be filed only at Anchorage, Kodiak and Kenai in the Third Judicial District due to the lack of facilities. The storing of an endless number of wills of a transitory population over a period of fifty or a hundred years can create a terrific paper jam, because the testatory may die in a foreign jurisdiction or even if he dies within the State of Alaska, there is a very good chance that the filed won't be discovered. I can foresee that the State of Alaska will have the thankless task of storing hundreds or thousands of wills in the next few generations without ever knowing whether the will has been modified or the testatory died in another jurisdiction, and without any possibility of clearing the revised or revoked wills from record. It would appear that the theory of recording wills is based upon the assumption that a person makes a will only once in their life and accordingly, no provision need be made for modification, revocation or change of circumstances. The lack of recognition of these possibilities, can itself work an injustice.

It would appear to me that the effectiveness of a recorded will because it has a limited value, in the respects above mentioned, should be offered for a period of time only. In other words, if you want to record your will, it would be good for a period of five, ten or fifteen years; but in any event, there would be a point in time when the will would be considered destroyed, unless it was renewed by some overt act. At the same time, no will should be accepted without a permanent address where the testatory could be contacted in order that the notice of termination or return of the expired or voided will might be transmitted.

Mr. Kenneth O. Jarvi
May 8, 1978
Page Five

I would recommend that the Uniform Simultaneous Death Act enacted as Chapter 80, Laws of Alaska 1949 be reenacted. As I see it there is nothing in the Probate Code to prevent the two from working in harmony and we need the 1949 Act.

Recognizing that the different members of the probate committee might well differ in regards to the above expressed thoughts, I am giving each of them a copy of this letter.

Respectfully submitted,


John C. Hughes

JCH:meh

cc: James McCarrey, III
Suzanne Pestinger
Trigg T. Davis
Kenneth McCaskey
Peter Ginder
Norman C. Banfield

D16

Annual Reports
Real Estate Committee

RECEIVED

MAY 26 1978

ALASKA BAR
ASSOCIATION

LAW OFFICES

FRANCIS J. NOSEK, JR.

A PROFESSIONAL CORPORATION

1026 WEST FOURTH AVENUE, SUITE 206

ANCHORAGE, ALASKA 99501

TELEPHONE
(907) 274-2602

May 26, 1978

TO: KEN JARVI, Board of Governors, Alaska Bar Association
FROM: FRANCIS J. NOSEK, JR., Chairman
RE: REAL ESTATE COMMITTEE REPORT

I. COMMITTEE ACTIVITIES

- A. Reviewed various items of significant legislation (State) of interest to real estate practitioners. This was done by Nosek as Alaska Representative of American Bar Association, Committee on Real Property, Probate and Trusts. This report was not made available to the Alaska Bar due to cost, but is available through the ABA.
- B. Reviewed various items of significant court decisions (State) of interest to real estate practitioners. This was done by Nosek as Alaska Representative of American Bar Association, Committee on Real Property, Probate and Trusts. This report was not made available to the Alaska Bar due to cost but is available through the ABA.
- C. Explored possibility of the presentation of a seminar on real property law by a national figure, both through the ABA and ALI-ABA. None appear available without significant subsidy.
- D. No formal meetings were held.
- E. Contact was made with the Anchorage Board of Realtors regarding joint presentation of programs of interest to both lawyers and realtors.

II. CONTINUED EXISTENCE

- A. This committee has valid reasons for existence, i.e.,
 - 1. legislative review
 - 2. case law review
 - 3. legal education

- B. If re-structured, this committee should continue to exist and will become increasingly viable and needed. Might as well continue growth now.

III. SHOULD COMMITTEE CONTINUE IN PRESENT COMPOSITION?

- A. Present composition is unwieldy.
- B. Should be re-composed. (See later comments)

IV. ROLE OF BOARD OF GOVERNORS AND EXECUTIVE DIRECTOR

- A. Board Role - adapt the structural format later suggested.
- B. Executive Director Role - provide reproduction and mailing assistance, provide coordination and registration for seminars.
- C. Funding - possibly for travel for seminar lecturers.

V. OBJECTIVES

A. Restructure:

1. Three (3) member executive committee, authorized to carry out and on the committee objectives without other approval.
2. Membership should carry a \$5.00 annual fee and entitle member to (a) publications at cost, (b) annual meeting resolutions and vote.
3. Membership open to any Alaska Bar Association member.

B. Next Year Objectives:

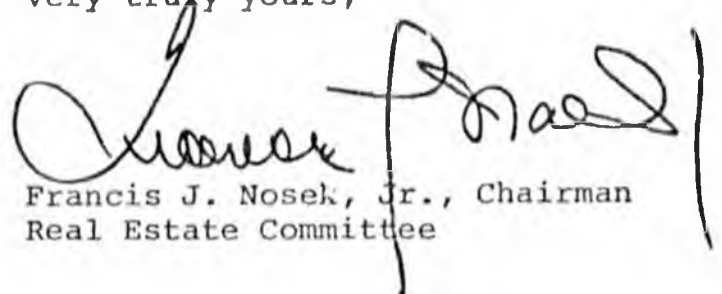
1. Mail members report on significant Alaska real property legislation and case decisions.
2. Establish a pilot program of "mini-seminars" -
 - (a) 2-3 hours in evening.
 - (b) Standardize format.

- (c) Topics to be basic to real estate practice initially, later somewhat more specialized as to area of real estate law.
- (d) Lecturers to be practicing Alaska lawyers, one visiting and one local, to be supplemented with others as needed, i.e., insurance, tax, etc.
- (e) Open to all lawyers and public.
- (f) Minimal fee, i.e. \$10.00 to defray costs.
- (g) Attendees to receive credit toward continuing legal education.
- (h) Instructors to receive "honorarium" plus double CLE credit.
- (i) Outline material for seminar to be printed by Executive Director and distributed to enrollees attending.

C. Long Range Objectives:

1. Improve and increase "mini-seminars".
2. Promote joint programs with the local Board of Realtors.
3. Aim for one per year, 1-2 day seminar by outside experts.

Very truly yours,



Francis J. Nosek, Jr., Chairman
Real Estate Committee

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March 13, 1979

RECEIVED

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

MAR 15 1979

ALASKA BAR
ASSOCIATION

Re: Real Estate Committee

Dear Donna:

The Real Estate Committee organized in December and adopted a purpose clause in January, a copy of which is enclosed for your information. It is based on the purpose clause set forth in the American Bar Association By-Laws on the section of real property, probate and trusts.

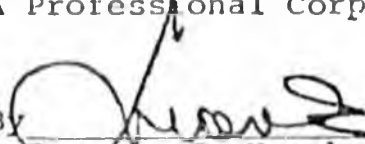
The Committee is meeting monthly on the third Thursday of the month at noon at "The Restaurant". The Committee has the following undertakings in progress:

1. Title 34 and other Statutes relative to real property are in the process of being revised by the State Code Revision Commission. The Real Estate Committee is working with the contract lawyer for the Commission in reviewing drafts of the proposed code revisions in this area. It is contemplated that these revisions will be submitted to the legislature in 1980, and will be offered for preview to the Bar Association and other interested persons in the community prior to filing.
2. We are reviewing legislation filed which we feel has some effect upon real property areas.
3. We are communicating with the Anchorage Board of Realtors and exploring joint educational programs.

The following members, initially appointed to this Committee, have not attended any meetings: Dan Coffey and Paul Robison.

Best regards,

FRANCIS J. NOSEK, JR.
A Professional Corporation

By 
Francis J. Nosek, Jr.

dry sent 3/16/79
FJN:sl

Enclosure

ALASKA BAR ASSOCIATION

REAL ESTATE COMMITTEE

Purpose

The purpose of the Real Estate Committee shall be to study the law concerning the ownership, use, development, transfer, regulation, financing, taxation, and disposition of real estate and all interests therein, including but not limited to the following specific purposes:

- (a) To consider all matters of legal interest relating to the various subjects covered;
- (b) To engage in educational and related activities;
- (c) To inform and assist members of the Bar in all matters pertaining to the subject matter covered.
- (d) To sponsor, encourage and promote scholarship in these fields;
- (e) To collect, analyze and disseminate information as to legislation and judicial decisions;
- (f) To initiate, sponsor and promote within the Association legislation and uniform laws when necessary and appropriate in the public interest;
- (g) To provide in accordance with Association policy a forum, where appropriate, with other disciplines; and with governmental and private bodies, for the exchange of ideas and opinions; and
- (h) To serve as a spokesman for the Bar, if approved by the House of Delegates.

D17

Annual Reports

Statutes, By-Laws & Rules Committee

F
Committee Reports

W. EUGENE GUESS, 1932-1975

ROBERT C. ELY
JOSEPH RUDD
THEODORE C. FLEISCHER
FRANCIS E. SMITH, JR.
HERBERT BERKOWITZ
MICHAEL G. BRIGGS
DAVID H. BUNDY
HARRIS SAXON
PHILLIP J. EIDE
GARY A. ZIPKIN
JOSEPH M. WILSON
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OF COUNSEL

May 8, 1979

RECEIVED
MAY 8 1979
ALASKA BAR ASSOCIATION

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

Re: Statutes, By-Laws & Rules Committee

Dear Donna:

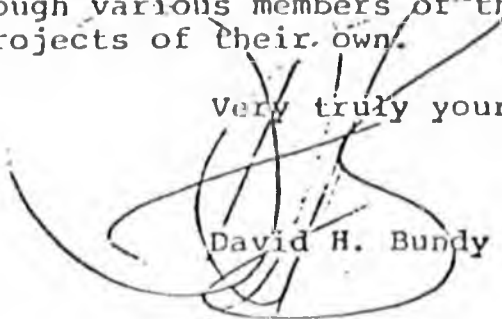
In response to your letter of April 19, 1979, this letter will constitute an annual report of the above committee.

During the past year, this committee has been engaged in consideration and drafting of proposed amendments to the Association's by-laws and to the Bar Rules. Principal projects included revisions to the discipline rules, which were adopted by the Supreme Court earlier this year, and the drafting of a definition of "the practice of law".

The committee's work generally is assigned to it by the Board, or the Executive Director, and the projects are routed through the chairman of the committee to various committee members. The committee's proposals are then sent to the Board for its consideration and review.

I would anticipate that the work of the committee during the next year will be conducted along the same lines as previously, although various members of the committee may wish to originate projects of their own.

Very truly yours,


David H. Bundy

DHB:gm

Preface:

Once again, the most active committee of the Alaska Bar Association has had an extremely busy year. While no amendments were proposed to the statutes governing the bar because complete revisions were accomplished in 1975-1976, rule changes proliferated.

For clarity and organization this report will be divided into major parts; rules amendments and by-law and code revisions. Each subpart will be further divided into five parts; rules pending before the Court, rules rejected by the Court, rules approved by the Board, and rules in Committee.

Committee Report

I. Rules

For those unfamiliar with the procedure, a Rule or Rule of Civil Procedure is either promulgated by the Board. If the proposal comes from a variety of sources and is initiated by the Committee or a special committee formulated by the Board.

W. EUGENE GUESS, 1932-1978
ROBERT C. ELY
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PAUL DESTEFANO
GENE R. NICHOL
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ELY, GUESS
A PHOTO

Thereafter, proposed language is taken before the Board. If it is either accepted, rejected, modified or returned to Committee for study. When accepted, it is forwarded to the Supreme Court with a recommendation for its adoption. Action by that body decides its future.

A. Rules Promulgated by the Court

No rules initiated by the Bar Association have been adopted by the Court since the last convention.

B. Rules Pending Before the Court

1. An amendment to Rule 44 which would allow persons who have at one time failed but subsequently passed an out-of-state bar examination to be granted a legal intern permit.

2. A revision to Rule 4, section 7 requiring that any bar applicant electing to substitute an earlier MBE score be required to file such election at the time application is made to take the bar examination.

3. Rules 7 and 7.1, represent extensive reorganization of the admissions rules. Proposed Rule 7 governs the conditions under which an administrative hearing would be granted to a failing applicant. New Rule 7.1 would detail the procedures to govern such a hearing.

