

UUS HU AN BAR ASSN SUNSET REVIEW FILES NO. 18 and 19

1. Prepare master score sheets utilizing 14 columnar paper. The headings are as follows:

1st Column	- Applicant code number
2nd "	- California essay score
3rd "	- California re-read score
4th "	- Alaska essay score
5th "	- Total essay raw score
6th "	- Total essay percentage
7th "	- Leave blank for computation figures
8th "	- Total essay re-read score
9th "	- Total essay re-read percent
10th "	- MBE scale score
11th "	- MBE percent (135=70)
12th "	- Leave blank for computations
13th "	- Total combined score
14th "	- Total combined score after re-read

2. Using the California score sheet, insert the applicant code and total California essay scores in the appropriate columns.
3. Set up a master score sheet for Alaska essay scores. A 6 columnar pad is necessary, columns to be headed up as follows:

1st Column	- Applicant code number
2nd "	- Question #1
3rd "	- Question #2
4th "	- Question #3
5th "	- Question #4
6th "	- Total Scores

Post totals from each score sheet provided by Alaska Law Review Committee. When all 4 questions have been read, total the score and insert the number in the total score column.

4. Insert Alaska scores on master score sheet.
5. Utilizing the MBE score sheets, convert the MBE applicant code numbers to the California and Alaskan applicant numbers. Then insert MBE scale score into the appropriate column on the master score sheet.
6. Employing the equivalency table insert the MBE percentage by applicant.
7. Add the California essay score to the Alaska essay score and insert the total in column, "Total Essay Raw Score".
8. Divide the total essay raw score by 12, which is the number of questions for which the score is computed. Enter that figure in the "Total Essay Percentage" column. The percentage should be computed to the nearest 10th of a percent, in other words, if the total essay percent is 66.58, it should be rounded off to 66.6%, however, if the score were to come out 66.52 the score to be entered into the essay column would be 66.5.

- 9.
- J. Multiply the total essay percent times 3 and insert that figure in the "Total Essay % x 3" column following "Total Essay Raw Score". Then multiply the MBE percentage times 2 and enter that in the "MBE % x 2" column following MBE percent. Those two figures are then added together and inserted in "Total of Column 6 + 11" and divide by 5 to give the final total combined score.
10. Those scores which fall between 65% and 70% as a total combined score then go to re-read. After the Alaska Law Review committee has re-read the California essay in that category the scores are then recomputed, using the same method but inserting the figures in the re-read columns.

APPENDIX I

1978 PROPOSED BUDGET &  
1976 and 1977 BUDGET COMPARISON

INCOME	1976 BUDGET	1977 BUDGET	PROPOSED 1978 BUDGET
A. Members Dues	\$ 144,635	\$ 169,061	\$ 194,223
B. Admission Fees	45,800	46,675	51,500
C. Client Security Fee	8,280	9,769	11,189
D. C.L.E. Fees	10,000	10,475	25,250
E. Insurance Fees	3,500	1,780	2,000
F. Lawyer Referral Fees	800	1,020	2,500
G. Newsletter	600	346	400
H. Bar Convention	12,000	10,000	n/a
I. Contract, Anchorage Bar	4,650	4,080	n/a
J. Contract - Discipline	20,000	22,000	24,684
Interest	2,600	1,500	2,500
Miscellaneous	400	600	500
	<u>\$ 253,265</u>	<u>\$ 277,306</u>	<u>\$ 314,746</u>
Less Funds Transferred to Client Security Fund Asst.	8,280	9,769	11,189
Total Income to General Fund	<u>\$ 244,985</u>	<u>\$ 267,537</u>	<u>\$ 303,557</u>
<u>EXPENSES</u>			
A. Board of Governors	\$ 12,600	\$ 15,650	\$ 19,500
Admissions	42,400	45,000	35,250
C. Client Security Trust Fund	5,000	9,769	n/a
D. C.L.E.	9,900	12,400	25,250
E. Committees	1,500	2,750	7,500
F. Legislative	11,900	10,000	10,000
G. Newsletter	7,400	1,500	1,500
H. Convention	12,000	12,000	1,000
I. Lawyer Referral	5,050	5,800	8,500
J. Discipline & Unauthorized Practice	20,000	70,000	70,000
K. U.C.L.A.-Alaska Law Review	7,650	8,448	8,448
L. Administrative	99,225	118,000	110,000
M. Judicial Poll	4,700	4,500	1,200
N. Insurance	2,385	1,200	1,200
O. Fee Arbitration		5,000	2,000
	<u>\$ 241,710</u>	<u>\$ 322,017</u>	<u>\$ 301,378</u>
Excess of Income Over Expense	<u>\$ 11,555</u>	<u>(\$ 44,711)</u>	<u>\$ 2,179</u>