4. Rule 8 has been revised to provide that no Supreme Court review would occur in applicant appeal cases until the administrative hearing process before the Board has been exhausted. It further provides that the normal filing fee schedule of the Supreme Court will apply.

5. Rule 28(b) has been amended to give the Court the authority to issue orders to show cause in pending disability cases. It also gives the Board the discretion to take and preserve evidence where disciplinary action is pending in conjunction with a disability case.

6. The amendment to Rule 31, if accepted, would give the Board authority in all disciplinary cases except those involving disability to publish a summary of facts, without reference to the attorney by name, once Board action has become final. Rule 39 would also give the Board authority, in fee arbitration matters, to publish a summary of the facts once Bar action is final. Furthermore, applications for discovery and the extent it will be allowed will be within the discretion of the Chairman of the Fee Arbitration Panel.

g. Rule 81 of the Rules of Civil Procedure has been amended to provide that out of state attorneys appearing before both administrative agencies and arbitration proceedings must comply with the procedures of Rule 81.

The Court has asked the Board to provide a legal opinion, which is currently being drafted, as to whether or not the Court has the authority to regulate such attorneys.

C. Rules Rejected By the Court

An amendment to Rule 2, Section 2 which would have established the multi-state portion of the Alaska Bar exam as the examination to be taken by the attorney applicants was rejected by the Court without consultation with the Board.

D. Rules Pending Before the Board

1. An amendment to Rule 14, providing for removal of any member of a Disciplinary Hearing Committee who fails to attend two consecutive hearings.
2. An amendment to Rule 28(e) provided for notification to the Federal District Court and State administrative agencies of a disability order.
3. Complete revision of the Disciplinary Rules.
4. A revision to Rule 37 providing for the removal of fee arbitration panel members in appropriate instances.
5. New Rule 62 providing procedures for the consideration of and adoption of Rules, By-Laws and regulations.
6. A Rule defining the Practice of Law.

E. Rules Pending in Committee

1. A Trust Fund Audit Rule pursuant to resolution of the Bar Convention.
2. Complete revision of Rule 44, the Legal Intern Rule.
3. Amendments to Rule 7 providing for conditions under which a failing bar applicant must elect between an administrative hearing and the right to take the next bar examination.

II. By-Laws and the Code of Professional Responsibility

1. Currently pending before the Court is an amendment to DR 2-102 which ^{would} preclude the use of a firm name where the named attorneys are not admitted to the practice of law in Alaska.
2. Professional Corporation By-Laws were proposed but rejected by the Board.
3. The Board passed an amendment to Article III, section 8 of the by-laws providing for a determination of good character where an attorney has been inactive for more than one year and ^{desires} fails to return to active status.
4. Article IV, Section 1 was revised to raise inactive dues from \$10.00 to \$35.00.

5. Pending before the Board are amendments to Article III, Section 1 & 3 and Article IV, Section 1(b), providing for a judicial membership category and establishing bar fees for that group.

It has been an exciting and challenging experience to serve as Chairman of this Committee for the past three years.

Respectfully Submitted,

Donna C. Willard
Chairman

- Donna C. Willard.
Chairman

D18

Annual Reports
Taxation Committee

RECEIVED

MAR 3 1979

ALASKA BAR ASSOCIATION

TAXATION COMMITTEE ANNUAL REPORT FOR 1979

In late 1978, the Board of Governors of the Alaska Bar Association approved the formation of a Taxation Committee, and appointed the initial membership of the committee. Subsequently, on January 18, 1979, the Taxation Committee held its organizational meeting. The membership discussed the goals of the committee, and created the following subcommittees:

(1) Legislative Subcommittee. The four members of this committee (representing Anchorage, Fairbanks and Juneau) will attempt to keep a constant monitoring upon tax and tax-related legislation which is before the legislature. The Committee intends to review such legislation, and where appropriate, make recommendations to the legislature. In addition, we plan to recommend needed legislation in the tax area. We will work with the Taxation Committee of the CPA Society, and propose unified legislative recommendations, where possible. George Goerig and Ralph Duerre are Co-Chairmen of this subcommittee, and the other members are Franklin Fleeks and Steve Pearson.

In April, the Taxation Committee met and discussed tax legislation pending before the legislature in Juneau. The committee's conclusions and recommendations were subsequently drafted and sent to the Chairman of the Senate and House Finance Committees.

(2) New Tax Law Developments Subcommittee. The purpose of this subcommittee is to monitor new developments in the area of state taxation. This subcommittee will bring such developments before the Taxation Committee for general discussion. In addition, this subcommittee will coordinate the preparation of monthly tax articles which will be published in the Bar Rag. The purpose of the articles is to provide practical, useful tax information to the members of the Bar. William Van Doren and Bernard J. Dougherty are Co-Chairmen of this subcommittee, and all of the members of the Taxation Committee will work upon the projects of this subcommittee.

(3) Continuing Education and Public Education Subcommittee. This subcommittee will coordinate, organize and assist the presentation of continuing education programs in the field of taxation. In addition, this subcommittee will provide organization and personnel for the presentation of programs to the public relating to taxation matters. Peter Ginder is the Chairman of this subcommittee, and Stanley Reitman and David Shaftel are also members.

Page two

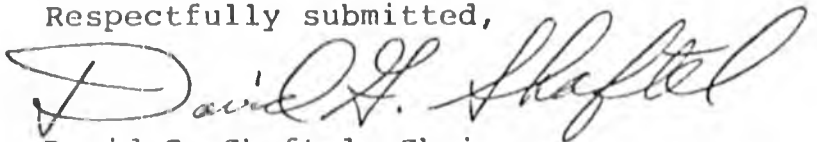
In addition to the above subcommittees, Stanley Reitman has agreed to serve as liason between the Tax Committee and the CPA Society, and has agreed to be the Law Library Resources representative.

The membership of the Taxation Committee for 1979 is:

Peter Bartlett	A. Fred Miller
Bernard J. Dougherty (Vice Chairman)	Steve Pearson
Anthony D. Doyle	Stanley H. Reitman
Ralph Duerre	David G. Shaftel (Chairman)
Franklin D. Fleeks	William Van Doren
Peter Ginder	Joseph A. Vittone
George F. Goerig	Thomas Yerbich
Bill Lawrence	

The Taxation Committee has monthly meetings on the second Friday of each month at the conference room of Cole, Hartig, Rhodes, Norman & Mahoney.

Respectfully submitted,


David G. Shaftel, Chairman

D19

Annual Reports

Tort Committee

LAW OFFICES

KELLY & LUCE

A PROFESSIONAL CORPORATION

1015 WEST SEVENTH AVENUE

ANCHORAGE, ALASKA 99501

(907) 279-9571

BERNARD P. KELLY
L. JAMES LUCE

KENAI OFFICE

HIGHLAND BUILDING
P. O. BOX 3762
KENAI, ALASKA 99611

May 8, 1979

✓ Kenneth O. Jarvi, Esq.
President, Board of Governors
Alaska Bar Association
Anchorage, Alaska 99501

Ms. Donna Willard
President Elect, Board of Governors
Alaska Bar Association
Anchorage, Alaska 99501

RECEIVED

MAY 9 1979

GARRETSON & JARVI
ATTORNEYS AT LAW

Re: Tort Committee, Alaska Bar Association

Our Tort Committee has met three times this year, and as you know, we are one of the active forces behind having a lobbyist in Juneau. Attendant to that, Norman Gorsuch was hired by the State Bar. I have discussed with Mr. Gorsuch the legislative areas of concern and can report as follows:

1) That a bill which would reduce the civil liability of the State for highway road defects did not get out of its original committee of recommendation.

2) That the bad products liability bill that would set a short statute of limitations and curtail consumers' rights did not get out of committee of original referral. We will probably see this bill again, since there is a big push in the State of Washington, and that state may have passed a bill similar to that introduced here. I may have that information by the time of the Alaska Bar convention.

3) That no-fault auto liability insurance did not get out of its committee of original referral and it seems to have lost a lot of its appeal with the legislature.

4) That a bill to exempt gratuitous furnishers of alcoholic beverage from liability, according to my understanding, is still in committee and will not pass this year.

As you know, the legislature adjourned on Sunday, May 6, 1979.

We are told that hearings will be held this summer on the matter of Superior Court judgeships for Anchorage, and it seems to be agreed that we will get one Superior Court judge. Our Tort Committee

Kenneth O. Jarvi, Esq.
Ms. Donna Willard
May 8, 1979
Page Two

will probably try to fight for more - probably three Superior Court judgeships for the Third Judicial District.

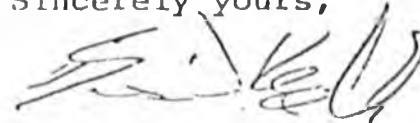
The intermediate Court of Appeals bill was defeated, but prospects for that bill also may be pretty good in the upcoming legislature.

We plan to hold one more meeting of our Tort Committee - if possible, before the State Bar convention - and I could report further at that time if you so desire. We would like to keep as much of our committee intact as possible, since we have a good working group.

We also recommend the lobbyist for next year, and we would like to remain active at the legislative level. I will try to keep a legislative file and note bills of concern that could be discussed with the Board of Governors for a position.

I hope this report is satisfactory and self-explanatory.

Sincerely yours,



Bernard P. Kelly, Chairman
Tort Committee

BPK:de

BERNARD P. KELLY
L. AMES LUCE

LAW OFFICES
KELLY & LUCE
A PROFESSIONAL CORPORATION
1015 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 279-9571

KENAI OFFICE
HIGHLAND BUILDING
P. O. BOX 3762
KENA, ALASKA 99611

May 20, 1978

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

Re: Alaska Bar Association Tort Committee

Dear Ken:

I am sorry for the delay in response to your letter of March 29, 1978, regarding activities of my committee, which is the Tort Committee. This letter got misplaced, and I have been out of town a good portion of the time.

There have been no formal meetings of my committee during the past year. There has, however, been a significant amount of activity informally by myself and other members of the Bar, at my request. I would like to review the needs of the Tort Committee at the Bar meeting, and would request the time to discuss this matter.

Some of the informal activities that have occurred are as follows:

1) Mr. Edgar Paul Boyko, Mr. L. Ames Luce, Mr. Stephen S. DeLisio, Mr. Theodore M. Pease, Jr., and I made separate presentations before the legislative task force which met in Anchorage for two or three days last summer on the automobile no-fault question. Mr. Luce and I brought out Leonard Ring of Chicago, Illinois, former president of American Trial Lawyers and presently head of the Auto Reparations Committee of ATLA, to attend that meeting. As a result of our efforts, the special legislative interim committee voted in our favor to not recommend a no-fault bill, at least of the type that would take away substantial rights from the injured public. As a result of that, this year's legislature apparently has no incentive to get out a no-fault bill.

2) Mr. Luce, Millard Ingraham, Sandra Saville, and perhaps others, appeared in Juneau on the medical malpractice question. As a result of those efforts, it appears that the only negative feature coming out of that proposal would be a voluntary medical malpractice insurance required of doctors instead of compulsory, as under the previous law, and the advisory panel remains intact, although it gives

Kenneth O. Jarvi, Esq.
May 20, 1978
Page Two

more leeway for the appointment of people other than physicians on such advisory panel.

3) Richard Block, Insurance Commissioner, who has taken a very strong stand in favor of a whole revision of the tort system, which would include various no-fault and other provisions which take away rights, including limitation of contingent fees, has not been able to get any more funding for his project into the tort reform. He previously started with an allocation of \$100,000 for such a study, the purpose of which would have been inimical to the Bar and the public. We are now advised that Commissioner Block is resigning because he is not in favor with the trial bar. We interpret this as a voluntary resignation by Block, in lieu of being fired.

4) I believe that the Tort Committee must remain active during the upcoming year, and I certainly will assure the Board that one meeting will be held before the next legislative session, and more meetings will be held if needed. We do need a small committee that is pretty dynamic and able to get together. We also need an active lobbyist. I do not believe the Bar can exist with the number of anti-lawyer bills that are now so popular in various legislatures. We must have good information flowing to us from Juneau on various legislative proposals, so that we are prepared to act in timely fashion.

I will expand on these thoughts at the meeting.

Sincerely yours,

KELLY & LUCE



Bernard P. Kelly

BPK:de

cc: Albert H. Branson, Esq.
R. Stanley Ditus, Esq.
Ms. Karen L. Hunt
Dick L. Madson, Esq.
William B. Rozell, Esq.
Richard D. Savell, Esq.
Edward A. Stahla, Esq.
Ms. Donna C. Willard

RECEIVED

MAY 23 1978

GARRETSON & JARVI
ATTORNEYS AT LAW

APPENDIX E

REGISTRATION

Publications & two luncheons are included in the \$55.00 registration fee.

Each person attending the seminar will receive a soft-cover book of approximately 250 pages containing detailed outlines of the lectures and a copy of the Prentice-Hall paperback book entitled Estate & Gift Tax Provisions of the Tax Reform Act of 1976.

Please register me for the Seminar on The Tax Reform Act of 1976 - Estate & Gift Tax Provisions. My check for the \$55.00 registration fee, payable to the Alaska Bar Association is enclosed. (The cancelled check will be your receipt.)

Name: _____

Address _____

Zip _____

Mail check & registration form to:

Alaska Bar Association
Box 279
Anchorage, Alaska 99510

No refunds will be made after 5:00 p.m. on January 19, 1977

Education expenses (including fees, books, travel costs & luncheons) are deductible if they improve or maintain skills. Treas. Reg. 1-162.5

Continuing Legal Education Committee
Alaska Bar Association

TAX REFORM ACT OF 1976
Estate & Gift Tax Provisions

January 21-22, 1977
Captain Cook Hotel, Aft Deck
Anchorage, Alaska

TAX
REFORM

ACT OF 1976

ESTATE & GIFT
TAX PROVISIONS



A Two Day

CONTINUING LEGAL EDUCATION SEMINAR

Sponsored By

The Alaska Bar Association

and

The Anchorage Estate Planning
Council

Anchorage
Captain Cook Hotel-Aft Deck

January 21-22, 1977

PROGRAM

ABOUT THE SEMINAR

The Tax Reform Act of 1976, which became law on October 4, 1976, comprehensively revised the Federal gift and estate tax laws.

The changes are numerous, creating many new tax planning limitations but new opportunities as well. This two-day seminar will focus upon the significant revisions of the Estate and Gift Tax laws and will serve as an introduction to this major legislation.

The seminar is a colored videotape presentation of a program presented originally by the American Bar Association National Institute in New York. It features some of the foremost tax authorities in the country, including Mark L. McConaghy, Legislative Counsel to the Joint Committee which drafted the Act. A panel of Alaska tax specialists will be available to answer questions from the audience.

January 21, 1977 - Friday

8:30 - 9:00 a.m. - Registration

Morning Session - 9:00 a.m.-Noon

Overview of Estate & Gift Tax Provisions

Mark L. McConaghy

New Credit Concept in Estate and Gift Tax

Dave L. Cornfield

Unification

Arthur Peter, Jr.

Transfers Made Within Three Years of Death

Dave L. Cornfield

Question & Answer Session

Noon: Luncheon - Aft Deck

Afternoon Session - 1:30 p.m.-5 p.m.

Marital Deductions

Frank S. Berall

Carryover Basis

Philip R. Stansbury

Panel discussion on Practical Problems in the Law Office Caused by Legislation in Reviewing & Revising Estate Plans & Documents.

David L. Cornfield

Arthur Peter, Jr.

Luther J. Avery

Question & Answer Session

January 22, 1977 - Saturday

Morning Session: - 9:00 a.m.-noon

Generation Skipping Transfers

Richard B. Covey

Valuation of Farm & Closely Held Business Property; Recapture, Special Lien

Luther J. Avery

Extension of Time for Payment of Estate Tax; Interest Rates, Special Lien; Distributions in Redemption of Stock

Jackson, M. Bruce

Question & Answer Session

Noon: Luncheon - Aft Deck

Afternoon Session - 1:30-4:30 p.m.

Income Tax Amendments Re Trusts

Edward J.P.

Zimmerman

Miscellaneous. Disclaimers

Lawrence Newmar

Byrum Rule & Orphan's Exclusion

Albert Kalter

Community Property, Qualified Pension Plan Benefits; Administrative Provisions

Thomas W. Wiley

Question & Answer Session

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

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Dear Bar Member:

Freedom of information and the right of privacy are ancient ideas that are enjoying new interest and attention within and without the legal community. The past five years have witnessed important and far reaching changes at every level of society in the fundamental rights of citizens to control the flow of information about their personal lives to and from government agencies or private entities. Because of the rapid pace with which changes in the law of privacy and freedom of information have occurred, the Alaska Civil Liberties Union and the Alaska Bar Association Committee on Continuing Legal Education will sponsor a conference on Informational Privacy on March 4 & 5, 1977. You are cordially invited to attend.

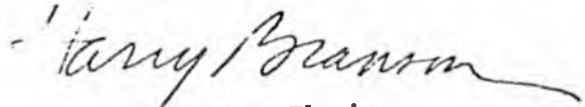
The morning of the first day of the conference will consist of an introduction to the Federal Freedom of Information Act, including a discussion of its general functions and purposes, and the more significant exemptions which limit the Act's usefulness. Morton Halperin, former Assistant Secretary of Defense who successfully litigated a privacy suit against Richard Nixon will conduct the first day's proceedings, aided by Charles Marson, a Stanford University law school lecturer and leading privacy lawyer. The afternoon will consist of discovery and litigation techniques in FOIA suits.

The second day of the conference will concentrate on trial strategies under the Freedom of Information Act, the Fair Credit Reporting Act, the Buckley Act, private tort remedies and bank secrecy acts. In addition, several Alaska attorneys will outline recent developments in the constitutional right of privacy in this state, the various public records laws in Alaska, and access to and dissemination of criminal justice information in Alaska.

The conference will be held at the Captain Cook Hotel on March 4 and 5, 1977. Course materials, including outlines of relevant Alaska statutes and an extensive litigation manual for the Freedom of Information Act are available. A brochure describing the conference in detail is enclosed for your review, along with an application form. It is advisable to pre-register by mail as seating will be limited.

We believe the conference will be interesting and useful to you and look forward to seeing you here in Anchorage.

Sincerely,

A handwritten signature in cursive script that reads "Harry Branson". The signature is written in dark ink and has a long, sweeping tail that extends to the right.

Harry Branson, Chairman
Continuing Legal Education Committee

BOARD OF GOVERNORS

ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

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RICHARD D. SAVELL
EDWARD A. STAHLA
THOMAS M. WARDELL

FOR IMMEDIATE RELEASE

On March 4th and 5th, at the Captain Cook Hotel, the Alaska Bar Association and the ACLU of Alaska will present a two day seminar on the Freedom of Information Act and Alaska Public Information Laws.

Guest lecturers will include Morton Halperin, former Senior Mentor of the National Security Council and frequent litigator of the Freedom of Information Act and Charles Marson, Legal Director of the Northern California ACLU and lecturer at Stanford Law School in Freedom of Information Act and Privacy Law.

Attorney's William Council, Assistant Attorney General, Alan Tesche, Assistant Attorney with the Anchorage Municipality, Phil Weidner, private attorney in Anchorage and Craid Cornish of Wagstaff and Middleton, will present a series of discussions on Informational Privacy Laws in Alaska.

The price of the two day conference is \$35.00. Pre-registration is now open at the Alaska Bar Assn., P. O. Box 279, Anchorage Alaska, 99510.

For more information contact Colleen Ray at 279-6900 or the Alaska Bar Assn. at 272-7469.

Marked 9-8-77

ALASKA BAR CONTINUING EDUCATION COMMITTEE

Announces a one-day course

DILEMMAS IN LEGAL ETHICS

(A videotaped American Bar Association presentation.)

Fairbanks - September 17, 1977
Contact Bob Groseclose or
Mary Nordale for time and location)

Juneau - September 24, 1977
9:00 a.m. - 3:00 p.m.
Sen. Ray Center, U of A
Juneau-Douglas Community College
10th & Glacier - Juneau

etchikan - October 1, 1977
9:00 a.m. - 3:00 p.m.
Grand Jury Room
State Court Building

Anchorage - October 7, 1977
9:00 a.m. - 4:30 p.m.
Jury Assembly Room, New Court Bldg.
3rd & K Streets, Anchorage
Live discussion following each tape.
Panelists: Chuck Flynn, Hugh
Fleischer, Member of Ethics Comm.

ABOUT THE PROGRAM

A highly entertaining program providing novel and imaginative approach for examining questions of legal ethics and professional responsibility. The five color videocassettes include dramatic vignettes and panel discussions on practical aspects of lawyering and legal ethics.

These videocassettes deal with ethical issues faced by attorneys in their day-to-day practice. Problems arising in common and important lawyering tasks, such as interviewing, negotiation, investigation, counseling and advocacy, are presented in casts of professional actors and lawyers. Following each dramatization, a distinguished group of panelists chaired by Barnabas Sears discusses the ethical issues and evaluates the conduct of the lawyers.

COURSE HIGHLIGHTS

Videocassette	Issues Raised		
Part One: Interviewing and the Law- yer-Client Relationship	Conflicts of Interest; Grounds for Divorce; Attorney-Client Privi- lege and Confidentiality; Fabrication of Evidence; Fee Setting; Conditional Representation; Obligation to Suggest Marriage Counseling	Part Three: Negotiation	Attorney preparation; Misrepresentation; Attorney Client Privilege; Attorney's Duty to Disclose Criminal Conduct; Extortion; Settlement Tactics; Obligation to Represent Diligently Every Client
Part Two: Counseling	SEC Disclosures; Bribery; Corporate Responsibility; Corporation Representation; Litigation Tactics; Fraud	Part Four: Investigation	Attorney preparation; Discovery; Right to Interview Opposing Witnesses; Fairness; Breach of Trust
		Part Five: Advocacy	Duties of Prosecutor; Perjury; Misuse of Evidence; Confidentiality; Fairness

Course Materials

Enrollees will receive a discussion guide for each videocassette. The guides contain transcripts of the vignettes annotated to the Code of Professional Responsibility and Formal and Informal Ethics Opinions, an analysis of key issues and lists of questions for discussion.

Enrollment Fee

The enrollment fee for this 5 to 6 hour course is \$25.00 (includes course materials).

Please use the enrollment form below.

Enrollment form

Please return to:

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

NAME _____

Street No. _____

City & Zip Code _____

- I enclose \$25.00 enrollment fee for the course. I plan to attend the program in:
- Fairbanks
- Juneau
- Ketchikan
- Anchorage

Make checks payable to Alaska Bar Association

Announces a two day Practice Course

CRIMINAL TRIAL PROCEEDINGS

TECHNIQUES & TACTICS

Anchorage - October 1 and 2, 1977

9:00 a.m. to 4:30 p.m.
Jury Assembly Room, 4th Floor
New Court Building
3rd. & K Streets, Anchorage

Limited Seating - Register Early

The program will be video taped in Anchorage and presented on video tape in the following locations:

Fairbanks - November 4 and 5
(Contact Bob Groseclose for
time and location)

Juneau - November 11 and 12
(Contact Theresa Bannister for
time and location)

Ketchikan - November 18 and 19
(Contact Tony Canorro for
time and location)

Sitka - December 2 and 3
(Contact Bill Royce for time
and location)

ABOUT THE PROGRAM

You can't learn everything you need to know about criminal trial work from books. Much of the criminal law practitioner's skill derives from on-the-spot in-court training and from observation of colleagues. Here is an opportunity to view criminal trial proceedings through the eyes of the veteran defense attorney.

This program is a unique blend of learning experiences that simulates this type of training. Four top criminal defense attorneys will offer valuable information and demonstrate proven techniques and tactics. These instructors will combine live discussions and videotaped segments to project the actual situations you encounter in criminal trial work.