	1978 BUDGET	APPROVED 1979 BUDGET
<u>INCOME</u>		
A. Members Dues	\$ 194,223	\$ 220,647
B. Admission Fees	51,500	51,925
C. Client Security Fees	11,189	12,833
D. C.L.E. Fees	25,250	30,000
E. Insurance Fees	2,000	1,550
F. Lawyer Referral Fees	2,500	3,000
G. Newsletter	400	N/A
H. Bar Convention	N/A	5,000
I. Hawaii Meeting	N/A	15,000
J. Contract: Anchorage Bar	N/A	4,200
K. Contract: Discipline	24,684	61,500
L. Interest	2,500	4,000
M. Miscellaneous	500	500
	<u>\$ 314,746</u>	<u>\$ 410,155</u>
Less Client Security Funds	11,189	12,833
Total Income to General Fund	<u>\$ 303,557</u>	<u>\$ 397,322</u>

<u>EXPENSE</u>		
A. Board of Governors	\$ 19,500	\$ 30,000
B. Admissions	35,250	35,886
C. Client Security Fund	N/A	N/A
D. C.L.E.	25,250	20,000
E. Committees	7,500	5,000
F. Legislative	10,000	10,000
G. Newsletter	1,500	4,000
H. Convention	1,000	5,000
I. Hawaiian Meeting	N/A	15,000
J. Lawyer Referral	8,500	16,188
K. Discipline	70,000	100,000
L. UCLA-Ak Law Review	8,448	9,000
M. Administrative	110,030	126,000
N. Judicial Poll	1,200	N/A
O. Insurance	1,200	4,800
P. Fee Arbitration	2,000	N/A
Q. American Bar Association		5,000
R. Western State Bar Conference		2,500
	<u>\$ 301,378</u>	<u>\$ 388,374</u>
Excess of Income over Expense	<u>\$ 2,179</u>	<u>\$ 8,948</u>

APPENDIX J

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1976 and 1977 Official Audits of the  
Alaska Bar Association

ALASKA BAR ASSOCIATION

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 1977 AND 1976

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February 16, 1978

The Members  
Alaska Bar Association  
Anchorage, Alaska

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

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



TERRY L. PETRUSKA, C.P.A.

ALASKA BAR ASSOCIATIONBALANCE SHEETSGENERAL FUND

	December 31	
	1977	1976
<u>ASSETS</u>		
Current Assets:		
Cash	\$ 159,160	\$ 113,675
Accounts receivable (Note B)	9,507	4,338
Prepaid expenses		2,997
Total Current Assets	148,767	121,010
Library and Equipment (Note A)		
Video Tape library	4,830	4,830
Library	1,868	1,868
Office furniture and equipment	17,092	15,076
	23,790	21,774
Less accumulated depreciation	(13,513)	(10,543)
Total Library and Equity	10,477	10,926
	\$ 159,244	\$ 131,936

LIABILITIES AND FUND BALANCE

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

See notes to financial statements.