The videotaped segments emphasize techniques for interviewing clients, cross-examining witnesses, introducing evidence, and other procedures.

THE INSTRUCTORS WILL ASSUME THAT YOU HAVE HAD SOME CRIMINAL TRIAL EXPERIENCE.

The program has been presented by the same instructors for the California Continuing Education of the Bar in several California locations.

COURSE HIGHLIGHTS

Pretrial Work

Investigation techniques
Client interview strategy
Preliminary hearing techniques
Motion under Penal Code Section 1538.5
(preparing for later use during trial)
Pretrial motions-how they can help or
hurt your case
The Ballard motion; tactical errors in
the use of experts
Severance and when not to use it
How to get discovery at a lineup
Preventing prosecution discovery
Fighting your client's priors

Bargaining and Disposition of Case

New California sentencing law and
its consequences
When to bargain
How to plead to what charge
Consequences of a plea
Diversion, transfer to other court
Dealing with the probation officer
Transition motions

Trial Preparation and Trial

- Confessions
- Hitch motion
- Lineups
- Anticipatory objections (challenge to judge or jury, Wade-Gilbert, Beagle, Miranda)
- Challenge to the jury panel
- Challenge to the judge
- Trial brief
- Jury selection (graphologists, exemptions, community surveys)
- Opening statement
- Motions at end of prosecutions' case
- Defense strategy
- Special defenses
- Objections
- Order of witnesses
- Conduct of direct examination
- Closing argument
- Instructions
- How to deal with a political defendant
- How to deal with an obstreperous judge
- How to deal with prosecution's arguments

Post-Trial Motions and Sentencing

- Motion for new trial
- How to reduce sentence

THE INSTRUCTORS

James R. Jenner (Course Coordinator)
Assistant Public Defender
Oakland

Charles A. Gessler
Deputy Public Defender
Los Angeles

Louis S. Katz
Gostin & Katz, Inc.
San Diego

Edward A. Rucker
Deputy Public Defender
Los Angeles

Enrollment Fee

The enrollment for this twelve-hour course is \$50.00. (includes course materials) in Anchorage. Attorneys who attend the videotaped presentation in Fairbanks, Juneau, Ketchikan or Sitka may enroll for the reduced fee of \$30.00 (includes materials).

Course Materials

Enrollees will receive a syllabus on criminal trial proceedings, including pretrial and post-trial motion. Note: This syllabus is designed to be used in conjunction with the instructors' presentations. You should not enroll just to obtain it.

PLEASE USE THE FOLLOWING ENROLLMENT FORM

Enrollment Form

Please return form to:

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

I enclose \$50.00 enrollment fee for the course in Anchorage on Oct. 1 & 2

I enclose \$30.00 enrollment fee for a videotape presentation of the program in the following location:

NAME _____

Fairbanks (Nov. 4 & 5)

Street No. _____

Juneau (Nov. 11 & 12)

City & Zip Code _____

Ketchikan (Nov. 18 & 19)

Sitka (Dec. 2 & 3)

Make checks payable to: Alaska Bar Association

THE ALASKA BAR ASSOCIATION CONTINUING LEGAL EDUCATION COMMITTEE

and

THE ANCHORAGE ESTATE PLANNING COUNCIL

Announces a Three-day Course

ESTATE PLANNING IN DEPTH

January 12, 13 & 14, 1978

ANCHORAGE

9:30 a.m. to 4:30 p.m.

Captain Cook Hotel

Aft-Deck

ABOUT THE PROGRAM: This three day seminar covers a broad spectrum of estate planning problems and gives special attention to the effects of the 1976 Tax Reform Act.

TOPICS:

Will Drafting
Estate Planning for Real Estate
Estate Planning for the Corporate Executive
Marital Deduction & Orphan's Exclusion
Joint Property Problems
Valuation
Post Mortem Estate Planning
Income Taxation of Estate & Trusts
Practical Suggestions for Lifetime Gifts - Outright or in Trust

COURSE MATERIALS:

Each participant will receive a substantial set of printed materials including the new two-volume, 4th Edition of ALI-ABA's Resource Materials for Estate Planning in Depth, the ALI-ABA Study Outline Tax Reform Act of 1976, and a copy of Federal Estate and Gift Tax Code and Regulations.

FORMAT:

The seminar is structured to encourage participation from the

attendees. Each topic will be analyzed by a nationally known expert on the subject. Each videotaped lecture will be followed by a discussion period in which local experts will discuss and answer your questions and problems on estate planning.

THE INSTRUCTORS:

The 9 lecturers will be presented on colored videotape by the following nationally known experts:

Stefan F. Teuber, Washington, D.C.
Edward S. Schlesinger, N. Y.
John H. Butala, Jr., Cleveland
Julian S. Bush, N. Y.
Frederic B. Moriaty
Martin Kalb
Gerald W. Vesper
Albert Kalter
Joel N. Simon

The panel of local estate planning experts will be announced at a later date.

The lectures were videotaped by ALI-ABA at it's July 1977 Course Estate Planning in Depth, held in Madison, Wisconsin.

(These are not the same videotapes used in the January 1977 Alaska Estate Planning Seminar.)

ENROLLMENT FEE: The enrollment fee for the three day seminar is \$110.00.
(This includes course materials.)

ENROLLMENT FORM:

Please return to: Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99501

NAME: _____

ADDRESS: _____

CITY & STATE _____ ZIP CODE _____

Make Checks payable to: Alaska Bar Association

[] I enclose \$110.00 enrollment fee for the program.

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ALASKA BAR ASSOCIATION

P. O. BOX 279

ANCHORAGE, ALASKA 99510

AREA CODE 907/272-7469

MARY F. LAFOLLETTE EXECUTIVE DIRECTOR AND BAR COUNSEL

November 18, 1977

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RE: CLE PROGRAM, Hawaii, February, 1978

Dear Bar Member:

On behalf of the Continuing Legal Education Committee of the Alaska Bar Association, I urge you to attend the Association's mid-winter meeting at Kauai, Hawaii, February 23 to 26, 1978.

The C.L.E. program at this conference promises to be an unusual, interesting and valuable experience. I believe it will prove to be an outstanding program that you cannot afford to miss.

To date we do not have final confirmation with respect to the opening banquet speaker. However we have invited and are presently negotiating with United States Senator Samuel Ichiye Hayakawa.

The first days program on Friday will focus on current revolutionary trends affecting the profession and the legal system. This will involve an in depth look at the forces for change in the practice of law and their future effect on the Alaska lawyer.

Tentative lecture and discussion topics will focus on developments affecting the cost of practicing law and current and future threats to the survival of the independent, private practitioner. The topics discussed in this program could have a vital impact upon the future practice of each member of the Alaska Bar. (See attached program.)

The second and third days program will involve The General Practitioner Advising the Alaska Business. The program will be geared to the practical problems encountered by the general practitioner counseling Alaskan businessmen. A desk book which will provide a helpful working tool for the general practitioner is being prepared for the program.

CLE PROGRAM, Hawaii, February, 1978

November 18, 1977

Page - 2

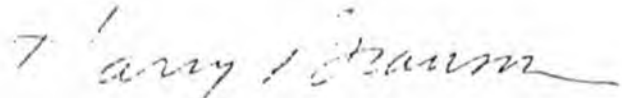
In addition there will be video tape programs available to members during the 3 day program. These include: Malpractice, Starting a Law Office and Irving Youngers new program, Credability on Cross-Examination.

A tentative program is attached. Since confirmation has not been received from all speakers, changes may be made before the program is finalized.

Only a limited number of hotel rooms are available for this convention. The hotel has agreed to hold the rooms until December 15 but reservations and room deposits must be made on or before that date or the space will be released. See the attached program for more information about travel arrangements.

We look forward to seeing you in Hawaii in February.

Sincerely,



Harry Branson, Chairman
Alaska Bar Association
Continuing Legal Education
Committee

THE
ALASKA BAR
FIRST
MID-WINTER MEETING
KAUAI, HAWAII

THE PROGRAM

Thursday, February 23, 1978

- 9:00 a.m. - 5:00 p.m. -- Registration
- 1:30 p.m. - 5:00 p.m. -- Video tapes:
LEGAL MALPRACTICE, HOW TO OPEN A LAW
OFFICE: LECTURES AND DEMONSTRATIONS
ON TRIAL PRACTICE.
- 6:30 - 8:00 p.m. -- Reception
- 8:00 p.m. -- Dinner
Guest Speaker: (tentative)
Senator Samuel I. Hayakawa

Friday, February 24, 1978

- 7:30 a.m. -- Breakfast sponsored by Anchorage Association of
Women Lawyers
- 9:00 a.m. -- Welcome - Member of Kauai Bar Association
- 9:30 a.m. - 4:30 p.m. -- Seminar: CURRENT REVOLUTIONARY
TRENDS AFFECTING THE PRACTICE OF
LAW.

Discussion Topics will include:

1. The growth of the consumer movement in law.
2. The impact of steadily increasing lawyer malpractice litigation and it's effect on the availability of effective, affordable insurance.
3. National law firms.
4. Legal clinics.
5. Prepaid legal plans.
6. Costs and pricing of legal services.
7. Future trends in the court system.
8. The delivery of legal services to urban and bush areas.
9. The public lawyer.
10. Pro bono legal service.
11. Restrictive legislation.
12. The end of self regulation.
13. Growing limits on the adversary process.
14. Arbitration, Conciliation and Dispute Center.
15. Tort System Reform.

10:00 a.m. (Friday evening -- en)

Saturday, February 25, 1978

8:45 a.m. - 5:00 p.m. -- Seminar: THE GENERAL PRACTITIONER
ADVISING THE ALASKA BUSINESS.

1. Introduction.
2. Selecting the Property for a New Business.
3. Sole Proprietorships.
4. Partnerships.
5. Corporations:
 - a. Organization
 - b. Director's and Officer's Responsibilities
 - c. Stock Agreements
 - d. Corporate Operating Problems
6. Tax Ramifications Regarding Businessmen.
7. Security Laws Involving Small Businesses.
8. Financing of Small Businesses.

6:30 p.m. -- Hawaiian Luau

Sunday, February 26, 1978

10:00 a.m. - 12:00 a.m. -- Seminar: THE GENERAL PRACTITIONER
ADVISING THE ALASKA BUSINESS.

1. Acquiring and Disposing of Going Businesses.
2. Questions and Answer Session.

THE FACULTY

Friday: REVOLUTIONARY TRENDS:

The Honorable Robert Boochever, Chief Justice
Alaska Supreme Court

Mark Harrison, President
National Organization of Bar Presidents and
Past-President of the Arizona Bar Association

Ms. Sandra DeMent, Washington, D. C.
Executive Director, National Resource Center
for Consumers of Legal Services

Keith Brown
Hagens, Smith, Brown, Erwin & Gibbs
Past-President of the Alaska Bar Association

The Honorable Christopher Cooke
Superior Court Judge, Bethel

Frank Flavin, Alaska's First Ombudsman

Saturday & Sunday: THE GENERAL PRACTITIONER ADVISING ALASKA
BUSINESS:

Professor Lehan Puchs, University of
Washington School of Law, Seattle

Professor Milton Ray, University of
Oregon School of Law, Eugene, Oregon

Phil Talbert
Portland, Oregon

Cari Ege
Bogle & Gates, Seattle

Henry J. Camarot
Merdes, Schaible, Staley & DeLisio
Anchorage

Hoyt M. Cole
Cole, Hartig, Rhodes, Norman & Mahoney
Anchorage

Mary Patch
Hughes, Thorsness, Gantz, Powell & Brundin
Anchorage

Peter A. Lekisch
Hoge, Lekisch, Cardwell, & Lawrence
Anchorage

William G. Ruddy
Robertson, Monagle, Eastaugh & Bradley
Juneau

Jack Bookey, Regional Director
Securities & Exchange Commission
Seattle

Mark Copeland
Keane, Harper, Pearlman & Copeland
Anchorage

Frank Cox, Director
SBA, Anchorage

Mary A. Nordale
Fairbanks

Stanley H. Reitman
Delaney, Wiles, Moore, Hayes & Reitman, Inc.
Anchorage

HOTEL AND TRAVEL INFORMATION

Hotel Accommodations: Hotel accommodations have been blocked at the Kauai Surf, Kauai, Hawaii. Reservations must be made before December 15. (Rooms which are not reserved on or before December 15, may be released by the hotel after that date.)

A deposit equal to one nights room charge must accompany each reservation. The hotel requires full prepayment by January 15, 1978. This prepayment is non-refundable except for a limited number of emergency cancellations (not exceeding 5 for the entire group) which will be allowed up to 72 hours before arrival.

(See hotel registration form for room rates.)

Plane Reservations: Western's Boeing 707, Flight 741, has been blocked for the trip to Kauai. This flight departs Anchorage at 12:55 a.m. on February 23, 1978 and arrives Honolulu at 6:55 a.m. with connecting flights on to Kauai.

Departure arrangements have been made for the evening of February 26, 1978, leaving Kauai at approximately 4:00 p.m., connecting on to Western Flight 740 (Boeing 707) to Anchorage.

Group rates will be available if 40 or more seats per flight are booked. The round-trip group rate from Anchorage is \$311.04. The regular round-trip tourist rate from Anchorage is \$321.24.

A \$25.00 deposit should accompany each request for an adult seat reservation. This deposit will be non-refundable after January 23, 1978.

Buses will be available at the Kauai Airport to transport members to the hotel. Bus fare will be approximately \$2.50 per person.

REGISTRATION INFORMATION

Registration Fee: The registration fee will be approximately \$75.00 per lawyer. Since this fee is used to defray costs of transportation, accommodations and honorariums for out of state speakers, video tape and equipment rental, printing and mailing costs, etc., the exact amount of the fee cannot be determined until program arrangements are finalized.

The registration fee will include admission to the two seminars and the video tape programs, program materials and the Alaska Business Desk book.

Meal Functions: There will be a separate charge for each meal function which you decide to attend. This charge will include the hotel's charge for the meal, a 15% gratuity and 4% tax. The price of the ticket for each event will be announced as soon as menu selection is completed.

Prepayment of tickets at least 48 hours in advance of the function will be required to secure a guaranteed reservation. (The hotel requires a minimum attendance guarantee at least 48 hours in advance of each function and the Bar is charged for the number guaranteed or the actual members served, whichever is higher.)

You will receive forms to be used for advance registration as soon as the program is finalized and the menu selection is completed.

HOTEL RESERVATIONS

THE ALASKA BAR - MID-WINTER MEETING
February 23-26, 1978

PLEASE RESERVE KAUAI SURF ACCOMMODATIONS

Name _____

Address _____

City/State/Zip _____

Sharing room with _____

Signature _____

PLEASE CIRCLE PREFERRED RATE BELOW:

Accommodations	Pali Kai (Cabin)	Standard	Superior	Deluxe
Single	\$41.00	\$41.00	\$49.00	\$54.00
Twin	\$44.00	\$44.00	\$52.00	\$57.00
Triple	\$52.00	\$52.00	\$60.00	\$65.00

Arrival Date _____
Length of Stay _____ Nights

Enclose deposit equal to one night's charge and MAIL TO:

Professional Travel
1030 W. 4th Avenue
Anchorage, Alaska 99501
Attn: Ms. Linda McMahon

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TO: MEMBERS OF THE ALASKA BAR ASSOCIATION

RE: C.L.E. Seminar: Recent Developments in Antitrust Law

The Alaska Bar Association and the Antitrust Section of the Attorney General's Office are jointly sponsoring a one-day seminar in Anchorage on antitrust and related consumer matters. The program is intended for the general practitioner.

Featured speaker at the seminar will be Thomas E. Kauper, Professor of Law at the University of Michigan Law School. Professor Kauper is a former law clerk to Justice Potter Stewart of the United States Supreme Court, and was in charge of the Antitrust Division of the Department of Justice from 1972 to 1976. Also participating in the one-day seminar will be two attorneys from the Seattle Regional Office of the Federal Trade Commission.

The seminar will be held in Anchorage on Thursday, August 24, 1978, from 10:00 a.m. to 4:00 p.m. in Supreme Court Room of the State Court Building. The program fee is \$10.00

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TO: MEMBERS OF THE ALASKA BAR ASSOCIATION

RE: C.L.E. Seminar: Labor Law

Mrs. Betty Southard Murphy, member of the National Labor Relations Board, and chairperson of the NLRB from 1975 - 1977 will head a Labor Law Seminar September 8 & 9, 1978 in Anchorage.

During her chairmanship, the Board achieved a 30% increase in productivity and issued a record number of cases in the shortest period of time in the agency's history.

From July 1974 until her NLRB appointment, Mrs. Murphy was Administrator of the Wage and Hour Division, Department of Labor, where she administered and enforced over 70 laws affecting more than 73 million workers.

Prior to accepting the Wage-Hour appointment, Mrs. Murphy was a partner in a Washington, D.C., law firm where she was an active trial lawyer, trying cases in Federal or State courts in 20 states, as well as presenting arguments before 9 of the 11 U.S. Courts of Appeals. She is one of the few attorneys in the United States who represented both unions and employers.

She is very active in various Bar Associations. She also serves on the Council of the Administrative Conference of the United States, and the International Center for Settlement of Investment Disputes, both of which are Presidential appointments.

Charles M. Henderson, Regional Director (Seattle) and Delano D. Eyer, NLRB Resident Officer in Anchorage, will also participate. An invitation is being extended to NLRB General Counsel John S. Irving to be part of the program and panel discussion.

Topics to be addressed will include:

1. How the NLRB operates.
2. How the Regional Office (Seattle) operates.
3. How the Resident Office (Anchorage) operates.

(over)

C.L.E. Seminar: Labor Law Cont'd

4. Recent Court Decisions.
5. Connell Cases
6. Local (Alaska) Labor Representative
7. Local (Alaska) Employer Representative
8. Alaska Labor-Law Attorney(s)
 - a. Employer's Counsel
 - b. Labor's Counsel
9. Issues That Need Answers.

The Seminar will be held in Anchorage on Friday and Saturday, September 8 & 9, 1978 from 9:00 a.m. to 4:30 p.m. in the Jury Assembly Room of the State Court Building. The program fee is \$20.00.

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TO: MEMBERS OF THE ALASKA BAR ASSOCIATION

RE: C.L.E. Seminar: Practical Trial Psychology

A four day "Piggy-Back" C.L.E. program entitled "WINNING AT TRIAL" will be presented in September.

Professor Bernard Segal, the celebrated Philadelphia criminal trial lawyer, co-author of a basic treatise on criminal trial practice entitled "TRIAL MANUAL FOR THE DEFENSE OF CRIMINAL CASES" and currently law professor at Golden Gate Law School in San Francisco, will present one day seminars in Fairbanks, Anchorage, Juneau and Ketchikan as follows:

Fairbanks

Friday, September 15, 1978 9:00 a.m. to 4:30 p.m.
Deposition Room (Library)/ State Court House

Anchorage

Saturday, September 16, 1978 9:00 a.m. to 4:30 p.m.
Jury Assembly Room/ State Court House

Juneau

Monday, September 18, 1978 9:00 a.m. to 4:30 p.m.
Supreme Court Room/ State Court House

Ketchikan

Tuesday, September 19, 1978 9:00 a.m. to 4:30 p.m.
Grand Jury Room/State Court House

His presentation will stress trial techniques, particularly strategy, winning at trial and practical trial psychology.

The Fairbanks presentation will emphasize criminal practice, while in Anchorage, Juneau and Ketchikan both criminal and civil practice will be addressed.

Registration for the one day seminar is \$25.00

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TO: MEMBERS OF THE ALASKA BAR ASSOCIATION

RE: Two day Seminar PARTNERSHIP TAXATION - ADVANCED

There will be a two day seminar on "Partnership Taxation - Advanced" on September 21 & 22, 1978 at the Anchorage Westward Hotel.

Time: 9:00 A.M. to 5:00 P.M.
 Site Registration: 8:30 A.M., September 21, 1978
 Fee: \$150.00 (includes lunch and materials)
 Sponsor: Alaska Society of CPA's
 Credit: 16 hours
 Lecturer/Discussion Leader:

Arthur B. Willis, Attorney of Willis, Butler, Scheifly, Leydorf & Grant, Los Angeles, California, will be guest lecturer for this presentation.

Objective: To enable participants to obtain a thorough analysis of the more complex aspects of partnership taxation.

This seminar is designed for experienced tax practitioners and deals in depth with tax planning and the formation, operation and termination of general and limited partnerships. It examines the dispositions of partnership assets and partnership interests and how to maximize capital gains and minimize opportunities and bring pitfalls into focus.

There will be a limit of 60 persons for the seminar. Please make your check payable to the Alaska Society of Certified Public Accountants, P.O. Box 675, Anchorage, AK 99510, and return with the bottom portion of this form.

Refund policy to be 90% if the materials are returned three days prior to the course date -- no refunds thereafter.

PLEASE RETURN THIS REGISTRATION FORM BY SEPTEMBER 14, 1978.

NAME _____

FIRM _____

STREET & CITY _____

CATEGORY: () Partner () Sole Practitioner
 () Staff () Private Industry
 () Other () Attorney

"PARTNERSHIP TAXATION - ADVANCED" September 21 - 22, 1978

1979 MID-WINTER MEETING

ALASKA BAR ASSOCIATION

February 1, 2 & 3, 1979

KAUAI, HAWAII

REGISTRATION FORM

Welcome to the 1979 Mid-Winter Meeting of the Alaska Bar Association in Kauai, Hawaii. Please complete and return this form to the Alaska Bar Association. Advance registration must be received on or before January 22, 1979.

ADVANCE REGISTRATION:

\$100 per lawyer. (No registration fee for spouses.) This fee includes admission to all seminars and programs, program materials and admission to hosted cocktail parties.

A summary of the program to be presented is on the reverse.

Advance registration should include the registration fee and money for requested tickets. There will be no refunds for cancellations received after January 22, 1979.

REGISTRATION AT MID-WINTER MEETING:

\$110 per lawyer. Only a limited number of tickets for meal functions will be available at this time because attendance guarantees are required by the hotel 48 hours in advance of each function.

ACCOMMODATIONS IN HAWAII ARE LIMITED TO 100 ROOMS AT THE KAUAI SURF. IF YOU HAVE NOT MADE YOUR HOTEL RESERVATIONS YET, MAKE THEM THROUGH THE BAR OFFICE AT ONCE.

RETURN TO: Alaska Bar Association, Box 279, Anchorage, AK 99510

	<u>Number</u>	<u>Cost</u>
1. Registration fee (lawyer only)	_____	_____
2. Banquet, February 1, 1979 at \$ 15.50 per person. Art Buchwald, Speaker	_____	_____
3. Luncheon, February 2, 1979 at \$7.50 per person. Anchorage Association of Women Lawyers	_____	_____
4. Luncheon, February 3, 1979 at \$7.50 per person. Chief Justice Jay Rabinowitz speaker	_____	_____

(All ticket prices include 15% gratuity and 4% state tax).

TOTAL ENCLOSED _____

NAME: _____

SPOUSE'S NAME: _____

ADDRESS: _____

CITY: _____

TELEPHONE: _____

PROGRAM

February 1, 1979

CONSUMER PROTECTION AND UNFAIR PRACTICES SEMINAR

This seminar will include a review and analysis of Alaska's consumer protection and unfair trade statutes and focus specifically on the rights of litigants, both private and government, to bring injunctive and damage actions and the forms of relief available. The course will also cover the Federal Trade Commission Act (Section 5), franchising, false advertising, consumer warranties and other business torts.