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

	<u>GENERAL FUND</u>	
	<u>Year Ended</u> <u>December 31</u>	
	<u>1977</u>	<u>1976</u>
<b>REVENUES:</b>		
Membership dues	\$ 166,294	\$ 143,993
Admission fees	48,000	40,213
Continuing legal education	14,484	8,956
Insurance fees	2,565	1,925
Convention revenues	3,747	16,754
News Letter revenues	-	660
Interest income	5,102	1,146
Lawyer referral and administrative services - Anchorage Bar Association	5,188	4,453
Alaska Court System contract for disciplinary services	37,301	21,766
Miscellaneous	694	769
	<u>283,375</u>	<u>240,755</u>
<b>EXPENSES:</b>		
Bar admission (Note F)	32,164	33,079
Board of Governors (Note F)	14,635	11,517
Discipline and unauthorized practice (Note F)	69,405	22,660
Continuing legal education	11,673	8,705
Committees	2,265	137
Legislative	9,376	9,952
News Letter	896	1,675
U.C.L.A. - Alaska Law Review	8,122	10,630
Convention	9,342	16,847
Lawyer referral	5,605	548
Administrative (Note F)	106,505	95,480
	<u>269,988</u>	<u>211,590</u>
Excess of unrestricted revenues over expenses	13,387	29,045
<b>FUND BALANCE:</b>		
Beginning of year	68,979	39,934
End of year	<u>\$ 82,366</u>	<u>\$ 68,979</u>

See notes to financial statements.

ALASKA BAK ASSOCIATIONBALANCE SHEETCLIENT SECURITY FUND

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

FUND BALANCE

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

- See Note D -

See notes to financial statements.

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

Note A. Summary of Significant Accounting Policies.

## (1) Accounting basis for reporting income.

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

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

## (2) Library and Equipment.

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

## ( ) Income Taxes.

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

Note B. Accounts Receivable.

Accounts receivable were due from the following:

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

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

Note C. Note Payable.

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

Note D. Client Security Fund.

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

Note E. Reserve for Working Capital.

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

Note F. Detail of Selected Expenses.

	December 31	
	1977	1976
Bar admission:		
Rentals	\$ 1,739	\$ 1,349
Mailing and supplies	2,549	639
Salaries	8,573	9,110
Grading fees and per diem	14,462	10,103
Litigation costs	3,642	10,953
Telephone and miscellaneous	1,199	937
	<u>\$ 32,164</u>	<u>\$ 33,079</u>
Board of Governors:		
Travel and per diem	\$ 11,838	\$ 8,608
Telephone	1,469	1,324
Rent	370	1,130
Postage and supplies	488	291
Miscellaneous	470	164
	<u>\$ 14,635</u>	<u>\$ 11,517</u>

## ALASKA BAR ASSOCIATION

## NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1977 AND 1976

## Detail of Selected Expenses. (Continued)

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

Note G. Group Insurance Fund Transfer

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

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

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

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1977 and 1978 Official Audits of the  
Alaska Bar Association

ALASKA BAR ASSOCIATION

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 1978 AND 1977

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February 1, 1979

The Members  
Alaska Bar Association  
Anchorage, Alaska

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

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

TERRY L. PETRUSKA, C.P.A.

ALASKA BAR ASSOCIATION

BALANCE SHEETS

GENERAL FUND

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

LIABILITIES AND FUND BALANCE

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

See notes to financial statements.

ALASKA BAR ASSOCIATION

STATEMENT OF UNRESTRICTED REVENUES AND EXPENSES  
AND CHANGES IN FUND BALANCE

GENERAL FUND

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

See notes to financial statements.

ALASKA BAR ASSOCIATION

BALANCE SHEET

CLIENT SECURITY FUND

	<u>ASSETS</u>	<u>December 31</u>	
		<u>1978</u>	<u>1977</u>
Cash	\$ 29,591	\$ 17,729	
Receivable from General Fund	3,453	3,285	
	<u>\$ 33,044</u>	<u>\$ 21,014</u>	
	<u>FUND BALANCE</u>		
Beginning of year	\$ 21,014	\$ 10,428	
Additional contributions	12,030	10,586	
End of year	<u>\$ 33,044</u>	<u>\$ 21,014</u>	

- See Note C -

See notes to financial statements.

ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note A. Summary of Significant Accounting Policies

(1) Accounting basis for reporting income.

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

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

(2) Library and Equipment.

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

(3) Income Taxes.

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

Note B. Accounts Receivable

Accounts receivable were due from the following:

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

ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note C. Client Security Fund

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

Note D. Reserve for Working Capital

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

Note E. Detail of Selected Expenses

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

ALASKA BAR ASSOCIATION

NOTES TO FINANCIAL STATEMENTS

YEARS ENDED DECEMBER 31, 1978 AND 1977

Note E. Detail of Selected Expenses (Continued)

	December 31	
	1978	1977
Administrative:		
Salary of Executive Director	\$ 40,455	\$ 40,917
Expense allowance and travel, Executive Director	5,797	3,743
Secretarial and bookkeeping salaries	25,457	27,077
Payroll taxes	11,596	7,547
Office supplies	6,019	2,688
Postage	4,647	3,997
Office equipment rental	7,141	6,180
Office rent	8,281	-
Staff parking	675	-
Telephone and telegraph	3,272	1,395
Audit and accounting	10,554	3,424
Library	1,627	804
Depreciation	2,022	2,465
Litigation-Horowitz, et al. v. ABA	7,292	-
Insurance, including employee medical	5,243	2,168
Reproduction and printing	1,055	1,525
Dues	230	255
Interest expense	12	147
Judicial poll	458	956
Miscellaneous	1,481	1,217
	<u>\$142,689</u>	<u>\$106,505</u>

ALASKA BAR ASSOCIATION TRUST FUND

REPORT ON EXAMINATION OF FINANCIAL STATEMENTS

YEAR ENDED DECEMBER 31, 1978

Februar, 1, 1979

The Trustees  
Alaska Bar Association Trust Fund  
Anchorage, Alaska

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

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

TERRY L. PETRUSKA, C.P.A.

February 1, 1979

The Board of Directors  
Alaska Bar Foundation, Inc.

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

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

Sincerely,

Terry L. Petruska, C. P. A.

BALANCE SHEET AT DECEMBER 31, 1978

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

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

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

ALASKA BAR ASSOCIATION TRUST FUND

BALANCE SHEET

December 31, 1978

ASSETS

Cash \$ 4,706

LIABILITIES AND FUND BALANCE

Insurance premiums received in advance \$ 3,297

Administrative fees payable to Alaska  
Bar Association 1,409

Total Liabilities 4,706

Fund balance -  
\$ 4,706

See notes to financial statements.

ALASKA BAR ASSOCIATION TRUST FUND

STATEMENT OF OPERATIONS AND CHANGES IN FUND BALANCE

Year Ended December 31, 1978

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

See notes to financial statements.

ALASKA BAR ASSOCIATION TRUST FUND

NOTES TO FINANCIAL STATEMENTS

Year Ended December 31, 1978

1. Organization:

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

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

2. Significant Accounting Policies:

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

Insurance Premiums

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

Administrative Fees

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

Income Taxes

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

ABA  
RESPONSE  
APPENDIX  
K-0

# 19

APPENDIX K

# MEMO

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

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

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

17  
Copies

416  
Hawaii

415  
Court

4  
Anc.

413  
B. Sales

204778  
637152  
(1150)  
(14050)  
472700

148000

(148000)

(567) →

13847

1020000

13590 70

27457 31 447 18 20 400 00

8890

1020000

25050

61277 31 447 18 20 400 00

35669

21640

1500

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ALASKA BAR ASSOCIATION  
 Profit and Loss Statement  
 Midwinter Hawaii Convention

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

*Mr. Kull*  
 ✓  
 + 356.57

TOTAL INCOME \$37,060.92

37417.49

EXPENSES:

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

*Phykeel Sipe*  
 + 307.26 + 331.26

TOTAL EXPENSES

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

+ 356.57  
~~36854~~

INCOME OVER EXPENSES:

\$ 1,267.06

95.11

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

APPENDIX L

BOARD OF GOVERNORS  
ALASKA BAR ASSOCIATION

OFFICERS

DONNA C. WILLIARD  
PRESIDENT  
ANCHORAGE

WILLIAM B. ROZELL  
PRESIDENT ELECT  
JUNEAU

JONATHAN H. LINK  
VICE PRESIDENT  
FAIRBANKS

EDWARD G. KING  
SECRETARY  
KETCHIKAN

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

WILLIAM GARRISON, BAR COUNSEL

BOARD MEMBERS

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

Dear

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

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

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

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

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

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

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

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

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

For further information contact:

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

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

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

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

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

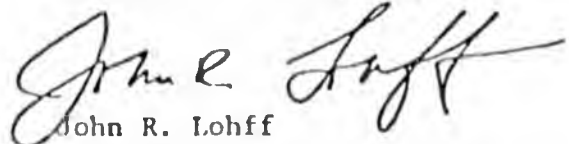
From past experience, I know that many of you have inquired about the demand for attorneys in the State. Unfortunately, I have no way of evaluating this situation nor do I know of any source from which you may obtain answers. Perhaps you can best provide your own answer to this question by comparing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

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

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

Very truly yours,

ALASKA BAR ASSOCIATION



John R. Lohff  
Acting Executive Director

Enc: Part 1, Alaska Bar Rules

M E M O R A N D U M

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

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

# ALASKA BAR ASSOCIATION

## ADMISSION RULES



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

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

Completed applications should be  
mailed to:

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

## PART I ADMISSIONS

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

Section 1. As used in Rules 1-8.

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

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

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

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

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

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

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

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

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

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

## RULE 2: ELIGIBILITY FOR EXAMINATION

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

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

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

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

### RULE 3: APPLICATIONS

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

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

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

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

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

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

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

Reapplicant shall be made by:

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

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

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

#### RULE 4: EXAMINATIONS

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

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

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

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

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

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

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

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

#### RULE 5: NOTICE

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

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

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

#### RULE 6: CERTIFICATE OF ADMISSION: MEMBERSHIP REGISTRATION AND FEES

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

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

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

I do affirm:

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

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

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

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

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

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

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

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

#### RULE 7: REVIEW

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

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

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

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

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

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

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

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

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

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

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

## RULE 7.1: PROCEDURES

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

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

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

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

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

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

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

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

#### RULE 8: SUPREME COURT REVIEW

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

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

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

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

BOARD OF GOVERNORS  
ALASKA BAR ASSOCIATION

OFFICERS  
DONNA C. WILLARD  
PRESIDENT  
ANCHORAGE  
WILLIAM B. ROZELL  
PRESIDENT ELECT  
JUNEAU  
JONATHAN H. LINK  
VICE PRESIDENT  
FAIRBANKS  
EDWARD G. KING  
SECRETARY  
KETCHIKAN

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

WILLIAM GARRISON, BAR COUNSEL

BOARD MEMBERS  
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EDWARD G. KING  
JONATHAN H. LINK  
WILLIAM B. ROZELL  
RICHARD D. SAVELL  
DONNA C. WILLARD

RE: APPLICATION FORMS FOR ADMISSION TO THE ALASKA BAR

Dear

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

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

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

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

Very truly yours,

ALASKA BAR ASSOCIATION

*Randall P. Burns*  
Randall P. Burns  
Executive Director

APPLICATION FOR ADMISSION TO THE ALASKA BAR ASSOCIATION

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

My address is: \_\_\_\_\_ Zip Code \_\_\_\_\_ \*

My home phone is: \_\_\_\_\_ My office phone is: \_\_\_\_\_

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

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

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

I will \_\_\_\_\_ the examination. (write - type)