The teachers are Fredric C. Tausend and Donald H. Mullins, partners in Schweppe, Doolittle, Krug, Tausend and Beezer, Seattle, Washington. Tausend has trial practice in business, commercial, consumer protection and antitrust litigation; he is an adjunct law professor teaching various courses in these areas; was in private practice from 1957 to date and was the assistant attorney general, Division of Antitrust and Consumer Protection, State of Washington, from 1963 to 1964. Mullins has trial practice involving business and antitrust litigation; is an adjunct law professor, and was trial attorney for the Antitrust Division, U.S. Department of Justice from 1967 to 1972. He has been in private practice from 1972 to date.

February 2 and 3, 1979

TRIAL PRACTICE SEMINAR ON PRODUCT LIABILITY LITIGATION

This seminar will discuss current status of substantive law, trial problems and their solution including opening statement, jury selection, evidence problems, technical assistance, identification of technical experts and preparation of technical experts. There will also be discussion of the presentation of the plaintiff's case and the defendant's case.

Chairman of the seminar will be Theodore (Russ) Dunn. Other participants are: Justice Edmund W. Burke, Supreme Court of the State of Alaska, Bernard Kelly, Joseph Young, Lloyd Hoppner and others.

REGISTRATION FORM—Please Mail Promptly.
Institute on the Alaska Rules of Evidence.

Name(s) _____

Address _____

I (we) will attend the Institute in Juneau Anchorage Fairbanks
and enclose \$_____ registration fee(s) at \$60.00. (Registration fee in-
cludes complete set of the new Alaska Rules of Evidence, with commen-
tary.)

I cannot attend the Institute, but would like a set of the new rules.
Enclosed is my check for \$25.00.
(Please mail this form to the Alaska Bar Association, Box 279, Anchorage,
Alaska 99510.)

ALASKA BAR ASSOCIATION
P.O. Box 279
Anchorage, AK 99510

BULK RATE
U.S. Postage
PAID
Permit No. 401
Anchorage, AK

Announcing...

THE ALASKA BAR ASSOCIATION'S
INSTITUTE ON

The New Alaska Rules of Evidence

May 10, 1979
The Hilton Hotel
Juneau, Alaska

May 11, 1979
The Westward Hilton Hotel
Anchorage, Alaska

May 12, 1979
The Traveler's Inn
Fairbanks, Alaska

*Attendance at this program will
qualify you for six hours credit for the
purpose of qualifying for a legal
malpractice insurance discount.*

The Program...

The new Alaska Rules of Evidence are the product of months of study by a special committee appointed by the Alaska Supreme Court. And although the Alaska rules closely parallel the Federal Rules of Evidence, in many respects there are some important differences which all Alaska practitioners should be aware of.

At this writing, the rules tentatively are to go into effect in the summer of 1979; therefore, it is important that Alaska Bar members avail themselves of this opportunity for an insight into these new rules.

The speakers, for the most part, were active in formulating these new rules. Thus, they will be able to provide insight into the committee's thinking in suggesting changes in the Alaska Rules of Evidence.

Tuition, travel, hotel and living expenses of attending continuing legal education programs are deductible for federal income tax purposes. See *Coughlin v. Commissioner*, 203 F. 2d (2d Cir. 1953); Treas. Reg. 1.162-5.

HON. JAMES R. BLAIR
Superior Court Judge
Fourth Judicial District
Fairbanks, Alaska

HON. ALEXANDER BRYNER
United States Attorney
Anchorage, Alaska

HON. VICTOR D. CARLSON
Superior Court Judge
Third Judicial District
Anchorage, Alaska

PATRICK GULLUFSEN, ESQ.
Assistant Attorney General
Juneau, Alaska

HON. SAMUEL P. KING
Chief Judge, U.S. District Court
District of Hawaii
Honolulu, Hawaii

STEPHEN A. SALTZBURG
Professor of Law
University of Virginia
School of Law
Charlottesville, Virginia

SPECIAL NOTICE: All attendees at these institutes will receive, at no cost, a complete set of the new Alaska Rules of Evidence, including commentary.

- 8:30 a.m. Late Registration.
- 9:00 a.m. The Alaska Rules of Evidence—General Provisions, Scope and Applicability.
Professor Saltzburg
- 9:50 a.m. Morning Break.
- 10:05 a.m. Judicial Notice and Presumptions.
Mr. Bryner
- 10:55 a.m. Relevance and Competency
Judge Carlson
- 11:45 a.m. Questions and Answers.
Professor Saltzburg, Mr. Bryner, and Judge Carlson
- Noon Luncheon Break
- 1:00 p.m. Privilege.
Judge Blair
- 1:50 p.m. Afternoon Break.
- 2:05 p.m. Opinion Testimony and Hearsay.
Judge King
- 2:55 p.m. Documentary or Real Evidence; Writings, Documents or Records.
Mr. Gullufsen
- 3:45 p.m. Questions and Answers.
Professor Saltzburg, Judge Blair, Judge King and Mr. Gullufsen
- 4:30 p.m. Adjournment.

REGISTRATION FORM — Please Mail Promptly.
Institute on Basic Estate Planning

Name(s) _____

Address _____

I (we) will attend the Institute at Ketchikan Fairbanks and enclose \$_____ for _____ registration fee(s) at \$50 each. (The registration fee covers the cost of complete course materials.)

Make checks payable to the Alaska Bar Association, Box 279, Anchorage, Alaska 99510.

ALASKA BAR ASSOCIATION
P.O. Box 279
Anchorage, AK 99510

BULK RATE
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Anchorage, AK

Announcing...

An Alaska Bar Association
Institute
on

BASIC ESTATE PLANNING

(In cooperation with the Anchorage
Estate Planning Council)

June 1, 1979
Sons of Norway Hall
Ketchikan, Alaska

June 2, 1979
The Westward Hilton Hotel
Anchorage, Alaska

*Attendance at this program qualifies
all members of the Alaska Bar
Association for six hours of credit
toward the malpractice insurance
discount.*

About this Program...

Because of the numerous changes in the law caused by the Tax Reform Act of 1978, and because of inflation, changing life styles and customs—the mobile society—a thorough grasp of estate planning rules and techniques is more important now than ever before. Added to this should be the fact that errors in tax and estate planning are one of the prime causes of malpractice claims.

In planning this session, it was our hope to give the general practitioner information which would be valuable in day-to-day practice. Hopefully, we have avoided esoteric theory in favor of a practical approach to problems frequently faced in general practice.

Each speaker has had extensive and practical experience in estate planning, and will be able to offer valuable insight into many areas in this field of practice.

Tuition, travel, hotel and living expenses of attending continuing legal education programs are deductible for federal income tax purposes. See *Coughlin vs. Commissioner*, 203 F. 2d (2d Cir. 1953); Treas. Reg. 1.162-5

The Program...

- 8:30 a.m. Late Registration.
- 9:00 a.m. Estate & Gift Tax Fundamentals—with 1978 Amendments
Professor Crapo
- 10:30 a.m. Morning Break.
- 10:45 a.m. Client Management and Basic Estate Planning Documents.
Mr. Bengtson
- 12:15 p.m. Questions and Answers.
Professor Crapo and
Mr. Bengtson
- 12:30 p.m. Luncheon Break.
- 1:30 p.m. Estate Tax Shelter Trusts, Marital Deduction Gifts and Orphan's Exclusion.
Professor Crapo
- 3:00 p.m. Afternoon Break.
- 3:15 p.m. Use of Insurance in Estate Planning—Taxation, Ownership and Transfer.
Mr. Lawrence
- 4:45 p.m. Questions and Answers.
Professor Crapo and
Mr. Lawrence
- 5:15 p.m. Adjournment.

The Faculty...

JOHN H. BENGTSON, ESQ.
Randall, Bengtson & Cox
Lewiston, Idaho

TERRY L. CRAPO
Assistant Professor of Law
J. Reuben Clark Law School
Brigham Young University
Provo, Utah

BILL LAWRENCE, ESQ.
Hoge, Lekisch & Lawrence
Anchorage, Alaska

Kenai, Alaska
August 24, 1979

The Kenai Peninsula Bar Association is presenting a one day seminar entitled "Persuasion in Civil Litigation". The purpose of this program is to aid the legal practitioner in obtaining skills of persuasion and advocacy at each stage of litigation, from pre-trial preparation to final argument.

An outstanding faculty has been assembled in order to present a quality program to Alaskan attorneys.

The seminar will take place at the Sheffield House in Kenai, Alaska. Registration will commence at 9:00 a.m.

The program is scheduled on a Friday in order to allow attending attorneys and their families to enjoy outdoor activities on the Kenai Peninsula for the weekend. On Saturday, August 25, the Kenai Peninsula Bar Association will host a picnic overlooking the Cook Inlet at Captain Cook State Recreation Area.

RECEIVED

THE FACULTY

DICKY GRIGG...J.D., University of Texas, 1973; Former Assistant District Attorney, Lubbock County, Texas; Partner, law firm of Spivey and Grigg, Austin, Texas; Board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law.

J. PATRICK HAZEL...J.D., University of Texas, 1971; Associate Professor of Trial Advocacy, University of Texas; Southern Regional Director of the National Institute For Trial Advocacy.

WENDELL P. KAY...J.D. Northwestern University, 1938; Partner, law firm of Kay, Christie, Fuld and Saville, Anchorage, Alaska; experienced trial practitioner; former lecturer in Trial Practice at the University of Arizona; former visiting Professor of Trial Practice at Arizona State University.

HENRY L. TAYLOR...J.D., Florida State University, 1968; presently in private law practice in Anchorage, Alaska; member of the Association of Trial Lawyers of America and the Alaska Trial Lawyers Association.

BROADUS A. SPIVEY...J.D., University of Texas, 1962; Partner in the law firm of Spivey and Grigg, Austin, Texas; Board certified by the Texas Board of Legal Specialization in Personal Injury Trial Law; Director of the Texas Trial Lawyers Association.

FRIDAY - August 24, 1979

SEP 4 1979

9:00- 9:30 Registration

I. PRETRIAL PERSUASION

ALASKA BAR ASSOCIATION

9:30-10:15 Client & Witness Interviews
Investigation

Pleadings

Trial Notebook

10:15-10:30 Break

10:30-12:00 Settlement. New ideas for
small and large cases;
use of video tape brochures.

Henry L. Taylor

12:00- 1:30 Lunch (Not included in registration fee.)

II. PERSUASION THROUGH WITNESSES

1:30- 2:15 Direct Examination
(With demonstration)

J. Patrick Hazel

2:15- 3:00 Cross-Examination
(With demonstration)

Wendell P. Kay

3:00- 3:15 Break

III. DIRECT PERSUASION

3:15- 4:00 Voir Dire, Opening
Statement, Summation

Broadus A. Spivey

4:00- 4:30 Final Argument

Wendell P. Kay

SATURDAY - August 25, 1979

1:00 - Picnic by the sea at Captain Cook State Recreational Area
(Located at the end of the North Road.)

CERTIFICATION FOR CLE CREDIT

Application for approval for Continuing Legal Education Credit is pending before the Continuing Legal Education Committee of the Alaska Bar Association.

REGISTRATION FORM
PERSUASION IN CIVIL LITIGATION

Return to: Roger E. Holl, President
Kenai Peninsula Bar Association
P.O. Box 4210
Kenai, Alaska 99611

Make checks payable to:
Kenai Peninsula Bar Association

TRAVEL INFORMATION

Scheduled air service is available on AAI from Anchorage to Kenai, roundtrip for \$41.00. Reservations should be made in advance. Those who wish to drive to Kenai should contact the State Department of Highways regarding road closures affecting the Seward Highway.

Name _____
Address _____
City _____ State _____ Zip _____
Enclosed is my registration fee of \$10.00. _____
Signature _____

THE BANKRUPTCY REFORM ACT OF 1978

SEPTEMBER 8, 1979

ANCHORAGE

ANCHORAGE WESTWARD HILTON
ALASKA ROOM

Sponsored By

THE CONTINUING LEGAL EDUCATION
COMMITTEE

ALASKA BAR ASSOCIATION

SCOPE AND PURPOSE

On October 1, 1979, the Bankruptcy Reform Act of 1978, representing the first major change in bankruptcy law in 40 years, becomes effective. The new Act dramatically alters the Substantive, procedural and administrative aspects of the rights and obligations of debtors and creditors. Among other important features, the new Act creates a new court structure with dramatically expanded jurisdiction and unites business reorganizations under one chapter which requires different procedures depending upon the sophistication of the debtor.

This one day seminar presents an overview of the Bankruptcy Reform Act -- including comparisons with the present Code -- approximately one month before the effective date of the new Act's major provisions.

FACULTY

GERALD K. SMITH - A partner in the Phoenix, Arizona law firm of Lewis & Roca, Mr. Smith is a Root-Tilden Scholar and graduate of the New York University School of Law. A member of the National Bankruptcy Conference and the Commercial Bankruptcy Committee of the American Bar Association, he is also Deputy Director of the Commission on the Bankruptcy Laws of the United States and is a contributing editor of Volume 12 of the COLLIER ON BANKRUPTCY.

LAWRENCE P. KING - Charles Seligson Professor of Law at New York University School of Law and a counsel of Wachtell, Lipton, Rosen & Katz, New York. Professor King is Editor-in-Chief of COLLIER ON BANKRUPTCY and co-author of Duesenberg & King, SALES AND BULK TRANSFERS UNDER THE UNIFORM COMMERCIAL CODE. Among other activities, he is the Reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States; is a member of the National Bankruptcy Conference and Chairman of its Committee on Legislation; and is a past consultant to the Commission on the Bankruptcy Laws of the United States.

DILLION E. JACKSON - A partner in the Bellevue, Washington law firm of Keller, Jacobson, Hole, Jackson & Wentz, where his practice has focused on consumer and business bankruptcy matters. A member of the ABA's Litigation Section and a number of State and Local Bar Sections concerned with bankruptcy matters, Mr. Jackson has been a frequent speaker at State and National programs on creditor-debtor matters, including the recent series on seminars on the Bankruptcy Reform Act of 1978 sponsored by the Practising Law Institute.

COURSE CREDIT

This course has been approved by the Alaska Bar Association for 6.00 hours of credit toward continuing legal education.

PROGRAM SCHEDULE

8:15 - 9:00 a.m.	REGISTRANT CHECK-IN AND DISTRIBUTION OF MATERIALS
9:00 - 9:05 a.m.	INTRODUCTORY REMARKS
9:05 - 9:20 a.m.	JURISDICTION AND APPEALS
9:20 - 9:25 a.m.	ELIGIBILITY AND AMENABILITY
9:25 - 9:55 a.m.	PROPERTY OF THE ESTATE AND EXEMPTIONS, INCLUDING COMPARISON OF STATE AND FEDERAL ALTERNATIVES
9:55 - 10:10 a.m.	DISCHARGE; DISCHARGABILITY OF DEBTS AND REAFFIRMATION

10:10 - 10:25 a.m. COFFEE BREAK

10:25 - 10:40 a.m. LIQUIDATIONS: TRUSTEE; MEETINGS; CLAIMS; AND REDEMPTION

10:40 - 11:40 a.m. AVOIDING POWERS

11:40 - 12:00 NOON CHAPTER 13

12:00 - 1:00 p.m. LUNCH BREAK

1:00 - 1:30 p.m. AUTOMATIC STAY; USE OF COLLATERAL; ADEQUATE PROTECTION

1:30 - 1:45 p.m. EXECUTORY CONTRACTS

1:45 - 2:15 p.m. CHAPTER 11 - ADMINISTRATION: COMMITTEES, TRUSTEE, EXAMINER; AND FILING CLAIMS

2:15 - 2:30 p.m. COFFEE BREAK

2:30 - 3:30 p.m. CHAPTER 11 - PLAN: CLASSIFICATION OF CLAIMS: CONTENTS: FILING; DISCLOSURE STATEMENT; ACCEPTANCE; AND CONFIRMATION

3:30 - 4:00 p.m. QUESTIONS AND DISCUSSION

4:00 p.m. ADJOURNMENT

REGISTRATION INFORMATION

TUITION: Tuition for this course is \$60.00. This entitles each registrant to admission, coffee breaks, and all written materials. The cost for materials only is \$25.00.

ADVANCE REGISTRATION: Due to substantially increased enrollments in all CLE courses, advance registration is strongly recommended. Door registrations on the day of the program can be accepted only if space is available.

PAYMENT: If more than one person wishes to register, payment may be included in a separate check; however, a separate registration form should be included for each registrant. Payment for other seminars should be handled by separate check.

REFUNDS: The registration fee for this seminar will be refunded, less \$2.00 for handling, for any cancellation received at least 2 full business days before the date of the presentation in question.

TAX DEDUCTIBLE: Tuition, travel, hotel and living expenses incurred in attending the Continuing Legal Education course are deductible if they maintain or improve professional skills. Treas. Reg. Section 1.162.5

WHO MAY ENROLL: Enrollment is open to all members of the Bar and the Judiciary. Law students and persons currently employed as legal assistants may enroll on a space available basis.

TAPE RECORDING: Tape recording of CLE seminars by members of the Alaska Bar Association for future reference and use in the practice of law is permitted. Attorneys wishing to record a particular seminar should inform the CLE Staff in advance. Tape recording for any other purpose, commercial or otherwise, is prohibited.

REGISTRATION FORM

Please Detach and Mail

MAIL TO: CLE BANKRUPTCY Make Check Payable To;
Alaska Bar Association Alaska Bar Association
P. O. Box 279
Anchorage, Alaska 99510

Enclosed is my check for _____ covering my registration/
materials for the BANKRUPTCY REFORM ACT OF 1978 seminar at the
Anchorage Westward Hilton on Saturday, September 8, 1979.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

OFFICE PHONE _____

THE REVISED ALASKA CRIMINAL CODE

November 16-17	Fairbanks	Travelers Inn
November 29-30	Anchorage	Anchorage Westward Hilton
December 7-8	Juneau	Juneau Hilton

Sponsored by

THE CONTINUING LEGAL EDUCATION COMMITTEE

Alaska Bar Association

SCOPE AND PURPOSE

On January 1, 1980, the revised Alaska Criminal Code becomes effective. The revised code dramatically and comprehensively alters the substantive aspects of Title 11 and adopts a new sentencing scheme in Title 12. Among other important features of the revised code, all crimes with the exception of murder and kidnapping are classified based on seriousness as Class A, B, or C felonies, or Class A or B misdemeanors. The revised code provides for uniform penalty provisions. This 1-1/2 day seminar presents an overview of the Revised Criminal Code, including comparisons with the present code, approximately one month before the effective date of the Revised Criminal Code provisions.

FACULTY

William Bryson, Esq.
Barry Stern, Esq.
Bruce Bookman, Esq.

Brian Shortell, Esq.
Daniel W. Hickey, Esq.
Peter Michaski, Esq.

The Honorable Beverly Cutler

COURSE CREDIT

This course has been approved by the Alaska Bar Association for 8 hours of credit toward continuing legal education.

PROGRAM SCHEDULE

First Morning:

Resistant check-in and distribution of materials

Introductory remarks

Overview of the Criminal Code, including general principles of liability and culpability

Coffee break

Sentencing

Panel Discussion and questions

Luncheon

First Afternoon:

Justification - Panel discussion

Offenses against persons

Coffee break

Offenses against property

Question and Answer session

Second Morning:

Offenses against public administration

Prostitution and gambling, weapons and offenses

Second morning cont'd.

Coffee break

Offenses against public order

Offenses against family

Question and answer panel

REGISTRATION INFORMATION

TUITION: Tuition for this course is \$75.00. This entitles each registrant to admission, coffee breaks, and all written materials. The cost for materials only is \$30.00.

ADVANCE REGISTRATION: Due to substantially increased enrollments in all CLE courses, advance registration is strongly recommended. Door registrations on the day of the program can be accepted only if space is available.

PAYMENT: If more than one person wishes to register, payment may be included in a separate check; however, a separate registration form should be included for each registrant. Payment for other seminars should be handled by separate check.

REFUNDS: The registration fee for this seminar will be refunded, less \$2.00 for handling, for any cancellation received at least 2 full business days before the date of the presentation in question.

TAX DEDUCTIBLE: Tuition, travel, hotel and living expenses incurred in attending the Continuing Legal Education course are deductible if they maintain or improve professional skills, Treas. Reg. Section 1.162.5.

WHO MAY ENROLL: Enrollment is open to all members of the Bar and the Judiciary. Law students and persons currently employed as legal assistants may enroll on a space available basis.

MATERIALS: Each participant will receive a comprehensive manual on the Revised Criminal Code as well as outlines prepared to supplement the presentations.

TAPE RECORDINGS: Tape recording of CLE seminars by members of the Alaska Bar Association for future reference and use in the practice of law is permitted. Attorney wishing to record a particular seminar should inform the CLE Staff in advance. Tape recording for any other purpose, commercial or otherwise, is prohibited.

REGISTRATION FORM

Please Detach and Mail

MAIL TO: CLE REVISED CRIMINAL CODE
Alaska Bar Association
P.O. Box 279
Anchorage, Ak. 99510

Make check payable to
Alaska Bar Association

Enclosed is my check for _____ covering my registration/materials for the REVISED CRIMINAL CODE seminar at:

- November 16-17 at Travelers Inn in Fairbanks
 November 29-30 at Anchorage Westward Hilton in Anchorage
 December 7-8 at Juneau Hilton in Juneau

NAME _____

ADDRESS _____

CITY _____

STATE _____

OFFICE PHONE _____

ZIP _____

APPENDIX F

ETHICS
OPINION 76-1
(Approved by Board of Governors 7/30/76)

The Committee's opinion has been requested in connection with the following statement of facts:

"A", an attorney admitted to practice in Alaska, is elected to the Borough Assembly of the Borough in which he is a resident. The Borough Assembly has no authority to appoint, recommend, remove or affect the pay and emoluments of any magistrate or other judicial official within the Borough. The Assembly does, however, have the power by ordinance to hire, fire, and fix the pay and emoluments of the Borough Attorney. The Borough Charter requires each member of the Assembly to vote on each question raised for determination by the Assembly, except when otherwise prohibited from doing so, or when excused by all remaining members of the Assembly entitled to vote. The Charter also provides that a member of the Assembly is prohibited from voting on a matter wherein he has a substantial financial interest. Interpreting this latter provision as requiring abstention where a member of his law firm is either personally financially interested, or is employed to represent an applicant or litigant, "A" scrupulously abstains in such cases without putting the matter to a vote of the Assembly. Further, "A" personally refrains from accepting any employment which involves representation before the Assembly, or any city staff agency, board or commission, and announces his intention to refrain from voting on questions relating to the hiring, firing, or pay of the Borough Attorney. If forced to a

vote on abstention, "A" would in any event refuse to vote. The sanction in the Borough Charter for such act would be a vote by the Assembly to remove the Assemblyman from office. Under the circumstances described, may other attorneys from the firm in which "A" is a partner undertake civil representation of clients having claims against the Borough; appear in civil matters before the Borough Assembly; and appear before Borough boards and commissions such as the planning and zoning commissions?

1. An attorney who is a member of a legislative body such as a borough assembly, which apparently has both legislative and quasi-judicial responsibilities, may not practice or represent clients before that body.

DR 9-101(b) provides that, 'A lawyer shall not accept private employment in a matter in which he has substantial responsibility while he was a public employee.'

The proscription, obviously applies to present public employment as well as past. The problem becomes clearer when considered in the light of DR 9-101(c), which provides that a lawyer "shall not state or imply that he is able to influence improperly or upon irrelevant grounds any tribunal, legislative body, or public official". In the ABA Opinion, No. 296, August 1, 1959, it is stated that a law firm should not accept employment to appear before a legislative committee while a member of the firm is serving in the legislature. In an informal opinion, No. 855, it is stated that a judge should not practice in a court over which he occasionally presides, and neither should a partner or associate practice over which such judge occasionally presides. Insofar as the borough assembly has quasi-judicial powers in certain matters,

this proscription would be applicable by analogy.