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

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

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

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signed \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Notary Public \_\_\_\_\_ My Commission Expires \_\_\_\_\_

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

INSTRUCTIONS TO THE APPLICANT

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

AFFIDAVIT OF PERSONAL HISTORY

1. State:

- (a) Full Name \_\_\_\_\_
- (b) All other names by which you have been known, and when used  
\_\_\_\_\_
- (c) Whether you are:
  - (1) a citizen \_\_\_\_\_
  - (2) a resident alien who intends to become a citizen  
\_\_\_\_\_
  - (3) other (please explain): \_\_\_\_\_  
\_\_\_\_\_
- (d) Present mailing address \_\_\_\_\_  
\_\_\_\_\_ Zip Code \_\_\_\_\_
- (e) Domicile \_\_\_\_\_ Zip Code \_\_\_\_\_

2. College Education

- NAME \_\_\_\_\_
- ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_
- DATES OF ATTENDANCE \_\_\_\_\_
- DEGREE RECEIVED \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_
- NAME \_\_\_\_\_
- ADDRESS \_\_\_\_\_ Zip Code \_\_\_\_\_
- DATES OF ATTENDANCE \_\_\_\_\_
- DEGREE RECEIVED \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

3. Legal Education

Law School

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

Zip Code

DATES OF ATTENDANCE \_\_\_\_\_

DEGREE RECEIVED \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

NAME \_\_\_\_\_

LOCATION \_\_\_\_\_

DATES OF ATTENDANCE \_\_\_\_\_

DEGREE RECEIVED \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

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

(a) Date of Application \_\_\_\_\_

(b) Name and address of issuing authority \_\_\_\_\_

(c) Disposition and reasons for disposition \_\_\_\_\_

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

Jurisdiction/Court	Date of Admission
_____	_____
_____	_____
_____	_____
_____	_____

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

From/To \_\_\_\_\_

Address of practice \_\_\_\_\_ Zip Code \_\_\_\_\_

Immediate supervisor/associate \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

From/To \_\_\_\_\_

Address of practice \_\_\_\_\_ Zip Code \_\_\_\_\_

Immediate supervisor/associate \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

Where \_\_\_\_\_

Date Held \_\_\_\_\_

Office Held \_\_\_\_\_

Reason for termination \_\_\_\_\_

Where \_\_\_\_\_

Date Held \_\_\_\_\_

Office Held \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_

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

From/To \_\_\_\_\_

Name & Address \_\_\_\_\_

.....  
Zip Code

Immediate supervisor \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

From/To \_\_\_\_\_

Name & Address \_\_\_\_\_

.....  
Zip Code

Immediate supervisor \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

From/To \_\_\_\_\_

Name & Address \_\_\_\_\_

.....  
Zip Code

Immediate supervisor \_\_\_\_\_

Reason for termination \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

.....

.....

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

(a) Type of license .....

(b) Date granted/denied .....

(c) Name and address of issuing authority .....

..... Zip Code

(d) If denied, give reason for the denial .....

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

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

.....

.....

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

.....

.....

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

.....

.....

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

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

#### PROCEDURAL QUESTIONS REGARDING THE BAR EXAM

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

Yes/No

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

AUTHORIZATION AND RELEASE

I, \_\_\_\_\_, born at \_\_\_\_\_ (city)

\_\_\_\_\_, on \_\_\_\_\_, having filed  
(state) (date)

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

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

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

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

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

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

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

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss

\_\_\_\_\_  
Signature of Applicant

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

AKASPO000 A  
DEPT OF PUB SAFETY  
JUNEAU ALAS

AKASPO000 A  
DEPT OF PUB SAFETY  
JUNEAU ALAS

INSTRUCTIONS TO APPLICANTS AND ORIENTATION INFORMATION ABOUT THE ALASKA

BAR EXAMINATION

TC General and Attorney Applicants

INSTRUCTIONS:

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

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

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

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

All applicants must file with their applications:

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

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

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

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

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

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

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

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

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

To make the election:

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

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

#### ORIENTATION INFORMATION

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

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

#### SCOPE OF THE EXAMINATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For further information contact:

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

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



INSTRUCTIONS TO APPLICANT

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

## COMMUNICATION OF MBE SCORES TO OTHER JURISDICTIONS

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

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Dear Bar Exam Administrator:

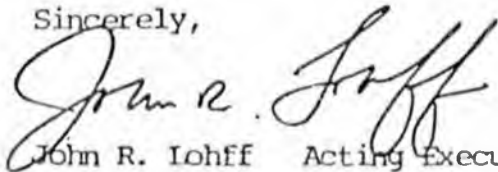
Alaska Bar Rule I-4 permits an applicant to elect to be excused from the MBE section of the Alaska Exam and substitute the MBE scaled score from an exam which he has taken within one (1) year from the date of the Alaska Exam.

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

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

Your cooperation in this matter is greatly appreciated.

Sincerely,



John R. Iohff Acting Executive Director

Dear Bar Exam Administrator:

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

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

My applicant number on the above exam was \_\_\_\_\_.

Sincerely,

Applicant, Alaska Bar Exam

Dear Mr. Iohff,

\_\_\_\_\_ took the \_\_\_\_\_ exam in  
(name) (date)  
this jurisdiction.

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

Sincerely,

Administrator

\_\_\_\_\_ Bar Exam

(State)

*Multistate Bar Examination*

**BULLETIN OF  
INFORMATION  
FOR APPLICANTS**

**February 27, 1980**

**July 30, 1980**



## INTRODUCTION

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

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

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

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

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## THE MULTISTATE BAR EXAMINATION

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

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

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

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

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

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

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

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

## TRANSFER OF MBE SCORES

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

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

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

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

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

## SUBJECT MATTER OUTLINE

### Constitutional Law

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

#### IV. Individual rights

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

#### Contracts

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

- 3. Past
- 4. Moral

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

#### II. Third party beneficiary contracts

#### III. Assignment of contracts

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

#### IV. Statute of frauds

#### V. Parol evidence rule and interpretation

#### VI. Performance

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

#### VII. Breach of contract and remedies therefor

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

#### VIII. Impossibility of performance and frustration of purpose

#### IX. Discharge of contracts

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

#### Criminal Law

#### I. Homicide

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

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

## II. Property crimes

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

## III. Inchoate crimes; parties; other crimes

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

## IV. General principles

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

## V. Constitutional protection of accused persons

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

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

## Evidence

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

## I. Presentation of evidence

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

## II. Privileges: Scope and Procedures

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

## III. Relevancy and reasons for excluding relevant evidence

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

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

#### IV. Writings

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

#### V. Hearsay and circumstances of its admissibility

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

### Real Property

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

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

#### IV. Titles

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

### Torts

#### I. Negligence

- A. The negligence action
  - 1. Causation
  - 2. Standard of care
  - 3. Comparative negligence
  - 4. Limitations on liability
  - 5. Damages
  - 6. Joint tortfeasors, contribution and indemnity
  - 7. Vicarious liability
- B. Defenses
  - 1. Contributory negligence
  - 2. Assumption of the risk
  - 3. Immunities and privileges

#### II. Strict liability

- A. Defective products
- B. Abnormally dangerous activities
- C. Animals

#### III. Intentional torts

- A. Basis of action
  - 1. Assault
  - 2. Battery
  - 3. False imprisonment
  - 4. Infliction of emotional distress
  - 5. Trespass
  - 6. Conversion
  - 7. Fraud, misrepresentation, and deceit
- B. Defenses: immunities and privileges

#### IV. Nuisance

#### V. Privacy

#### VI. Defamation

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

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

### PREPARATION OF THE MBE

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

### SAMPLE QUESTIONS

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

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

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

#### Directions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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