Arizona Ethics Committee Opinion 74-28 addresses the question of whether the members of a firm may appear on civil matters before the city council where one of the members of the firm is a member of that council, and answers the question negatively. The Arizona opinion does not directly address the question of whether the attorney member may himself appear before the Assembly, but the answer is obvious.

ABA Informal Opinion No. 1182, expresses the opinion that there is no flat proscription upon an appearance by a lawyer-legislator before a Workmen's Compensation Board, the members of which are appointed by the legislature or where their compensation is fixed by the legislature. However, EC 8-8 states, "A lawyer who is a public officer, whether full or part time, should not engage in activities in which a personal or professional interest is or foreseeably may be in conflict with his official duties." EC 9-2 provides, "When explicit ethical guidance does not exist a lawyer should determine his conduct by acting in a manner that promotes public confidence in the integrity and the efficiency of the legal system and the legal profession." EC 9-6 provides in part, "Every lawyer owes a solemn duty . . . to conduct himself so as to reflect credit on the legal profession and to inspire the confidence, respect, and trust of his clients and of the public; and to strive to avoid not only professional impropriety but also the appearance of impropriety."

2. An attorney should not practice before agencies or adjudicative bodies from which the normal course of appeal is to

the legislative and quasi-judicial body of which the attorney is a member.

EC 9-2 and EC 8-8 appear to be in point on this matter. The statement appears to be simply an extension of the first statement that the attorney may not practice before the body of which he is a member. The Code of Judicial Conduct is also instructive by analogy. Part II, 1(A) of the Judicial Canons provides that a part-time judge should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves. While the Judicial Canons in effect in this State apply only to officers of the Alaska Court System, to the extent that the Borough Assembly exercises quasi-judicial powers, the analogy is valid.

3. An attorney who is a member of a legislative and quasi-judicial body may not practice before that body, or agencies from which an appeal lies to that body, even if the attorney disqualifies himself from acting upon the matter as a member of the body.

While the proscription against engaging in activities which give the appearance of impropriety is sometimes vague and may be overly broad, it seems clear that at least this type of activity would fall within the category and would be improper and unethical. It should also be noted that an appearance before the body of which the attorney is a member would be improper even if there was no objection to it, inasmuch as the public, whom the attorney serves as a member of the body, cannot give its consent to such a procedure if it involves a conflict of interest. ABA Opinions No. 16, 34, 71, 77, 192.

4. If the attorney himself cannot practice before the body, or before agencies from which an appeal lies to that body, his associates and partners are similarly prohibited.

It appears to be fairly settled that associates or partners of an attorney who is disqualified from representing a client are similarly disqualified. Disciplinary Rule 5-105(d) provides, 'If a lawyer is required to decline employment or to withdraw from employment under DR 5-105, no partner or associate of his or his law firm may accept or continue such employment.' While the attorney in this case is not prevented from practicing before the body because of DR 5-105, the principle seems equally applicable. In ABA Opinions 33, 49, 50, 72, and 103, it has been held that a partnership cannot undertake any professional relationship which any one of the partners, because of adverse influences and conflicting interests, could not ethically undertake. In informal opinion No. 855, it is said . . . the duties and considerations of possible conflicts are such that what a lawyer cannot do because of these ethical precepts relating to other parties, neither his partner, his associate, nor one with whom he shares offices, may do.' Informal opinion No. 1182, addressing the ethical constrictions on a lawyer-legislator states:

It is generally recognized that disqualification of a lawyer includes disqualification of his law partners; see e.g., ABA Formal Opinion 33; Basset v. Cook, 201 F. Supp. 821 (1862); Consolidated Theater v. Warner Brothers, 113 F. Supp. 265 (1953); Note, 73 Yale 1058 (1964); C.f. DR 5-105(D) (relating specifically to differing interests of two clients); DR 1-102(A) (2); But see ABA Formal Opinion 220 (1941). While the question is not completely free from doubt, in our opinion, the same rules apply to a lawyer partner of the legislator. A lawyer legislator should never of course use his position

in the legislature to his advantage in the representation of his clients (see DR 8-101), and his conduct should be governed at all times by the Code.

The Committee on Rules of Professional Conduct of the Arizona Bar has addressed a very similar fact situation in Opinion No. 74-28 (Sept. 24, 1974). The Opinion states that partners and associates of a lawyer-councilman are prohibited by EC 9-3, EC 9-6, and DR-101, directly and by implication, from practicing or appearing professionally before the council or boards or agencies from which an appeal lies to the council. The basis for this proscription is the inevitable appearance of impropriety attendant to such practices. This Committee is in accord with Arizona Opinion 74-28.

5. The Committee has insufficient facts to decide whether the lawyer-assemblyman, or his partners or associates, may prosecute-claims against the municipality involved.

Inasmuch as the role of the Assembly and its members is not set forth in the facts hypothesized with reference to municipal handling of claims, nor the municipality's litigation practices or the character of claims involved, the Committee feels it should refrain from addressing this question in this Opinion.

The committee has been asked the following questions:

1. Is it ethical for a law firm which occupies the second floor of a two-story building to display a firm sign in a second floor window of that building?
2. Is it ethical for a law firm which occupies the second floor of a two-story building to display a firm sign in the stairwell leading to the second floor?
3. Is the use of the name Alaska Legal Clinic a permissible generic name reflecting a particular style and type of practice, or is it unethical because it is considered impermissible advertising and/or the impermissible use of a trade name?
4. Is it ethical for an attorney-landlord to personally enforce what he believes to be the Canons of Ethics by forcibly removing and secreting a window sign and/or a wall sign with the name of his tenant's law firm after being advised that tenant would seek an opinion on the propriety of those signs from this Ethics Committee?

It is the committee's opinion, in response to Question No. 1 that under no circumstances would it be proper for a law firm occupying a second story of a two-story building to display a sign in the second floor window. The committee believes that the considerations involved in this decision are fully set forth in its Opinion 71-2.

The ethical considerations governing an answer to Question No. 2 are fully set forth in the committee's Opinion 71-2.

In answer to Question No. 3, it is the committee's opinion that the name "Alaska Legal Clinic" is not a proper name and style for a member of the Bar in private practice. It is the committee's opinion that this name and style is specifically prohibited by DR 2-102(b), which restricts the name and style under which an attorney may do business, in relevant part, to a name containing the names of at least one of the lawyers in the firm. See also EC 2-11. In addition, the Committee finds the particular name "Alaska Legal Clinic" objectionable because of its potential to mislead the public as to the official nature of the organization.

The question would next logically present itself whether or not a name such as "The Legal Clinic of Smith & Jones" would be a permissible name. The committee is mindful of the primary injunction of the ethical considerations that the name and style under which attorneys do business should not in any manner mislead those seeking a lawyer's assistance concerning the nature of the firm he consults, or its membership. In this context, the committee is not prepared at this time to answer the question whether or not "Legal Clinic" is a permissible name "...reflecting a particular style and type of practice....". This is because the committee has been furnished with no guidelines to establish what sort of style and type of practice is contemplated, and the meaning from the words is certainly not self-evident. Upon being presented hypothetical facts which would detail this style and type of practice, the committee is prepared to review the question further.

The answer to Question No. 4 is outside of this committee's jurisdiction, and should be referred to the appropriate grievance mechanism within the Bar Association, or the appropriate law enforcement agencies.

ETHICS
OPINION 76-3
(Approved by Board of Governors 6/1/76)

The committee has been asked whether or not an attorney in the public practice of law may continue to represent two defendants in a criminal appeal in which there is a substantial potential conflict of interest between the two defendants. From the facts presented to us, it is our understanding that a full and vigorous representation of the interests of one of the co-defendants would necessarily, at least inferentially, involve imputing the other co-defendants' testimony, and would further involve casting criminal responsibility from the co-defendants jointly to one of the co-defendants exclusively. We have also been asked to assume for purposes of the question that both of the co-defendants have had this potential conflict fully, fairly and candidly explained to them, by the attorney, and that after that explanation they desired to waive any conflict of interest and continue with the representation of a single attorney.

In this connection, we are referred to the case United States v. Amredo-Sarmiento, decided by the Second Circuit October 10, 1975. After reviewing the text of that opinion, we do not consider it in point. That opinion held that the Sixth Amendment right to assistance of counsel, when raised by a defendant in a criminal appeal, overbore the conflict of interest considerations involved in that case, and allowed the accused to make a selection of counsel of his choice despite that conflict. The question for our consideration, however, is whether or not the attorney so

chosen should accept the proffered employment. As such, we deal with the obligations of the attorney not only to the accused, but also to the profession and the adversary system of justice.

In the committee's opinion, the two defendants in the situation presented, may not continue to be represented by a single attorney.

This opinion is based in large part on EC5-15, which provides in part:

If a lawyer is requested to undertake or to continue representation of multiple clients having potentially differing interests, he must weigh carefully the possibility that his judgment may be impaired or his loyalty divided if he accepts or continues the employment. He should resolve all doubts against the propriety of the representation. A lawyer should never represent in litigation multiple clients with differing interests; and there are few situations in which he would be justified in representing in litigation multiple clients with potentially differing interests.

In the committee's view, the facts presented indicate a very strong potential for differing interests between multiple clients, if not actually differing interest at this time. It is therefore the committee's opinion, as previously expressed, that the attorney may not continue to represent both defendants.

The waiver of this conflict by the co-defendants does not cure the conflict. EC5-16 provides:

In those instances in which a lawyer is justified in representing two or more clients having differing interests, it is nevertheless essential that each client be given the opportunity to evaluate his need for representation free of any potential conflict and to obtain other counsel if he so desires.

Thus, before a lawyer may represent multiple clients, he should explain fully to each client the implications of the common representation and should accept or continue employment only if the clients consent.

It is our opinion that this is not an "instance in which a lawyer is justified in representing two or more clients," and therefore the clients' consent does not cure the taint created by the conflicting or potentially conflicting interests of the co-defendants. There is an initial threshold question which must be answered by the attorney representing multiple clients in litigation, which is whether or not, under the particular facts and circumstances of the case, he would be ethically permitted to continue the multiple representation. If that question is answered affirmatively, the attorney still has an obligation to explain the potential conflict to each of the multiple clients, and after such explanation, secure the clients consent to such continued multiple representation. In the case before the Committee the threshold question is answered negatively, and therefore the question of the clients consent never arises.

RECEIVED

OCT 4 1976

ALASKA BAR
ASSOCIATION

ETHICS OPINION 76-5

The Committee has been asked the following question:

Do the Canons of Ethics require an attorney to offer a prospective divorce client a choice between a flat fee and an hourly rate?

It is the Committee's opinion, as set forth in the specialized context of Opinion 74-3, that an attorney has an ethical obligation to advise a client fully and fairly as to all the various fee arrangements available for a particular matter, even though that lawyer, himself, would only be willing to undertake the representation on one of those arrangements. This general principle is applicable to divorce cases as well as personal injury actions.

Dated: October 10, 1976

ETHICS OPINION 76-7

The Committee has been asked its opinion as to the proper ethical course of action for an attorney presented with the following fact situation:

Defendant is arrested, charged with robbing a bank. The teller was held at gun point, bound with tape and a red bandana, while the safe was blown with plastic explosives.

Defendant tells his attorney he is innocent - wasn't there. He can't get out of jail because of high bail. While defendant is in jail a friend comes to town and with defendant's consent occupies his trailer.

About a month after defendant is bound over by the grand jury and while he is still in jail, Defendant authorizes his friend to "clean out" the car in his driveway.

In the car, friend finds the following:

- 1) A set of roller skates
- 2) A detailed floor plan of the bank robbed
- 3) A list of "things to take with me", including roller skates, plastic explosives, and "tape and red bandana to tie teller"
- 4) Receipt for purchase of plastic explosives dated two days before robbery took place.

Friend, without asking Defendant's permission or disclosing to him his intentions, calls Defendant's attorney, and turns over the above. Defendant's attorney takes possession of the writings.